

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit  
BZZ-1862

**Date:** August 9, 2004

**Applicant:** Deanna Phillips, dba The Mix

**Address of Property:** 2728 West 43<sup>rd</sup> Street

**Project Name:** The Mix

**Contact Person and Phone:** Deanna Phillips, (612) 922-9995

**Planning Staff and Phone:** Lonnie Nichols, (612) 673-5468

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

**End of 60-Day Decision Period:** September 13, 2004

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

**Ward:** 13                    **Neighborhood Organization:** Linden Hills

**Existing Zoning:** C1 (Neighborhood Commercial) District and LH (Linden Hills) Overlay

**Proposed Zoning:** No Change in zoning proposed for this application

**Zoning Plate Number:** 29

**Legal Description:** not applicable for this application, no rezoning is proposed

**Proposed Use:** Antique Store in existing storefront of mixed-use building

**Concurrent Review:** Conditional Use Permit for Antique Store

**Applicable zoning code provisions:** Chapter 520 - Introductory Provisions, Chapter 521 - Zoning Districts and Maps, Chapter 525-Article VII-Conditional Use Permits, Chapter 536 - Specific Development Standards, Chapter 548 – Commercial Districts, Chapter 550 – Industrial Districts, Chapter 551 - Overlay Districts.

**Background and Code Compliance:** The subject location is the middle storefront in an existing, mixed-use building. The space was previously used by Floreal, a flower shop. The space is adjacent to a coffee shop (Coffee and Tea by Lee) to the west and sit-down restaurant (Rice Paper) to the east. Office space is located on the second floor of the building. BZZ 678, June 2002 was a minor site plan review for a previous restaurant tenant in the building approved

administratively by City staff. The zoning office has determined the storefront has grandfather rights to the required amount of parking (4 spaces) for the proposed antique store use. The Mix was informed by the City Licensing Department that they had established the said business without proper permits and approvals from the City. The Licensing Department delayed enforcement action at the site to allow The Mix to file for the appropriate zoning applications. The applicant submitted payment for an antique dealer B license with Minneapolis Regulatory Services-Licensing on June 25, 2004. An approval of the antique dealer B license from the Licensing Department is pending. Planning staff received payment for a conditional use permit (CUP) for an antique store in the C1 district for this land use application. On Monday, July 19, 2004 the Linden Hills Neighborhood Zoning Committee voted to not oppose a conditional use permit for The Mix.

The applicant's project description and written statements indicate that the applicant may have an interest in selling consignment clothing and second hand goods. Staff has received payment for and has reviewed this application as a CUP for an antique store only. Staff shared this information with the applicant over the telephone and has provided additional related zoning code references in the attachments. If the applicant also wishes to operate as a consignment clothing store from the said storefront, a second CUP application would need to be received from the applicant, and approval of a CUP for a consignment clothing store would need to be granted by the City. Secondhand goods stores are not allowed by permit or CUP in the C1 district. Section 520 of the zoning code defines an antique store as: Antiques and collectibles store. An establishment where used property or cultural or collectible objects such as stamps, coins, sports memorabilia and art works are sold for collective purposes, where all or a substantial part of the value of the property is derived from its age, uniqueness or historical association.

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

The 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 use of one space of a multi-tenant building as an antique store should have few negative impacts on the area. The site is located at a commercial node. Provided the establishment is not refinishing and refurbishing antiques at the subject location, and antiques and collectibles are the merchandise sold, the use should not be detrimental to or endanger the public health, safety, comfort or general welfare. It should be noted that refinishing and refurbishing antiques is first allowed in the I1 (light industrial) district.

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

The Antique store has moved into an existing storefront that was vacated by a previous flower shop use. Antiques stores are allowed as a conditional use in the C1 district and are not prohibited in the Linden Hills Overlay district. Provided the establishment is not refinishing and refurbishing antiques at the subject location, and antiques and collectibles are the merchandise sold, the proposed use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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

The building is existing. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

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

The applicant is provided with one tenant parking space in a driveway adjacent to the building under the lease agreement with the property owner. The applicant has indicated that two handicapped parking stalls are provided on 43<sup>rd</sup> Street West. The applicant provided staff with a map showing three (small) parking lots within 300 feet of the storefront which serve commercial uses in the immediate neighborhood. The zoning office has determined the storefront has grandfather rights to the required amount of parking (4 spaces) for the proposed use. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

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

The subject property is located in the block of the Linden Hills Neighborhood Commercial Node (Sheridan Avenue South and 43<sup>rd</sup> Street West). The use of the site for commercial purposes is consistent with these applicable policies and implementation steps of the comprehensive plan:

- 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.**

#### **Applicable Implementation Steps**

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Encourage coordination and communication between business associations and neighboring residents groups.

**4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.**

**Applicable Implementation Steps**

Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.

Restrict auto-oriented, industrial or manufacturing activities that generate significant vehicular traffic, noise or air-borne impacts on residential neighbors.

Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.

Ensure that commercial uses do not negatively impact nearby residential areas.

Preserve traditional commercial storefronts at Neighborhood Commercial Nodes wherever possible.

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts, mitigated impacts on neighboring uses and shared use of parking facilities.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

Antiques stores are allowed as a conditional use in the C1 district and are not prohibited in the Linden Hills Overlay district. The Mix has made application for an Antique Dealer B license with the City. The applicant did not indicate that any refinishing or refurbishing of goods that use chemicals, cause odors, or require special ventilation systems would occur on site. Provided the establishment is not refinishing and refurbishing antiques at the subject location, and antiques and collectibles are the merchandise sold, the use should not be detrimental to or endanger the public health, safety, comfort or general welfare.

**Recommendation of the Community Planning and Economic Development Planning Division:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit application for an antique store only located at 2728 43<sup>rd</sup> Street West in the C1 (Neighborhood Commercial) and LH (Linden Hills) Overlay district, subject to the following conditions:

1. The items sold at the store under the antique license will meet the zoning code's definition of an antiques and collectibles store. An establishment where used property or cultural or collectible objects such as stamps, coins, sports memorabilia and art works are sold for collective purposes, where all or a substantial part of the value of the property is derived from its age, uniqueness or historical association.
2. Refinishing and refurbishing of items/antiques will not occur at the site.

**Attachments:**

1. Statement of use, Lease Agreement, and License Application
2. Letter to Council Member and Neighborhood Organization
3. Correspondence from Linden Hills Zoning Committee
4. Zoning Code References
5. Zoning Map
6. Site Plan and Floor Plan
7. Parking Map
8. Photos