



CPED STAFF REPORT
 Prepared for the Planning Commission

CPC Agenda Item #3
 April 7, 2014
 BZZ-6476

LAND USE APPLICATION SUMMARY

Property Location: 3041 Aldrich Avenue South
Project Name: 3041 Aldrich Avenue South
Prepared By: [Becca Farrar-Hughes](#), Senior City Planner, (612) 673-3594
Applicant: Morgan Luzier
Project Contact: Morgan Luzier
Request: To allow a clinic/sports and health facility uses.
Required Applications:

Change of a Legal Nonconforming Use	To allow a clinic/sports and health facility (wellness/healing cooperative) that may include physical therapy, acupuncture, massage, chiropractic, pilates, meditation and/or other similar practices in lieu of the existing photography studio.
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SITE DATA

Existing Zoning	R4 District
Lot Area	3,312 square feet / .08 acres
Ward(s)	10
Neighborhood(s)	Calhoun Area Residents Action Group (CARAG)
Designated Future Land Use	Urban Neighborhood
Land Use Features	Adjacent to the Lyn-Lake Activity Center, a block from East Lake Street (Commercial Corridor) and a half block from Lyndale Avenue (Commercial Corridor that transitions to a Community Corridor south of West 31 st Street).
Small Area Plan(s)	Lyn-Lake Small Area Plan Midtown Greenway Land Use and Development Plan

Date Application Deemed Complete	March 10, 2014	Date Extension Letter Sent	N/A
End of 60-Day Decision Period	May 9, 2014	End of 120-Day Decision Period	N/A

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. A 3,312 square foot single-story building occupies the subject site. The current zoning of the property is R4 (Multiple-family) District, which does not allow clinic/sports and health facility type uses. The current use of the structure as a photography studio is non-conforming and altering the use to allow for a clinic/sports and health facility types uses requires a change of non-conforming use.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. There is a mixture of uses surrounding the subject site including various commercial, institutional and residential uses which is consistent with the character of other properties in the CARAG neighborhood that are similarly situated. The subject site is located adjacent to the Lyn-Lake Activity Center and a block from East Lake Street (Commercial Corridor) and a half block from Lyndale Avenue (Commercial Corridor that transitions to a Community Corridor south of West 31st Street). The Lyn-Lake Small Area Plan, adopted in 2009, was developed to provide a vision for land use and development on Lyndale Avenue between 26th Street and 31st Street and Lake Street between Bryant Avenue South and Blaisdell Avenue South. At the time of the adoption of the Lyn-Lake Small Area Plan, the property was zoned C1. The zoning of the parcel was changed to R4 in 2010, as part of the Midtown Greenway Rezoning Study which implemented zoning changes to reflect the adopted land use goals in the plan.

PROJECT DESCRIPTION. The applicant is proposing to change the use of an existing single-story 3,312 square foot legal non-conforming building that was most recently a photography studio. The building was originally constructed as an office building in 1923 with a slab on grade addition constructed in the 1960s. City records indicate that the building has historically been used for office/commercial uses since it was constructed; most recently by a photography studio since 2008 and prior to that as plumbing business from 1999 to 2008. No alterations to the exterior of the building or site are proposed at this time. All applicable building permits will need to be attained for any interior modifications that are necessary to accommodate the proposed use.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZCU-1000095	Conditional Use Permit	To allow a plumbing business.	Approved in 2000.
BXZ-154	Site Plan	Administrative	Approved in 2003.

PUBLIC COMMENTS. Staff has not received any official correspondence from the Calhoun Residents Action Group (CARAG) or any neighborhood letters prior to the printing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

CHANGE OF A NONCONFORMING USE

The Department of Community Planning and Economic Development has analyzed the application to allow a clinic / minor sports and health facility uses based on the following [findings](#):

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

The subject property abuts the southwestern boundary of the Lyn-Lake Activity Center and is located a block from East Lake Street (Commercial Corridor) and a half block from Lyndale Avenue (Commercial Corridor that transitions to a Community Corridor south of West 31st Street). The uses in the immediate vicinity include various commercial, institutional and residential uses. The properties to the north, south and west of the subject site are all zoned R4. Across the alley to the east the properties lining Lyndale Avenue are zoned C3A with a PO. As previously noted, the structure located on the premises was constructed in 1923 as an office building and has historically been occupied by office/commercial users. Allowing a change in use to permit a clinic/sports and health facility type uses as opposed to a photography studio would be compatible with the adjacent uses located within the immediate vicinity and would be expected to have similar albeit less intense impacts than the former uses that have occupied the site.

