

**Department of Community Planning and Economic Development – Planning  
Division**  
Rezoning, Conditional Use Permit, and Variance  
BZZ-5217

**Date:** August 1, 2011

**Applicant:** Asian Media Access, Inc., Attn: David Kang, 2418 Plymouth Avenue North, Minneapolis, MN 55411, (612) 376-7715

**Address of Property:** 2418 Plymouth Avenue North

**Project Name:** Asian Media Access (AMA) – Media Arts Complex (MAC)

**Contact Person and Phone:** Asian Media Access, Inc., Attn: David Kang, 2418 Plymouth Avenue North, Minneapolis, MN 55411, (612) 376-7715

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** July 5, 2011

**End of 60-Day Decision Period:** September 2, 2011

**End of 120-Day Decision Period:** On July 18, 2011, Staff sent a letter to the applicant extending the decision period to no later than October 31, 2011.

**Ward: 5 Neighborhood Organization:** Northside Residents Redevelopment Council (NRRC)

**Existing Zoning:** R1A (Single-family) District

**Proposed Zoning:** OR1 (Neighborhood Office Residence) District

**Zoning Plate Number:** 12

**Lot area:** 5,410 square feet or approximately .12 acres

**Legal Description:** Lot 16 and the East 1 foot of Lot 17, Block 6, South Lawn Addition to Minneapolis, Hennepin County, Minnesota.

**Proposed Use:** Use the existing structure as an educational arts center.

**Concurrent Review:**

- Petition to rezone the subject property from the R1A (Single-family) district to the OR1 (Neighborhood Office Residence) district to allow an Educational Arts Center.
- Conditional Use Permit to allow for the establishment of an Educational Arts Center within the existing structure.
- Variance of the off-street parking requirement.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, and Chapter 525, Article IX, Variances.

**Background:** The applicant proposes to rezone the property located at 2418 Plymouth Avenue North from the R1A district to the OR1 district in order to allow an educational arts center within the existing building located on the premises. Asian Media Access (AMA) Media Arts Complex (MAC) currently occupies the structure and uses the building for its offices. The property was rezoned to the R1A district (from the B2S-1, Neighborhood Service District) in 1976 as part of the Near North Urban Renewal Forty-Acre Study. Should the rezoning be approved, the building would be required to meet all applicable building codes as it pertains to the change in use, in addition to correcting any of the current building code issues. Educational art centers are defined in the Zoning Code as a facility owned and operated by a non-profit organization where lessons in the performing and visual arts are offered, including music, theatre and dance. The Zoning Administrator has made the determination that AMA's intended use is substantially similar to an educational arts center. Educational art centers are conditional uses in the OR1 district. A variance is also necessary as the building covers nearly the entire site and no off-street parking is provided. The applicant proposes to vary the off-street parking requirement for the use from 21 spaces to zero, where 4 spaces are grandfathered.

AMA would provide year-round multimedia arts training, cultural and artistic exhibitions, community forums and multimedia arts productions to support North Minneapolis community members with a focus on youth development (especially for underprivileged and underserved Asian and Pacific Islander immigrants and refugees). AMA will offer programs such as Youth Media Force, a media arts education and production youth group who work on service-learning projects for the community; R.I.C.E. (Reaching Immigrants with Care and Education), which offers employment services, training and jobs in the art and media fields; as well as health and social issue community forums. Asian themed cultural exhibitions and presentation in film/video, dance, theater and performing arts will also be offered.

Staff has not received official correspondence from the Northside Residents Redevelopment Council (NRRC) prior to the printing of this report. Any correspondence received after the printing of this report shall be forwarded on to the Planning Commission for consideration.

## **REZONING**

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

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located along Plymouth Avenue North which is a designated Community Corridor in this location and within an area designated as urban neighborhood. The intersection of Plymouth Avenue North and Penn Avenue North, which is also a designated Community Corridor (which is approximately 2 ½ blocks east of the site) is a Neighborhood Commercial Node that is designated as mixed-use. According to *The Minneapolis Plan for Sustainable Growth*, the following policies and implementation steps apply to this proposal:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, "Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan."

Land Use Policy 1.9 of *The Minneapolis Plan for Sustainable Growth* states, “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.” This policy includes the following applicable implementation step: (1.9.1) “Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

The proposal to rezone the parcel from the R1A district to the OR1 district in order to allow an educational arts center is in conformance with the above noted policies and implementation steps of the comprehensive plan.

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

A rezoning to the OR1 district would be considered primarily in the interest of the property owner as it would allow the existing structure to be used as an educational arts center. However, the amendment could also be considered beneficial to the public interest insofar as it would allow for the continued occupation of the building with a use that is appropriate along a designated Community Corridor.

**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.**

In the broader area, there are several different zoning classifications that are present along Plymouth Avenue North including R4, R5, with OR2 and C2 zoning located within the Neighborhood Commercial Node located at the intersection of Plymouth Avenue North and Penn Avenue North. The subject site and the majority of the properties to the north, east and southeast of the site are zoned R1A. The properties to the south, southwest and west of the site are zoned R5 and R4. The site is located along Plymouth Avenue North which is a designated Community Corridor in this location and within an area designated as urban neighborhood. Properties that border the subject site on both the east and west are both vacant. There are both residential and commercial uses within the immediate vicinity. Given the surrounding context and the fact that the subject property is located along a Community Corridor, Staff believes that the OR1 zoning district would be appropriate and compatible in this location.

