



# CPED STAFF REPORT

Prepared for the Planning Commission

CPC Agenda Item #  
 May 5, 2014  
 BZZ-6505

## LAND USE APPLICATION SUMMARY

*Property Location:* 4816 Nicollet Avenue South  
*Project Name:* Red Cricket Acupuncture  
*Prepared By:* [Becca Farrar-Hughes](#), Senior City Planner, (612) 673-3594  
*Applicant:* Joi Thomas  
*Project Contact:* Adsit Architecture & Planning, Krin Berntson  
*Request:* To allow an acupuncture clinic.  
*Required Applications:*

<b>Change of a Legal Nonconforming Use</b>	To allow a clinic and sports and health facility related uses in lieu of the existing office use.
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## SITE DATA

<b>Existing Zoning</b>	RI District, AP (Airport) Overlay District
<b>Lot Area</b>	5,698 square feet / .13 acres
<b>Ward(s)</b>	11
<b>Neighborhood(s)</b>	Tangletown Neighborhood Association
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	The property is located along Nicollet Avenue (Community Corridor) and two parcels south of the southwestern boundary of the Neighborhood Commercial Node located at the intersection of 48 <sup>th</sup> Street West and Nicollet Avenue.
<b>Small Area Plan(s)</b>	<a href="#">Nicollet Avenue: The Revitalization of Minneapolis' Main Street</a>

<b>Date Application Deemed Complete</b>	April 7, 2014	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	June 6, 2014	<b>End of 120-Day Decision Period</b>	N/A

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** A 4,462 square foot one and a half story building occupies the subject site. The current zoning of the property is R1 (Single-family) District, which does not allow an acupuncture clinic or other commercial uses. The current use of the structure as an office for an art dealer/investment business is non-conforming and altering the use to allow for an acupuncture clinic with sports and health facility type uses such as cranial sacral therapy, massage, wellness classes and yoga 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 Tangletown neighborhood that are similarly situated. The subject site is located along Nicollet Avenue a designated Community Corridor and two parcels south of the southwestern boundary of the Neighborhood Commercial Node located at the intersection of 48<sup>th</sup> Street West and Nicollet Avenue. The parcel is also located just over a block west of Interstate 35W.

**PROJECT DESCRIPTION.** The applicant is proposing to change the use of an existing one and a half story, 4,462 square foot legal non-conforming building that was most recently used as an office for an art dealer/investment business. The subject business, Red Cricket Acupuncture, is currently located in a leased space in a building located a half block away at 4808 Nicollet Avenue. The applicant proposes to purchase the subject building and relocate their practice to the existing building. The building was originally constructed in 1950 as a YMCA. According to the applicant, the building has been used as an office since the YMCA closed. No alterations to the exterior of the building are proposed at this time other than adding an accessible ramp on the south side of the building. At this time the applicant proposes some interior remodeling that includes modifying an existing restroom for accessibility as well as alterations in order to provide treatment rooms on the first and second floor of the structure. All applicable building permits will need to be attained for any modifications that are necessary to accommodate the proposed use.

**PUBLIC COMMENTS.** Staff has not received any official correspondence from the Tangletown Neighborhood Association 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 is located on a corner lot (with street frontage on Rustic Lodge Avenue West and Nicollet Avenue), two parcels south of the southwestern boundary of the Neighborhood Commercial Node located at the intersection of 48<sup>th</sup> Street West and Nicollet Avenue and along Nicollet Avenue which is a designated Community Corridor in this location. The uses in the immediate vicinity include various commercial, institutional and residential uses. With the exception of the commercially zoned parcels (C1 and C2) within the boundaries of the Neighborhood

