

**City of Minneapolis
Community Planning and Economic Development Department
Planning Division Report**

Rezoning Application
BZZ-1616

Date: March 22, 2004

Applicant: 1010 Park Avenue, LLC

Address of Property: 609 10th Avenue South

Date Application Deemed Complete: February 27, 2004

End of 60 Day Decision Period: April 27, 2004

End of 120 Day Decision Period: June 26, 2004

Applicant Waive 60 Day Requirement: No

Contact Person and Phone: Gabrielle Clark, 612/333-6688

Planning Staff and Phone: Fred Neet, 612/673-3242

Ward: 7 **Neighborhood Organization:** Elliot Park Neighborhood, Inc.

Existing Zoning: OR2 and Downtown Parking Overlay District

Proposed Zoning: C1

Zoning Plate Number: 20

Legal Description: That part of Lot 8, Auditor's Subdivision No. 1, Hennepin Co., Minn., lying Southeasterly of a line described as beginning at a point on the Southwesterly line of said Lot 8 distant 75.95 feet northwesterly from the most southerly corner thereof, thence Northwesterly parallel to the Northwesterly line of said Lot 8 a distance of 0.08 of a foot; thence Northeasterly 86.15 feet to a point distant 50 feet Northwesterly at right angles from the Southeasterly line of said Lot 8; thence Southeasterly parallel to the Northeasterly line of said Lot 8 a distance of 1.5 feet; thence northeasterly 43.93 feet, more or less, to a point on the Northeasterly line of said Lot 8 distance 48.5 feet Northwesterly from the most easterly corner of said Lot 8, according to the recorded plat thereof.

Proposed Use: a) a used bookstore, gift shop, coffee shop with acoustic equipment and b) art gallery

Previous Actions: none noted

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Concurrent Review: variance from 5 parking spaces required to 3 (16 spaces grandfathered)

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI (zoning amendment) and 525.520(7) (authorized variances)

Background:

The applicant proposes to lease the ground floor of a 1910 commercial storefront to both a) a used bookstore, gift shop, coffee shop with acoustic equipment [coffee house] and b) an art gallery. In the OR2 district, the coffee house would be limited to 30 seats but has space for 49, and the art gallery is prohibited. Both uses are permitted in C1 districts, including increased seating capacity.

The single lot of 10,173 square feet (about 80 feet wide) is completely surrounded by R6 and OR2 districts.

The Elliot Park Master Plan, recently approved by the City, identifies the general area as its “Central Core” wherein to “(c)reate a mix of residential and commercial uses (service, small office, restaurant) at this confluence of the four neighborhood districts.” The Master Plan continues that the Central Core is at the “(c)onfluence of the downtown, residential and mixed-use districts. This district should be the neighborhood core, the center of social activity, and serve as the transition zone between the other districts, emphasizing pedestrian scale and use.”

The specific block is identified in the Master Plan as “Park Avenue Cultural Commons,” intended as one of several “new public gathering spaces... to encourage neighborhood interaction. A creative mix of indoor and outdoor facilities would support new and existing programs, special events, outreach and other activities that invite gathering, education, cultural expression and recreational opportunities for all ages.”

The first floor of the building, which is proposed for the coffee house and art gallery, housed an education use which required 21 parking spaces and provided 5 until January 15, 2004. The first floor is therefore entitled to 16 grandfathered parking spaces.

REZONING

Findings As Required By The Minneapolis Zoning Code:

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

Policies of The Minneapolis Plan include:

- 1.1 Minneapolis will promote opportunities and activities that allow neighbors and residents to get to know each other better.
- 1.2 Minneapolis will encourage both private and public development that provides gathering spaces in city neighborhoods.
- 1.5 Minneapolis will promote neighborhood-based arts activities.
- 2.8 Minneapolis will develop the existing economic base by emphasizing business retention and expansion.
- 4.4 Minneapolis will continue ... to encourage the use and adaptive reuse of existing commercial buildings....

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6.6 Minneapolis will continue to support the role of arts in tourism and community pride.

In addition, the purpose for the amendment, the art gallery and coffee house, are uses supported by the Elliot Park Master Plan, which has been found to be consistent with The Minneapolis Plan.

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

Many uses permitted, and others allowed by conditional use permit (CUP), in the C1 district are not appropriate adjacent to OR2 or R6 districts due to their size or intensity. For example, the OR2 district allows by CUP “neighborhood serving retail sales and services,” limited to 2000 square feet. By contrast, the C1 district permits as of right (no CUP required) “general retail sales and services” up to 4000 square feet.

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 property in question is completely surrounded by R6 and OR2 districts. See response in #2, above.

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 OR2 classification intentionally limits permitted uses. In addition to office and residential [OR], these include schools (except colleges), churches, community centers, libraries, museums, and medical clinics among a few others. A more extensive list is allowed by CUP, but often limited in size.

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.

Several large residential projects are under construction, planned, or proposed. The increased population should improve the market conditions in the neighborhood, adding to the improved commercial environment the neighborhood has experienced in the last two decades.

VARIANCE to reduce the parking requirement from 5 to 3 spaces (with 16 grandfathered spaces)
Findings Required by the Minneapolis Zoning Code:

- 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.**

With rights to sixteen grandfathered parking spaces, the property apparently has had no actual parking requirement for a very long time, perhaps since 1963. All parking spaces on both the building lot and adjacent parcels are managed as a commercial parking lot and fully leased. The applicant has agreed to arrangements that will provide three dedicated parking spaces on the rear of the lot even though five were provided after 5 p.m. at no cost to the previous occupant.

- 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 parcel is surrounded by R6 and OR2 districts which cannot be used for C1 parking. If the parcel is rezoned to C1, about 10 parking spaces will remain at the rear of the parcel after the required minor (administrative) subdivision. As noted above, these 10 are part of a commercial parking lot and fully leased.

- 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 intent of the ordinance is to reduce the demand for on-street parking. This variance will maintain the *status quo* and therefore will not alter the character of the neighborhood.

- 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.**

Approval of the proposed variance will not change the circumstances which have existed for a long time at this location.

Recommendations of the Community Planning and Economic Development Planning Division:

REZONING from OR2 to C1

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the findings above and **deny** the application to rezone 609 10th Street South from OR2 to C1.

VARIANCE from 5 parking spaces to 3

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the application to reduce the parking requirement for 609 10th Street South from 5 spaces to 3 (with 16 grandfathered spaces), on condition that the application to rezone the property from OR2 to C1 is approved.

Attachments: applicant statements
map
site and floor plans
aerial photo
photographs
news article