

Community Planning and Economic Development - Planning Division Report
Change of a Nonconforming Use
BZZ-3564

Date: June 25, 2007

Applicant: Robert Johnson

Address of Property: 1301 Summer Street NE

Contact Person and Phone: Robert Johnson, 612-253-1200

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

Date Application Deemed Complete: May 23, 2007

End of 60 Day Decision Period: July 22, 2007

Ward: 3 **Neighborhood Organization:** Beltrami Neighborhood Association

Existing Zoning: R1A Single Family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 10

Proposed Request: Change of nonconforming use to allow for a neon sign manufacturer, art studio, art gallery and antique shop

Concurrent Review:

Change of nonconforming use: from a grocery store to a production and processing of signs, including electric and neon, art studio, art gallery and antique shop for the property located at 1301 Summer Street NE, in the R1A Single Family District.

Applicable Code Provisions: Chapter 531 Nonconforming Uses and Structures; Section 531.80.

Background: The applicant is requesting a change of a nonconforming use to allow for shop that manufactures neon signs, an art studio, art gallery and an antique shop in the R1A District for property located at 1301 Summer Street NE. The last legal nonconforming use established by the Zoning Code was for a grocery that was constructed in 1900, under the previous address of 701 Pierce Street NE, and operated until approximately 1961, when it became a thrift store in 1962. Since that time, the property has been Beltrami Renewal Housing and Development in 1970, a Juvenile Center in 1974, a bicycle sales and repair business in 1979, a computer repair shop and an upholstery shop. None of these uses were permitted in the respective zoning classifications at the time, nor did these uses establish legal nonconforming rights through a change of nonconforming use application. The property's first zoning classification was Multiple, which allows for low to high density residential

CPED - Planning Division Report
BZZ-3564

uses, in the 1924 Zoning Ordinance. In 1963, the property was rezoned to R3 Multiple Family District. Through a rezoning study in 1991, the property was downzoned to R1A Single Family District and has remained R1A since.

The applicant has occupied this building since September of 2003. The applicant was unaware of the zoning classification when he purchased and occupied the building, however, complaints were made due to unpermitted advertising around the property and Zoning Enforcement informed the applicant that the uses in the building were prohibited in the R1A district and an approval for a change of nonconforming use would be required to continue their operation. The applicant's uses include production and processing of signs, including electric and neon, art studio, art gallery and antique shop, which are prohibited uses in the R1A District. Therefore, the applicant is applying to for a change of nonconforming use.

As of the writing of this report, staff has received comments from the Beltrami Neighborhood Association.

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 on all sides by residential uses. While the proposed uses might not be compatible adjacent to residential uses the use will be within an entirely enclosed building.

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

(a) Hours of operation: Staff is not able to determine the previous hours of operation for the last known legal nonconforming use of the grocery store, which operated until 1961. The proposed hours of operation for the uses open to the public are Monday through Friday from 9:00 a.m. to 5:00 p.m., and rarely on weekends, but not later than 5:00 p.m. These uses shall comply with the following regulations governing maximum hours open to the public, except where the city planning commission further restricts such hours, to Sunday through Thursday, from 7:00 am to 10:00 pm and Friday through Saturday, from 7:00 am to 11:00 pm.

(b) Signage: Staff and the applicant do not have any additional information about the previous signage on the building for any of the previous uses. The applicant has installed two non-illuminated wall signs to the building, one along Pierce Street NE and the other along Summer Street NE. They are each 2 ft. by 6 ft. and approximately 8 feet in height to the top of the sign; these signs were installed without obtaining a sign permit. Production and processing of signs, neon or electric are first allowed in the I1 Light Industrial District. The maximum area for a

CPED - Planning Division Report
BZZ-3564

wall sign on a zoning lot where there is no freestanding sign is calculated at one and one-half (1.5) square feet of signage for each one (1) foot of primary building wall, a wall that faces a public street or parking area. Based on the primary wall length along Summer Street NE, the maximum area for wall signage is 44.25 square feet and 45 square feet along Pierce Street NE. Additionally, the maximum height of a wall sign in the Industrial Districts are 24 feet. Therefore, these signs appear to be in compliance with the applicable ordinance. If the change is approved, a permit shall be obtained for each sign.

