

**Department of Community Planning and Economic Development – Planning
Division**
Rezoning application
BZZ-2593

Date: October 5, 2005

Applicant: Super Circus, LLC, Leslie Bock, 2333 Marshall Street NE, Minneapolis, MN 55418, (612) 414-3001

Addresses of Property: 2645 Hennepin Avenue

Project Name: St. Sabrina's Parlor

Contact Person and Phone: Laura Boyd, Boyd & Associates, 533 – 148th Avenue NE, Ham Lake, MN 55304, (763) 413-8887

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: September 2, 2005

End of 60-Day Decision Period: November 1, 2005

End of 120-Day Decision Period: An extension letter will be required as the full council would not act until Nov. 4th

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Assn.

Existing Zoning: C1 (Neighborhood Commercial District)

Proposed Zoning: C2 (Neighborhood Corridor Commercial District)

Zoning Plate Number: 24

Lot area: 2,400 square feet or .05 acres

Legal Description: See attachment.

Proposed Use: Petition to rezone the subject parcel from the C1 district to the C2 district to allow a tattoo and body piercing parlor in the existing building. St. Sabrina's Parlor would relocate from their current location at 2751 Hennepin Avenue.

Concurrent Review:

- Petition to rezone from the C1 district to the C2 district to allow a tattoo and body piercing parlor.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments.

Background: The applicant is proposing to rezone the subject parcel from the C1 district to the C2 district to allow a tattoo and body piercing parlor in an existing building. St. Sabrina's Parlor is currently located at 2751 Hennepin Avenue and plans to relocate to the subject parcel should the rezoning be approved. St. Sabrina's has operated at the 2751 Hennepin Avenue site for the past twelve years. The business provides body piercing and tattoo application and also offers a retail area for the sale of related general goods. Tattoo and body piercing parlors are permitted principal uses in the C2, C3S and C4 districts. The existing building which the applicant intends to occupy has previously contained commercial and residential uses. It would be the intent of the applicant that the entire structure be used for the tattoo and body piercing parlor. The building has frontage on both Hennepin Avenue and Girard Avenue.

The Lowry Hill East Neighborhood Association (LHENA) Zoning and Planning Committee and LHENA Board voted to support the zoning change request for St. Sabrina's with seven votes in favor and four against. The letter has been attached for reference.

REZONING

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 on Hennepin Avenue South which is a designated Commercial Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan (Policy 9.18).
- Support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian development movement, and expands the range of goods and services offered (Policy 9.28).
- Ensure that commercial uses do not negatively impact nearby residential areas (Implementation Step for Policy 9.28).

Although C2 zoning may be an appropriate zoning classification for property located on a Commercial Corridor, the Planning Division does not believe that it would be appropriate to rezone this property to C2. Changing the zoning classification of this property from C1 to C2 would allow for a much wider range and scale of commercial uses, including auto-oriented uses and uses as large as 30,000 square feet (should adjacent properties be

combined with the subject parcel for development purposes in the future) which could have a negative impact on the surrounding residential uses.

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

Tattoo and body piercing parlors are not permitted or conditional uses in the C1 zoning district. Tattoo and body piercing parlors are permitted principal uses first in the C2 district and also in the C3S and C4 districts. This application is in the sole 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. Creating areas of non-contiguous C2 zoning on the east side of Hennepin Avenue would not be compatible with the surrounding area, which includes primarily C1 zoning in the commercial area to promote small-scale commercial uses. The site is bordered by C1 zoning to the north and south, R6 zoning to the east, and C2 zoning across Hennepin Avenue to the west of the subject site. Surrounding uses include a mixture of commercial and residential uses. The existing residential building to the north of the site is very close in proximity to the subject site.

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
- Art gallery
- Child care center
- Grocery store
- Video store
- Coffee shop, with limited entertainment
- Restaurant, sit down, including the serving of alcoholic beverages, with limited entertainment
- Clinic, medical or dental
- One (1) to four (4) dwelling units, as part of a mixed-use building

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 this immediate area of Minneapolis there has not been a change in zoning or in the type of development since the parcel was placed in the C1 zoning district in 1999.

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 adopt the above findings and **deny** the rezoning petition to change the zoning classification of the property located at 2645 Hennepin Avenue from the C1 district to the C2 district.

Attachments:

1. Statement of use / description of the project
2. Correspondence
3. Zoning map
4. Plans – Site and floor plans, etc.
5. Photos