

Department of Community Planning and Economic Development – Planning Division
Change of Non-Conforming Use
BZZ-4832

Date: August 2, 2010

Applicant: Mark Smith with Max-it-Pawn

Addresses of Property: 815, 825 and 829 Cedar Avenue

Project Name: Max-it-Pawn

Contact Person and Phone: Howard Roston with Malkerson Gunn Martin LLP, (612) 455-6655

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: June 23, 2010

End of 60-Day Decision Period: August 22, 2010

End of 120-Day Decision Period: Not applicable for this application.

Ward: 6 **Neighborhood Organization:** Seward Neighborhood Group

Existing Zoning: C3A Zoning District and the PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 21

Legal Description: Not applicable for this application.

Proposed Use: Pawnshop

Concurrent Review:

Change of Non-Conforming Use: from a motorcycle sales and repair shop to a pawnshop located in the C3A Zoning District and the PO Pedestrian Oriented Overlay District

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures

Background: The applicant is proposing to convert the building located at 815 Cedar Avenue from a motorcycle sales and repair shop to a pawnshop. The property is zoned C3A Community Activity Center and is in the PO Pedestrian Oriented Overlay District. In this zoning district neither motorcycle sales and repair shops or pawnshops are allowed. In addition, motorcycle sales and repair shops are prohibited in the PO Pedestrian Oriented Overlay District. Given this the applicant needs to apply for a change of non-conforming use application.

The subject property is approximately 32,371 square feet in size and consists of a one story commercial building and two separate surface parking areas. The applicant is proposing several modifications to the building and the site. Changes include the enlarging of the existing windows, adding awnings over the windows and entrance, repainting the building and installing new signage. Additionally the applicant will be landscaping and screening the parking areas on the site, closing several curb cuts leading to the site and landscaping the public right-of-way.

The building is approximately 21,984 square feet in size. The pawnshop will occupy the entire building. The west half of the building will be occupied by the retail store and the east half will be used for the receipt, sorting and processing of goods. The applicant has indicated that the east half of the building could be occupied by another commercial tenant sometime in the future.

The parking lot located on the corner of Cedar Avenue and 9th Street South (825 and 829 Cedar Avenue) is under separate ownership than the building. The applicant has signed a lease for use of the parking spaces during business hours with the owner.

CHANGE OF NONCONFORMING USE

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 property is located on the southeast corner of Cedar Avenue and Minnehaha Avenue. The property occupies the majority of the block which is shaped like a triangle. Uses surrounding the property include transportation facilities, nightclubs, restaurants, offices and high-density residential developments. A pawnshop is classified as a retail sales and services use in the Minneapolis Zoning Code. The Planning Division believes that a pawnshop would be compatible with the adjacent uses located within the surrounding area.

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

(a) Hours of operation: According to the applicant, the use would operate Monday through Saturday from 10:00 am until 7:00 pm and on Sunday from 10:00 am until 6:00 pm. The Planning Division is not aware of what the former businesses hours of operation were but the hours were likely similar to the hours the applicant is proposing.

(b) Signage: There are existing wall signs located on the Cedar Avenue and Minnehaha Avenue sides of the building. The applicant proposes to maintain signage on these two sides of the building. The applicant is proposing a total of 39 square feet of signage on the Cedar Avenue

side of the building and 98 square feet of signage on the Minnehaha Avenue side of the building. All of the proposed signs will require a separate sign permit from the Zoning office.

(c) Traffic generation: The proposal to locate a pawnshop on the site would not be expected to result in an increase in traffic generation. There are two off-street parking areas located on the site. One is located on the corner of Cedar Avenue and Minnehaha Avenue and the other is located on the corner of Cedar Avenue and 9th Street South. As part of this application the curb cut along Minnehaha Avenue will be closed as will a number of curb cuts along 9th Street South. The closing of these curb cuts will help minimize traffic congestion in the public streets.

(d) Off-street parking and loading: The minimum parking requirement for a pawnshop is one space per 500 square feet of gross floor area in excess of 4,000 square feet. The building is 21,984 square feet in size which requires 36 parking spaces. In the PO Pedestrian Oriented Overlay District the minimum off-street parking requirement for nonresidential uses is 75 percent of the minimum requirement specified in Chapter 541, Off-Street Parking and Loading. Seventy-five percent of 36 parking spaces is 27 parking spaces. The maximum parking requirement for a pawnshop is one space per 200 square feet of gross floor area. The building is 21,984 square feet in size which requires 110 parking spaces. In the PO Pedestrian Oriented Overlay District the maximum off-street parking allowance for nonresidential uses is 75 percent of the maximum allowed as specified in Chapter 541, Off-Street Parking and Loading. Seventy-five percent of 110 parking spaces is 83 parking spaces.

The parking requirement for the former business was 23 parking spaces. The former business used the majority of the building for motorcycle manufacturing and storage. In addition there were two repair bays and approximately 2,000 square feet of retail sales area. The parking requirement for the former business was calculated based on the different functions of the business. If the parking requirement for the former business was calculated as an automobile repair use the parking requirement would have been 39 spaces. The proposed use of the building is similar in that the majority of it will be used for warehousing which has a much lower parking requirement than a pawnshop does.

