

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning  
BZZ-5595

**Date:** June 25, 2012

**Applicant:** Marcelliao Hark, Nicollet Street L.L.C.

**Address of Property:** 2401 and 2405 Nicollet Avenue

**Project Name:** 2401-2405 Nicollet

**Contact Person and Phone:** James Wentzell, (651) 329-6883

**Planning Staff and Phone:** Joe Bernard, (612) 673-2422

**Date Application Deemed Complete:** May 29, 2012

**End of 60-Day Decision Period:** July 29, 2012

**End of 120-Day Decision Period:** September 27, 2012

**Ward:** 6      **Neighborhood:** Whittier

**Existing Zoning:** C1 Neighborhood Commercial District, PO Pedestrian Oriented Overlay District

**Proposed Zoning:** C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District

**Zoning Plate Number:** 20

**Legal Description:** Lots 13 and 14, Block 2, Belleview Addition to Minneapolis

**Proposed Use:** Tobacco Shop

**Concurrent Review:** Rezoning of 2401 and 2405 Nicollet Avenue from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District to allow for the establishment of a Tobacco Shop at 2405 Nicollet Avenue.

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, Chapter 548

**Background:** The applicant proposes to establish a Tobacco Shop in an existing commercial building at the southwest corner of Nicollet Avenue and 24<sup>th</sup> Street East. The building currently contains four tenant spaces, three of which are currently occupied by a grocery store, a beauty salon, and a restaurant. The remaining commercial space is currently vacant and was last occupied by a video store.

The subject site is located on Nicollet Avenue, which is designated as a Commercial Corridor in *The Minneapolis Plan for Sustainable Growth*. Adjacent to the property are a mix of mostly moderate- to high-density institutional, residential, and commercial uses.

The property contains a 16 space parking lot accessed by a two-way drive aisle off of 24<sup>th</sup> Street East. The proposed tobacco shop use will total less than 1,000 square feet in gross floor area, and thereby has a parking requirement of zero spaces. The applicant is not proposing any changes to the property's parking area as part of this project.

Mr. Wentzell presented the project to the Whittier Alliance in early 2012; a letter outlining the neighborhood's support of the application is attached to this report.

### **Findings As Required By The Minneapolis Zoning Code:**

#### **1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

*The Minneapolis Plan for Sustainable Growth* encourages implementing a variety of zoning districts supportive of commercial mixed use development along Commercial Corridors. The character of these corridors is described in the comprehensive plan: "Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well." The following policies support the applicant's request:

**Land Use Policy 1.4:** Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

**Land Use Policy 1.4.1:** Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

**Land Use Policy 1.4.2:** Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

**Land Use Policy 1.10.1:** Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.

#### **2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

A zoning change to the C2 district in this location would allow for a wider range and possibly higher intensity of uses on the site moving forward. As outlined in the first finding this is consistent with the comprehensive plan, but it also supports the economic viability and strength of the commercial corridor by allowing for more flexibility in how the property is used in the future. This change could lead to increased stability in the commercial character of the location.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The zoning in the immediate vicinity of the site is a mix of OR3, OR2, C1, C2, and R4. These districts all allow for a wide variety of uses and a fairly consistent intensity of residential density and building form. The C2 Neighborhood Corridor Commercial District is compatible with these existing districts.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

While there are reasonable uses of the property permitted under the existing zoning classification, the uses allowed in the proposed zoning classification are also reasonable. Automobile service uses are first allowed with a conditional use permit in the C2 district, and while these uses are sometimes seen as undesirable by adjacent properties, the presence of the PO Pedestrian Oriented Overlay at this location negates this particular concern

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

This specific portion of Nicollet Avenue has not seen a large number of redevelopment projects in recent years. As noted in the Whittier Alliance letter of support, there is a sense that the corner of 24<sup>th</sup> Street East and Nicollet Avenue is “unsteady”. Rezoning the property at this time may allow for some stabilization of the area if strong commercial tenants are able to then occupy this important corner retail location.

**RECOMMENDATIONS**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:**

The Department of 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 the rezoning of 2401 and 2405 Nicollet Avenue from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District.

**Attachments:**

Department of Community Planning and Economic Development – Planning Division  
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1. Statement of use
2. Correspondence
3. Zoning map
4. Plans
5. Photos