Department of Community Planning and Economic Development – Planning Division
Rezoning Petition and Variance
BZZ – 3274

Date: November 27, 2006

Applicant: Zook-Stanley Holding Company, LLC

Address of Property: 3506 Bloomington Avenue

Project Name: 3506 Bloomington Avenue Building

Contact Person and Phone: Joseph Stanley, (612) 377-1204

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: October 16, 2006

End of 60-Day Decision Period: December 15, 2006

End of 120-Day Decision Period: On November 9, 2006, staff sent the applicant a letter extending the decision period no later than February 13, 2007.

Ward: 9 **Neighborhood Organization:** Powderhorn Park

Existing Zoning: R2B Two-Family Residence District and C1 Neighborhood Commercial District

Proposed Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 26

Legal Description of Property to be Rezoned: Lots 5 and 6, Block 9, Bloomington Avenue Addition to Minneapolis

Proposed Use: Office and Artist Studio

Concurrent Review:

Petition to rezone a portion of the property of 3506 Bloomington Ave from R2B to C1.

Variance to reduce the minimum parking requirement from 8 to 7 spaces.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; and Chapter 525, Article IX Variances, Section 525.520 (6) "To reduce the applicable off-street…parking requirements…by one space."

Background: The applicant proposes to establish an office and an artist studio in an existing nonresidential building located at the property of 3506 Bloomington Avenue. Proposed changes to the

building would be minor, including internal remodeling and exterior changes, such as new windows and doors in existing and filled openings. Five parking spaces including one van-accessible space would be located to the rear of the building. The driveway, located on the south side of the property, would remain allowing access for vehicles and small delivery trucks.

The site has split zoning. One-third of the site (Lot 4), including the north half of the building, is located in the C1 district. The remainder of the site (Lots 5 and 6) is zoned R2B. When a property has split zoning, the most restrictive ordinance applies. An office and artist studio are not allowed in the R2B district, therefore they would be nonconforming. The applicant is requesting to rezone the property to C1 to allow the proposed uses, thereby making the use of the property conforming.

The minimum parking requirement for an office is one space per 300 square feet of gross floor area over 4,000 square feet or 4 spaces, whichever is greater. An artist studio is subject to the same requirement. The building is approximately 4,000 square feet in area. Each use would occupy 2,000 square feet of floor area. Therefore, each use has a parking requirement of 4 spaces for a total requirement of 8 spaces. Five spaces would be provided. Eight bike spaces would be provided in lieu of two parking spaces. The applicant is requesting a variance to reduce the parking requirement by one space.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone a portion of the property of 3506 Bloomington Ave from R2B to C1.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

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

The site is located on Bloomington Avenue, which is designated as a community corridor by *The Minneapolis Plan*. It is also adjacent to a designated commercial node around the 35th Street East and Bloomington Avenue intersection. According to the principles and polices outlined in the plan, the following apply to this proposal:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets 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.

Applicable Implementation Step

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Applicable Implementation Steps

Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.

Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.

Preserve traditional commercial storefronts at Neighborhood Commercial Nodes wherever possible.

Staff comment: The C1 district would allow use of the property for small-scale retail sales and commercial services. The commercial node would not be expanded because the property is already used for nonresidential purposes. The proposed rezoning to C1 is in conformance with these goals of *The Minneapolis Plan*.

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

Because of the properties location on a community corridor and in a commercial node, small-scale retail sales and services uses would be more appropriate use of the land than low-density housing allowed in the existing R2B district. The amendment is in the public interest and not solely 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 properties located around the intersection of 35th Street East and Bloomington Avenue are zoned C1 and include a mix of commercial and residential uses. The properties around this cluster of commercially zoned properties are mostly zoned R2B and are occupied by single-, two-, and multi-family dwellings. The subject site is directly south of two commercially zoned properties occupied by a residence and a mixed use building. The site is also north of single-family dwelling in the R2B district. The proposed zoning should be compatible with the surrounding uses and zoning classifications. It would also eliminate split zoning.

