

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning and Variance  
BZZ-3599

**Date:** August 13, 2007

**Applicant:** Doug Pagitt

**Address of Property:** 2708 Chicago Avenue

**Project Name:** The Well

**Contact Person and Phone:** Shanna Sether, (612) 673-2307

**Planning Staff and Phone:** Doug Pagitt, (612) 730-7337

**Date Application Deemed Complete:** July 17, 2007

**End of 60-Day Decision Period:** September 15, 2007

**End of 120-Day Decision Period:** Staff sent a letter to the applicant on August 6, 2007, extending the decision period to no later than November 14, 2007

**Ward:** 6                      **Neighborhood Organization:** West Phillips, Adjacent to Midtown Phillips

**Existing Zoning:** OR2 High Density Office Residence District

**Proposed Zoning:** C1 Neighborhood Commercial District

**Zoning Plate Number:** 26

**Legal Description:** WOODLAWN ADDITION TO MINNEAPOLIS, Lot 3

**Proposed Use:** mixed-use building including an existing office space and a proposed coffee shop

**Concurrent Review:**

- A rezoning petition to change the zoning classification from OR2 High Density Office Residence District to C1 Neighborhood Commercial District.
- Variance to reduce the minimum parking requirement.

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments and Chapter 525, Article IX Variances, Specifically Section 525.520(7) “to reduce the applicable off-street parking requirements up to one hundred (100) percent...”

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**Background:** The subject property was originally constructed as a four-room rooming house in 1901. The current property owner has recently renovated the second floor of the structure to allow for office space, a permitted use in the OR2 High Density Office Residence District. The property owner is now proposing to renovate the first floor of the existing structure to convert the use to a coffee shop with approximately 24 seats. The Zoning Code allows coffee shops, with limited entertainment with a maximum of thirty (30) seats; if and only if, the minimum floor area of the structure in which the neighborhood serving retail sales and service use is located is at least twenty thousand (20,000) square feet. The existing structure is approximately 2,600 square feet and therefore retail sales and services uses, including coffee shops, are prohibited. Therefore, the applicant is proposing to amend the zoning classification and rezone the property from OR2 High Density Office Residence District to C1 Neighborhood Commercial District. Coffee shops are a permitted use in the C1 District.

As previously mentioned, the site was originally constructed for a residential use. There is an existing detached garage with two additional surface parking spaces, which allow for the existing offices to meet their parking requirement of four (4) off-street spaces. However, the existing surface parking spaces require maneuvering in the alley and therefore are not in compliance with the code. The applicant is proposing to install a bike rack that could support up to 8 bicycles for the office use and coffee shop. Therefore the net amount of parking spaces will not change with two off-street parking spaces in the garage and a bike rack that could support up to 8 bicycles. However, the use of the property is proposed to be increased in intensity with the addition of the coffee shop. The zoning code requires that one off-street space be provided for 30% of the capacity of persons, at one person per 15 square feet of floor area devoted to customers. The floor area devoted to the customer area for the coffee shop is 356 square feet; therefore, an additional 8 spaces are required. The applicant has also requested a variance to reduce the minimum parking requirement from 12 spaces to 4 spaces to allow for the coffee shop.

Staff has received correspondence from the Phillips West neighborhood organization and their letter is included in the attachments.

## **REZONING**

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

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

The property is located on a community corridor along Chicago Avenue South and is a designated Growth Center and Major Housing Site.

**a. According to the principles and policies outlined in *The Minneapolis Plan*, the following policies are relevant to the rezoning:**

**4.2/9.27 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix of intensity of land uses, the pedestrian character and residential livability of the streets, and the types of transit service provided on these streets.**

#### **Applicable Implementation Steps**

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Promote more intensive residential development along these corridors where appropriate.

Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.

Ensure that commercial uses do not negatively impact nearby residential areas.

*Staff comment:* In many ways, the C1 district would actually reduce the allowed development intensity; however, staff has concerns about placing a commercial district in the middle of what appears to be a long line of structures that were originally constructed as dwellings.

**4.17 Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.**

**Applicable Implementation Steps**

Protect Major Housing Sites for medium (10-30 units per acre) to high-density (30+ units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, and Commercial Corridors)

*Staff comment:* The property is located in an area with a mix of uses; low- to high-density residential uses and some commercial uses and one large institutional use. As previously mentioned, neighborhood serving retail sales and service uses located in buildings of at least twenty thousand (20,000) square feet are permitted uses in the OR2 District. This provision encourages uses, including coffee shops, in tandem with medium to high density residential projects.

**9.27 Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.**

**Applicable Implementation Steps**

Strengthen the residential character of community corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Discourage conversion of residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.

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*Staff comment:* Rezoning this individual parcel to a commercial district is not consistent with the comprehensive plan, noting that it is not within a neighborhood commercial node. The proposed rezoning to C1 would permit uses that are possibly incompatible with the residential character of the area.