Before considering applicable incentives, the minimum parking requirement for the pawnshop is 27 parking spaces. There will be a total of 26 parking spaces available for the pawnshop. Six of the parking spaces are located on the site and the other 19 parking spaces are in the parking lot located on the corner of Cedar Avenue and 9th Street South which the applicant is leasing for his use. The minimum automobile parking requirement for the pawnshop may be reduced ten percent or one space, whichever is greater, where bicycle parking spaces are provided equal to 25 percent of the number of required automobile spaces. Twenty-five percent of 27 spaces is seven spaces. The applicant is proposing to provide a bike rack on the site which can accommodate a total of six bicycles. The Planning Division is recommending the bike rack accommodate a minimum of seven bicycles. This reduces the parking requirement by three spaces.

With the closure of the curb cut along Minnehaha Avenue the two eastern most parking spaces do not have access to an adequately dimensioned drive aisle. Given this the Planning Division is recommending that the two eastern most parking spaces be removed and the area be used for

additional green space on the site. After removing the two eastern most parking spaces from the site the total number of parking spaces being provided is 24. With the three space reduction for providing bicycle parking the parking requirement for the pawnshop is 24 spaces. In summary, the minimum number of off-street parking spaces required by the ordinance, and the expected parking demand, is approximately the same as the previous use.

(e) Nature of business operations: The nature of the business is retail sales and services.

(f) Number of employees: The applicant has indicated that the maximum number of employees working in the store at any one time will be seven.

(g) Building Bulk: The applicant is not proposing to make any changes to the size of the building. Changes to the building include the enlarging of the existing windows, adding awnings over the windows and entrance, repainting the building and installing new signage.

(h) Aesthetic impacts on surrounding property: The applicant is proposing several modifications to the building and the site that will improve the aesthetic impacts on surrounding properties. Changes include the enlarging of the existing windows, adding awnings over the windows and entrance, repainting the building and installing new signage. Additionally the applicant will be landscaping and screening the parking areas on the site, closing several curb cuts leading to the site and landscaping the public right-of-way.

(i) Noise, odor, heat, glare and vibration: The proposed use would not be expected to have any significant impacts as it relates to noise, odor, heat, glare or vibration.

(j) Other: Pawnshops are subject to Chapter 536, Specific Development Standards of the zoning code. The specific development standards for a pawnshop are:

(1) The use shall be located at least 1,000 feet from all existing pawnshops, currency exchanges, missions and secondhand goods stores.

The use is located more than 1,000 feet from all existing pawnshops, currency exchanges, missions and secondhand goods stores.

(2) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.

The applicant is not proposing to have any of these sign types located on the site.

(3) The window and door area of any existing first floor facade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.

The applicant is proposing to increase the size of each window from 16 square feet to 64 square feet along both the Cedar Avenue and Minnehaha Avenue sides of the building. In addition, one additional window is being added to the Cedar Avenue side of the building. In order to ensure

that views into and out of the building are not blocked the Planning Division is recommending that the proposed windows be made of clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

(4) For new construction, at least 30 percent of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level.

The building is existing.

(5) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

The applicant has indicated that video technology will be used in the store for security purposes. The applicant has indicated that no physical devices are used.

(6) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

The applicant has indicated that the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet will be inspected regularly for purposes of removing any litter found thereon.

(7) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

The pawnshop will occupy the entire building. The west half of the building will be occupied by the retail store and the east half will be used for the receipt, sorting and processing of goods. The applicant has indicated that the east half of the building could be occupied by another commercial tenant sometime in the future. If in the future the east half of the building is occupied by another commercial tenant then space within the west half of the building will need to be designated for the receipt, sorting and processing of goods.

The Planning Division would not expect the proposed use to be more intense than the former motorcycle sales and repair shop. Therefore the Planning Division would support the change of a non-conforming use to a pawnshop.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the change of non-conforming use:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the Change of Non-Conforming Use from a motorcycle sales and repair shop to a pawnshop located in the C3A Zoning District and the PO Pedestrian Oriented Overlay District for the property located at 815, 825 and 829 Cedar Avenue subject to the following conditions:

1. The bike rack shall accommodate a minimum of seven bicycles.
2. The two eastern most parking spaces shall be removed and the area shall be used for additional green space on the site.
3. Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.
4. The proposed windows shall be made of clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
5. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
6. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.
7. If in the future the east half of the building is occupied by another commercial tenant then space within the west half of the building shall be designated for the receipt, sorting and processing of goods.
8. Approval of the final site and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
9. All site improvements shall be completed by August 2, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

Department of Community Planning and Economic Development – Planning Division
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1. Preliminary Development Review Report for June 23, 2010
2. Responses to the comments from the Preliminary Development Review meeting
3. Statement of proposed use
4. Responses to the findings for a Change of Non-Conforming Use
5. Responses to the Specific Development Standards for a pawnshop
6. Parking lot lease
7. June 14, 2001, letter to Council Member Lilligren, Council Member Gordon, the Seward Neighborhood Group, Ventura Village and the West Bank Community Coalition
8. Zoning Map
9. Existing and proposed site plan, elevations and 3D images of the site
10. Photographs of the site and surrounding area
11. Photographs of the proposed fence