

Department of Community Planning and Economic Development - Planning Division
Rezoning
BZZ-5074

Date: April 11, 2011

Applicant: Karen Bernthal dba Kirke design Studio

Address of Property: 1509-1523 Marshall Street NE.

Project Name: Kirke Design Studio

Contact Person and Phone: Karen Bernthal – 612-379-0256

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: March 9, 2011

End of 60 Day Decision Period: May 8, 2011

Date Extension Letter Sent: March 23, 2011

End of 120 Day Decision Period: July 7, 2011

Ward: 3 **Neighborhood Organization:** Sheridan

Existing Zoning: R3 Multiple-family District and the Mississippi River Critical Area Overlay District.

Proposed Zoning: C1 Neighborhood Commercial District.

Zoning Plate Number: 9

Legal Description: Lots 4, 5, and 6, Block 2, Shultz Addition to Minneapolis.

Existing/Proposed Use: Existing multi-tenant office/commercial building and new accessory parking.

Concurrent Review:

Rezoning: From the R3 Multiple-family Residential District to the C1 Neighborhood Corridor Commercial District.

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

Background: The applicant proposes to rezone her building at 1509 Marshall Street NE and the vacant lot to the north at 1523 Marshall Street NE from the R3 Multiple-family Residential District to the C1 Neighborhood Commercial District. The building at 1509 Marshall was built in May of 1963 under industrial zoning. In June of 1963, the City adopted a new zoning code and the site was rezoned to the

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R3 Residential District, making the building legally nonconforming. In 2002, the applicant purchased the building and applied for a nonconforming use certificate, expansion of a nonconforming use, and a parking variance to zero spaces (because the building had no parking) to locate her clothing design studio in one of the four tenant spaces in the building and to lease the other three tenant spaces (BZZ-852). The City Planning Commission approved the applications to allow the design studio, art galleries, and/or limited production and processing uses in the four tenant spaces in the building. In 2010, the applicant purchased the vacant parcel to the north at 1523 Marshall Street NE to allow for a 24 space accessory parking lot. Nonconforming uses are prohibited from adding land area. Therefore, the applicant is requesting the rezoning to make the existing building and uses conforming and to allow for the expansion of the site for the accessory parking area.

The accessory parking lot is not subject to site plan review. However, it is required to meet the setbacks and landscaping and screening requirements of the zoning code. The proposed lot is in conformance with applicable zoning code. The PDR report, site plan, and landscaping plan have been attached to this staff report as a development plan and as background.

Please see the attached letter from the Sheridan Neighborhood Organization in support of the project.

REZONING (from R3 Multi-family Residential to C1 Neighborhood Commercial)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan for Sustainable Growth designates this part of Marshall Street NE as a Community Corridor. The plan states that, “Community Corridors support new residential development from low- to high-density in specified areas, as well as increased housing diversity in neighborhoods. Community Corridors support limited commercial uses that are frequently concentrated in Neighborhood Commercial Nodes. Proposed commercial uses are evaluated according to their impacts on residential character. Design and development along Community Corridors is oriented towards the pedestrian experience and residential quality of life. These streets carry moderate volumes of traffic. These streets are important travel routes for both neighborhood residents and through traffic. In many cases, they are part of the Primary Transit Network that provides frequent, high quality transit service citywide.”

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

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

1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

1.9.3 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.

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1.9.4 Discourage the conversion of existing residential uses to commercial uses outside of Neighborhood Commercial Nodes.

1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.

1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

In addition to the Community Corridor policies, the *Minneapolis Plan for Sustainable Growth* has the following narrative and polices regarding parking lot and landscaping design: “Certain areas of the city generate demand far beyond their immediate boundaries, and need to accommodate significant automobile traffic through the provision of parking facilities. While clearly a necessary element in an urban setting, parking facilities can have serious negative visual effects on their surroundings if not designed carefully. Any parking facility, regardless of whether it is a surface parking lot or a structured parking ramp, should be designed so as to blend in with its surroundings.”