2. *The proposed use is less intense than the existing, nonconforming use.*
 - a) **Hours of operation:** According to the applicant, the proposed business would not deviate from the current hours of operation. The business would operate Monday through Friday from 6:00 a.m. to 9:00 p.m., Saturday and Sunday from 7:00 a.m. to 9:00 p.m.
 - b) **Signage:** No signage is proposed at this time but the applicant intends to install signage that is consistent with the requirements outlined in Section 543.250 of the Zoning Code should the change in non-conforming use application be approved. Section 543.250 states, “Newly established signs accessory to nonconforming nonresidential uses in the Residence and ORI Districts shall be limited to one (1) non-illuminated, flat wall identification sign, not to exceed sixteen (16) square feet in area and fourteen (14) feet in height.” Further, the applicant is aware that any new signage requires a separate permit from the Zoning office prior to installation.
 - c) **Traffic generation and safety:** The proposal to locate a clinic/sports and health facility type uses within the existing building would not be expected to result in an increase in traffic generation. The building covers nearly the entire parcel as the lot size is approximately 3,312 square feet and the building occupies a footprint of approximately 2,170 square feet or nearly 82% of the site. There is no legal on-site parking associated with the building; however, a small paved area is located at the rear of the property abutting the public alley.
 - d) **Off-street parking and loading:** There is no legal on-site parking associated with the building. As previously noted, there is a small paved area located at the rear of the abutting the public alley that is approximately 10 feet by 45 feet, and accommodates loading for the existing building. Based on the size of the proposed clinic/sports and health facility at 3,312 square feet, Chapter 541 would require a total of 4 off-street parking spaces (1 per 500 square feet of gross floor area). All required parking has been grandfathered for the use as 4 spaces are required and the site has rights to 4 grandfathered parking spaces.
 - e) **Nature of business operations:** The applicant proposes to locate a clinic/sports and health facility (wellness/healing cooperative) that may include physical therapy, acupuncture, massage, chiropractic, pilates, meditation and/or other similar practices.
 - f) **Number of employees:** There will be a total of 5 individual practitioners working in a cooperative type setting within the building. No information was provided regarding the number of employees that previously worked in the photography studio.

- g) **Building Bulk:** No changes to the building bulk are proposed. The applicant is aware that consultation with Plan Review is necessary, and that all required permits shall be attained in order to legalize the proposed change in use as applicable.
- h) **Aesthetic impacts on surrounding property:** The building covers approximately 82% of the entire site. As previously noted, there is a small paved area located at the rear of the abutting the public alley that is approximately 10 feet by 45 feet, and accommodates loading for the existing building.
- i) **Noise, odor, heat, glare and vibration:** The proposed use would not be expected to have any significant impacts as it relates to noise, odor, heat, glare or vibration. No new exterior lighting is proposed at this time. Any new lighting would need to be downcast and shielded to avoid undue glare as well as comply with Chapter 535.
- j) **Other:** Staff would not expect the proposed use of the property as a clinic/sports and health facility type use to be more intense than the photography studio that has been operating within the building on the property. CPED Staff would support the change of a non-conforming use in this circumstance.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Change of a Nonconforming Use:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and approve the change of a nonconforming use applications subject to the following conditions of approval:

1. All site improvements shall be completed by April 7, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. All necessary building permits shall be attained as applicable.
3. Any signage shall meet the requirements outlined in Section 543.250 of the Zoning Code. A separate permit shall be attained from the Zoning Office.
4. Any new on-site lighting shall be downcast, shielded and comply with Chapter 535.
5. The trash receptacles located at the rear of the building shall be screened as required by Section 535.80 of the Zoning Code.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Plans
5. Photos

Statement of Proposed Use
3041 Aldrich Ave So, 55408

The existing structure at 3041 Aldrich Ave South is a single story, stucco building, fully remodeled in 2008. It has been a photo studio since that time. From 1999 to 2008 the building was a plumbing business and previous to that, a different photography studio. Several of the neighbors are on record as remembering the property as commercial as much as 30 years ago. In spite of this history as a commercial site, in 2008, unbeknownst to the current owner, 3041 Aldrich was down-zoned from C-1 to R4. In 2010 when the owner approached the city of Minneapolis for a permit to minimally change the structure, he was informed of the zoning changes. He was advised by Robert Clarksen, City Planner, to pursue a certificate of non-conforming use. The building is now set to change hands again.