Commercial Node, and the property located kitty corner from the site across Nicollet Avenue which is zoned OR2, all other properties that surround the subject site are zoned R1. As previously noted, the structure located on the premises was constructed in 1950 as a YMCA and used as an office building since that time. Allowing a change in use to permit a clinic/sports and health facility type uses as opposed to an office use 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 9:00 a.m. to 8:00 p.m., and two Saturdays per month from 9:00 a.m. to noon.
  - b) **Signage:** There is an existing nonconforming freestanding type sign on a wood post located on the premises. The applicant proposes to change out the face of the existing sign. The area of the sign would be identical to what currently exists. Typically, signs for nonconforming commercial uses in the residential districts must comply with Section 543.250 which 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." 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. There is no on-site parking associated with the building. As previously noted, the applicant currently leases space within a building located approximately a half block away from the subject site. There is no on-site parking associated with their existing facility either.
  - d) **Off-street parking and loading:** There is no on-site parking associated with the building. All required parking has been grandfathered for the use.
  - e) **Nature of business operations:** The main function is as an outpatient clinic for acupuncture, shiatsu massage and cranial sacral therapy. The secondary functions are wellness and yoga classes.
  - f) **Number of employees:** There will be a total of 6 practitioners (the owner and five contract employees). According to the applicant, all employees would work less than 40 hours per week and often have staggered schedules. No information was provided regarding the number of employees that previously worked in the office.
  - 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 applicant proposes to replace the existing sign, construct an accessible wood ramp with wood railings and provide additional landscaping on the south side of the building. Further, Staff will recommend that the Planning Commission require that the trash receptacles on-site be screened as required by

Section 535.80 of the Zoning Code, and that the existing air-conditioning unit located adjacent to Nicollet Avenue be screened with additional landscaping.

- 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 an acupuncture clinic with sports and health facility type uses such as massage, wellness classes and yoga to be more intense than the office use that has been operating within the building on the property or the previous use of the property as a YMCA. 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 application for the property located at 4816 Nicollet Avenue South subject to the following conditions of approval:

1. All site improvements shall be completed by May 5, 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. A separate sign permit shall be attained from the Zoning Office to allow the face change-out for the existing nonconforming sign.
4. Any new on-site lighting shall be downcast, shielded and comply with Chapter 535.
5. The trash receptacles located on the property shall be screened as required by Section 535.80 of the Zoning Code.
6. The existing air-conditioning unit located adjacent to Nicollet Avenue shall be screened with additional landscaping.

## ATTACHMENTS

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

**Red Cricket Acupuncture  
4816 Nicollet Avenue South**

**Statement of Proposed Use**

Red Cricket Acupuncture is currently located in a leased space in 4808 Nicollet Avenue South. They are planning to purchase an existing building located at 4816 Nicollet Avenue South and relocate the practice. The proposed building uses are:

- Outpatient Acupuncture Clinic
- Shiatsu Massage Therapy
- Cranial Sacral Therapy
- Wellness Classes
- Yoga Classes

**Project Description**

The property is zoned R1 Single Family Residential. The building is currently used as office space, an existing non-conforming use. Red Cricket is required to apply for Change of Non-Conforming Use Permit for the use as a clinic.

The construction work proposed adds a ramp for an accessible entrance on the south side of the building remodels an existing bathroom for accessibility and has interior remodeling to provide treatment rooms on the first and second floor. The existing exterior sign panel will be replaced with the new owner's signage.

**Change in Non-Conforming Use Statement**

1. Hours of Operation  
Monday –Friday                      9AM to 8PM  
Two Saturdays per Month            9AM to noon
2. Signage – The existing sign on Nicollet will be replaced with the new owner's information on same size panel.
3. Traffic Generation – There will be up to 80 outpatients per week for the clinic functions. There will be two yoga classes per week for 15 students. There will be two wellness classes per month for 20 students.
4. Off Street Parking and Loading – None, no change in existing condition. The clinic does not require loading facility. Clients at the current location, a half block away, use street parking.
5. Nature of business operations – The main function is as an outpatient clinic for acupuncture, shiatsu massage and cranial sacral therapy. The secondary functions are classes for yoga and wellness students.

6. Number of Employees – Owner and five contract employees all of whom work less than 40 hours per week.
7. Building Bulk – No change in existing building size. The entry ramp will be added at the south side of the building.
8. Aesthetic impacts on surrounding property – The existing sign will be replaced; a wood ramp with wood railings and landscaping will be added on the south side of the building.
9. Lighting, noise, odor, heat, glare and vibration – All of the uses proposed are located inside the building and are quiet in nature. There will be no additional, light, noise, odor, glare or vibration from the change in use.

