

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning  
BZZ-3294

**Date:** November 27, 2006

**Applicant:** Hillcrest Development

**Address of Property:** 1209 Tyler Street NE

**Project Name:** Not applicable.

**Contact Person and Phone:** Anthony J. Gleekel, (612)337-6100

**Planning Staff and Phone:** Jennifer Jordan, (612)673-3859

**Date Application Deemed Complete:** October 30, 2006

**End of 60-Day Decision Period:** December 29, 2006

**Ward: 1      Neighborhood Organization:** Northeast Park Neighborhood Association

**Existing Zoning:** I2, Medium Industrial District

**Proposed Zoning:** I2, Medium Industrial District; Industrial Living Overlay District (ILOD)

**Zoning Plate Number:** 10

**Legal Description:** That part of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 13, Township 29, Range 24 described as follows:

Commencing on the West line of Polk Street in the City of Minneapolis, 492.9 feet South of its intersection with the Southwesterly line of right of way of the Northern Pacific Railroad; thence West to the East line of Tyler Street; thence South along said East line 150 feet; thence East to the West line of Polk Street; thence North along said West line 150 feet to the point of beginning.

Also that part of Lot 1, Auditor's Subdivision Number 127, Hennepin County, Minnesota, described as follows, to-wit:

Commencing at a point on the Easterly line of Polk Street 438.1 feet South of the intersection of said Easterly line with the Southerly line of the Northern Pacific Railroad right of way; thence South along the Easterly line of Polk Street 80 feet; thence Easterly 133.7 feet to the center of a spur track or side track; thence North following the center of said spur track or side track 80 feet to a point 133.7 feet East of the point of beginning; thence West to the point of beginning.

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Also that part of Auditor's Subdivision Number 94, Hennepin County, Minnesota, described as follows, to-wit:

Commencing at a point on the West line of Polk Street as heretofore platted 642.9 feet South of the South line of the right of way of the Northern Pacific Railroad; thence West to the east line of Tyler Street thence South along the East line of Tyler Street 150 feet; thence East to the West line of Polk Street; thence North 150 feet along the westerly line of Polk Street to the point of beginning.

There is included with each of the above described premises the adjoining half of Polk Street vacated, excepting, however, the East 15 feet of that portion of the West ½ of Polk Street, vacated, lying adjacent to the South 220 feet of said premises.

The above described premises are according to the United States Government Survey and the recorded plats thereof; and for purpose of this description Polk Street and Tyler Street are considered as running due North and South and the direction of East and West are considered as drawn at right angles to said streets, and situate in Hennepin County, Minnesota.

That part of Lot 1, Auditor's Subdivision Number 127, Hennepin County, Minnesota and that part of Polk Street now vacated, lying adjacent to said Lot 1, in the City of Minneapolis described as follows:

Commencing at a point on the Easterly line of said Polk Street 518.1 feet South of the intersection of said Easterly line of Polk Street with the Southerly line of the Northern Pacific Railroad Company right of way; thence Westerly 48 feet at right angles to said Easterly line of Polk Street; thence South 220 feet parallel to said Easterly line of Polk Street; thence East at right angles to the last described parallel line, a distance of 171.7 feet; thence Northerly parallel to said East line of Polk Street a distance of 220 feet to a point 123.7 feet East of the point of beginning; thence Westerly at right angles to the last described parallel line a distance of 123.7 feet to the point of beginning, according to the plat thereof on file and of record in the Office of the Register of Deeds, and in and for Hennepin County, Minnesota.

**Proposed Use:** Applicant proposes to keep the property as a mixed-use building with multi-tenant commercial and industrial uses within the footprint of the existing structure.

**Concurrent Review:** Not applicable.

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

**Background:** The property is located in a triangular wedge of land adjacent to a rail corridor and approximately one block from both Central Avenue NE and Broadway Street NE and consists of two industrial buildings at 32,907 gross square feet and 3,977 gross square feet. The parcel is 137,211 square feet or 3.15 acres in size. The property is currently housing an operating paint and linseed oil manufacturer as well as multi-tenant industrial users but those may cease operation or relocate within the next year.