Our intention is to use the structure as a small healing cooperative where healing professionals including a chiropractor, acupuncturist, physical therapist and functional movement specialist will provide health services to their clients. We are seeking a change in the certificate of non-conforming use, since our proposed changes will have equal or lesser impact on the structure, surrounding area or neighborhood.

Change of NonConforming Use-Specific Land Use Requirements

(1) Hours of operation.

The proposed business will not deviate from the current hours of operation

(2) Signage.

The proposed business will explore signage consistent with the required ordinance.

(3) Traffic generation.

No traffic studies have been done and we do not anticipate having to complete one. It is our opinion based on our expertise in this field and our knowledge of the types of uses and time needed for individual services that the proposed business will not generate more traffic than the current business.

(4) Off-street parking and loading.

Unlike the current business, the proposed business does not have any needs for loading. The proposed business already has an agreement in place with Red Wine Church, located across the street, to use their lot for additional off-street parking.

(5) Nature of business operations.

The proposed business, a healing cooperative, requires quiet, contemplative, relaxing atmospheres to allow the best healing experience. It will not have an adverse effect on the neighborhood. Practices may include: acupuncture, massage, meditation, Pilates, rehabilitative exercises and chiropractic. Practitioners and clients alike are dedicated to health and understand the importance of a healthy community. Everyone involved are stewards of their surroundings.

(6) Number of employees.

As a cooperative, we do not have "traditional" employees, but for the definition of making this finding we will have five independent practitioners who will be using and working in the space. These practitioners are invested in maintaining the tranquility of the neighborhood.

(7) Building bulk.

Under the proposed business model, the building bulk and volume will remain unchanged.

(8) Aesthetic impacts on surrounding property.

Under the proposed business model, the aesthetics of the property and surrounding area will remain unchanged. The practitioners from the cooperative will continue to monitor the sidewalks, garbage, plantings, snow, and boulevard and make sure all are well cared for.

(9) Lighting, noise, odor, heat, glare and vibration

The proposed business will not have an impact through noise, lighting, odor, heat, glare or vibration.

Neltier LLC
Paul A Nelson
4836 11th Ave. S.
Minneapolis, MN 55417
ph. 612-250-3381

Do whom it may concern:

I, Paul A Nelson, am the current owner of the property at 3041 Aldrich Ave S.
Minneapolis, MN 55408. I would like to authorize the applicant of Balance Properties II,
to pursue a change of nonconforming use on this property.

Thank you,

A handwritten signature in black ink, appearing to read 'Paul A Nelson', with a long horizontal flourish extending to the right.

Paul A Nelson
partner

Dear Councilwoman Bender and CARAG Neighborhood Group

I am writing today to inform you of a land use application concerning 3041 Aldrich Ave So, which sits within the boundaries of the 10th Ward and the CARAG neighborhood.

First, a bit about myself, so you understand my relationship with the neighborhood. I have been a part of the 10th Ward as a resident since 2005 and as a business owner since 2002. My fitness studio, Balance Fitness, was on the corner of 34th and Lyndale for 8 years before we moved it to 29th and Garfield. Bringing fitness and wellness opportunities to our community, I am clearly invested in the health of my neighbors and neighborhoods.

Currently, the existing structure at 4031 Aldrich Ave South, a professional photography studio, is a single story, stucco building, fully remodeled in 2008. From 1999 to 2008 the building was a plumbing business and previous to that, a different photography studio. Several of the neighbors are on record as remembering the property as being commercial as much as 30 years ago. In spite of this history, in 2008, unbeknownst to the current owner, 3041 Aldrich was down-zoned from C-1 to R4.

In 2010 when the owner applied for a permit to improve the kitchen, he was informed of the zoning changes. He was advised by City Planner Robert Clark to pursue a certificate of non-conforming use. He was granted the permit and continues to operate his photo studio today.

Soon, the building is set to change hands again. We are seeking a continuation of the certificate of non-conforming use, since our proposed changes will have equal or lesser impact on the structure, surrounding area or neighborhood.

Our intention is to expand Balance's wellness offerings by using the structure as a small healing cooperative. Healing professionals including a chiropractor, acupuncturist, physical therapist and functional movement specialist would provide health services to their clients.

The city uses several metrics in determining the impact a proposed business will have on a neighborhood including:

- (1) Hours of operation.
- (2) Signage.
- (3) Traffic generation.
- (4) Off-street parking and loading.
- (5) Nature of business operations.
- (6) Number of employees.
- (7) Building bulk.
- (8) Aesthetic impacts on surrounding property.
- (9) Lighting, noise, odor, heat, glare and vibration.

