

Department of Community Planning and Economic Development – Planning Division
Rezoning
BZZ-4361

Date: May 18, 2009

Applicant: David Peterson

Addresses of Property: 1235 4th Street NE

Project Name: Slim Whitman Gallery

Contact Person and Phone: David Peterson, (651) 605-5750

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: April 17, 2009

End of 60-Day Decision Period: June 16, 2009

End of 120-Day Decision Period: Staff sent a letter to the applicant on May 8, 2009, extending the decision period to no later than August 15, 2009

Ward: 3 **Neighborhood Organization:** Sheridan Neighborhood Organization

Existing Zoning: R2B Two-Family District

Proposed Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 9

Legal Description: LOTS 21, BLOCK 3, CUTTERS ADDITION TO MINNEAPOLIS

Proposed Use: Art gallery

Petition to rezone the property 1235 4th Street NE from R2B Two-Family District to C1 Neighborhood Commercial District

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

Background: This site is located at the southeast corner of 4th Street NE and 13th Avenue NE, approximately one block from University Avenue. There are three structures on the property; a storefront building with a second floor apartment, a detached garage and a single family home. The single family dwelling located at the rear of the lot was constructed in the late 1880's and the storefront building with apartment above constructed on the same lot in 1908. In 1911, a wagon shed was

constructed and later converted to a detached garage. All three structures have always been located on the same zoning lot.

The subject property was zoned commercial with the first zoning ordinance in 1924. In 1963, the City of Minneapolis adopted its second zoning ordinance and a citywide rezoning occurred. The zoning classification was changed from commercial to R2B Two-Family District and the existing laundromat that operated in the commercial building became a nonconforming use. The laundromat use was abandoned and the previous owner applied to rezone the property from residential to commercial in 1997 and was denied by the City Council. The owner then applied for a nonconforming use certificate to allow for a laundrette or use allowed in the B2 Neighborhood Retail District in 1998. The nonconforming use certificate was denied by the City Council in April of 1998.

The subject property is presently zoned in the R2B Two-Family District and art galleries are prohibited. Therefore, the applicant has applied to rezone the parcel from R2B Two-Family District to C1 Neighborhood Commercial District.

Staff has received a letter of support from the Sheridan Neighborhood Organization and a copy of the letter is attached to the staff report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the property of 1235 4th Street NE from R2B Two-Family District to C1 Neighborhood Commercial District to allow for an art gallery.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

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

The property of 1235 4th Street NE is near a designated commercial node located at 13th Avenue NE and University Avenue NE, in *The Minneapolis Plan*. It is also near to a designated community corridor along University Avenue NE. In *The Minneapolis Plan for Sustainable Growth*, the property is located within a commercial node. According to the principles and polices outlined in the plan, the following apply to this proposal:

The Minneapolis Plan (2000)

9.29 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Implementation Steps

- Designate a set of Neighborhood Commercial Nodes.
- Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.
- Direct other uses that act as neighborhood focal points (institutional, cultural or social) to locate at Neighborhood Commercial Nodes.

- Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.
- Ensure that commercial uses do not negatively impact nearby residential areas.
- Facilitate the redevelopment of underutilized commercial areas and promote their reuse as infill development, such as office or housing, while maintaining neighborhood compatibility.
- Preserve traditional commercial storefronts at Neighborhood Commercial Nodes wherever possible.

The Minneapolis Plan for Sustainable Growth (2009)

The site is designated as mixed use and located in a commercial node. The plan states that the mixed use designation “allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district. There is no requirement that every building be mixed use.” Further, the plan states “Minneapolis’ Neighborhood Commercial Nodes are typically comprised of a handful of small- and medium-sized businesses focused around one intersection. These nodes primarily serve the needs of the immediate surrounding area, although they may also contain specialty stores that serve a regional client base. Neighborhood business prosperity varies throughout the city and is affected by a variety of factors, including the buying power in the surrounding locality and competition from other commercial areas.”

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.

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

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

1.11.2 Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.

1.11.7 Encourage the redevelopment of vacant commercial buildings and direct City services to these areas.

Staff comment: The proposed uses as an art gallery and residential will be consistent with the long-range goals for mixed use at this location. Further, the proposed business located at this commercial node will serve as an addition to the Northeast Minneapolis Arts District and redevelop a discontinued commercial storefront building. The proposed rezoning is consistent with these goals of *The Minneapolis Plan* and *The Minneapolis Plan for Sustainable Growth*.

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

The art gallery would serve as an addition to the existing Northeast Minneapolis Arts District and would occupy a previously vacant storefront building within a commercial node. The amendment is in the public interest and not solely in the interest of the property owner.

- 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 zoning classification of parcels on the east side of 4th Street NE is R2B; however, the parcels along 13th Avenue NE between University Avenue and 4th Street NE are C1 Neighborhood Commercial District and C2 Neighborhood Corridor Commercial District. The subject property is designated as mixed use and located within a commercial node in *The Minneapolis Plan for Sustainable Growth*. The proposed zoning should be compatible with uses and zoning classifications in the commercial node.

- 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 R2B district allows residential uses of low density. Only a few nonresidential uses, a preschool, a child care center and a developmental achievement center, could be allowed on this site because of its size. Although some reasonable use of the property is allowed in the R2B district, the R2B zoning does not allow for commercial uses.

- 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.**

No zoning changes have occurred on the block on which the subject site is located since it was placed in its present zoning classification in 1963. In 2005, the adjacent parcel to the south at 1227 4th Street NE, applied to rezone the parcel from R2B Two-Family District to C1 Neighborhood Commercial District to allow for greenhouse/lawn and garden store. The City Council denied the application to rezone the parcel July 22, 2005. The adjacent parcel is not located in the commercial node. Also in 2005, the Ritz Theater, located at 343 13th Avenue NE, was rezoned from C1 Neighborhood Commercial District to C2 Neighborhood Commercial Corridor District to allow for an indoor theater. The 2008 amendment of the comprehensive plan expanded the boundary of the existing commercial node near University and 13th Avenues NE to include the subject parcel. Staff believes that there is a trend of development in the general area towards commercial along 13th Avenue NE to include the subject property.

RECOMMENDATIONS:

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

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 petition to rezone the property of 1235 4th Street NE from R2B Two-Family District to C1 Neighborhood Commercial District to allow for an art gallery.

Department of Community Planning and Economic Development – Planning Division
BZZ-4361

Attachments:

1. Rezoning matrix
2. Statement of use and findings
3. April 1, 2008, e-mail to CM Hofstede
4. March 4, 2009, letter from Sheridan Neighborhood Organization
5. Zoning map
6. Site plan and floor plan
7. Photos of the site and surrounding area
8. Oblique aerials