

**Community Planning and Economic Development - Planning Division Report**  
Change of a Nonconforming Use  
BZZ-4790

**Date:** June 14, 2010

**Applicant:** One Yoga

**Address of Property:** 2609 Aldrich Avenue South

**Contact Person and Phone:** Kris Kiel,

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** May 19, 2010

**End of 60 Day Decision Period:** July 18, 2010

**Ward:** 10      **Neighborhood Organization:** Lowry Hill East Neighborhood Association

**Existing Zoning:** OR1 Office Residence District

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

**Zoning Plate Number:** 24

**Proposed Request:** Change of nonconforming use to allow for a minor sports and health facility.

**Change of nonconforming use:** from a minor automobile repair use to a minor sports and health facility in the OR1 Neighborhood Office Residence District.

**Applicable Code Provisions:** Chapter 531 Nonconforming Uses and Structures; Section 531.80.

**Background:** The applicant is requesting a change of a nonconforming use to allow for a yoga studio in the OR1 District for property located at 2609 Aldrich Avenue South. The yoga studio has been in operation for the past seven years and located at 2100 Lyndale Avenue South. A yoga studio is classified as a minor sports and health facility in the zoning code. The previous legal nonconforming use in this tenant space was a motorcycle repair shop, which is classified in the zoning code as a minor automobile repair. The property's first zoning classification was Commercial in the 1924 Zoning Ordinance. In 1963, the property was downzoned to R6 Multiple Family District. The property was rezoned from R6 to B3S-2 in 1964. Through a rezoning study, the property was again downzoned to R5 Multiple Family District. The property was successfully rezoned again to B2S-1 Neighborhood Service District in 1976, to allow an addition to an existing cleaning service.

The subject property was rezoned to OR1 Office Residence District in 1999. There are existing offices located in the principal structure along Aldrich Avenue South, which are permitted in the OR1 District;

CPED - Planning Division Report  
BZZ-4790

no changes of these uses are proposed. The proposed yoga studio will be located in the second principal structure on the property, which lies adjacent to the alley with frontage along 26<sup>th</sup> Street West. Minor sports and health facility is a prohibited use in the OR1 District. Therefore, the applicant is applying to for a change of nonconforming use.

The site plan was reviewed previously reviewed in 2007 and is not presently in compliance. Staff is recommending that if the planning commission approves the proposed use, that a condition of approval be that the site plan come into compliance with the previously approved plan.

The applicant attended the Lowry Hill East Neighborhood Association (LHENA) Zoning and Planning Committee on April 14, 2010, to request a variance to reduce the minimum parking requirement. It has since been determined that there are nonconforming rights and sufficient parking provided on the property and the parking variance is not required. The only required land use application for the proposed use is a change of nonconforming use. LHENA has not submitted a response regarding the application for a change of a nonconforming use. Staff will forward comments, if any are received, at the City Planning Commission meeting.

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

**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 site is bordered by residential uses to the south and across Aldrich Avenue South, but there is a nightclub and restaurant across the alley, which are along Lyndale Avenue South, an existing Commercial Corridor, to the east, and a mixed use building on the corner of 26<sup>th</sup> Street West and Aldrich Avenue South.

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

**(a) Hours of operation:** The hours of operation for the motorcycle repair shop were Monday through Friday from 10:00 a.m. to 7:00 p.m. and Saturday from 10:00 a.m. to 4:00 p.m. The proposed hours of operation for the yoga studio will be from 9am to 9pm, seven days per week. This use complies with the maximum hours open to the public of Sunday through Thursday, from 7:00 am to 10:00 pm and Friday through Saturday, from 7:00 am to 11:00 pm.

**(b) Signage:** The minor auto repair had previously installed a 3 ft. by 6 ft., non-illuminated wall sign along 26<sup>th</sup> Street West. One flat, non-illuminated wall sign is permitted for the use, as long as it does not exceed 16 square feet in area or 14 feet in height.

CPED - Planning Division Report  
BZZ-4790

**(c) Traffic generation and safety:** The minor auto repair had approximately 25 customers per day. There were 3 motorcycle lifts, which equal the same size as 1 car lift. The applicant is proposing to have seven classes per day. Five of the seven classes will be held during the normal work week, so traffic will be highest while residents are at work. In addition, the applicant has stated that they expect many of their customers will walk, bike and use public transit to get to their use.

**(d) Off-street parking and loading:** The parking requirement for the previous use was approximately 10 vehicle spaces and 0 bicycle parking spaces. The proposed yoga studio also requires 10 off-street parking spaces and 3 bicycle spaces. The applicant has stated that the site has 7 off-street parking spaces that would be shared between all of the uses on the property.

**(e) Nature of business operations:** The previous use was a minor automobile repair, which included tire changes, rim work, wheels, brakes, and some retail associated with the use, which falls under the definition of minor auto repair. The proposed yoga studio is defined as a minor sports and health facility. Accessory to the yoga studio will be a small retail component and an aesthetician and acupuncturist.

**(f) Number of employees:** The minor auto repair had three employees; the proposed yoga studio will have two full-time employees. In addition, they will have two bookkeepers, one freelance outreach coordinator and eight freelance yoga instructors. In addition there are 13 work-trade people who work for the studio.

**(g) Building Bulk:** The two buildings on the property cover most of the site with the exception of a small parking area adjacent to Aldrich Avenue South. No change is proposed.

**(h) Aesthetic impacts on surrounding property:** The two buildings on the property cover most of the site with the exception of a small parking area adjacent to Aldrich Avenue South. The site plan was reviewed previously reviewed in 2007 and is not presently in compliance. Staff is recommending that if the planning commission approves the proposed use, that a condition of approval be that the site plan come into compliance with the previously approved plan.

**(i) Noise, odor, heat, glare and vibration:** The motorcycle repair shop utilized tools necessary for minor automobile repair such as air compressors, shop lights, and tire machines. According to the applicant, noise, vibration and odor will decrease significantly from the previous occupant. And that there will be no additional heat or glare as outside lighting is already in place.

With the attached conditions of approval the proposed use of minor sports and health facility should not be more intense that the previous use at the site.

CPED - Planning Division Report  
BZZ-4790

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the change of nonconforming use from a minor automobile repair use to a minor sports and health facility located at 2609 Aldrich Avenue South in the OR1 Neighborhood Office Residence District subject to the following conditions:

1. CPED Planning staff review and approval of the final site, elevation, floor and landscaping plans.
2. All site improvements shall be completed by September 14, 2010, unless extended by the Zoning Administrator.
3. The refuse containers shall be screened according to 535.80 of the zoning code.
4. Any new signage must obtain approval from CPED-Planning.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Copies of letters sent to Lowry Hill East Neighborhood Association and CM Tuthill
- 3) Meeting agenda for Lowry Hill East Neighborhood Association
- 4) Correspondence from a neighbor
- 5) Zoning map
- 6) Site Plan/floor plan
- 7) Elevation drawings
- 8) Photos