

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Variances,  
BZZ-2044

**Date:** November 8, 2004

**Applicant:** Kristi Oman

**Address of Property:** 3100 Johnson Street Northeast

**Contact Person and Phone:** Kristi Oman, 612/270-8252

**Planning Staff and Phone:** Fred Neet, 612/673-3242

**Date Application Deemed Complete:** October 15, 2004

**End of 60-Day Decision Period:** December 14, 2004

**End of 120-Day Decision Period:** February 12, 2004

**Ward: 1**      **Neighborhood Organization:** Waite Park Community Council

**Existing Zoning:** OR1

**Proposed Zoning:** C1

**Zoning Plate Number:** 6

**Legal Description:** Lot 15, Block 8, Koko Heights

**Proposed Use:** beauty salon

**Concurrent Review:** Variance to reduce the north side yard from 5 to 0 feet to allow parking

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, and Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”

**Background:** The structure was built in 1924 to the south and east lot lines, apparently as a commercial building. In 1999, the site was rezoned from B2-1 to OR1. Between 1994 and 2002 the property was used for offices, but has been vacant since 2002. Grandfathered rights to 4 parking spaces have been lost due to the vacancy.

The applicant wishes to lease or sell the property for establishment of a beauty salon which requires rezoning to C1 or OR2. However, “neighborhood serving retail sales and services,” which includes a beauty salon, in the OR2 district requires both a conditional use permit and 10,000 square feet of lot area. The site is 5020 square feet. In 1970, the property was zoned B2-1, but was denied rezoning to B2S-1 “to restore prior zoning rights.”

The lot is 40 feet wide which allows for 18-foot parking stalls with a 22-foot drive aisle from the alley. A variance for the north side yard, adjacent to a residential lot, from 5 required feet to 0 is also sought. A six-foot, 95% opaque fence is required for the rear 54 feet.

## **REZONING**

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

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

*The Minneapolis Plan* does not address this proposed zoning amendment directly. It is consistent with policies

**2.8 Minneapolis will develop the existing economic base by emphasizing business retention and expansion.**

**4.4 Minneapolis will 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.**

The prospective buyer has existing clients in the immediate area and seeks to relocate by reusing an existing, vacant, commercial building.

In addition, Johnson Street immediately to the south of 31<sup>st</sup> Avenue is designated a community corridor which encourages small retail services.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

Reuse of a commercial structure which has been vacant for over three years, except for limited storage only, is in the public interest as expressed by immediate neighbors and the neighborhood organization.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The entire area surrounding this small parcel is zoned R1A. The purpose of C1 designation is to allow small commercial uses compatible with adjacent residential uses. The property is on a bus route with a bus stop in front, and the intersection is fully controlled.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

Residential reuse of this particular structure does not appear reasonable, leaving only offices and churches as permitted uses in the OR1 district. Vacancy of more than three years also suggests that a larger category of uses is more appropriate for this site.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

The major change noted is that the property in its present zoning classification has remained vacant for over three years, apparently for the first time since original construction in 1924 according to available city records. It was rezoned OR1 in late 1999. Its previous classification of B2-1 permitted a beauty salon.

**VARIANCE**

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

**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.**

The owner has been unable to market the property for the limited uses permitted in the OR1 district. C1 uses are a broader category, including small retail services, which are still compatible with adjacent residential uses, but require a minimum of four parking spaces including one handicapped space.

**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 parcel is 40 feet wide which is the entire width required to establish parking spaces along the interior side yard, adjacent to a residence, with access to the rear of the corner side yard from the alley.

**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.**

Adequate parking would be provided with a decorative screen fence adjacent to the residential neighbor's garage and back yard, and a smaller decorative fence along the alley and fronting St. Anthony Parkway. Adverse effects on the neighborhood's character or adjacent properties are not indicated.

**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.**

Provision of appropriate parking spaces where none now exist will reduce congestion on Johnson Street, a collector street and Municipal State Aid roadway, and on 31<sup>st</sup> Avenue which functions as a frontage road for St. Anthony Parkway.

**RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning of 3100 Johnson Street Northeast from OR1 to C1.

**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 north side yard setback from 5 feet to 0.

**Attachments:**

1. Statement of use
2. Zoning map
3. Plans
4. Photos