I am confident that our proposed business will be equally or LESS impactful in ALL categories. The photo studio was known to have large shoots with multiple cargo trucks, photographers, models and equipment. We will have none of that and will keep the aesthetic of the building exactly as is.

With regards to parking, which is always a problem in Uptown, we have an agreement in place with New Wine Church directly across the street to use their lot for our off street parking. A more complete overview of our proposed impact is available via our Land Use Application Packet.

I would be happy to answer any questions regarding the healing studio and its impact on the neighborhood (which I can only view as positive!). Ultimately, I will look to you, Councilwoman Bender and the CARAG Neighborhood Group, to support my petition for the continuation of the certificate of nonconforming use at 3041 Aldrich Ave So.

Thank you for your time and service,

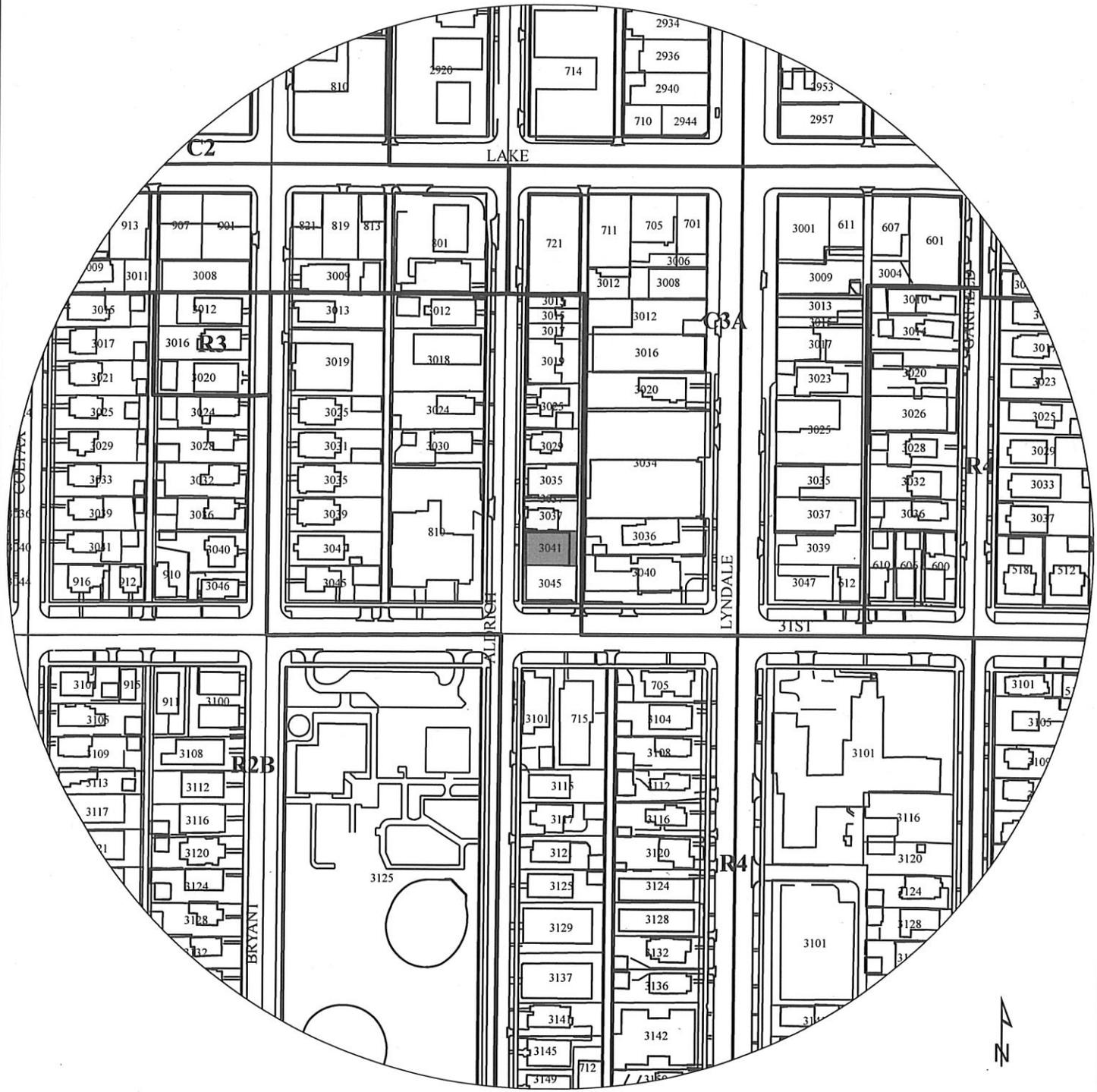
Morgan Luzier, Balance Fitness Studio
2902 Garfield Ave So
Minneapolis, MN 55408
mjluzier@yahoo.com