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.

10.18.3 Locate parking lots to the rear or interior of the site.

10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.

10.18.17 Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access across large driveways.

“A well-designed landscape will create and define spaces while softening the built environment. Landscaping provides beauty and visual interest, shade and environmental benefits, as well as screening and buffering of uses. It is important to consider the types of plants and trees and how they will tolerate and impact their surrounding environment. Design and maintenance of the landscaped areas are important factors as well. The following policy and implementation steps provide guidance for landscaped areas in the city.”

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

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10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.

10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.

10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.

10.19.5 Landscaping plans should be designed to facilitate future maintenance including the consideration of irrigation systems, drought and salt-resistant species, ongoing performance of storm water treatment practices, snow storage, access to sun, proximity to buildings, paved surfaces and overhead utilities.

10.19.6 Green roofs, living walls, and porous pavement are encouraged but are not meant to be a substitute for ground-level landscaping of sites as landscaping provides both a natural amenity and aesthetic beauty to the urban landscape.

10.19.7 Boulevard landscaping and improvements, in accordance with applicable city polices, are encouraged.

The proposed rezoning and parking lot design are in conformance with the above noted policies. The policies would not generally support rezoning properties to commercial in every location along a Community Corridor and would prefer that commercial zoning be located at commercial nodes, but in this case the building is existing and legally nonconforming, so it is an appropriate location for the proposed commercial rezoning.

The comprehensive plan also states that “in addition to the future land use map, the comprehensive plan incorporates by reference land use recommendations from a number of small area plans that cover various sub-sectors of the city. These plans should be consulted for applicable areas when making development decisions, as they provide more detailed guidance.”

The *Above the Falls* plan (adopted 2000) shows this area as low-density residential. The plan states on page 60 that, “the land use plan assumes that patterns and densities of residential use on the east bank will remain basically the same...” The plan’s design standards for a future Marshall Boulevard (Marshall Street) on page 89, propose a five-foot tree boulevard between the curb and sidewalk and a six-foot sidewalk. The proposed site plan would not prevent this future redesign of the right-of-way. The proposed parking lot is in conformance with the goals of the plan.

This site is in the MR Mississippi River Critical Area Overlay District. *The Mississippi River Critical Area Plan* was approved by the City Council on June 16, 2006, and designates this area as the upper river. The plan states that “the city will follow the land use guidelines of *The Minneapolis Plan* except where modified by small area plans...” *The Minneapolis Plan for Sustainable Growth* shows this part of

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Marshall Street NE as a Community Corridor. The plan also states that “river corridor development should be located and designed to minimize adverse effects on the natural or scenic values of the river.” The building is existing and the new parking lot will not block views to or from the river. The applicant is incorporating a rain gardens and landscaping to meet or exceed the City’s stormwater management goals. This site is in conformance with the plan.

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

The rezoning is in the interest of the property owner; however, it will allow the existing business to be more viable and will relieve parking congestion in the area, so in that sense it is in the public interest.

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 west side of Marshall Street is a mix of residential, industrial, commercial, and office uses with industrial zoning and the east side of Marshall Street has residential uses (except for the subject property) zoned R2B, R3, and R5. There are industrial, office, and commercial uses on the east side of Marshall Street further to the north and south.

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 existing R3 District allows single, two, and multi-family residential uses, which would be reasonable uses of the property.

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.

In general, the east side of Marshall Street NE has remained residential since the City placed the property in the R3 District. The overall area has seen a change from heavy industrial uses to a mix of industrial, office, commercial, and residential uses.

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RECOMMENDATION:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the findings above and **approve** the rezoning from the R3 Residential District to the C1 Commercial District for property located at 1509-1523 Marshall Street NE.

Attachments:

1. Zoning matrix
2. PDR Report.
3. Statements from applicant.
4. Letter from the neighborhood group
5. Zoning map.
6. Site plan.
7. Photos.