

Community Planning and Economic Development Planning Division Report
Change of Nonconforming Use, Parking and Drive Aisle Variances, Site Plan Review

BZZ-2015

Date: November 8, 2004

Applicant and Project: Glenn Greider, The Alamo Building

Address Of Property: 1517 Central Avenue NE

Contact Person And Phone: Glenn Greider, 651-631-8516

Planning Staff And Phone: Lonnie Nichols, 612-673-5468

Date Application Deemed Complete: October 1, 2004

End of 60 Day Decision Period: November 30, 2004

End of 120-Day Decision Period: January 29, 2005

Ward: 1 Neighborhood Organization: Northeast Park

Existing Zoning: I-1 (light industrial)

Proposed Use: Existing mixed use building that includes Electro-Mechanical, an I-2 Contractor's yard with a nonconforming use certificate (BZZ 1303, Board of Adjustment 8-27-2003); a change of nonconforming use to allow Antiquified, an existing antique store in the building; Teeners-an I-1 apparel and finished products business; Jose Mexican Food, a wholesale tortilla manufacturer permitted under food and beverage products in the I-1; Computer Gorilla, an I-1 Computers and accessories business; Warehouse/storage space; and Accessibility, a proposed I-1 Printing and publishing, including distribution use that provides assembly, packaging, and document conversion and destruction jobs for individuals with barriers and disabilities.

Concurrent Review: Change of nonconforming use from an I-2 (medium industrial) electro-mechanical contractor's office to an antique store, drive aisle width variance from 22 to 18 feet, and parking stall variance from 38 to 24.

Appropriate Section(s) of the Zoning Code: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement-specifically Section 525.520(6,7,8) "to reduce the applicable off-street parking requirements....", Chapter 530 Site Plan Review-specifically Table 530-1, Specific Uses –Principal parking facilities containing additions that total ten or more new parking spaces in any three year period, Chapter 531 – Nonconforming Uses and Structures, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards, Chapter 541-Off Street Parking and Loading, Chapter 543 On-premise Signs, Chapter 550 Industrial Districts.

City Planning Commission Actions of 10-25-04:

Glenn Grieder, The Alamo Building (BZZ-2015, Ward 1), 1517-19 Central Avenue NE (L Nichols)

A. Non-Conforming Use: Application by Glenn Grieder for a change of nonconforming use from an I-2 electro-mechanical contractor's (indoor) storage and yard to an I-2 indoor hydraulics assembler (Air-O-Flex) with yard delivery access for property located at 1517-19 Central Ave NE.

Action: The City Planning Commission **accepted the withdrawal** of the application for a change of nonconforming use from an I-2 electro-mechanical contractor's (indoor) storage and yard to an I-2 indoor hydraulics assembler (Air-O-Flex) with yard delivery access located at 1517-1519 Central Avenue NE in the I1 district.

B. Non-Conforming Use: Application by Glenn Grieder for a change of nonconforming use from an I-2 (medium industrial) electro-mechanical contractor's office to an antique store for property located at 1517-19 Central Avenue NE.

Action: The City Planning Commission adopted the findings and **approved** the application for a change of nonconforming use from an I-2 (medium industrial) electro-mechanical contractor's office to an antique store located at 1517-1519 Central Avenue NE in the I1 district, subject to the following conditions:

1. The items sold at the store under the antique license will meet the zoning code's definition of an antiques and collectibles store. An establishment where used property or cultural or collectible objects such as stamps, coins, sports memorabilia and art works are sold for collective purposes, where all or a substantial part of the value of the property is derived from its age, uniqueness or historical association.
2. The building code classification for that part of the Alamo building where Anitquified is located shall meet the applicable code requirements for an antique store, presumed to be B (Business) or M (Mercantile), prior to the store opening for retail use.
3. The entire building shall comply with the applicable fire code issues before the antique store opens for retail use.
4. Off-street parking for the antique store shall be provided.

C. Variance: Application by Glenn Grieder for a parking stall variance from 38 to 24 for property located at 1517-19 Central Avenue NE.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the required number of parking stalls from 38 to 24 for the uses in the Alamo building located at 1517-1519 Central Avenue NE in the I1 district, subject to the following condition:

1. Site of pole sign approved by Planning Department.

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D. Variance: Application by Glenn Grieder for a drive aisle width variance from 22 to 18 feet for property located at 1517-19 Central Avenue NE.