Applicant acknowledges that the property needs to be brought into code compliance for fire, building and zoning. Applicant has met repeatedly with Rocco Forte' and Henry Reimer, Regulatory Services, and has reached general agreement on all of the major Fire and Building Code Issues. Applicant has

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also met with Steve Poor, Zoning Administrator, and has come to an agreement about addressing the zoning and land use issues. Applicant is bringing forward the rezoning application as a first step in addressing those issues. Applications for site plan review and other land use issues will be brought forward at a later date.

**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 located in a triangular wedge of land adjacent to a rail corridor and roughly one block east from both Central Avenue NE and one block north from Broadway Street NE and has operated as a paint and linseed oil manufacturer. Both Central Avenue NE and Broadway Street NE are designated Community Corridors in The Minneapolis Plan. Community Corridors are locations that support new medium-density residential and neighborhood-serving commercial uses. The historical uses along these two corridor segments have been industrial which is not the typical land use found along most other Community Corridors in other parts of the city. Currently, industrial uses in the area exist in conjunction with office, artists' studios, and institutional uses along the two corridors. In some cases, the existing brick, industrial buildings along Central Avenue NE have been retained through conversion into offices.

While this area has historically been industrial and has industrial zoning, it is not a designated Industrial Business Park Opportunity Area in The Minneapolis Plan. An Industrial Business Park Opportunity Area is a priority location for industry to grow for the future. The City Council adopted the Industrial Land Use Study & Employment Plan on November 3, 2006 which designates geographic boundaries for Industrial Employment Districts for long-term protection and retention of industrial uses and gives specific policy direction for industrial employment within those areas. This property is not located within any of the designated Industrial Employment Districts and therefore could be permitted to transition to other uses. The proposed rezoning of the property is supported by the policies and implementation steps listed below:

**4. Marketplaces: Neighborhoods**

**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.**

**Implementation Steps**

Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.

**9. City Form**

**9.23 Minneapolis will continue to 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.**

**Implementation Steps**

Plan, implement and monitor projects and programs that encourage and support the city's designated commercial areas.

Encourage comprehensive and site specific solutions that address issues of compatibility of commercial areas with surrounding uses.

Facilitate the redevelopment of underutilized commercial areas and promote their reuse as infill development, such as office or housing, while maintaining neighborhood compatibility.

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

The purpose of the Industrial Living Overlay District per the zoning code is to encourage the rehabilitation and reuse of existing industrial structures and to provide for limited residential and retail uses in the I1 and I2 districts where such uses are compatible with other uses in the area. This property contains two brick, industrial buildings that could be adaptively reused for a different use. While the property is not historic, it would be in the public interest to retain the buildings, correct code compliance issues, and keep an active, tax-generating use.

**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 currently houses a paint and linseed oil manufacturer as well as other smaller, industrial tenants but those uses may cease operation or relocate within the next year. Addition of the Industrial Living Overlay District would expand the range of permitted uses that would be allowed to operate on the property for the future. The surrounding area has Industrial zoning and includes a post office, a lumberyard, an architectural woodworking shop and the Minnesota Armory National Guard. The industrial zoned area west of Central Avenue NE currently has the Industrial Living Overlay District.

**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 property will retain the existing I2 Medium Industrial District base zoning so medium industrial uses would still be permitted. The addition of the Industrial Living Overlay District would allow for a greater range of commercial uses and housing as a conditional use than allowed under the base zoning.

**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.**

This area has been industrial since the early 1900's. Over time, additions and modifications were added on to accommodate changes in the industrial process. Many of the industrial buildings built in the first part of the 20<sup>th</sup> century are no longer viable for modern manufacturing due to functional obsolescence, inadequate loading areas and limited access to the freeway system. The area west of Central Avenue has seen a shift in industrial uses in that manufacturing has given way to art production studio space and showroom space within the existing, multi-story brick buildings. It would not be unreasonable to predict that a similar shift will occur for this small contiguous area as well given the proximity to Central Avenue NE and supply of older industrial building stock.

**RECOMMENDATIONS**

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

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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 application to add the Industrial Living Overlay District to the property zoned I2 Medium Industrial District at 1209 Tyler Street NE.

**Attachments:**

1. Zoning code information sheet
2. Zoning Petition
3. Statement of use
4. Findings
5. Correspondence
6. Zoning map
7. Plans
8. Photos