

Department of Community Planning and Economic Development
Rezoning & Vacation
BZZ – 6377 & Vac – 1629

Date: February 3, 2014

Address of Property: 2424 Franklin Avenue East

Project Name: Northern Clay Center

Applicant: Northern Clay Center

Contact Person and Phone: Carol Lansing, Faegre Baker Daniels LLP (612-766-7005)

CPED Staff and Phone: Janelle Widmeier (612-673-3156)

Date Application Deemed Complete: December 3, 2013

End of 60-Day Decision Period: February 2, 2014

End of 120-Day Decision Period: On January 24, 2014, staff sent the applicant a letter extending the decision period no later than April 3, 2014.

Ward: 6 **Neighborhood Organization:** Seward Neighborhood Group

Existing Zoning: C2 Neighborhood Corridor Commercial District, R6 Multiple-Family Residence District and PO Pedestrian Oriented Overlay District

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

Zoning Plate Number: 21

Legal Description of Property to be Rezoned: Lot 5, Block 35, Murphy's Addition to Minneapolis, Hennepin County, Minnesota, together with that portion of the vacated alley which accrued thereto by reason of vacation thereof.

Proposed/Existing Use: Educational arts center, gallery, accessory parking

Concurrent Review:

- Petition to rezone the northern portion 2424 Franklin Avenue East from R6 Multiple-Family Residential District to C2 Neighborhood Commercial Corridor District.
- Vacation of a no-outlet alley.

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

Background: The Northern Clay Center is located at the property of 2424 Franklin Avenue East. The entire site is located within the PO Pedestrian Oriented Overlay District. However, the base zoning is

split between the C2 Neighborhood Corridor Commercial District and R6 Multiple-Family Residence District. The northern portion of the site, where surface parking is located, is zoned R6. Any conforming expansion of the existing use would require that the site have the same zoning classification. Therefore, the applicant is requesting that the northern portion of the site be rezoned to C2 while retaining the PO overlay district. Consent petitions have been provided to meet the statutory requirement to apply for the rezoning. The applicant is also proposing to vacate a no-outlet alley, which abuts only this property. The alley is located directly north of the building and is used for access to the on-site surface parking area.

Correspondence from the neighborhood group, Seward Neighborhood Group, was received and is attached to this report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the northern portion 2424 Franklin Avenue East from R6 Multiple-Family Residential District to C2 Neighborhood Commercial Corridor District.

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 comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Franklin Avenue is designated as a commercial corridor. The future land use of the entire property of 2424 Franklin Avenue East is designated as mixed use. According to the principles and policies outlined in the plan, the following apply to this proposal:

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 1.5: 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.

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.

1.10.1 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.

Staff comment: The remainder of the site is currently zoned C2. The C2 district allows a mix of uses, both commercial and residential. The PO overlay district would not allow drive-through facilities, automobile services uses, or transportation uses to be established on the site. The extension of the commercial zoning as proposed should not significantly affect adjacent residential properties.

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

The site currently has split zoning. The rezoning will result in uniform zoning of the site and a range of available goods and services on a commercial corridor as called for in adopted policies. 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 remainder of 2424 Franklin Avenue is already zoned C2. Franklin Avenue is designated as a commercial corridor. Properties fronting Franklin Avenue in the immediate area are zoned R6, C1 or C2. Properties north of the site are zoned R6. Uses in the immediate area include a variety of commercial uses, mixed use buildings, low- to high-density residential, and a park. The uses directly adjacent to the part of the site that would be rezoned are an 11-unit dwelling to the west and an 8-unit dwelling to the north. The proposed rezoning would extend commercial zoning further from the commercial corridor, but would still be within the PO overlay district. The proposed zoning would be compatible with the surrounding uses and zoning classifications.

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.

Because the site has split zoning, the most restrictive provisions of the base zoning districts apply. The R6 district allows high density residential development, but very few nonresidential uses. Because the site is located on a commercial corridor in a mixed use area, allowing a wider range of available goods and services is more appropriate.

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 subject property has been zoned C2 and R6 (Lot 5) since 1999. Prior to that time, the zoning was also split. Lot 5 was zoned R6 from 1963 to 1983, when it changed to R3. Then in 1989, the zoning of Lot 5 was changed back to R6. The remainder of the site was zoned M1-1 (a light industrial district) from 1963 to 1983, when it changed to B2S-1 (this business district was comparable to today's C1 district). In 1983, a rezoning study was completed that changed the zoning of the site and surrounding area. Industrial zoning was common along Franklin Avenue at that time. The PO overlay district was added in 2006 as a result of a zoning study for the Franklin Avenue Transit Station Area. The proposed zoning would be consistent with the more recent mixed use development that has occurred in the immediate area.

ALLEY VACATION

Development Plan: See attached site plan.

Responses from Utilities and Affected Property Owners: Of the responses received, there were no objections and no easements requested.

