

**Community Planning and Economic Development - Planning Division Report**  
Change of a Nonconforming Use  
BZZ-4809

**Date:** July 19, 2010

**Applicant:** Order of Christ-Sophia

**Address of Property:** 2548 Pleasant Avenue

**Contact Person and Phone:** Lucille Michaels (612) 205-5545

**Planning Staff and Phone:** Aly Pennucci (612) 673-5342

**Date Application Deemed Complete:** June 24, 2010

**End of 60 Day Decision Period:** August 26, 2010

**Ward:** 6      **Neighborhood Organization:** Whittier Alliance

**Existing Zoning:** R2B Two-family District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 18

**Proposed Request:** Change of nonconforming use to allow for a place of assembly and a convent, monastery or religious retreat center

**Concurrent Review:** Not applicable for this application

**Applicable Code Provisions:** Chapter 531, Nonconforming Uses and Structures.

**Background:** Lucille Michaels, on behalf of Order of Christ-Sophia, has submitted an application for a change of nonconforming use from a nursing home to a place of assembly and a convent, monastery or religious retreat center in an existing building at 2548 Pleasant Ave, in the R2B Two-family District. The area that will be used as the main auditorium (labeled “meeting area” on the attached floor plans) is approximately 495 sq. ft. and will accommodate a maximum of 33 persons. The entire structure contains 4,319 sq. ft. and consists of an office, recreation room, conference and accessible bathrooms to serve the proposed place of assembly and five (5) bedrooms, a dining room, kitchen, and bathroom to serve as the living quarters for the proposed convent, monastery or religious retreat center.

The building on the subject property was constructed in 1899 as a single-family dwelling. The property’s first zoning classification, per the 1924 Zoning Ordinance, was commercial. The 1934 land survey listed the building as a single-family dwelling. A building permit was issued in 1955 for a rear addition to allow for a “rest home.” Being that the property was zoned commercial in the 1924 zoning

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code the “rest home” use noted in the 1955 building permit was permitted. In 1963, the property was downzoned to R6 Multiple Family District. The property was downzoned from R6 to R2B in 1975 through the “Model Cities” 40-acre study. Nursing homes were prohibited uses in the R2B Two-Family District; therefore, the use became legal nonconforming with the zoning amendment in 1975.

The subject site is located in the R2B District where a place of assembly is a permitted use on a lot with a minimum lot area of 10,000 sq. ft. An accessory convent, monastery or religious retreat center is permitted accessory to a place of assembly in the R2B district with six (6) or fewer persons. No more than six (6) individuals will reside in the residence portion of the building. The proposed place of assembly with an accessory convent, monastery or religious retreat center will be nonconforming as to lot area. A nonconforming use may not be changed to any use other than a use permitted in the district in which the use is located, unless approved by the city planning commission in accordance with section 531.80 of the zoning code. Therefore, the applicant is requesting a change of nonconforming use.

As of the writing of this report, staff has not received any official correspondence from the neighborhood group. Staff will forward any comments, if received, to the Planning Commission.

**Findings As Required By The Minneapolis Zoning Code:**

**The Community Planning and Economic Development Planning Division has analyzed the application and makes the following findings:**

**The Planning Commission may approve a proposed change in use if the use meets the following standards as specified in section 531.80 of the Zoning Code:**

**(1) The proposed use is compatible with adjacent property and the neighborhood.**

The site is bordered by a single-family dwelling to the north and a nonconforming triplex to the west. The Project for Pride in Living Loring Nicollet Community Center is located across the street on the northeast corner of Pleasant Avenue, where they operate a child care center and alternative high school. Across 26<sup>th</sup> Street W there is a multiple-family residence (18 units) and the Whittier School (K-5 school). The parcel on the southeast corner of the intersection is zoned C1 and contains an auto repair establishment. The proposed place of assembly and the religious retreat center use will be entirely within an enclosed building.

The subject site is located in the R2B district where a place of assembly would be a permitted use if the subject site had a minimum lot area of 10,000 sq. ft. The proposed use is generally compatible with residential uses. No more than six (6) individuals will reside in the residence portion of the building. If a change of nonconforming use is not granted for this property, the structure could be converted to a two-family dwelling which would allow up to 3 unrelated adults living together in a single unit (which allows for a maximum of 6 unrelated adults).

