

Community Planning and Economic Development
Rezoning
BZZ-6367

Date: January 13, 2014

Applicant: Pat Fitzgerald

Address of Property: 716-718 W. 34th Street

Contact Person and Phone: Pat Fitzgerald, (612) 599-7251

CPED Staff and Phone: Mei-Ling Anderson, City Planner, (612) 673-5342

Date Application Deemed Complete: November 27, 2013

End of 60-Day Decision Period: January 26, 2014

Date Extension Letter Sent: December 26, 2013

End of 120-Day Decision Period: March 27, 2014

Ward: 10 **Neighborhood Organization:** Calhoun Area Residents Action Group (CARAG)

Existing Zoning: R2B Two-family District

Proposed Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 24

Lot Area: 1,648 square feet

Legal Description: Remington's Second Addition to Minneapolis, Lot 7, Block 48, E 41 2/10 ft.

Proposed Use: Sports and health facility

Concurrent Review: Petition to rezone the property located at 716 W. 34th St. from the R2B Two-family District to the C1 Neighborhood Commercial District in order to allow a sports and health facility.

Applicable Code Provisions: Chapter 525, Article VI Zoning Amendments.

Background: The applicant is proposing to rezone the property located at 716-718 W. 34th Street from the R2B Two-family District to the C1 Neighborhood Commercial District. The subject property is approximately 1,648 square feet and the existing one-story building occupies nearly the entire lot (1,600 square feet) aside from the walkway between the building and the street.

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Staff's review of the City's zoning map records suggests that the property belonged to a commercial zoning district for the majority of its existence until 1999, when a new zoning code was adopted. A summary of the site's known zoning history is listed below:

- **1924-1929:** Multiple Dwelling District
- **1963-1999:** B3C-1 Community Business District
- **1999-present:** R2B Two-Family District

The building was originally constructed in 1920 as a public garage. The public garage use is listed on a 1963 permit. A 1977 permit notes that the property contains a commercial building. The applicant states that the structure has contained multiple commercial uses since its construction, including a barbershop, realty office, and automotive repair shop. These uses would have been allowed under its applicable zoning districts until 1999, when the property was rezoned to R2B and thereby rendered the motorcycle repair shop (a minor automobile repair facility) a legally nonconforming use. This use was still in place when the applicant purchased the property in 2009.

The property lost its nonconforming rights after the use changed to a bicycle apparel shop in 2010. The current and proposed use for the property of a sports facility is not allowed in the R2B district. The applicant is proposing to rezone the property to the C1 Neighborhood Commercial District, which permits sports facilities. The uses allowed under the C1 district are generally less intense than those historically allowed by the property's zoning districts between 1920 and 1999. Without the proposed rezoning, the applicant would be required to file an application for a change of nonconforming use in order to legally establish the sports and health facility.

The property currently contains zero existing vehicle parking spaces and four bicycle parking spaces. The site could not accommodate additional parking spaces and, in addition, the sports facility use does not trigger a minimum vehicle parking requirement greater than the minimum required for the property's previous use of a minor auto repair, which is equivalent to four spaces.

As of the printing of this report, staff has received one letter in support of the rezoning, one letter with reservations about the rezoning, and no correspondence from the neighborhood group. Any correspondence received after the printing of this report will be forwarded on to the Planning Commission for consideration.

REZONING: Petition to rezone the property at 716-718 W. 34th Street from R2B to C1.

Findings as Required by the Minneapolis Zoning Code:

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

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property is designated as Urban Neighborhood on the future land use map. Urban neighborhoods are a "predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated

nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. Areas designated as urban neighborhoods have varying densities but are not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

Lyndale Avenue S. is a half-block east of the property and is a designated Community Corridor in the comprehensive plan between W. 31st Street and W. 41st Street. Community Corridors generally contain small-scale retail sales and services serving the immediate neighborhood.

The following principles and policies outlined in the plan apply to this proposal:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

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.

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: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

1.5.3 Promote the preservation of traditional commercial storefronts wherever feasible.

Land Use Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

Land Use Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.3 Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

Land Use Policy 10.8: Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.

10.8.8 Appropriate non-residential land uses, such as institutional, public and suitable commercial uses, should be integrated into low density residential areas through proper building location and design, landscaping, and other site improvements.

The property contains an existing, non-residential building that has historically been used for commercial purposes. The property has lost nonconforming rights to most commercial uses and rezoning to C1 at this time would allow for the retention of small-scale commercial uses in close proximity to a Community Corridor. The commercial uses allowed in the C1 district will contribute to the overall vitality of the area without having a detrimental impact on the surrounding area.

The Lyn-Lake Small Area Plan (2009) supports maintaining commercial uses where they exist along Lyndale Avenue S. at West 32nd Street, West 33rd Street, and West 34th Street in order to keep strong pedestrian connections to medium-density and low-density residential uses.

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

The rezoning would allow for a limited range of goods and services in close proximity to a Community Corridor. Rezoning to C1 to allow commercial uses on the subject site would enhance residential livability and reinvestment in the neighborhood. The amendment is in the public interest and not solely in the interest of the property owner.

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 proposed zoning would be compatible with the zoning classifications and existing uses of other property in the area. The parcel directly to the east of the subject site is zoned C1 and contains a mix of commercial uses. In addition, the parcels southeast of the property (across W. 34th Street) are zoned C1 and C2, respectively, and contain commercial uses. There are residential uses directly to the North, South, and West of the property. Lyndale Avenue S., which is a half-block to the east of property, is lined with commercial uses.

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.

The existing zoning is R2B but the site contains a non-residential structure. The site is 1,648 square feet in size, which would not permit a single family home or duplex. Due to the design of the structure and the layout of the site, it is unlikely that the existing building would be used for residential purposes. The majority of non-residential uses that are allowed in the R2B district have a minimum lot area requirement of 20,000 square feet. Those factors limit the reasonable use of the property under the current zoning.

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.

The existing building has contained commercial uses since it was built in 1920, including a barbershop, offices, an automotive repair shop, and a bicycle apparel retail store. The building's legally nonconforming status expired in 2011 after it had been more than a year since the minor automobile repair use had been operating on the property.

The zoning surrounding the subject property has not changed significantly since 1963. The properties to the North, South, and West of the property have been R2B since 1963. The properties to the East and Southeast of the subject property have been zoned for commercial uses since 1963 and were within the same commercial node as the subject site until 1999, when the subject site was downzoned to R2B. Today, the parcels directly to the East and Southeast of the subject site are zoned C1. The parcel at the Southwest corner of the Lyndale and W. 34th Street intersection is zoned C2. Of the four parcels on this block that were zoned commercial until 1999, the applicant's property is the only one that is now located in a residential zoning district. Given that there has not been a noticeable change in the character of the development surrounding the property before or after it was rezoned in 1999, it would be appropriate to re-establish this property's commercial zoning status. Rezoning to C1 would not have a negative impact on the surrounding area.

RECOMMENDATION:

Recommendation of the Department of Community Planning and Economic Development for the Rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 716-718 West 34th Street from the R2B Two-family District to the C1 Neighborhood Commercial District.

Attachments:

- Project description from applicant
- Applicant's letter to CM Tuthill and CARAG neighborhood
- Correspondence
- Memo from City Attorney Re: Petition for the Amendment of the Zoning Ordinance
- Rezoning matrix
- Zoning map
- Site plan and elevations
- Photos