Morgan Luzier

10th

NAME OF APPLICANT

WARD



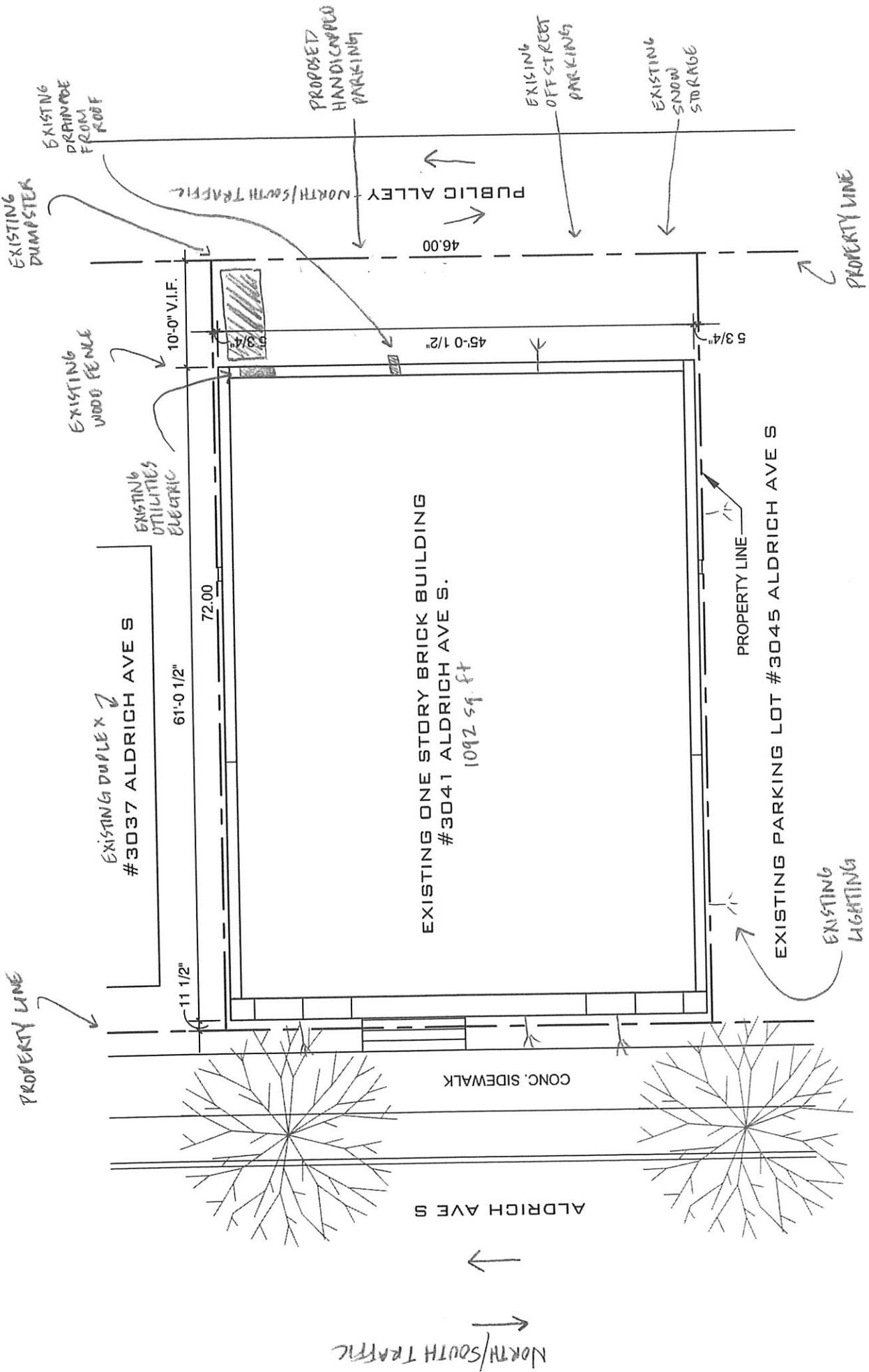
PROPERTY ADDRESS

3041 Aldrich Avenue South

FILE NUMBER

BZZ-6476

NORTH ↑



PROPERTY LINE

EXISTING DUPLEX
#3037 ALDRICH AVE S

EXISTING
WOOD FENCE

EXISTING
UTILITIES
ELECTRIC

61'-0 1/2"

72.00

10'-0" V.I.F.