**b. Consistency with plans:**

- This property is located within Zone 5 of the *Phillips/Central/Powderhorn Park Small Area Plan*. The objective of this small area plan is to provide policy direction for the core issues of livability in the area bordered by the 24<sup>th</sup> Street and 31<sup>st</sup> Street, 35W to 12<sup>th</sup> Avenue in Minneapolis, Minnesota. Some of the policy direction for land use change included direction to incorporate spot retail uses along Chicago Avenue in order to serve the neighborhoods convenience needs. In addition, the plan identifies assets including neighborhood gathering places along Chicago Avenue which become focal points of positive change in the neighborhood and surrounding area.

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

The amendment is primarily in the interest of the property owner. While small scale retail sales and services uses may be appropriate at designated locations on community corridors, the proposed rezoning is in the midst of a large area of office residence zoning and would not further any clear policy objectives or public interest.

**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 nearest commercial zoning is approximately one block to the south, with the nearest C1 zoning located south of the Midtown Greenway. The property adjacent to and surrounding the site is OR2 and OR3. There is a mix of single and multifamily uses, commercial uses in the area and a large institutional use, Abbott Northwestern Hospital, immediately across the street. Given the surrounding uses and zoning classifications, the amendment of this zoning classification to C1 is generally not compatible with the immediate area.

**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 OR2 High Density Office Residence District was established to provide a mixed use environment of moderate to high density dwellings and large office uses, with additional small scale retail sales and services uses designed to serve the immediate surroundings. As previously mentioned, coffee shops with limited entertainment with no more than 30 seats are permitted in the OR2 District, if the structure

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contains 20,000 square feet of gross floor area to ensure that these uses may serve as small to medium scale mixed uses within neighborhoods. Staff feels as though there is reasonable use of this property as residential and/or office under the current zoning classification.

**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.**

This site was zoned B1-1 Office-Residence District under the 1963 code, which was a zoning classification similar to the current district. However, restaurants, where seating did not exceed thirty (30) persons, were a conditional use under this zoning classification. As previously mentioned, this structure was originally constructed as a four-room, rooming house and was later converted to a single family dwelling. The character or trend in development of the area has not changed significantly. Staff believes that the permitted uses in the district should allow for reasonable use of the property. Similarly, in 2005, the property located at 2401 Chicago Avenue was denied the petition to rezone the property from OR2 to C2 and PO to allow four additional commercial spaces to replace four spaces approved for offices in a mixed-use development.

**VARIANCE:**

**Findings Required by the Minneapolis Zoning Code:**

**1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Parking reduction:** The applicant is seeking a variance to reduce the required amount of off-street parking from 11 to 4 spaces; two spaces that currently existing in the detached garage and two bicycle racks that would support 8 bicycles. The applicant has converted the dwelling to office space and is now proposing to add a coffee shop to the first floor which would have 356 square feet of customer and lobby area. The applicant states that there are parking spaces on-street and public transportation to adequately address their parking needs. In addition, the coffee shop will serve those who live and work within the neighborhood. Strict adherence to the regulations does not allow for the conversion to a coffee shop without adequate parking. Staff does not believe the coffee shop is a reasonable use of the property and therefore does not find hardship to grant the variance to reduce the parking requirement.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Parking reduction:** The circumstances for which the variance is sought are not unique to the parcel of land and have been created by the applicant. The existing structure on the property was intended to be used for residential purposes. The configuration of the lot and current parking

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situation are not circumstances created by the applicant, however, the intensification of a property that does not have sufficient parking available is a circumstance created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Parking reduction:** Staff believes that the parking variance would not necessarily alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Staff believes that the parking variance request meets the intent of the ordinance, because it is largely pedestrian in nature and only parking two vehicles in the rear and the use of the alley would not necessarily create a great deal of conflict to other property in the vicinity.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Parking reduction:** Granting the parking variance may increase congestion in the area due amount of parking available on the site. Staff, however, believes that a number of more pedestrian transportation alternatives exist and the site is well served by public transit. Staff does not believe the parking variances will increase the danger of fire safety, nor would the proposed variance be detrimental to welfare or public safety.

## **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 **deny** the rezoning petition to change the zoning classification from OR2 High Density Office Residence District to C1 Neighborhood Commercial District at 2708 Chicago Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the variance to reduce the minimum parking requirement from 12 spaces to 4 spaces at 2708 Chicago Avenue.

### **Attachments:**

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- 1) Statement of use and required findings
- 2) Zoning map
- 3) Site Plan
- 4) Floor Plan
- 5) Photos
- 6) July 17, 2007 letter from the Attorney's Office
- 7) July 25, 2007 letter from Phillips West Neighborhood Organization