(2) **The proposed use is less intense than the existing, nonconforming use.**

**(a) Hours of operation:** The hours of operation for the previous nursing home use were 24 hours per day, Sunday through Saturday. The proposed hours of operation for the place of assembly are Sunday through Saturday from 6:00 a.m. 10:00 p.m. (services Monday-Friday from 6 a.m. to 7 a.m. and 9 p.m. to 10 p.m. and Sundays from 9:30 a.m. to 11 a.m.). These hours are a reduction from the hours of operation of the previous nonconforming use and will not increase the intensity of use.

**(b) Signage:** The applicant proposes placing one sign on the front of the building and one sign on the side of the building in compliance with the signage requirements for a nonconforming use. Chapter 543 of the Zoning Ordinance states the following regarding new signs for nonconforming uses:

*Newly established signs located on nonconforming uses shall be limited to one non-illuminated, flat wall identification sign, not to exceed sixteen (16) square feet in area and fourteen (14) feet in height. In addition, on a corner lot, two (2) such signs per building, except as otherwise allowed in the manner provided for in Chapter 531, Nonconforming Uses and Structures, governing expansion or alteration of legal nonconforming uses and structures.*

**(c) Traffic generation and safety:** The applicant states that the congregation that will attend the proposed place of assembly consists of approximately 15 people. The congregation hopes to grow to up to 30 people. The maximum occupancy of the proposed meeting area is 33 people. Up to 6 of the congregants may reside in the proposed convent, monastery or religious retreat center. The applicants will provide bicycle parking on-site, bus service is available three blocks from the site, at the corner of Nicollet and 26<sup>th</sup> Street W, and the applicants are working with the child care center across the street on a shared parking arrangement. In addition, more than half of the existing congregation resides in the neighborhood within walking distance. There is a controlled intersection and crosswalks available for pedestrians. In that regard, the amount of traffic generated is not expected to intensify from the previous use or have a negative impact on surrounding properties and staff has no concerns about safety.

**(d) Off-street parking and loading:** The subject site does not contain any off-street parking. Due to the size of the parcel and the placement of the structure the site cannot accommodate any off-street parking. The off-street parking requirement for the previous nursing home was 4 spaces. Because the nursing home was established prior to the adoption of the 1963 City of Minneapolis Zoning Code that incorporated parking requirements the property has 4 parking credits (grandfather rights). The vehicle parking requirement for the proposed place of assembly is equal to 10 percent of the capacity of persons in the main auditorium and 1 space per three beds for the convent, monastery or religious retreat center. For the 495 square foot meeting area and the 5 bedrooms, the off-street parking requirement is 5 parking stalls. The applicants will provide bicycle parking on site that will reduce the minimum off-street parking requirement by 1 stall. The increased parking requirement from 4 spaces to 5 spaces is not expected to intensify from the previous use or have a negative impact on the surrounding area.

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The applicant is working with the a neighboring property owner to lease parking spaces during off-hours to provide parking in excess of what is required by the zoning code.

**(e) Nature of business operations:** The previous use was a nursing home that provided around the clock care. A nursing home typically requires employees 24 hours per day and includes visiting hours for family and friends of the residents. While the nature of operations will change, the proposed change of use is not expected to intensify or have a detrimental impact on the surrounding area.

**(f) Number of employees:** The proposed use will have only one employee which is less then or equal to the previous use.

**(g) Building Bulk:** The existing building covers 52 percent of the lot. No exterior modifications or additions are proposed as part of the application.

**(h) Aesthetic impacts on surrounding property:** Since purchasing the property in April 2010, the applicant has replaced windows, painted the front porch and added gardens to the front and side of the structure. The applicant is planning to repaint all of the trim on the existing structure.

**(i) Noise, odor, heat, glare and vibration:** The proposed use, as with the previous use, is not expected to generate noise, odor, heat, glare or vibration.

Based on the above analysis, the place of assembly and convent, monastery or religious retreat center use should not be more intense than the previous use.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the change of nonconforming use from a nursing home to a place of assembly and a convent, monastery or religious retreat center in the R2B Two-family district at 2548 Pleasant Avenue, subject to the following condition:

1. At least six bicycle parking spaces shall be provided that comply with the standards of section 541.180 of the zoning code.

**Attachments:**

1. Statement from applicant.
2. Building card(s) and 1934 Land Survey.
3. Zoning map.
4. Site plan
5. Floor plans.
6. Photos.