**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.**

The structure was originally designed as a community center/church and constructed in 1953. The proposed adaptive reuse of the structure as an educational arts center is a reasonable use. It is very unlikely that the site would be redeveloped with low-density residential uses that are allowed in the current R1A zoning district. Planning Staff has included an attachment to the staff report which details the differences between the existing and proposed zoning classification for the 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.**

Under the 1963 Zoning Code, the subject property and the surrounding properties were zoned differently than they are zoned today. The properties lining the north side of Plymouth Avenue North in this area were zoned B2S-1 (as was the subject site, 2418 Plymouth Avenue North), north of the properties fronting Plymouth Avenue North the properties were zoned R3; to the south the properties were primarily zoned R1. Many of the properties in the area including the subject site were rezoned as part of the Near North Urban Renewal Forty-Acre Study in 1976. There has not been a significant change in the character and trend of development within the immediate area. However, Staff believes that the rezoning request is reasonable and consistent with adopted policy.

**CONDITIONAL USE PERMIT** – to allow an educational arts center.

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

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that allowing an educational arts center within the existing structure on the premises would be detrimental to or endanger the public health, safety, comfort or general welfare. The subject site has been used as an office for AMA for many years and the change in use to allow an educational arts center should be a benefit to those living in both the immediate and broader North Minneapolis vicinity.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

The Planning Division does not believe that an educational arts center would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. As previously noted, the building was originally designed as a community center/church, and the property has most recently been used as office space for AMA. It is anticipated that the proposal would help to strengthen and stabilize the area by providing needed services and amenities for the community.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The existing structure nearly occupies the entire site. There is no off-street parking provided on the property. The proposal to establish an educational arts center in the building should have no impact on the adequacy of utilities, access roads, drainage, or necessary facilities.

**4. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.**

Chapter 541 of the zoning code requires 1 parking space per classroom plus 1 parking space per 5 students based on the maximum number of students attending classes at any one time. Based on information supplied by the applicant, a total of 3 classrooms will be located within the educational arts center which requires 3 spaces; a total of 90 students would be the maximum number of students attending classes at any one time which would require 18 off-street parking spaces. Therefore, prior to consideration of grandfathered parking rights (which would be a 4-stall credit) 21 off-street parking spaces would be required for an educational arts center of this size. The applicant has filed a variance to reduce the minimum parking requirement to zero. There is no bicycle parking requirement for educational art centers; however, Planning Staff will recommend that the Planning Commission require that a minimum of 6 spaces be provided on site.

**5. Is consistent with the applicable policies of the comprehensive plan.**

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed conditional use permit application as well.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

If all land use/zoning applications are approved, including the rezoning, conditional use permit, and variance, the proposal would appear to comply with all applicable provisions of the OR1 District. The use is also subject to the specific development standards as outlined in Chapter 536 of the Zoning Code.

**VARIANCE** - to reduce the required off-street parking from 21 to zero spaces, where 4 spaces are grandfathered.

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

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Practical difficulties exist in complying with the ordinance because there is no associated off-street parking available on the premises. The single-story structure nearly occupies the entire lot; there is no opportunity for the applicant to provide off-street parking unless abutting parcels are purchased and incorporated into the development. The building was originally constructed in 1953 without the provision of off-street parking; the circumstances were not created by persons presently having an interest in the property.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The proposal to use the existing structure for an educational arts center is reasonable and will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The applicant is seeking a variance to reduce the required off-street parking from 21 spaces to zero spaces,

where 4 spaces are grandfathered. Allowing the structure to be adaptively reused, arguably in a manner that is consistent with the original intent of the building, is reasonable given the existing conditions, and further, is consistent with adopted policy as noted above in finding #1 in the rezoning application.

**3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The Planning Division believes that the granting of this variance would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal to utilize the existing structure for an educational arts center will likely help stabilize the area by providing services and amenities to area residents.

**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 petition to change the zoning classification of the property located at 2418 Plymouth Avenue North from the R1A district to the OR1 district.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow an educational arts center on the property located at 2418 Plymouth Avenue North subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The use shall comply with the Specific Development Standards as outlined in Section 536.20 of the Zoning Code.
3. Installation of bike racks that accommodate parking for a minimum of 6 bicycles.
4. The building shall meet all applicable building codes as it pertains to the change in use, in addition to correcting any of the applicable current building code issues.

**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 application to reduce the off-street parking requirement from 21 spaces to zero spaces, where 4 spaces are grandfathered for the property located at 2418 Plymouth Avenue North subject to the following condition:

1. Installation of bike racks that accommodate parking for a minimum of 6 bicycles.

**Attachments:**

1. Rezoning Matrix
2. Statement of use / description of the project
3. Findings
4. Correspondence
5. Zoning map
6. Plans – Site, floor plans
7. Photos