Findings: CPED and the Public Works Department find that the area proposed for vacation is not needed for any public purpose and it is not part of a public transportation corridor.

RECOMMENDATIONS

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 petition to rezone the northern portion 2424 Franklin Avenue East from R6 Multiple-Family Residential District to C2 Neighborhood Commercial Corridor District.

Recommendation of the Department of Community Planning and Economic Development for the Alley Vacation:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for the alley vacation for the property located at 2424 Franklin Avenue East.

Attachments:

- Applicant’s statement of use and findings
- Correspondence
- Zoning map
- Vacation maps
- Survey and site plan
- Photos

5TH NORTHERN CLAY CENTER

STATEMENT OF PURPOSE AND DESCRIPTION OF PROJECT

DECEMBER 3, 2013

Northern Clay Center's mission is the advancement of the ceramic arts. Ongoing programs include exhibitions by contemporary regional, national and international ceramic artists, as well as historical and architectural ceramics; classes and workshops for children and adults at all skill levels; studio space and grants for artists; and a sales gallery representing many top ceramic artists from the region and elsewhere.

Northern Clay Center moved to its current location at 2424 Franklin Avenue East in 1997 with assistance from the Neighborhood Revitalization Program and as co-owner with the Seward Neighborhood Group. The Clay Center completed its purchase of SNG's interest in the property in 2012 and remains an active and vital member of the Seward community. The board and staff of Northern Clay Center are developing a long range plan for the operation of the Center over the next 5+ years. As part of that plan, we are looking at a potential expansion of our space to allow for continued growth in our education and studio programs. At this point in time, there is no actual plan for any addition, but merely an analysis to see if expansion is feasible. We want to be sure that, if we were to pursue expansion or alteration of the building in the future, the zoning classification of the property would allow for the addition.

Although the property is united as a single zoning lot and tax parcel, it has split zoning district classifications. The Center's building and the west parking lot are on land zoned C2 Neighborhood Corridor Commercial. The north parking lot is currently zoned R6 Multiple Family. Any expansion of the Center would require that all the property have the same zoning classification. Therefore, we are applying to rezone the north parking lot area to C2. The entire site is also within a Pedestrian Oriented (PO) Overlay District, which classification will be retained.

We have also applied to vacate a dead end alley that partially separates the north lot from the building. The alley no longer serves any public purpose because it is surrounded by land owned only by the Northern Clay Center and is used solely for the Center's access.

REZONING REQUIRED FINDINGS

The proposed rezoning is consistent with the required findings under § 525.280 of the Zoning Code.

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

The City's comprehensive plan, the *Minneapolis Plan for Sustainable Growth* (the "Plan"), designates the Center property as Mixed Use. Mixed Use allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district. There is no requirement that every building be mixed use.

The site is also located on the Franklin Avenue Commercial Corridor. 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 and subclauses from the Plan are most relevant to this rezoning request:

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.

Land Use Policy 1.5: 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.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.3 Direct uses that serve as neighborhood focal points, such as libraries, schools, and cultural institutions, to designated land use features.

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.

1.10.1 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.

The C2 Neighborhood Corridor Commercial District is established to provide an environment of retail sales and commercial services that are larger in scale than allowed in the C1 District and to allow a broader range of automobile related uses. However, because the site is also in the PO Overlay District, automobile related uses will continue to be prohibited and any future development on the site will need to comply with the PO District regulations that foster a pedestrian character of the area. In addition to commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed in the C2 District.

The proposed rezoning to establish uniform C2 zoning for the entire Center zoning lot is consistent with the applicable policies of the comprehensive plan. The Center contributes positively to the stability, diversity, character, vitality and cultural experience of the Franklin Avenue Corridor and the Seward Neighborhood. The rezoning is necessary to secure the viability of the present location for the Center now and into the future.

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

The proposed rezoning is in the interest of both the Northern Arts Center and the public. The current split-zoning condition severely limits the expansion potential of the arts center. The proposed rezoning to create uniform C2 zoning for the Center property will allow the Center to plan for a long-term investment in its current home in the Seward community.

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 a particular property.*

The majority of the Center property is already zoned C2 and there is a mix of C2 and C1 zoning along Franklin Avenue east and west of the site. The uses along Franklin include commercial buildings and mixed use with residential. The zoning to the north and east of the site is high density R6 and contains a range of dwelling types, including an 8-unit apartment building immediately to the north of the area to be rezoned and an apartment tower to the east across 25th Avenue South. C2 zoning is consistent and compatible with this high-density, mixed use environment.

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.*

Because the property is currently split zoned C2 and R6, any future development and use on the site must comply with the most restrictive provisions of both districts. The limitations of the R6 District impose unreasonable restrictions on the majority of this property that are inconsistent with the comprehensive plan guidance for commercial and mixed use along the Franklin Avenue Commercial Corridor.