EXISTING ONE STORY BRICK BUILDING
#3041 ALDRICH AVE S.
1092 sq. ft

45'-0 1/2"

PROPERTY LINE

EXISTING PARKING LOT #3045 ALDRICH AVE S

EXISTING
LIGHTING

PROPERTY LINE

PUBLIC ALLEY - NORTH/SOUTH TRAFFIC

46.00

PROPOSED
HANDICAPPED
PARKING

EXISTING
OFF-STREET
PARKING

EXISTING
SNOW
STORAGE

EXISTING
DRAINAGE
FROM
ROOF

EXISTING
DUMPSTER

CONC. SIDEWALK

ALDRICH AVE S

↑
NORTH/SOUTH TRAFFIC

3037 ALDRICH AVE S

REMOVE E. WALL TO EXPOSE GLASS BLOCK WINDOWS

61'-0 1/2"

36'-11"

24'-1 1/2"

REMOVE E. WALL TO EXPOSE GLASS BLOCK WINDOWS

REMOVE E. WALL MTD. PEGBOARD TO EXPOSE GLASS BLOCK WINDOWS

REMOVE E. LOWER CABINETS SALVAGE COUNTERTOP FOR OWNERS REUSE

REMOVE E. TILE AND PEGBOARD FROM WALL AND PREP SURFACES FOR NEW FINISHES

SALVAGE E. DOOR FOR OWNERS REUSE

REMOVE E. GUARDRAIL/HANDRAIL

REMOVE E. WD. MTD. WALL PANELING

REMOVE E. CARPET FROM PLATFORM/STAIR AND PREP SURFACES FOR NEW FINISHES

G.C. TO CONFIRM CONDITION OF STAIRS AND RECOMMEND METHOD OF REPAIR OR REPLACEMENT

REMOVE E. TILE, FLR. AND PREP SURFACES FOR NEW FINISHES

REMOVE E. DECORATIVE WD. SCREEN

REMOVE E. FLR. MTD HOSE BIBB AND CAP PLUMBING AS REQ'D

REMOVE E. TEXTURED SURFACE ALONG WALL

REMOVE E. WALL MTD. SHELVES

REMOVE E. WALL MTD. PEGBOARD ALONG ENTIRE WALL

REMOVE E. CLG. MTD. HEATERS THROUGHOUT

REMOVE E. SHELVING

REMOVE E. WINDOW

REMOVE E. SINK AND CAP PLUMBING AS REQ'D

ALLEY

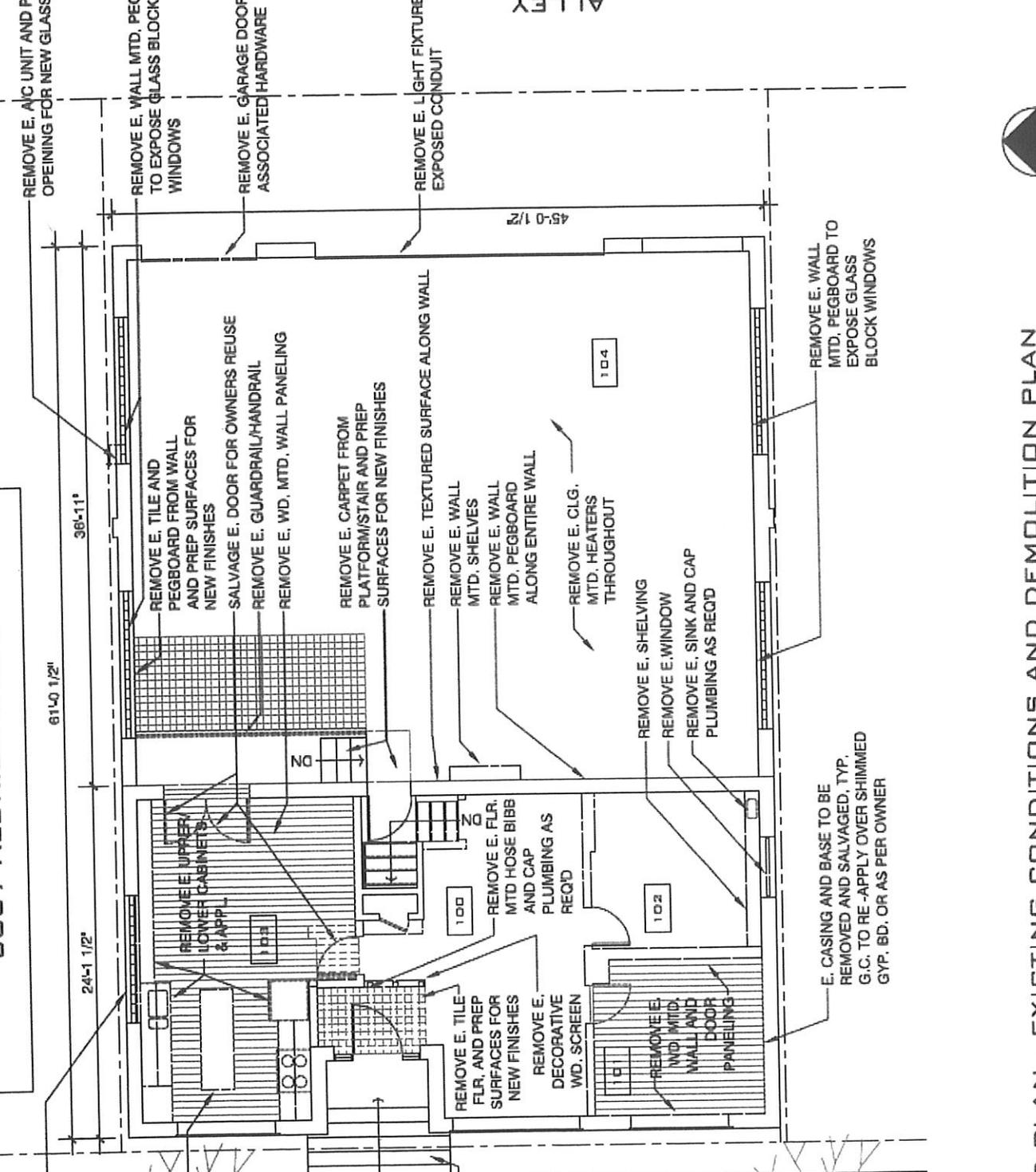
45'-0 1/2"

