

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4402

Date: June 8, 2009

Applicant: Brian Kramer

Address of Property: 2609 Aldrich Avenue South

Project Name: Central Do Brasil

Contact Person and Phone: Brian Kramer, (612) 850-1123

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

Date Application Deemed Complete: May 15, 2009

End of 60-Day Decision Period: July 14, 2009

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: OR1 Office Residence District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 24

Legal Description: Lots 3 and 4, BARONS 2ND ADDITION and North 150 56/100 Feet of Lot 8, Block 1, 26TH STREET ADDITION

Proposed Use: Educational Arts Center

Conditional use permit: to allow for an educational arts center

Applicable zoning code provisions: Chapter 525, Article V, Conditional Use Permits, Chapter 536.20 Specific Development Standards and Chapter 547 Office-Residence Districts

Background: The subject property includes two structures, a warehouse and an office building and the property is zoned OR1 Office Residence District. Previous zoning actions include approval for a change of a nonconforming use to allow for a motorcycle repair shop and bicycle sales and repair in 2007. Both of the previous uses have vacated the property.

The applicants are proposing to use part of the property for an educational arts center. The business owners will teach various forms of dance and meditation for both children and adults. Educational arts

centers are conditional uses in the OR1 District; therefore, the applicant is applying to for a conditional use permit.

As of writing this staff report, staff has not received any correspondence from the Lowry East Neighborhood Association. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT – to allow for an educational arts center

Required Findings for the Conditional Use Permit:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The applicant is proposing to occupy an existing structure that was previously used as bicycle sales and repair shop. All activity associated with the use will occur within the existing buildings. The property owner has recently made site improvements to the parking area. The proposed educational arts center will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances, as well as Public Works Department standards.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is fully developed. The properties adjacent to and surrounding the site are zoned residential and commercial along Lyndale Avenue South. There is a mix of single and multifamily uses and commercial uses in the area. The proposed use should not have negative impacts on surrounding properties.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The site is served by existing infrastructure. Vehicle access is from Aldrich Avenue South in front of the building. The Public Works Department has reviewed and approved the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The proposed use would be required to provide four off-street spaces, however, because the buildings were constructed prior to July 19, 1963, off-street parking is not required per 541.70; however, existing accessory parking and loading facilities shall not be reduced below the requirements for a similar new use. There is an existing asphalt paved area at the front of the building that would accommodate approximately 7 off-street spaces along the south property line that serves as the parking area. In addition, traffic congestion may be further minimized through the use of other transportation options near the site, including the bus lines along Lyndale Avenue South.

5. Is consistent with the applicable policies of the comprehensive plan.

THE MINNEAPOLIS PLAN (2000)

The property is classified as commercial-services presently located near a commercial corridor along Lyndale Avenue South, according to *The Minneapolis Plan*. The Plan states the following about uses on commercial corridors: “The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Commercial uses on these streets will be supported insofar as they do not create excessive negative impacts relative to the location and its surroundings.

Section 4.4 of *The Minneapolis Plan* states: “Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.” This policy includes the implementation step of encouraging “the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.” The proposed use and recently implemented improvements to the parking area will allow the existing commercial structure to be more compatible with other neighborhood commercial uses and adjacent residential buildings.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH (2008)

The Minneapolis Plan for Sustainable Growth, the site is designated as Mixed Use, is located near Lyndale Avenue South, which is considered to be a commercial corridor. 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.

Chapter 1 states that “Traditional Commercial Corridors in the city serve as boundaries connecting a number of neighborhoods and serve as focal points for activity. Development and revitalization of these corridors helps to strengthen surrounding urban neighborhoods. Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is mainly commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Additionally, the City encourages new medium- to high-density residential development along Commercial Corridors, particularly as part of mixed use development. These corridors frequently carry large traffic volumes and must balance significant vehicular through-traffic capacity with automobile and pedestrian access to commercial property.”

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

In addition to the conditional use permit, the proposed educational arts center is subject to the following Specific Development Standards, addressed in Chapter 536:

Educational arts center.

- (1) In the OR1 and OR2 Districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance.

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- (2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (3) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

The building and intended use will comply with the applicable regulations of the zoning district and the development standards.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

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 conditional use permit to allow for an educational arts center for the property located at 2609 Aldrich Avenue South in the OR1 Neighborhood Office Residence District subject to the following conditions of approval:

1. The applicant shall meet the specific development standards for an Educational Arts Center in section 536.20 of the zoning code.
2. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copy of e-mail sent to Lowry Hill East Neighborhood Association and CM Remington
- 3) Zoning map
- 4) Site plan
- 5) Photographs
- 6) Oblique aerials