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 goal of the proposed rezoning is not to change the character of the development on the site; rather it is apply uniform C2 zoning to the entire site, consistent with its current use and character.



SEWARD NEIGHBORHOOD GROUP

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December 19, 2013

Janelle Widmeier
250 South 4th Street, Room 300
Minneapolis, MN 55415

Regarding: Northern Clay Center Rezoning (BZZ 6377)

Dear Ms. Widmeier:

The Seward Neighborhood Group recommends approval of the rezoning of the northern portion of the Northern Clay Center property, located at 2400 Franklin Avenue East, from R-6 to C-2 and vacation of the alley located on the north side of the building.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Ben Walen
Co-President
Seward Neighborhood Group

cc: Sarah Millfelt, Northern Clay Center



9th St. S.

N

24th Ave. S.

Alley to be
Vacated

25th Ave. S.

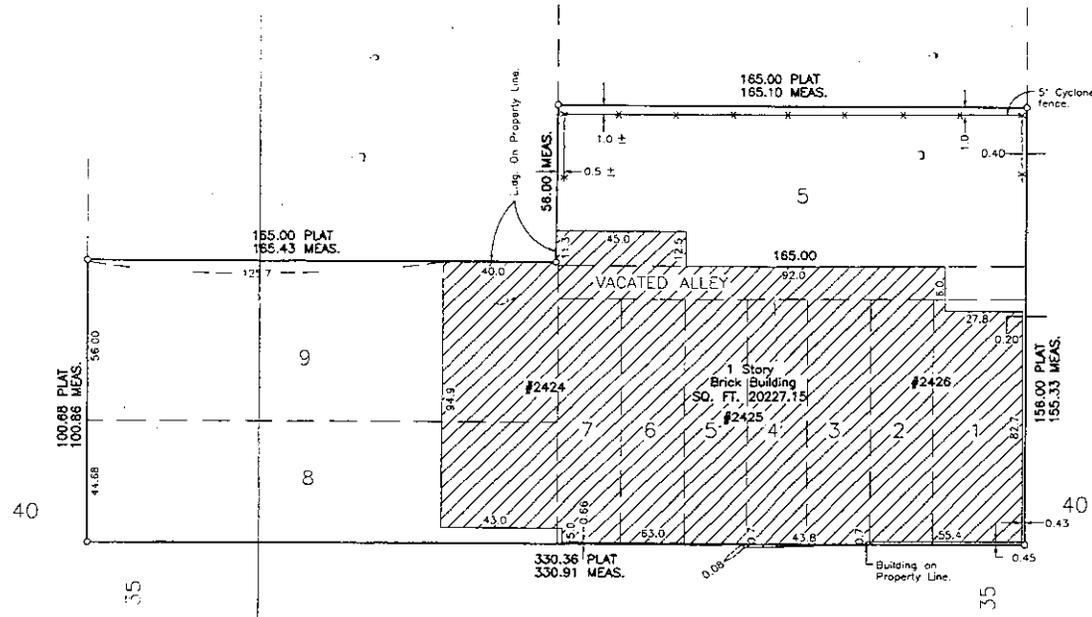
26th Ave. S.

Franklin Ave. E.

SURVEY FOR: J.N.J. COMPANY

24th AVE. SO.

25th AVE. SO.



Franklin Ave.

NORTH



Scale 1 Inch = 20 Ft.

Property Description.
 Lots 5, 6 and 7, Block 35, Murphy's Addition to Minneapolis including the vacated alley lying north of and between the east and west lines of said Lot, and Lots 1, 2, 3, 4, 5, 6 and 7 of Donahoe's rearrangement of Lot 6 and 7, Block 35, Murphy's Addition to Minneapolis, all in Hennepin County, Minnesota.

○ Denotes Iron Monument

NOTE: No Search Was Made For Any Encumbrances

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly registered Land Surveyor under the laws of the State of Minnesota.

W. BROWN LAND SURVEYING, INC.

Woodrow A. Brown
 Woodrow A. Brown, R.L.S., MN REG 15230
 Dated: July 15, 1996

W. BROWN LAND SURVEYING, INC.		
6030 Cedar Avenue So., Suite 228, Bloomington, MN 55425 Bus: (612) 854-4055 Fax: (612) 854-4268		
Drawn 65-96	Date 7-15-96	Scale 1 inch = 20 Ft.
		1 of 1

PROJECT NO.

EXISTING CONDITION:
COMMERCIAL
NORTHERN CLASSICAL CENTER

2424 FRANKLIN AVE
MINNEAPOLIS, MN 55404

SCALE: 1/8" = 1'-0"

DATE: 01/15/2014

PROJECT NO.

DATE

PROJECT NO. CDG

DATE

PROJECT NO.

DATE

SITE PLAN

A-1