REMOVE E. WALL MTD. PEGBOARD TO EXPOSE GLASS BLOCK WINDOWS

E. CASING AND BASE TO BE REMOVED AND SALVAGED, TYP. G.C. TO RE-APPLY OVER SHIMMED GYP. BD. OR AS PER OWNER



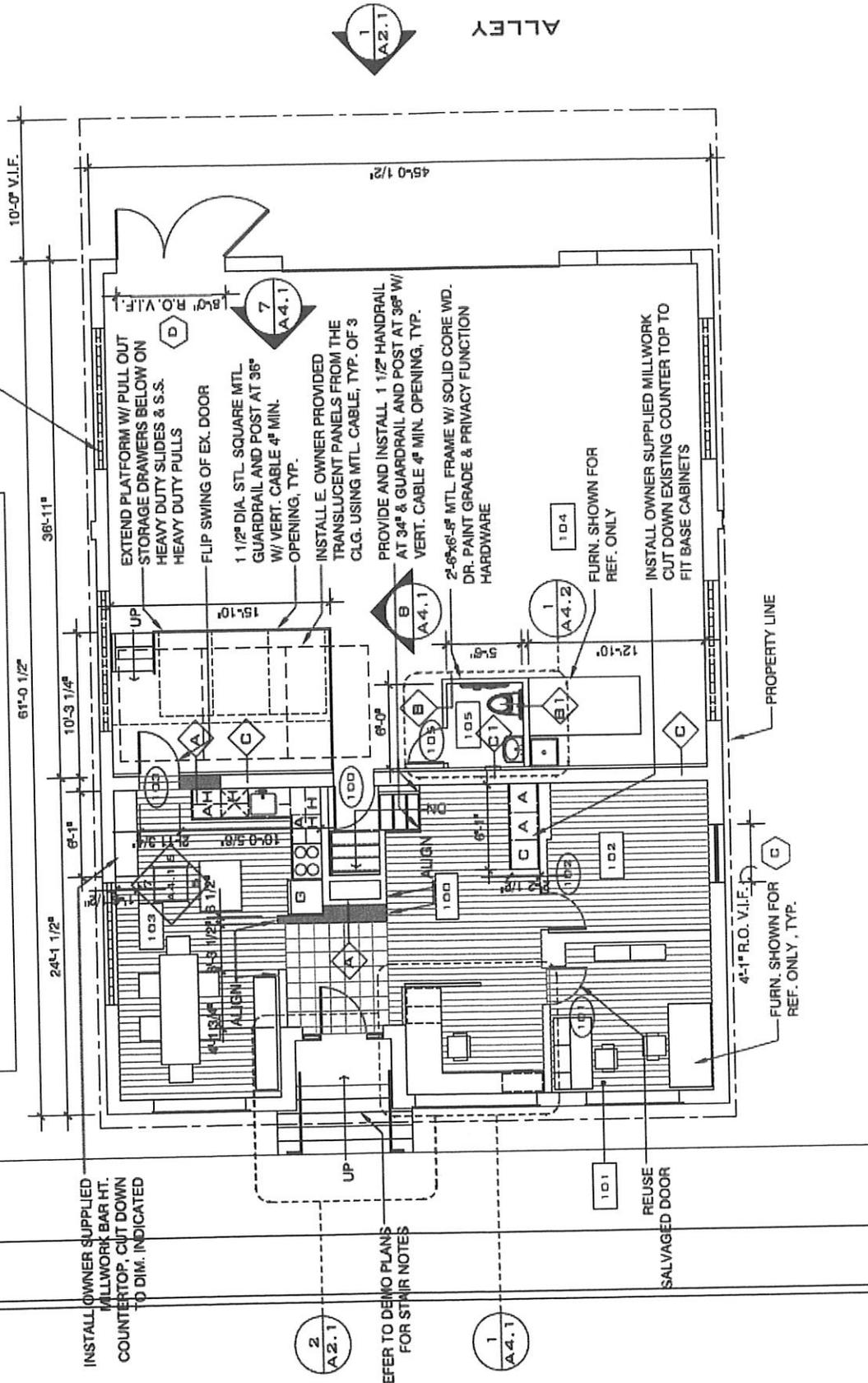
1 SITE/FIRST FLOOR PLAN - EXISTING CONDITIONS AND DEMOLITION PLAN
1/8" = 1'-0"
EXISTING CONDITIONS INCLUDE INDICATED DEMOLITION PLAN



REPAIR MISSING GLASS BLOCK TO MATCH EXISTING, TYP.

3037 ALDRICH AVE S

INSTALL OWNER SUPPLIED MILLWORK BAR HT. COUNTERTOP, CUT DOWN TO DIM. INDICATED



61'-0 1/2"

24'-1 1/2"

6'-1"

10'-3 1/4"

36'-11"

10'-0 1/2" V.I.F.

15'-10"

6'-0"

6'-1"

5'-0"

12'-10"

4'-1" R.O. V.I.F.

PROPERTY LINE

45'-0 1/2"

10'-0 1/2"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

6'-1"

2 A.2.1

1 A.4.1

7 A.4.1

1 A.4.2

104

105

100

101

102

103

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103