**Adsit – Architecture and  
Planning**

1229 Harmon Place  
Minneapolis, MN 55403  
Phone: (612) 343-8013  
Fax: (612) 343-5534

April 3, 2014

John Quincy  
Ward 11 Council Person  
350 South 5<sup>th</sup> Street, Suite 307  
Minneapolis, MN 55415

Tangletown Neighborhood Association  
PO Box 19347  
Minneapolis, MN 55419

Re: Red Cricket Acupuncture Relocation/ Change of Non Conforming Use at  
4816 Nicollet Avenue South

Red Cricket Acupuncture is currently located in a leased space in 4808 Nicollet Avenue South. They are planning to purchase an existing building located at 4816 Nicollet Avenue South and relocate the practice.

The construction work proposed adds a ramp for an accessible entrance on the south side of the building, remodels an existing bathroom for accessibility and has interior remodeling to provide treatment rooms on the first and second floor.

The property is zoned R1 Single Family Residential. The building is currently used as office space, an existing non conforming use. Red Cricket is required to apply for Change of Non Conforming Use Permit for the use as a clinic.

The Applicant is:

Red Cricket Acupuncture  
Joi Thomas  
4808 Nicollet Avenue S  
Minneapolis, MN 55419

612 824 0037  
redcricketjoi@rocketmail.com

Sincerely,  
Krin Berntson, AIA  
Adsit Architecture and Planning

**Subject:** Re: Please Send Email Authorizing Us To Do Work  
**From:** Joi Thomas (redcricketjoi@rocketmail.com)  
**To:** kberntson@adsitap.com;  
**Cc:** madsit@adsitap.com; shawnstrathe@gmail.com;  
**Date:** Thursday, April 3, 2014 2:36 PM

I authorize you (Krin Berntson/Adsit Architecture and Planning) to represent me and my clinic in the application for change of non conforming use.

Joi Thomas, L.Ac., Dipl.O.M.  
Owner, Red Cricket Acupuncture  
4808 Nicollet Ave  
Minneapolis, MN 55419  
(612) 824-0037

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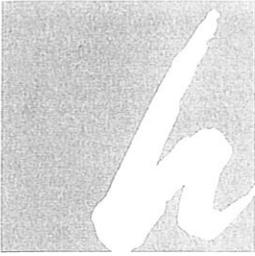
On Wednesday, April 2, 2014 3:33 PM, Krin Berntson <kberntson@adsitap.com> wrote:

Hi Joi,

Please send us an email, or respond to this one, authorizing us to represent you and submit the Application For Change In Nonconforming Use.

Thanks,  
Krin

Krin Berntson  
Architect, LEED AP  
**Adsit Architecture and Planning**  
1229 Harmon Place  
Minneapolis MN 55403  
612-343-8013 ext. 12



HADLEY  
HOUSE  
COMPANY

To: City of Minneapolis

4816 Nicollet Ave. S.

Minneapolis,

Minnesota 55419

952-983-8200

952-943-8098 Fax

Dear Sir or Madam:

I am the Managing Member of Caskecla Investment Company, LLC, the owner of the property located at 4816 Nicollet Avenue South in Minneapolis. I have signed a purchase agreement on behalf of Caskecla to sell that property to Joi Thomas, Owner of Red Cricket Acupuncture. I hereby authorize Joi Thomas to apply for the City of Minneapolis Change of Nonconforming Use for the property at the address noted.

Sincerely,



Paul B. Burke

[www.hadleyfineart.com](http://www.hadleyfineart.com)

[www.hadleyclassics.com](http://www.hadleyclassics.com)

[www.hadleylicensing.com](http://www.hadleylicensing.com)