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.

The site has split zoning. One-third of the site (Lot 4), including the north half of the building, is located in the C1 district. The remainder of the site (Lots 5 and 6) is zoned R2B. When a property has split zoning, the most restrictive ordinance applies. The R2B district primarily allows one- or two-family dwellings. The property has been used for nonresidential purposes since 1945. Therefore continued nonresidential use of the property would be nonconforming. Because of the property's location on a community corridor and in a commercial node, small-

scale retail sales and services uses would be more appropriate use of the land than low-density housing.

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.**

Before 1963, the subject site was zoned "commercial". In 1963, a new zoning code was adopted. Between 1963 and 1999, City records indicate that the property was zoned B2S-1 Neighborhood Service District, R5 General Residence District and R2B Two-Family and Townhouse District; sometimes with split zoning and sometimes completely in the B2S district. It is unclear why the zoning changed within that time period, but staff believes a 40-acre rezoning study had been done that likely altered the zoning. Before 1999 when a new zoning code was again adopted, the site was zoned B2S-1 (Lot 4) and R2B (Lots 5 and 6). With the new code, the B2S became C1 Neighborhood Commercial and the R2B remained the same. In 2002, a new multi-family dwelling with 6 units was approved for the property of 3501 Bloomington Avenue located on the southeast corner of 35th Street and Bloomington Avenue. No other changes in zoning or in the type of development have occurred within this immediate area of Minneapolis since 1999.

VARIANCE: to reduce the minimum parking requirement from 8 spaces to 7 spaces to allow an office and an artist studio.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The minimum parking requirement for an office is one space per 300 square feet of gross floor area over 4,000 square feet or 4 spaces, whichever is greater. An artist studio is subject to the same requirement. The building is approximately 4,000 square feet in area. Each use would occupy 2,000 square feet of floor area. Therefore, each use has a parking requirement of 4 spaces for a total requirement of 8 spaces. Five spaces would be provided. In addition to vehicle parking, the applicant is proposing 8 bike spaces on the south side of the building. The zoning code allows four bike spaces to be provided in lieu of one automobile parking space per nonresidential use. With the bike spaces, the amount of parking provided on site would be equivalent to 7 parking spaces. With the proposed bike and vehicle parking, allowing two nonresidential uses would be a reasonable use of the property.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The site is within a commercial node located around the intersection of 35th Street East and Bloomington Avenue. Bloomington Avenue is also designated as a community corridor. A transit shelter is located on the southeast corner of the node. Although these are not circumstances unique to the parcel, it is in an area with multiple transportation options that reduces the need for off-street vehicle parking.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

The purpose of parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings. The applicants have indicated that they would be the only employees of the proposed uses and customers and clients would generally be seen by appointment. The applicant would provide bike racks at the south side of the building to accommodate bikers. A bus route on Bloomington Avenue has frequent headways. Encouraging use of alternate modes of transportation is in keeping with the ordinance. The existing area behind the building does not comply with all of the design and maintenance requirements of Chapter 541 of the zoning code. The applicant is proposing to stripe the parking spaces and provide screening as required by section 541.360. The granting of the variance should have little effect on surrounding properties if the required screening is provided.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Because alternate options for transportation exist or are proposed, the variance should not increase congestion in the area. The Planning Department does not expect that granting the variance would affect public safety.

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 City Council adopt the above findings and **approve** the petition to rezone the property of 3506 Bloomington Ave from the R2B district to the C1 district.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum parking requirement from 8 spaces to 7 spaces for the property located at 3506 Bloomington Ave, subject to the following conditions:

1) The site shall be brought into compliance with the provisions of Chapter 541 – specifically section 541.360(b).

2) Secured parking shall be provided for no fewer than 8 bicycles. The bicycle parking may be located in the public right-of-way with permission of the city engineer.

Attachments:

1. Statement of use
2. Findings
3. Zoning map
4. Plans
5. Photos