

**Community Planning and Economic Development - Planning Division Report**  
Change of a Nonconforming Use  
BZZ-3542

**Date:** May 21, 2007

**Applicant:** Art Spot, LLC

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

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

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

**Date Application Deemed Complete:** April 25, 2007

**End of 60 Day Decision Period:** June 24, 2007

**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 motorcycle repair shop and bicycle sales and repair business.

**Concurrent Review:**

**Change of nonconforming use:** from a cleaning service and contractor's office, with accessory uses including minor automobile repair and car wash, to a minor automobile repair use and a bicycle sales and repair use 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 motorcycle repair shop and bicycle sales and repair use in the OR1 District for property located at 2609 Aldrich Avenue South. The previous legal nonconforming uses included a cleaning service and a contractor's office, with accessory uses including minor automobile repair/fleet maintenance and a car wash. The use of the building since before 1963 has been the contractor's office with aforementioned accessory uses to maintain their maintenance vehicles used of property maintenance. 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

CPED - Planning Division Report  
BZZ-3542

successfully rezoned again to B2S-1 Neighborhood Service District in 1976, to allow an addition to an existing cleaning service.

According to 540.1060 in the Zoning Ordinance (1963), contractor or construction offices and display rooms only – such as building cement, electrical, heating, ventilating and air conditioning, masonry, painting, plumbing refrigeration and roofing were permitted uses. However, according to 540.370, no motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in a business district, except emergency repair service necessary to start vehicles. The Zoning Administrator made the determination that the use of the contractor's office, with minor auto repair and car wash, was substantially similar a taxi cab service company that does maintenance work on their vehicles and stated that this combination of uses was prohibited and therefore nonconforming. According to the Licensing Department, the Minneapolis Code of Ordinances exempts these types of uses with accessory fleet maintenance from having a motor vehicle repair license.

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; no changes of these uses are proposed. The proposed minor automobile repair and bicycle sales and repair uses are proposed in the second principal structure on the property, which lies adjacent to the alley with frontage along 26<sup>th</sup> Street West. Both minor automobile repair and bicycle sales and repair are prohibited uses in the OR1 District. It appears as though the bicycle sales and repair shop is already in operation, based on site visits. Therefore, the applicant is applying to for a change of nonconforming use.

As of the writing of this report, staff has received comments from the Lowry Hill East Neighborhood Association Zoning and Planning Committee, which recommended that the LHENA Board support the change of nonconforming use. Staff anticipates an additional letter from the LHENA Board, which will be meeting after the deadline of this report and included for review prior to the City Planning Commission public hearing.

**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 major automobile repair shop on the corner of 26<sup>th</sup> Street West and Aldrich Avenue South. While an automobile repair use might not be compatible adjacent to residential uses the use will be within an entirely enclosed building.

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

(a) **Hours of operation:** According to the applicant, there were no hours open to the public under the previous uses for a cleaning service or contractor's office. The proposed hours of operation for the motorcycle repair shop are 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 bicycle sales and repair are by appointment only. This use shall comply with the following regulations governing maximum hours open to the public, except where the city planning commission further restricts such hours, to 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:** According to the applicant, the only signage on the property was on the existing office building along Aldrich Avenue South, which is not proposed to change. Butch's Custom, the minor automobile use, is proposing to install a 3 ft. by 6 ft., non-illuminated wall sign along 26<sup>th</sup> Street West. Re-Cycle, the bicycle repair and retail shop, has already installed a non-illuminated wall sign that is approximately 2 ft. by 8 ft.; this permit was installed without first obtaining a sign permit. The maximum area for signage in the OR1 District for office uses is 8 sqft; therefore, both of the signs are too large. If the change is approved, the sign should be limited to the allowable signage of the OR1 District.

(c) **Traffic generation and safety:** Neither the contractor's office or the cleaning service were uses open to the public, however, according to the applicant, the repair facility of the contractor's office would have repaired an average of 12 cars at all times and stored and maintained 1 bobcat, 1 tractor and a few snow plows that were used as their maintenance vehicles. Butch's Custom anticipates approximately 25 customers per day. There are 3 motorcycle lifts proposed, which equal the same size as 1 car lift. Re-Cycle is an internet based company that has customers by appointment only.

(d) **Off-street parking and loading:** The parking requirement for the previous use was approximately 13 spaces. The proposed motorcycle repair shop would require 7 off-street parking spaces and the bicycle repair and retail shop would require 4 spaces; an overall reduction of 2 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. Motorcycles and bicycles would be taken inside for servicing.

(e) **Nature of business operations:** The previous uses included a contractor's office with fleet maintenance and car wash and a cleaning service. Since then, the automobile lift has been removed, and replaced with 3 smaller, motorcycle lifts that are the same area as one automobile lift. Butch's Custom works on tires, rims, wheel, brakes, and some retail associated with the use, which falls under the definition of minor auto repair. Re-Cycle repairs and sells recycled and reused bicycles, which falls under the definition of bicycle sales and repair.

(f) **Number of employees:** According to the applicant, the previous uses had 2 full-time employees at all times, with additional employees when needed. Butch's Custom will have three employees and Re-Cycle will have one employee.

CPED - Planning Division Report  
BZZ-3542

**(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.

1. **(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 property owner recently received building permits to remove the overhead door along 26<sup>th</sup> Street West and replace it with a new storefront entrance, improve the existing roof of the structure and install skylights and there are plans to punch out and install windows along the alley, and install new exterior lighting. There is an existing 6-foot high fence located along the south property line, adjacent to a duplex, which is in excess of the maximum 3 feet in the required front yard.

**(i) Noise, odor, heat, glare and vibration:** Both the previous use of fleet maintenance and the proposed motorcycle repair shop utilize tools necessary for minor automobile repair such as air compressors, shop lights, and tire machines. The shop doors are closed when motorcycles and bicycles are in the shops. The applicant has stated that the noise, odor, heat, glare and vibration levels should remain the same.

Based on the above analysis, the proposed use of minor automobile repair would be more intense and would have greater off-site impacts than the previous use at the site.

With the attached conditions of approval the proposed use of bicycle sales and repair should not be more intense than the previous uses at the site.

**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 **deny** the change of nonconforming use from a cleaning service and contractor's office, with accessory uses including minor automobile repair and car wash, to a minor automobile repair use in the OR1 Neighborhood Office Residence District and **approve** the change of nonconforming use from a cleaning service and contractor's office, with accessory uses including minor automobile repair and car wash, to a bicycle sales and repair use in the OR1 Neighborhood Office Residence District, subject to the following condition:

2. The existing sign be removed and any new signage must obtain approval from CPED-Planning.
3. Screening shall be maintained along the south property line and screening three feet in height shall be provided between the parking lot and the public sidewalk along Aldrich Ave. S. Such screening shall consist of a decorative fence, masonry wall, and/or a hedge.