Red Cricket Acupuncture

11th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

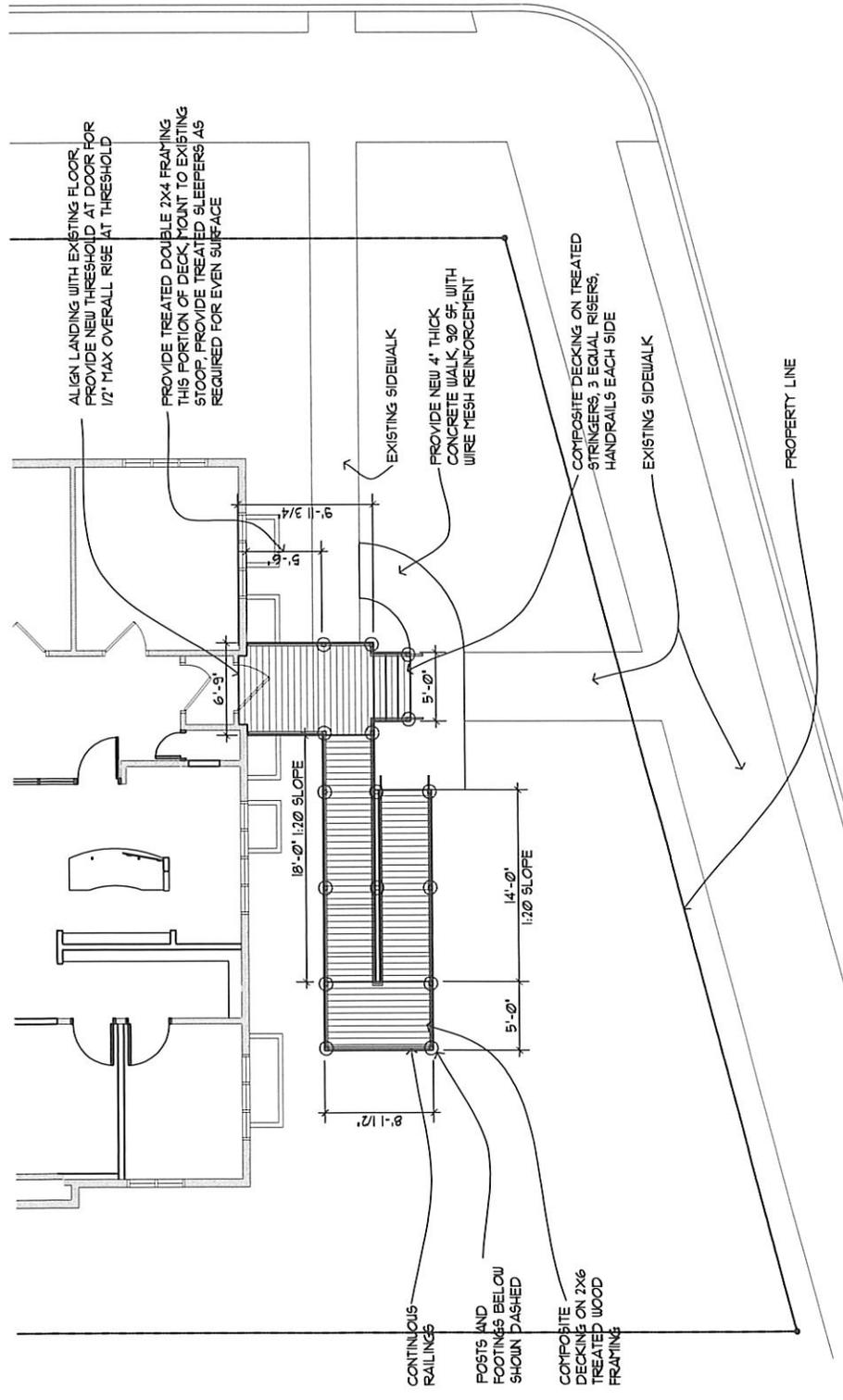
4816 Nicollet Avenue South

FILE NUMBER

BZZ-6505



NOTE: VERIFY DIMENSIONS OF EXISTING ELEMENTS



EXTERIOR RAMP AND STAIR ADDITION PLAN

1/8" = 1'-0"



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Architect under the laws of the state of Minnesota.