2 SITE/FIRST FLOOR PLAN
1/8" = 1'-0"
EXISTING CONDITIONS
INCLUDE ALL INDICATED
IMPROVEMENTS.

3041 ALDRICH AVE S

REFER TO DEMO PLANS FOR STAIR NOTES

REUSE SALVAGED DOOR

FURN. SHOWN FOR REF. ONLY, TYP.

FURN. SHOWN FOR REF. ONLY

INSTALL OWNER SUPPLIED MILLWORK CUT DOWN EXISTING COUNTER TOP TO FIT BASE CABINETS

2'-6"x6'-0" MTL. FRAME W/ SOLID CORE WD. DR. PAINT GRADE & PRIVACY FUNCTION HARDWARE

PROVIDE AND INSTALL 1 1/2" HANDRAIL AT 34" & GUARDRAIL AND POST AT 36" W/ VERT. CABLE 4" MIN. OPENING, TYP.

INSTALL E. OWNER PROVIDED TRANSLUCENT PANELS FROM THE CLG. USING MTL. CABLE, TYP. OF 3

1 1/2" DIA. STL. SQUARE MTL. GUARDRAIL AND POST AT 36" W/ VERT. CABLE 4" MIN. OPENING, TYP.

EXTEND PLATFORM W/ PULL OUT STORAGE DRAWERS BELOW ON HEAVY DUTY SLIDES & S.S. HEAVY DUTY PULLS

ALLEY

FOR SALE
612-824-2100
ACKERBERG
www.ackerberg.com
HUGH BYRNE, CCIM