Action: The City Planning Commission **continued** the variance to the November 8, 2004 Planning Commission meeting. The variance is to reduce the required two way drive aisle width variance from 22 to 18 feet for uses in the Alamo building located at 1517-1519 Central Avenue NE in the I1 district, subject to the following condition:

1. The approval of a site plan for the property.

E. Site Plan Review: Application by Glenn Grieder for a site plan review for a parking facility containing 10 or more new parking spaces located at 1517-19 Central Avenue NE in the I-1 (light industrial) district.

Action: The City Planning Commission **returned** the site plan review application for an antique store and a parking facility containing 10 or more new parking spaces located at 1517-1519 Central Avenue NE in the I1 district, subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.
2. The final site plan shall show additional sidewalk of at least four (4) feet in width along the front of the building to connect the building entrances to the proposed parking facilities, new amenities to include accent landscaping in the NE and SE corners of the front parking lot adjacent to the NW and SW corners of the building, continuing maintenance to the West façade of the Alamo building, any new signage to the Central Avenue side of the property to include artistic qualities and/or historic characteristics, and the establishment of a landscaped setback five foot in width along the North property line in the contractor's yard.
3. The final site plan will show striped parking stalls, including a minimum of one van accessible HC stall and one short-term loading zone stall, in a row adjacent to the West façade of the building. The parking for the contractor's office and yard (Electro-Mechanical) will be provided in the rear of the building. Compact size stalls are subject to staff review and approval.
4. The uses in the entire building shall comply with the applicable fire and building classification use codes.
5. The applicant will consider adding bicycle parking to the final site plan.
6. The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements or the permit may be revoked for noncompliance.
7. All site improvements shall be completed by November 1, 2005 unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

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Background: The 81,470 sf (141 x 577.8) property located at 1517 Central Avenue NE and stone/masonry building located thereon, commonly known as The Alamo building, was constructed in 1902. A metal addition connected to the Alamo building was constructed in circa 1960 which created a common party wall with the neighboring building located at 1515 Central Avenue NE, the adjacent property to the South. The applicants have provided a summary of industrial and manufacturing uses that have occupied the building from 1904 beginning with the Imperial Tractor factory to the current tenant mix and storage area. Staff has been deluged with questions, comments, and opinions about the operation and impact of the existing and proposed uses in the Alamo building. The primary concerns include: building occupancy classification and fire code compliance; off-street parking and vehicular circulation including the impact on truck and freight traffic serving 1515 and 1513 Central Avenue NE; landscaping and air quality; hours of operation and noise and odors in the outdoor yard; and generally speaking existing and potential impacts on adjacent properties. As part of the 1999 zoning code revisions, the subject property (1517 Central Avenue NE) was rezoned by the City from M1 (light industrial) to I1 (light industrial) to provide a buffer between residential uses and future industrial activities. The new I1 district allows a more limited range of uses than the previous M1 district allowed. The Board of Adjustment approved a nonconforming use certificate (BZZ 1303) for the existing I-2 contractor's yard on 8-27-2003. The applicant has withdrawn applications for a change of nonconforming use for Air-O-Flex, an I-2 hydraulics assembler, and to rezone the property to the ILOD (Industrial Living Overlay District). In 1955, the City Council passed a resolution to vacate a portion of Polk Street, and in 1957 a 32 foot street easement was established adjacent to Central Avenue. The Council member's office asked for a continuance from the October 25, 2004 CPC to allow more time for a resolution on the access issue of trucks moving through the site to be worked out between City staff, the applicants, nearby interested parties, and the Council office. It is planning staff's understanding that the proposed remedy for truck access is to post "no parking" signs along the 32 foot wide access road.

