

**Community Planning and Economic Development Planning Division Report  
Rezoning Application  
BZZ-1504**

**Date:** January 12, 2004

**Applicant:** Thankamma Mathai,

**Address Of Property:** 1320 West 28<sup>th</sup> Street, Minneapolis

**Date Application Deemed Complete:** December 16, 2003

**End of 60 Day Decision Period:** February 15, 2004

**End of 120 Day Decision Period:** April 16, 2004

**Applicant Waive 60 Day Requirement:** No

**Contact Person and Phone:** Thankamma Mathai, 612-872-7237

**Planning Staff and Phone:** Lonnie Nichols, 612-673-5468

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

**Existing Zoning:** R-6 (High Density, Multiple-family, Residential)

**Proposed Zoning:** C-1 (Neighborhood Commercial)

**Zoning Plate Number:** Twenty-four (24)

**Legal Description:** COE & CHANNELLS ADDN TO MPLS **Lot:** 010 **Block:** 001 **Metes & Bounds:** THAT PART OF LOT 10 BLK 1 LYING SOUTH OF NORTH 39 FOOT THEREOF

**Proposed Use:** Gift Shop

**Previous Actions:** None

**Concurrent Review:** None

**Signage:** The application form states an interest in a 6 sf (3' x 2') freestanding sign on posts 5 feet in height in the front yard. As per an August 18, 2003 letter from the inspections department (attached), the applicant has applied for rezoning to allow a retail establishment. If the rezoning is granted, the applicant will need a permit for the sign. If the rezoning is not granted, the applicant will need to cease operation of the retail store at 1320 West 28<sup>th</sup> Street and remove the ground sign.

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**Appropriate Section(s) of the Zoning Code:** Chapter 521-Zoning Districts and Maps; Chapter 535-Regulations of General Applicability; Chapter 546-Residence Districts; Chapter 548-Commercial Districts.

**Background:** Thankamma Mathai has filed application to rezone the property located at 1320 West 28<sup>th</sup> Street from the R6 (Multiple-family Residence) district to the C1 (Neighborhood Commercial) district. Mrs. Mathai describes the project as simple and straight forward, to start a small enterprise (gift shop) in her porch to sell jewelry items and gift articles which she and her husband may bring back from India in suitcases during annual trips for medical examinations and treatments. City Planning and Zoning staff notified the applicant the CPED staff recommendation for the rezoning would be a denial, before a fee was paid for the rezoning application. City staff encouraged the applicant to withdraw the rezoning application and consider developing a plan for a home occupation compliant with Sections 535.440-460 of the zoning code. In November, the Lowry Hill East Neighborhood Association Board of Directors voted to deny the rezoning change.

**Findings As Required By The Minneapolis Zoning Code:**

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

On the Minneapolis Land Use Policy map, this lot is identified as high density residential. The lot is designated for residential use, not retail purposes. The lot is located at the Northeast corner of 28<sup>th</sup> Street West and Girard Avenue South. One block to the West is Hennepin Avenue, which is identified as a Commercial Corridor between Franklin Avenue and Lake Street. The subject property is surrounded by R6 zoned properties. Residential zoning and uses are located to the East. Commercial (C1, C2), Office Residence (OR1, OR2), and Residential (R6) zoning lines both sides of Hennepin Avenue.

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

The amendment is in the interest of the property owner. Rezoning the property would allow a retail use to establish in a residential district.

**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 applicant has stated the subject property, 1320 West 28<sup>th</sup> Street, had an insulation testing laboratory functioning out of it until 1997. Bennett Lumber Company is located at 2828 Emerson Avenue, and ACME tag company is located at 2838 Fremont Avenue. The subject property is surrounded by R6 zoned properties. Residential zoning and uses are located to the East. Commercial (C1, C2), Office Residence (OR1, OR2), and Residential (R6) zoning lines both sides of Hennepin Avenue.

**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.**

A residential use is a reasonable and permitted use under the existing R6 zoning classification. Institutional and public uses, and places of assembly are also allowed in the R6 district.

**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.**

There has not been a significant change in the character or trend of development in the general area of the property in question, which has taken place since the subject property was placed in its present zoning classification. Hennepin Avenue has received road improvements and implemented a streetscape amenity plan that has encouraged businesses along the commercial corridor to make additional investments in their properties.

**Recommendation of The Community Planning and Economic Development Planning Division:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the application to rezone the property located at 1320 West 28<sup>th</sup> Street from the R6 (Multiple-family Residence) district to the C1 (Neighborhood Commercial) district to allow the establishment of a Gift Store.

**Attachments:**

Written Statements from Applicant  
Written Correspondence from Neighborhood  
Zoning Maps  
Site and Floor Plans  
Photographs