Print Name: Neil M. Adick  
 License No. \_\_\_\_\_  
 Signed \_\_\_\_\_  
 Date \_\_\_\_\_

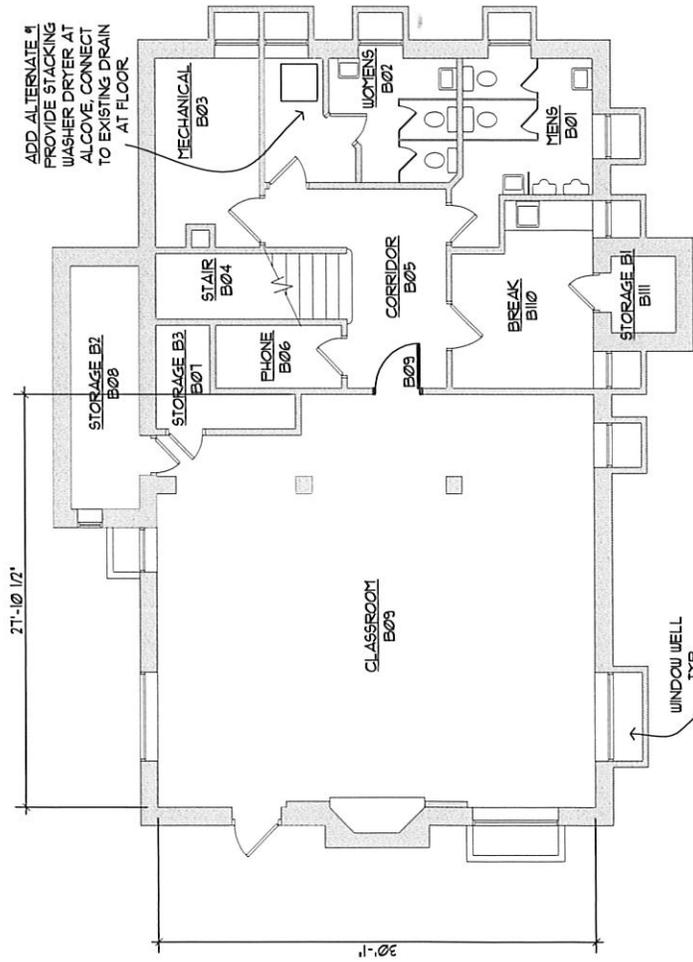
RED CRICKET ACUPNCTURE  
 CLINIC RELOCATION  
 4816 Nicollet Avenue South  
 Minneapolis Minnesota

DATE  
 February 25, 2014

SHEET  
 A51.0

PRICING DRAWINGS - FEBRUARY 25

NOTE: VERIFY DIMENSIONS OF EXISTING ELEMENTS



ADD ALTERNATE #1  
 PROVIDE STACKING  
 WASHER DRYER AT  
 ALCOVE CONNECT  
 TO EXISTING DRAIN  
 AT FLOOR



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.

Print Name: Phyllis M. Aak  
 of Minnesota:  
 License No:  
 Sign:  
 Date:

RED CRICKET ACUPUNCTURE  
 CLINIC RELOCATION  
 4816 Nicollet Avenue South  
 Minneapolis Minnesota

