

Department of Community Planning and Economic Development – Planning Division
Change of Nonconforming Use
BZZ-4348

Date: April 20, 2009

Applicant: Fabulous Catering, LLC

Address of Property: 2900 13th Avenue South

Project Name: Fabulous Catering

Contact Person and Phone: Dawn Drouillard and Eden Fitzgerald with Fabulous Catering, LLC, (612) 789-4244

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: March 9, 2009

End of 60-Day Decision Period: May 8, 2009

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

Ward: 9 **Neighborhood Organization:** Midtown Phillips Neighborhood Association

Existing Zoning: R2B, Two-family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Legal Description (properties to be rezoned): Not applicable for this application

Proposed Use: Catering business

Concurrent Review:

Change of nonconforming use: from a wholesale foods production business to a catering business located in the R2B zoning district.

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures

Background: The building located at 2900 13th Avenue South was first constructed in 1966 and housed a printing company. At that time the property was zoned M1-2, Light Manufacturing. In 1982, the property was rezoned to R2B as part of the 29th Street Corridor 40-acre study. In 1983 the building was sold to a company involved in the wholesale production of food products. Since 1983 the building has

been occupied by three different companies involved in food production. The applicant, Fabulous Catering, LLC, is proposing to purchase the property and use the building for a catering business.

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.

CHANGE OF NONCONFORMING USE: from a wholesale foods production business to a catering business located in the R2B zoning district

Findings as Required by the Minneapolis Zoning Code for the Change of Nonconforming Use:

1. The proposed use is compatible with adjacent property and the neighborhood.

The site is bordered by residential uses to the east, south and west. North of the site is the Midtown Greenway. Located on the north side of the Midtown Greenway is an industrial building with a large surface parking lot. The proposed use wouldn't be less compatible with the area than the longstanding food production uses that have occupied the 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 the current use, Madwoman Foods, operates Monday through Friday from 8:00 a.m. to 5:00 p.m. The applicant is proposing to operate Monday through Friday from 9:00 a.m. to 4:00 p.m. The applicant has indicated that they may also be working in the building on occasional weekends.

(b) Signage: There is currently no signage on the building. The applicant is not proposing to have any signage on the building.

(c) Traffic generation and safety: The applicant has indicated that there will be between two and three deliveries made to the site per week via vans or small trucks. According to the applicant the current use has more deliveries per week and some arrive via semi trucks.

(d) Off-street parking and loading: Although the area between the building and East 29th Street is paved and currently used for vehicle parking none of the parking spaces meet the zoning code's dimensional requirements and are therefore not legal parking spaces. There is on-street parking available along East 29th Street and 13th Avenue South. There is an overhead garage door facing East 29th Street that will be used for loading purposes.

(e) Nature of business operations: Since 1983 the building has been occupied by three different companies involved in food production. The applicant is proposing to purchase the property and use the building for a catering business.

(f) Number of employees: According to the applicant there are five people employed at Madwoman Foods. The applicant has indicated they there will be between five and six employees working at the site.

(g) Building Bulk: The building covers the majority of the site with the exception of a paved area between the building and the north property line. No change is proposed.

(h) Aesthetic impacts on surrounding property: The building appears to be well maintained. The brick exterior is in good condition and the remaining portions of the building that are painted look fresh. All four sides of the building are compatible with one another is materials and color.

The area between the building and the north property line is paved including the interior boulevard between the property line and the sidewalks along East 29th Street and 13th Avenue South. Since there is no landscaping on the site and because asphalt is not an approved ground cover material for public boulevards the Planning Division is recommending that the area between the property line and the public sidewalks be used for landscaping. However, the installation of landscaping should not interfere with the driveway along East 29th Street or the walkway that leads to the principal entrance underneath the canopy along 13th Avenue South.

In addition, the refuse storage containers are currently sitting by the side of the building and are not enclosed. As required by Section 535.80 of the zoning code the Planning Division is recommending that the refuse storage containers be enclosed.

(i) Noise, odor, heat, glare and vibration: The applicant has indicated that the all food production takes place within the building and that noise, odor, hear, glare and vibration will not be an issue.

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

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the change of nonconforming use application from a wholesale foods production business to a catering business located at 2900 13th Avenue South in the R2B zoning district subject to the following conditions:

1. The area between the property line and the public sidewalks shall be used for landscaping. However, the installation of landscaping should not interfere with the driveway along East 29th Street or the walkway that leads to the principal entrance underneath the canopy along 13th Avenue South.

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2. The refuse storage container shall be screened with an enclosure as required by Section 535.80 of the zoning code.
3. Approval of the final site and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by April 20, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance

Attachments:

1. Statement of propose use and description of project
2. Standards for change of nonconforming use
3. March 9, 2009, letters to Council Member Schiff and the Midtown Phillips Neighborhood Association
4. Zoning Map
5. Aerial photo of the site
6. Site plan and floor plan
7. Photos of the property