

**Department of Community Planning and Economic Development – Planning Division**  
Expansion of a Nonconforming Use  
BZZ-1875

**Date:** August 23, 2004

**Applicant:** William Sanigular

**Address of Property:** 2426 Plymouth Avenue North

**Project Name:** Uncle Bill Food Market and Deli

**Contact Person and Phone:** Joe Togba, (763) 913-9074

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

**Date Application Deemed Complete:** July 23, 2004

**End of 60-Day Decision Period:** September 22, 2004

**End of 120-Day Decision Period:** Not applicable

**Ward: 5      Neighborhood Organization:** Northside Residents Redevelopment Council

**Existing Zoning:** R1A

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 12

**Legal Description:** Not applicable for this application

**Proposed Use:** Deli

**Concurrent Review:**

**Expansion of a nonconforming use:** to add a deli to the existing grocery store in the R1A zoning district.

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

**Background:** The building was originally built in 1920. The building has always contained dwelling units and commercial space. William Sanigular has operated a grocery store in the building since 1986. In an effort to offer a wider variety of goods and services, the applicant is proposing to add a deli to the grocery store. The majority of the deli service will be take-out but there will be a place for two to three people to sit down within the building.

**EXPANSION OF A NONCONFORMING USE**

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

**The Department of Community Planning and Economic Development – Planning Division has analyzed the application and makes the following findings:**

**The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):**

**1. A rezoning of the property would be inappropriate.**

In order to make the property conforming it would need to be zoned commercial. The subject property and the adjacent three commercial buildings to the east are all located in the R1A zoning district and are all nonconforming. Rezoning the property to a commercial district would only promote more intensive development on the property. The Planning Division does not believe that it would be appropriate to rezone this property.

**2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.**

The deli will occupy a portion of the existing grocery store. Therefore, the footprint of the building will not be changing as a result of this expansion.

**3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.**

The Planning Division does not believe that the expansion will increase adverse, off-street impacts such as traffic, noise, dust, odors or parking congestion. The deli is accessory to the grocery store and does not increase the parking requirement for the use.

**4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

Overall the property has been well maintained. A portion of the existing chain link fence appears to have been hit and needs to be repaired. In addition, given the number of dwelling units and the commercial space within the building there are several trash receptacles located near the back of the property. The applicant needs to construct an enclosure to conceal the trash receptacles.

**5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling**

**units on the subject property than is allowed by the regulations of the district in which the property is located.**

No dwelling units are being added to the site as a result of this expansion.

**6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

This site is not located in the Floodway District.

**7. The enlargement, expansion, relocation, structural alteration or intensification is consistent with the policies of the comprehensive plan.**

The site is located in a low-density residential area. In addition, Plymouth Avenue is a designated Community Corridor and the intersection of Penn Avenue North and Plymouth Avenue North, which is located three blocks to the east of the site, is a designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.
- 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 development supports these principles and policies.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the expansion of a nonconforming use:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the expansion of a nonconforming use application to add a deli to the existing grocery store in the R1A zoning district located at 2426 Plymouth Avenue North subject to the following conditions:

1. The existing chain link fence shall be repaired.
2. The applicant shall construct an enclosure to conceal the trash receptacles.
3. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Department of Community Planning and Economic Development – Planning Division  
BZZ-1875

4. Approval of the final trash receptacle enclosure by the Community Planning and Economic Development Department – Planning Division.

**Attachments:**

1. Statement of proposed use
2. Response letters from surrounding property owners
3. Zoning Map
4. Site and floor plans
5. Photographs of the site