

Department of Community Planning and Economic Development - Planning Division
Change of a Legal Nonconforming Use
BZZ-3888

Date: December 17, 2007

Applicant: Moua-Lor Chiropractic & Acupuncture, Attn: Yer Moua-Lor, 5059 Kings Terrace N., Brooklyn Park, MN 55443, (612)501-3565

Address Of Property: 1819 Lowry Avenue North

Project Name: Moua-Lor Chiropractic & Acupuncture

Contact Person And Phone: Moua-Lor Chiropractic & Acupuncture, Attn: Yer Moua-Lor, 5059 Kings Terrace N., Brooklyn Park, MN 55443, (612)501-3565

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

Date Application Deemed Complete: November 20, 2007

End of the 60 Day Review Period: January 18, 2008

End of 120-Day Decision Period: Not applicable for this application

Ward: 4 Neighborhood Organization: Jordan Area Community Council (adjacent to Folwell Neighborhood Association)

Existing Zoning: R4 (Multi-family) district

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 7

Lot area: 3,524 square feet or .08 acres

Legal Description: Not applicable for this application.

Proposed Use: Chiropractic and acupuncture clinic

Concurrent Review:

- Change of non-conforming use to allow a chiropractic and acupuncture clinic in an existing multi-tenant commercial structure in the R4 (Multi-family) district.

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

Background: The applicant proposes to locate a chiropractic and acupuncture clinic into two tenant spaces within an existing multi-tenant structure on the property located at 1819 Lowry Avenue North. The property is zoned R4 which does not allow commercial uses; a change of legal non-conforming use would be required. The building was constructed as a commercial structure in 1961 and there are currently four tenant spaces within the building. The applicant owns the property, and intends to relocate her clinic from 2136 Lowry Avenue North to the subject site due to Hennepin County's Lowry Corridor Project. The clinic would occupy two tenant spaces and would replace an existing barber shop called Moe Betta Cutz and BNV remodeling. The other two tenants including #1 Wireless and End Time Barbers, would remain.

As of the writing of this staff report, Staff has received no official correspondence from the neighborhood group. An email from an adjacent neighbor has been attached. Staff will forward any additional comments, if received, to the Planning Commission at the meeting on December 17, 2007.

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 property is located along Lowry Avenue North which is a designated Community Corridor in the Minneapolis Comprehensive Plan. The majority of the properties located along Lowry Avenue North on both sides of the street within the immediate vicinity are either commercially zoned or occupied by commercial uses. There are residential uses and zoning classifications to the south, east and west sides of the site. A chiropractic and acupuncture clinic would likely be compatible adjacent to the residential uses within the area and would not likely be any more intense than the barber shop and remodeling business that it is replacing.

The surface parking lot located on the east side of the site is paved up to the sidewalk and the compatibility with the surrounding area would be improved by incorporating landscaping and/or screening within the parking area. Planning Staff will recommend that the configuration of the parking be modified so that the 3 legal parking spaces are arranged in a manner that meets the Zoning Code requirements as well as include some landscaping to buffer and soften the site in between the building and the public sidewalk. Additionally, any asphalt located in the public right-of-way shall be removed and replaced with landscaping.

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

(a) Hours of operation: According to the applicant the clinic will operate Monday through Friday from 9:00 a.m. to 6:00 p.m. and will not have office hours on the weekends. These hours would be expected to be less intense than the combination of the barber shop and remodeling business although no details on the former businesses hours of operation are available from the applicant.

(b) Signage: According to the applicant the four signs currently on the structure for the barber shop and remodeling business will be replaced with two signs of the exact size for the new use as a chiropractic and acupuncture clinic. The signage will require a separate permit, and must not be any larger than the existing signage. Each business has two wall signs allocated on the structure. The removal of two signs would seem to lessen the intensity.

(c) Traffic generation: The proposal to add a clinic in the place of an existing barber shop and remodeling business would not be expected to result in an increase in traffic generation. There are currently 3 legal off-street parking spaces on the east side of the site that are shared by all of the businesses within the existing structure.

(d) Off-street parking and loading: There are currently 3 legal off-street parking spaces on the east side of the site that are shared by all of the businesses within the existing structure. The spaces in their current configuration do not meet the requirements in the Zoning Code. Alterations to the existing parking lot including landscaping and reconfiguration of the stalls would be recommended as a condition of approval. All asphalt located in the public right-of-way shall be removed and replaced with landscaping. The alterations to the surface parking lot would likely require that the applicant submit materials for Preliminary Development Review (PDR). The proposal to replace the existing barber shop and remodeling business with the proposed clinic does not result in additional required off-street parking. The rest of the required parking for the site has been grandfathered.

(e) Nature of business operations: The applicant would be providing both chiropractic and acupuncture services at the site should the change in non-conforming use application be approved.

(f) Number of employees: There will be a total of two employees at the clinic.

(g) Building Bulk: The building covers much of the site, with the exception of a small existing parking lot on the east side of the site. No change to the exterior of the structure or parking lot is proposed. The tenant space would require interior renovations in order to adapt it to the use as a clinic.

(h) Aesthetic impacts on surrounding property: The building covers much of the site, with the exception of a small existing parking lot on the east side of the site. No changes are proposed. The spaces in their current configuration do not meet the requirements in the Zoning Code. Alterations to the existing parking lot including landscaping and reconfiguration of the stalls would be recommended as a condition of approval. All asphalt located in the public right-of-way shall be removed and replaced with landscaping. The alterations to the surface parking

lot would likely require that the applicant submit materials for Preliminary Development Review (PDR). Please see the attached recommended site plan prepared by Staff for reference.

(i) Noise, odor, heat, glare and vibration: Neither the former or proposed use would be expected to have any significant impacts as it relates to noise, odor, heat, glare or vibration.

Planning Staff would not expect the proposed use to 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 to allow a chiropractic and acupuncture clinic on the property located at 1819 Lowry Avenue North subject to the following conditions:

- 1) That the hours open to the public be limited to 9:00 a.m. to 6:00 p.m. Monday through Friday.
- 2) Any new signage for the proposed chiropractic and acupuncture clinic requires a separate permit. The signage shall not be larger than the existing signage.
- 3) Alterations to the existing parking lot shall include landscaping and reconfiguration of the parking stalls. All asphalt located in the public right-of-way shall be removed and replaced with landscaping.
- 4) The alterations to the surface parking lot shall likely require that the applicant submit materials for Preliminary Development Review (PDR).
- 5) All site improvements shall be completed within 60 days of the completion of Hennepin County's Lowry Corridor Project or by January 17, 2008, whichever is later.

Attachments:

- 1) Statement from the applicant
- 2) Correspondence
- 3) Zoning map
- 4) Floor plan for the tenant space and parking lot plan
- 5) Photos