DATE  
 February 25, 2014

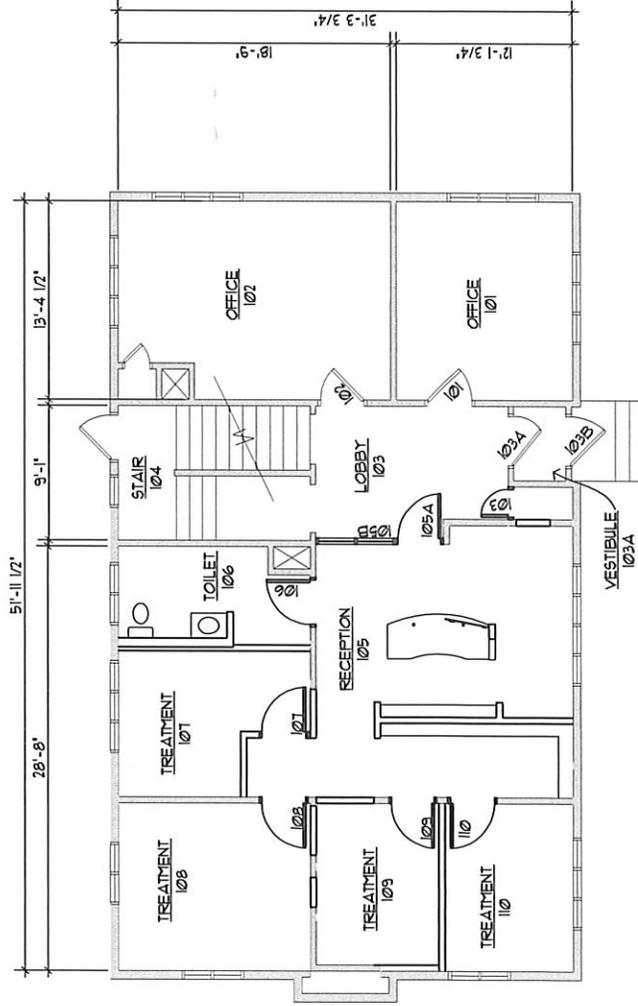
SHEET  
 A2.3

PRICING DRAWINGS - FEBRUARY 25



1  
 A23  
 LOWER LEVEL FLOOR PLAN  
 1/8" = 1'-0"

- NOTE:  
 1. VERIFY DIMENSIONS OF EXISTING ELEMENTS.  
 2. SEE 1/A2.6 FOR ENLARGED PLAN



1  
 A2.4  
 1/8" = 1'-0"

FIRST LEVEL PLAN



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Architect under the laws of the state of Minnesota.

Print Name: Peter H. Adala

of Minnesota

License No.

Signed

Date

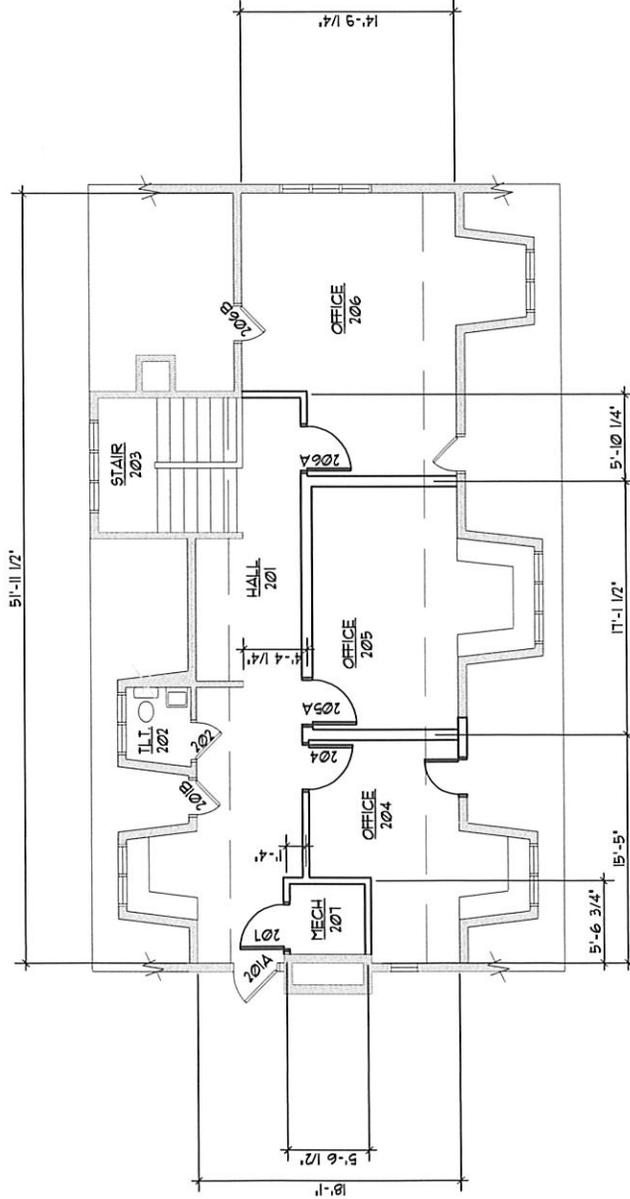
RED CRICKET ACUPUNCTURE  
 CLINIC RELOCATION  
 4816 Nicollet Avenue South  
 Minneapolis Minnesota

DATE  
 February 25, 2014

SHEET  
 A2.4

PRICING DRAWINGS - FEBRUARY 25

- SECOND FLOOR NOTES:
1. VERIFY DIMENSIONS OF EXISTING ELEMENTS.
  2. ADD ALTERNATE #1: PROVIDE SPRAY FOAM INSULATION BETWEEN EXISTING ROOF JOISTS, MINIMUM 3" THICK. PROVIDE VAPOR BARRIER ON ROOF JOISTS, AND 5/8" GYPSUM BOARD.
  3. ADD ALTERNATE #2: PROVIDE FIBERGLASS DOUBLE HUNG WINDOWS WITH INSECT SCREENS.