(c) Traffic generation and safety: Neither the applicant or staff were able to determine the number of customers per day for the grocery store. The applicant has that there is an average of approximately 5 customers per week.

(d) Off-street parking and loading: The parking requirement for the previous use was approximately 4 spaces. The building has only the one tenant space where the applicant conducts a number of uses. The principal use of the structure has been determined to be for the production and processing of neon signs, while the remaining uses will be accessory to the principal use. The parking requirement for the production and processing of neon signs is also 4 off-street parking spaces. The applicant has stated that the site has not ever had spaces for off-street parking. Therefore the parking requirement has not changed over time and the applicant would retain the nonconforming rights to the required number of off-street parking spaces. Additionally, the applicant has stated that there are no large vehicles, delivery trucks nor other vehicles left on site or parked on the street after hours.

(e) Nature of business operations: The previous uses included grocery that was constructed in 1900, a thrift store in 1962, Beltrami Renewal Housing and Development in 1970, a Juvenile Center in 1974, a bicycle sales and repair business in 1979, a computer repair shop and an upholstery shop by the previous owners. None of these uses were permitted in the respective zoning classifications at the time, nor did these uses establish legal nonconforming rights through a change of nonconforming use application. The applicant has stated that his use is that of a small art studio/gallery. His business includes designing neon artworks, drawings and glasswork. The applicant bends neon glass across cross fibers, which is similar to a stove burner. Most of the art is made in the studio and then installed or shipped to the buyer. The applicant does not blow glass or weld nor does he have a kiln or use gaseous materials. The applicant also uses this building for storage of antiques for an Internet antique sales business.

(f) Number of employees: Neither the applicant or staff could determine the number of employees for the previous grocery store use. The applicant has stated that the business has two employees, himself and his wife.

(g) Building Bulk: The structure is 1-story, approximately 12' in height and the footprint of the building is 1600 sq.ft. No change is proposed.

(h) Aesthetic impacts on surrounding property: The building on the property occupies approximately one-half of the site and has a landscaped yard towards the rear that is enclosed within an existing 6-foot high fence located along the Pierce Street NE, and along the north property line, adjacent to a duplex, which appears to have been installed some time ago.

CPED - Planning Division Report
BZZ-3564

Neither staff nor the applicant has been able to determine when the fence was installed, because a fence of this height does not require a building permit.

(i) Noise, odor, heat, glare and vibration: Staff would not typically associate a small-scale grocery store with having excessive noise, odor, heat, glare and/or vibration issues. The applicant has stated that the business does not create any excessive noise, or smells, nor are there any materials left outside in sight by street on the premises. Staff does not believe issues exist for the proposed uses in regards to noise, odor, heat, glare and vibration, because the uses are conducted within the enclosed building, meet Fire Code standards and the tools used, as stated by the applicant, do not seem to have the potential for detriment to public welfare or safety.

Based on the above analysis and with the attached conditions of approval the proposed uses of production and processing of signs, including electric and neon, art studio, art gallery and antique shop should not be more intense than the previous uses at the site.

RECOMMENDATION:

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 grocery store to a production and processing of signs, including electric and neon, art studio, art gallery and antique shop for the property located at 1301 Summer Street NE, in the R1A Single Family District, subject to the following condition:

1. The existing signage and any new signage must obtain approval and permit from CPED-Planning.

Attachments:

1. Statement of use and change of nonconforming use findings
2. April 16, 2007, e-mail to Council Member Hofstede and Beltrami Neighborhood Association
3. Zoning map
4. Site plan and floor plans
5. Photos of the site and surrounding area