

**Department of Community Planning and Economic Development – Planning Division**  
Expansion of Non-Conforming Use  
BZZ-3260

**Date:** October 30, 2006

**Applicant:** Sherman Associates

**Address of Property:** 900 24<sup>th</sup> Avenue Northeast and a portion of 2323 Jackson Street Northeast

**Project Name:** US Bank

**Contact Person and Phone:** Mark Kronbeck with Alliant Engineering, Inc., (612) 758-3080

**Planning Staff and Phone:** Hilary Dvorak, (612) 673-2639

**Date Application Deemed Complete:** October 5, 2006

**End of 60-Day Decision Period:** December 4, 2006

**End of 120-Day Decision Period:** Not applicable

**Ward: 1      Neighborhood Organization:** Holland Neighborhood Improvement Association

**Existing Zoning:** R4, Multiple-family District

**Proposed Zoning:** Not applicable

**Zoning Plate Number:** 10

**Legal Description:** Not applicable

**Proposed Use:** Temporary bank building

**Concurrent Review:**

**Expansion of a nonconforming use:** to allow for the construction of a temporary bank building on the property currently used as a bank drive-through facility located in the R4 zoning district

**Applicable zoning code provisions:** Chapter 531, Nonconforming Uses and Structures

**Background:** In March of this year the applicant received approvals from the City of Minneapolis to construct two separate developments on the land located between Central Avenue Northeast and Jackson Street Northeast just south of 24<sup>th</sup> Avenue Northeast. All of the land is currently occupied by US Bank. The existing bank building is located on the east side of the block and the existing bank drive-through is located in a separate building on the west side of the block.

One of the new developments will be a mixed-use development including 66 dwelling units and approximately 15,000 square feet of commercial space and the other will be a seven-unit townhouse building. Once completed, US Bank will occupy a portion of the commercial space within the mixed-use development. While the mixed-use development is under construction the applicant is proposing to maintain the existing drive-through facility and construct a temporary bank building so the operations of the bank can continue while under construction.

The site where the drive-through is located was rezoned from C1 to R4 as part of the approvals in March. Because the site is zoned residential the drive-through facility became non-conforming as to zoning. Constructing a temporary bank building on the site would be an expansion of the use which requires approval by the City Planning Commission. The applicant has indicated that construction of the mixed-use building is expected to begin in November of this year and will last approximately one year. Once complete, the bank will move into the new development and the existing drive-through facility and the temporary bank building will be demolished and the townhouse development will be constructed in its place.

#### **EXPANSION OF A NON-CONFORMING USE:**

##### **Findings as Required by the Minneapolis Zoning Code:**

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and makes the following findings:

**1 A rezoning of the property would be inappropriate.**

The Planning Division believes that it would be inappropriate to rezone the property to accommodate a temporary bank building. A bank is first allowed in the C1, Neighborhood Commercial District, and a bank with a drive-through facility is first allowed in the C2, Neighborhood Corridor Commercial District. Although this property was previously zoned C1 it would not be appropriate to rezone the site back to a commercial designation for a use that will be in operations for just over a year. The existing R4 zoning is appropriate for the proposed townhouse development and the surrounding neighborhood.

**2 The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.**

The temporary bank building is proposed to be a one-story, trailer-like structure that will be located along the west property line. The building is tan in color and has doors and windows located on all four sides. The building will be screened from the residential properties to the west by existing landscaping and a five-foot high wood fence and from the residential properties to the south by the existing drive-through facility. The Planning Division believes that the building will be compatible with the adjacent property and the neighborhood.

**3 The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.**

The temporary bank building will be 2,140 square feet in size. The parking requirement for a building of this size is four spaces. As proposed, there will be six parking spaces provided on site. The Planning Division does not believe that the proposed use would have any adverse off-site impacts such as traffic, noise, dust, odors or parking congestion.

**4 The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

The Planning Division does not believe that the bank building will improve the appearance of the neighborhood as it is trailer-like structure. However, because the bank will operate out of the temporary bank building for just over a year the Planning Division does not believe that it will negatively impact the neighborhood.

**5 In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.**

No dwelling units will be constructed as part of this development.

**6 The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

The site is not located in the Floodway District.

**RECOMMENDATIONS**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the expansion of a non-conforming use:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the expansion of a non-conforming use to allow for the construction of a temporary bank building on the property currently used as a bank drive-through facility located in the R4 zoning district subject to the following conditions:

1. The existing landscaping and five-foot high wood fence along Jackson Street Northeast shall remain in place for the duration of the operation of temporary bank.

**Attachments:**

Department of Community Planning and Economic Development – Planning Division  
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1. Statement of proposed use
2. Expansion of a non-conforming use findings
3. October 5, 2006, e-mail to Council Member Ostrow
4. October 5, 2006, letter to the Holland Neighborhood Improvement Association
6. Zoning Map
7. Temporary site plan, floor plans and photos of the temporary building
8. Photographs of the site and surrounding area