1 SECOND LEVEL PLAN

A25 1/8" = 1'-0"



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Architect under the laws of the state of Minnesota.

Print Name: Mike H. Adair  
 of Minnesota:  
 License No.:  
 Signed:  
 Date:

RED CRICKET ACUPUNCTURE  
 CLINIC RELOCATION  
 4816 NICOLLET AVENUE SOUTH  
 MINNEAPOLIS MINNESOTA

DATE  
 February 25, 2014

SHEET  
 A2.5

PRICING DRAWINGS - FEBRUARY 25

	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.
	Print Name: <u>Phil H. Adair</u> License No.: _____ Signature: _____ Date: _____
<b>RED CRICKET ACUPUNCTURE CLINIC RELOCATION</b> 4816 Nicollet Avenue South Minneapolis Minnesota	
DATE: February 25, 2014	SHEET: <b>A2.6</b>

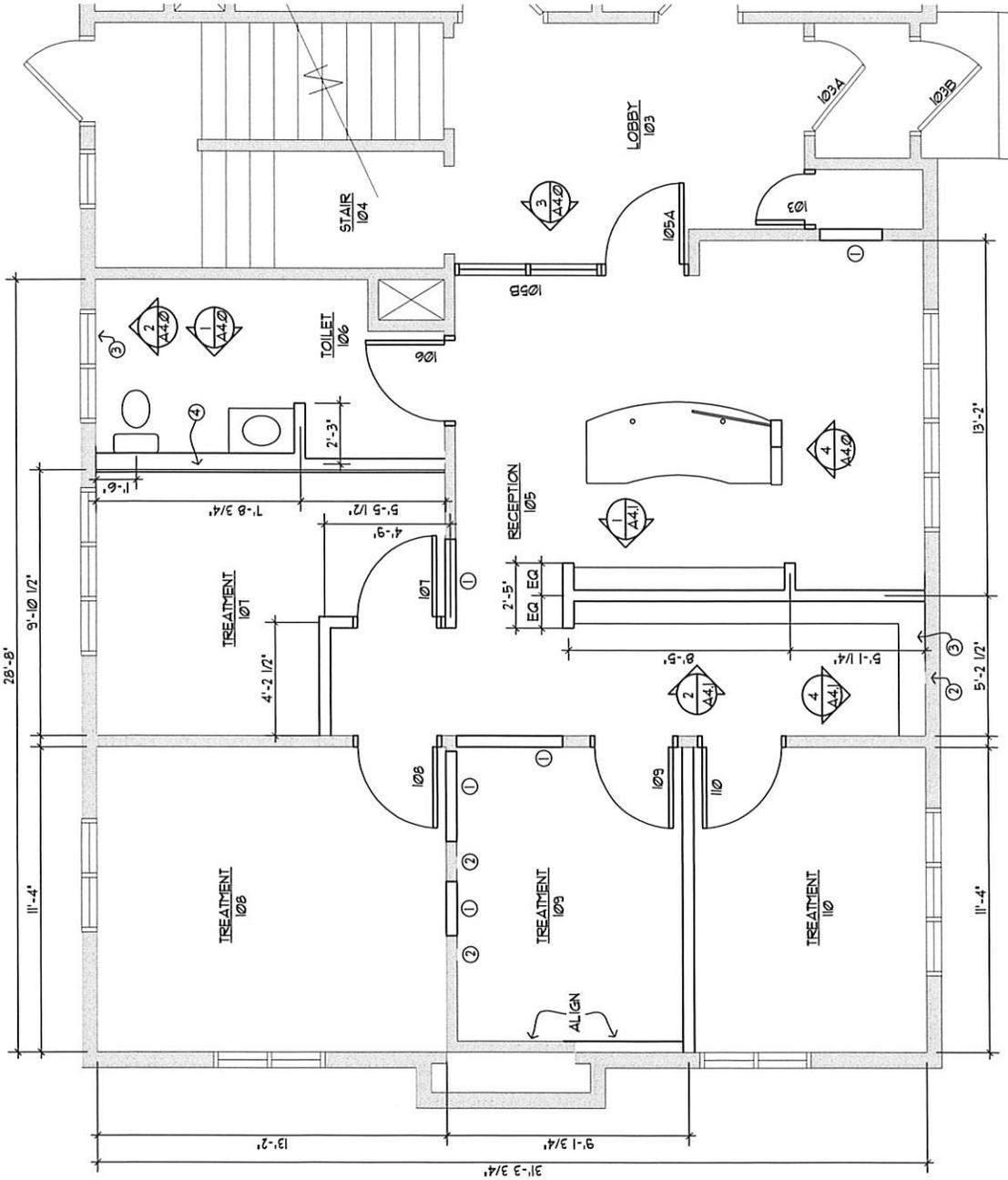
PRICING DRAWINGS - FEBRUARY 25

FLOOR PLAN KEY NOTES

1. PROVIDE NEW WALL WHERE DOOR WAS REMOVED. ALIGN WITH EXISTING WALL, BOTH SIDES.
2. PATCH PLASTER OR SHEETROCK WHERE WALL WAS REMOVED.
