

Department of Community Planning and Economic Development – Planning Division
Rezoning and Conditional Use Permit
BZZ-2089

Date: December 13, 2004

Applicant: Chelsea Miller

Address of Property: 2222 East 35th Street and 2222 ½ East 35th Street

Project Name: Flashback Vintage Clothing

Contact Person and Phone: Chelsea Miller, (612) 724-4587

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: November 12, 2004

End of 60-Day Decision Period: January 11, 2005

End of 120-Day Decision Period: Not applicable

Ward: 9 **Neighborhood Organization:** Corcoran Neighborhood Association

Existing Zoning: C1

Proposed Zoning: C2

Zoning Plate Number: 27

Legal Description: East 48 feet of the West 88 feet of Lots 5 and 6, also the South 18 feet of the West 80 feet of Lot 4, Block 3, Newells Addition to Minneapolis, Hennepin County

Proposed Use: Secondhand goods store

Concurrent Review:

Rezoning: petition to change the zoning classification of the subject property from C1 to C2.

Conditional Use Permit: for a secondhand goods store.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments and Chapter 525, Article VII, Conditional Use Permits.

Background: There are two buildings located on the property located at 2222 East 35th Street. There is a single-family dwelling and a commercial building. The single-family dwelling has an address of 2222 East 35th Street and the commercial building has an address of 2222 ½ East 35th Street. The applicant is

proposing to open and operate a secondhand goods store in the commercial building. The property is zoned C1. A secondhand goods store requires C2 zoning and a conditional use permit.

REZONING - petition to change the zoning classification of the subject property from C1 to C2

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The property is designated as services - commercial in the comprehensive plan. The property is located three blocks north of the intersection of East 38th Street and 23rd Avenue South. East 38th Street is a designated Community Corridor and the intersection of East 38th Street and 23rd Avenue South is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses (Policy 9.15).
- Provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 9.23).
- Support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city (Policy 9.24).
- Coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 9.27).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 9.29).

Although the applicant is proposing to reuse an existing storefront building and that the property is located within blocks of a designated Community Corridor and a designated Neighborhood Commercial Node, the Planning Division does not believe that it would be appropriate to rezone this property to C2 as it is not compatible with the surrounding area. In addition, the C2 zoning district allows a much wider range of commercial uses that would not be appropriate for this location.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

Secondhand goods stores are not an allowed use in the C1 zoning district. In order to open and operate a secondhand goods store on this property it needs to be rezoned to C2. This application is in the interest of the property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The Planning Division does not believe that it would be appropriate to rezone this property to C2 as it is not compatible with the surrounding area. The site is bordered by R1A zoning to the north and C1 zoning to the east, south and west. Surrounding uses include a mixture of single and two-family dwellings, offices, a convenience store and a restaurant. Although there are a handful of commercial uses located near the intersection of East 35th Street and 23rd Avenue South, it would not be an appropriate location for a more intensive commercial zoning district such as C2.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the C1 zoning district. The C1 zoning district is a neighborhood commercial district. Permitted uses in the C1 district include, but are not limited to, the following:

- General retail sales and services uses.
- Art gallery.
- Child care center.
- Pet store.
- Video store.
- Offices.
- Coffee shop, with limited entertainment.
- Restaurant, sit down, including the serving of alcoholic beverages with limited entertainment.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Within the immediate area there has not been a change in zoning or in the type of development.

CONDITIONAL USE PERMIT – for a secondhand goods store

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The Planning Division does not believe that a secondhand goods store will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not believe that a secondhand goods store will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. However, a secondhand goods store requires C2 zoning and the Planning Division does not believe that this site would not be an appropriate location for a more intensive commercial zoning district such as C2 as the C2 zoning district allows a much wider range of commercial uses that would not be appropriate for this location

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

All utilities and access roads are existing and adequate. Changing the use of the building will not affect drainage.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The parking requirement for a secondhand goods store is one parking space per 300 square feet of gross floor area over 4,000 square feet. The commercial building is smaller than 4,000 square feet; therefore the parking requirement would be four parking spaces. In this case, the building has grandfathered rights for four parking spaces.

5. Is consistent with the applicable policies of the comprehensive plan.

See rezoning finding number one above.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

With the approval of the rezoning and the conditional use permit this development will be in conformance with the applicable regulations of the zoning code.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **deny** the rezoning petition to change the zoning classification of the subject property from C1 to C2 for the property located at 2222 East 35th Street and 2222 ½ East 35th Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit application for a secondhand goods store located at 2222 East 35th Street and 2222 ½ East 35th Street.

Attachments:

1. Statement of proposed use
2. Conditional use permit findings
3. October 11, 2004 letter to Council Member Gary Schiff
4. October 7, 2004 letter to the Corcoran Neighborhood Association
5. October 15, 2004 letter from the Corcoran Neighborhood Association
6. Zoning Map
7. Hennepin County map of the site
8. Photographs of the site and surrounding area