

## Community Planning and Economic Development Planning Division Report

### Change Of A Legal Nonconforming Use

BZZ - 3644

**Date:** July 16, 2007

**Applicant:** Kassim Abdille

**Address Of Property:** 1001 24<sup>th</sup> St E

**Contact Person And Phone:** Kassim Abdille, 612-824-2291

**Planning Staff And Phone:** Tara Beard, 612-673-2351

**Date Application Deemed Complete:** June 18, 2007

**End of the 60 Day Review Period:** August 17, 2007

**End of the 120 Day Review Period:** N/A

**Ward:** 9      **Neighborhood Organization:** Midtown Phillips Neighborhood Association, adjacent to Ventura Village.

**Existing Zoning:** R2B Two Family District

**Zoning Plate:** 20

**Proposed Use:** Combined home-care and freighter dispatch offices.

**Concurrent Review:** Change of a legal non-conforming use from a dollar/clothing store to a home-care/freighter dispatch office.

**Appropriate Section(s) of the Zoning Code:** Chapter 531 Nonconforming Uses and Structures

**Background:** The mixed-use building located at 1001 24<sup>th</sup> St E was built in 1900 and has been used as commercial space on the first floor and 4 dwelling units on the second floor as far back as records show. The building pre-dates zoning districts but has been zoned residential since the first zoning code in 1924. Therefore the commercial use(s) located on the first floor have been nonconforming since that time as well.

The commercial uses in the building were primarily home improvement/contracting businesses from as far back as records go until the recent past. In 2004 the City approved a Change of Nonconforming Use to allow a clothing/dollar retail store and coffee shop in the building. The clothing/dollar store has been

out of business for over a year and since then the applicant has been operating a home-care business. In May of 2007 zoning inspection staff responded to a complaint and determined that the home-care business was not legally established. The applicant then applied for a change of nonconforming use from the clothing/dollar store to the home care business.

The same applicant is also proposing to run a freighter dispatch business from the same location. The freighter dispatch business would share employees, space, and equipment with the home care business. The dispatch business would not involve any vehicles or trucks at this location but would be primarily a telephone business. Staff has determined that the two businesses operate essentially as one and does not consider the dispatch business a different use which would require an expansion of a nonconforming use.

The parking requirement for the home care/dispatch business is the same as the clothing/dollar store. Eight spaces for the commercial uses are grandfathered, as are four for the dwelling units on the second floor. Four of the grandfathered commercial spaces that counted toward the clothing/dollar store would therefore meet the requirements of the home care/dispatch business.

**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 adjacent neighborhood is largely residential and zoned R2B, but the site is across 24<sup>th</sup> St E from an I1 district with a shopping center. The site is one block west of a new mixed use development zoned and designed for office and commercial uses (the building is currently vacant). The subject building has always operated with commercial uses on the first floor, but parking in the area has been a concern. The proposed use operates as an office with little to no consumer traffic. The home care service

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

**(a) Hours of operation:** The clothing/dollar store was open from 10AM to 10PM. The home care/dispatch business is proposing hours from 9AM to 7PM Monday through Friday and 10AM to 5PM Saturday and Sunday. These hours are within the district regulations for hours of operation. The proposed use has fewer hours than the previously approved nonconforming use.

**(b) Signage:** There are no proposed changes to the existing signage. Staff was unable to determine what signage was previously permitted for the clothing/dollar store.

**(c) Traffic generation and safety:** Traffic generation should be less than the previously approved retail use. Both the home care and dispatch uses operate internally without customer

generation on site. The proposed use would have less impact on traffic generation and safety than the previously approved retail use.

**(d) Off-street parking and loading:** The proposed use requires four parking spaces which are grandfathered by right for the building. Loading, which was needed for the clothing/dollar store, will not be a regular part of the home care/dispatch businesses.

**(e) Nature of business operations:** The home care business coordinates Personal Care Attendant services for clients. These services occur in the client's home and not on site. The freighter dispatch service will dispatch trucks nationwide with no need for truck activity on site.

**(f) Number of employees:** The home care and dispatch businesses share five employees. The clothing dollar store listed only three employees on site at one time. However, the lack of customers on site for the proposed uses indicates that overall the number of people on site at a given time will decrease relative to the clothing/dollar store.

**(g) Building Bulk:** No change to the building size is proposed.

**(h) Aesthetic impacts on surrounding property:** The applicant is not proposing any changes to the building exterior.

**(i) Noise, odor, heat, glare and vibration:** The proposed use should not result in increased lighting, noise, odors, glare or vibration.

Based on the above analysis and with the attached conditions of approval the proposed use of a home care/dispatch office should not be more intense than the previous uses at the site.

### **RECOMMENDATION:**

#### **Recommendation of the Community Planning and Economic Development Planning Division:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to change a legal nonconforming use from a dollar/clothing store to a home care/freighter dispatch office at 1001 24<sup>th</sup> St E, subject to the following conditions:

1. Trucks and vehicles associated with the dispatch function will not be used, located or parked on or near the subject site.

#### **Attachments:**

1. Statement of use and change of nonconforming use findings
2. Zoning map
3. Site plan and floor plans
4. Photos of the site and surrounding area