

Department of Community Planning and Economic Development—Planning Division
Change of a Legal Nonconforming Use
BZZ-5021

Date: December 13, 2010

Applicant: Abdulkarim M. Dahir

Address of Property: 1001 24th Street East

Contact Person and Phone: Abdulkarim M. Dahir, (612) 824-2291

Planning Staff and Phone: Janelle Widmeier (612) 673-3156

Date Application Deemed Complete: November 2, 2010

End of the 60 Day Review Period: January 1, 2011

Ward: 9 Neighborhood Organization: Midtown Phillips (adjacent to Ventura Village)

Existing Zoning: R2B Two-Family Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Existing Use: 4 dwelling units

Proposed Use: Offices

Concurrent Review: Change of nonconforming use from four dwelling units to offices in the R2B district.

Applicable Zoning Code Provisions: Chapter 531, Section 531.80.

Background: The applicant proposes to convert four dwelling units on the upper floor (approximately 2,500 square feet) of the mixed use building located at the property of 1001 24th Street East to offices. The building was established in 1890. Additions to the building were constructed in 1902. A coffee shop and a home care/dispatch business use currently occupy the ground floor of the building. Four dwellings, each with two bedrooms, have existed on the second floor since 1965. A variety of businesses have occupied the ground floor of the building, including home construction businesses that occupied the ground floor since around 1977. The site has been zoned R2B since at least 1975. Over the last eight years, multiple land use applications have been processed for this property.

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- In 2003, the planning commission denied applications for a change of nonconforming use to allow conversion of the ground floor uses to a coffee shop, dollar store, and storage space (future third tenant space) and a variance to reduce the parking requirement for the new uses.
- In 2004, the planning commission approved a change of nonconforming use application to allow a coffee shop and a dollar/clothing store on the ground floor subject to conditions including limiting the number of ground floor uses to two, limiting the gross floor area of the coffee shop to 530 square feet, and requiring necessary permits and licenses to be obtained.
- Also in 2004, an administrative minor site plan review application was approved for the coffee shop. The approval included conditions that required compliance with applicable signage regulations, screening requirements for refuse containers, and development standards for a coffee shop.
- In 2007, the planning commission approved a change of nonconforming use application to allow a home care/dispatch business use in the tenant space formerly occupied by the dollar/clothing store. Conditions of the approval included a restriction of trucks or other vehicles associated with the dispatch from being used, located, or parked on or near the site, obtaining required sign permits, removing litter around the site on a daily basis, and replacing the fencing and screening in the rear of the building with durable fencing materials.

No structural or other alterations are proposed as part of the conversion. However, compliance with applicable building codes and obtaining a building permit is also required in addition to needing zoning approval to convert the dwelling units to office. The applicant will need to work with Regulatory Services Department staff to identify any code issues and process necessary permits.

CHANGE OF NONCONFORMING USE

Findings as Required by the Minneapolis Zoning Code:

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 adjacent to two residential properties. A large shopping center, Village Market, is located across 24th Street from the subject site. A mixed use building is located across 10th Avenue from the site. Other uses located within two blocks of the site include low to medium-density residential dwellings, a large multi-tenant commercial building, Children’s Hospitals and Clinics, a church, and a park/recreation center. Lack of on-street parking is a concern in the immediate area. Although vehicles park behind the building on the site, these spaces do not comply with zoning code requirements. The parking requirement for the existing commercial uses and the four dwelling units are grandfathered. The conversion of the dwellings to offices results in no minimum parking requirement increase. The applicant anticipates that there would be a total of 6 office employees. With four, 2-bedroom dwelling units, there were likely 8 residents occupying the units in the past. The conversion would not likely increase demand for parking that would contribute to on-street congestion. The proposed use should be compatible with the surrounding area.

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

- (a) Hours of operation:** Dwellings are occupied 24 hours a day. The proposed hours of operation for the offices would be 8:00 a.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m., Saturday and Sunday.
- (b) Signage:** The applicant has indicated no changes are proposed to existing signage and no new signage is proposed. Any new signage for a nonconforming use in a building on a corner lot is limited to two nonilluminated, flat wall identification signs, each not to exceed 16 square feet in area and 14 feet in height.
- (c) Traffic generation:** Traffic generation for offices should not be more than that for the dwellings. The conversion of the dwellings to offices results in no minimum parking requirement increase. The applicant anticipates that there would be a total of 6 office employees. With four, 2-bedroom dwelling units, there were likely 8 residents occupying the units in the past. The conversion would not likely increase demand for parking that would contribute to on-street congestion.
- (d) Off-street parking and loading:** The four dwellings required four parking spaces (one per unit). No parking that complies with zoning code requirements exist on the site. The proposed use requires four parking spaces, which are grandfathered by right for the building. A loading space is not required for either use.
- (e) Nature of business operations:** General office users would occupy the offices.
- (f) Number of employees:** The applicant anticipates that there would be a total of 6 employees.
- (g) Building Bulk:** No change is proposed to the existing building bulk.
- (h) Aesthetic impacts on surrounding property:** No changes to the interior or exterior of the building are proposed. Since 2007, trash behind the building has been disposed of and the parking area has been repaved.
- (i) Lighting, noise, odor, heat, glare and vibration:** The proposed use should not result in an increase of lighting, noise, odor, heat, glare or vibration.

Based on the above analysis, the proposed office use should not be a more intense use than four dwellings.

RECOMMENDATION

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Change of Nonconforming Use:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a change of a legal nonconforming use from four dwelling units to offices located at the property of 1001 24th Street East.

Attachments:

1. Applicant statement of use and findings
2. Zoning map
3. Site and floor plans
4. Photos