

Department of Community Planning and Economic Development - Planning Division
Change Of A Legal Nonconforming Use
BZZ-3113

Date: July 31, 2006

Applicant: Jeremy Bottem

Address Of Property: 2401 West Broadway

Project Name: Rusty's Tire and Rim

Contact Person And Phone: Jeremy Bottem 612-363-0864

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: July 5, 2006

End of the 60 Day Review Period: August 3, 2006

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

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 7

Legal Description: Not applicable for this application.

Proposed Use: Minor Automobile Repair

Concurrent Review: No other applications are required beyond the Change of a Legal Nonconforming Use. A Site Plan Review was approved in 2001 (SP-247 & PW#6992).

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures; Section 531.80 Change of use.

Background: The City changed the zoning on this site from the B3S Community Service District to the C1 Neighborhood Commercial District on November 22, 1999 as a part of the general remapping of the City with the adoption of the revised zoning code. At that time the building contained two tenants, Southside Motorsports and Detailed Auto Sales, that both were automobile sales uses. They also conducted automobile repair of the vehicles for sale as an accessory use. The C1 District does not allow used car sales or minor automobile repair that was not existing on the effective date of the zoning ordinance.

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The applicant provided evidence showing that the site had been legally licensed to sell used cars before the zoning was changed and continuously since the change. Therefore, a nonconforming use certificate (N-37) and site plan review (SP-247) for *wholesale* automobile sales and *accessory* automobile repair was approved by the City Planning Commission on May 14, 2001, subject to conditions for the site plan. A nonconforming use certificate (BZZ-325) for *retail* auto sales for Detailed Auto Sales was approved by the City Planning Commission on October 22, 2001, with specific parameters. The actions for both of these decisions are attached to this report.

Southside Motorsports has left the building and a new tenant, Rusty's Tire and Rim has been relocated from across the street into the building. Rusty's is a minor automotive repair use. This requires a change from a use car sales use with accessory minor auto repair (Southside Motorsports) to a principal minor auto repair use (Rusty's Tire and Rim).

As of the writing of this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward any comments, if received, to the Planning Commission at the meeting on July 31, 2006.

A nonconforming use may not be changed to any use other than a use permitted in the district in which the use is located, unless approved by the City Planning Commission. The City Planning Commission may approve a proposed change if it finds the proposed use is compatible with adjacent property in the neighborhood and is less intense than the existing nonconforming use.

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 east west, and south, but there are commercial and office uses adjacent to the building and to the north on West Broadway. While an automobile repair use might not be compatible adjacent to residential uses the use will be within an entirely enclosed building. With the attached conditions of approval the proposed change should be compatible with the area.

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

(a) Hours of operation: According to the applicant Southside Motorsports was open Monday through Friday from 8:00 a.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 4:30 p.m. Rusty's has the same hours.

(b) Signage: According to the applicant Southside Motorsports had a 4 foot by 8 foot (32 square feet) sign and Rusty's is proposing a 4 foot by 15 foot sign to replace the Southside

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Motorsports sign. The C1 district allows a maximum area of 45 square feet for individual wall signs, so the proposed sign is too large. If the change is approved, the sign should be limited to the allowable signage of the C1 District.

(c) Traffic generation and safety: Although Southside Motorsports was only approved for accessory automobile repair of the vehicles that they were selling wholesale, the applicant claims that they were always doing minor automobile repair for the public. They serviced on average 10-15 cars a day. Rusty's will service the same number of vehicles.

(d) Off-street parking and loading: The site has no off-street parking and will take cars inside for servicing. This is how Southside Motorsports conducted business.

(e) Nature of business operations: Southside Motorsports was approved to conduct wholesale auto sales with accessory auto repair, but the applicant claimed that they did repair for the public as well. The auto repair was minor. Rusty's works on tires, rims, wheel, and brakes, which falls under the definition of minor auto repair.

(f) Number of employees: Southside Motorsports had two employees and Rusty's will have two employees.

(g) Building Bulk: The building covers the entire site with the exception of a small drive connecting to the public alley. No change is proposed.

(h) Aesthetic impacts on surrounding property: The building covers the entire site with the exception of a small drive connecting to the public alley. No change is proposed.

(i) Noise, odor, heat, glare and vibration: Both uses utilize tools necessary for minor automobile repair such as air compressors, shop lights, and tire machines. The shop doors are closed when cars are in the shop.

With the attached conditions of approval the proposed use should not be more intense than the existing use at the site.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the change of a legal nonconforming use:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for a change in nonconforming use from wholesale automobile sales with accessory minor automobile repair to minor automobile repair for property located at 2401 West Broadway subject to the following conditions:

- 1) Compliance with all applicable conditions of approval from the previous actions of N-37; SP-247; and BZZ-235.

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- 2) That the hours open to the public be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 4:30 p.m. Saturday.
- 3) The signage shall comply with the requirements of the C1 District.
- 4) Rusty's Tire and Rim will manage workload so that cars are not stacking or stored in the public right-of-way and that all repair and storage of vehicles shall be within the building.
- 5) All auto repairs shall be limited to minor auto repair as defined by the zoning ordinance.
- 6) The vehicle service doors shall remain closed while vehicles are being repaired.

Attachments:

- 1) Statement from the applicant.
- 2) Zoning map.
- 3) Approved site plan.
- 4) Floor plans.
- 5) Previous actions.
- 6) Photos.