Findings Required by the Minneapolis Zoning Code for a variance to: reduce the required two way drive aisle width variance from 22 to 18 feet:

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

Construction began on the Alamo in 1902 and the building is located 90 feet back from Central Avenue, in line with and sharing a common building wall with the adjacent industrial neighbor to the South. The area between the front of the building and the lot line does not include amenities, and given the parking requirement of uses in the building and historic and existing use of the lot, the most apparent opportunities to provide landscaping and amenities at the site is immediately in front of the building and along the North property line. Staff is recommending that the applicants provide additional sidewalk of at least four (4) feet in width along the front of the building to better connect the building entrances to the proposed parking facilities located between the West façade of the building and Central Avenue NE. The property has a limited amount of space available for parking. The current configuration of the parking has this reduced drive aisle. Planning staff has recommended the nonconforming I2 contractor's yard to provide parking (13 stalls) to the rear of the building for its (Electro-Mechanical) employees and customers. A variance to reduce the required number of parking stalls from 38 to 24 was approved by the City Planning Commission on 10-25-04.

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Access to the site is off of Central Avenue NE at the NW corner of the property. In 1957, an easement of 32 foot width on the East side of Central Avenue NE (Hwy 65) for a public highway and street in, to, upon, over, and across the subject parcel and the parcels to South of subject parcel but North of the Railroad tracks was agreed to and established. The applicant (Glenn Greider) has indicated that when he purchased the property, Public Works staff contacted him about striking an agreement with the property owners to the South to lift the easement. At the Preliminary Plan Review meeting, existing Public Works staff did not indicate a desire to lift the easement. Apparently, the easement was created to accommodate truck traffic. The current businesses located to the South of the subject property, particularly Aaron Carlson Companies, has acknowledged that semi-truck and trailer traffic frequently drive East of the easement area through the Alamo building parking lot in order to make turns into the parking area as they are coming from the North and to make South bound turns as they exit from the parking area onto Central Avenue. Changing the easement agreement might be a negotiable item amongst the immediate businesses and property owners, but such easement revision would require some legal work and private agreements, as well as the involvement of the Public Works department and MnDOT. A shared parking agreement may also be a viable option for businesses in the immediate vicinity. Staff believes the parties involved will need to communicate and cooperate better than they have to date if they have a desire to provide the City with viable options to the existing conditions. A shared parking agreement that provides the applicants (the Alamo building) with a few parking stalls in exchange for allowing the trucks serving neighboring businesses to swing onto a designated area of the subject property in order to navigate turns to and from Central Avenue could be a starting point for this discussion. The applicant has currently proposed 24 parking stalls in front of the building and has indicated they will add bicycle parking as an amenity. Staff believes that the parking demand is low enough that the applicants can provide the parking stalls (including a minimum of one van accessible HC stall and one short term loading zone) adjacent to the Western façade of the subject building immediately. Staff is recommending the applicant and adjacent interested parties meet privately to determine if a revised parking and traffic circulation plan that substantially provides for the needs of all those businesses in the area can be negotiated and submitted to the City for review, but is requiring that the CPC approved parking lot improvements be implemented in one year.

- 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.**

The Alamo building was constructed in 1902 and the existing footprint of development (building, yard, and parking area) on the site was established approximately 40 years ago. The circumstances are unique to the parcel of land for which the variance is sought in that an easement of 32 foot width on the East side of Central Avenue NE (Hwy 65) for a public highway and street in, to, upon, over, and across the subject parcel and the parcels to South of subject parcel but North of the Railroad tracks was established in 1957. This condition was not 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.**

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The parking area in front (West side) of the Alamo building is currently used (without striping) in a similar manner as to the proposed parking configuration of the applicant's site plan. The Alamo building was constructed in 1902 and the existing footprint of development (building, yard, and parking area) on the site was established approximately 40 years ago. 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.

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.

The proposed variance should 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.

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 adopt the above findings and **approve** the variance to reduce the required two way drive aisle width variance from 22 to 18 feet for uses in the Alamo building located at 1517-1519 Central Avenue NE in the II district, subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final parking lot, landscaping, and site improvement plans.
2. The final plan will show sidewalk and door entrance space of at least four (4) feet in width along the front of the building, landscaping, and; striped parking stalls, including a minimum of one van accessible HC stall and one short-term loading zone stall, in a row adjacent to the West façade of the building. The parking for the contractor's office and yard (Electro-Mechanical) will be provided in the rear of the building.
3. The above stated improvements shall be completed by November 1, 2005 unless extended by the Zoning Administrator, or permits may be revoked for noncompliance.

Attachments:

1. Staff report and zoning code information
2. Statement of use, findings and neighborhood correspondence
3. City Actions and related maps and correspondence
4. Zoning maps
5. Site, landscaping and floor plans
6. Photos