3. PATCH PLASTER OR SHEETROCK AFTER BLOCKING IS INSTALLED.
4. NEW 5/8" GYPSUM BOARD, BATT INSULATION AT EXISTING STUDS. PROVIDE 1/2" HAT CHANNELS AND ANOTHER LAYER OF GYP. BD. AT TREATMENT ROOM SIDE OF WALL.

FLOOR PLAN GENERAL NOTES

1. EXISTING WALLS SHOWN SHADED, OTHER WALLS ARE NEW.



1 ENLARGED PARTIAL FIRST LEVEL PLAN

A2.6 1/2" = 1'-0"



I hereby certify that the plans, specifications, or report was prepared by me or under my direct supervision and that I am a duly licensed Architect under the laws of the state

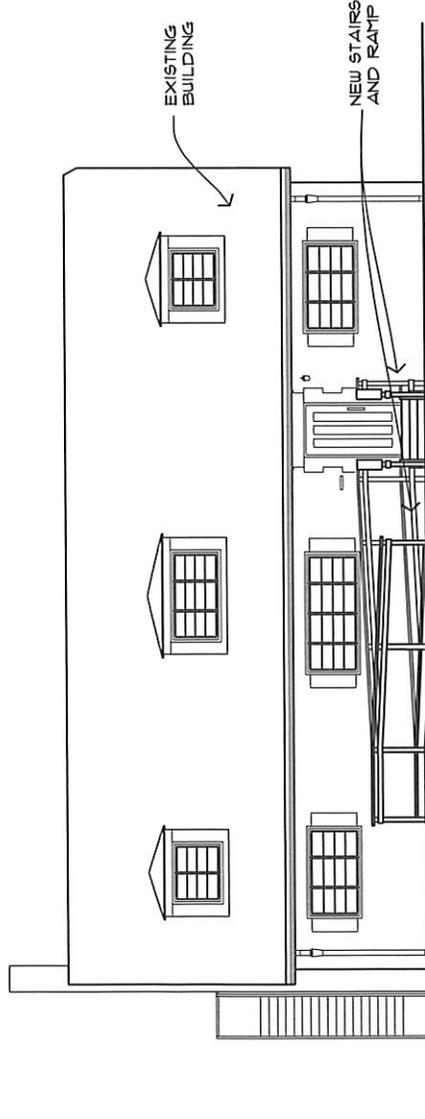
Print Name: Miss N. Adels  
of Minnesota:  
License No:  
Signed:  
Date:

RED CRICKET ACUPUNCTURE  
CLINIC RELOCATION  
4816 Nicollet Avenue South  
Minneapolis Minnesota

DATE  
APRIL 7, 2014

SHEET  
A5.0

PRICING DRAWINGS - FEBRUARY 25



SOUTH EXTERIOR ELEVATION

1  
A5.0  
1/8" = 1'-0"

# Red Cricket Acupuncture



South Elevation



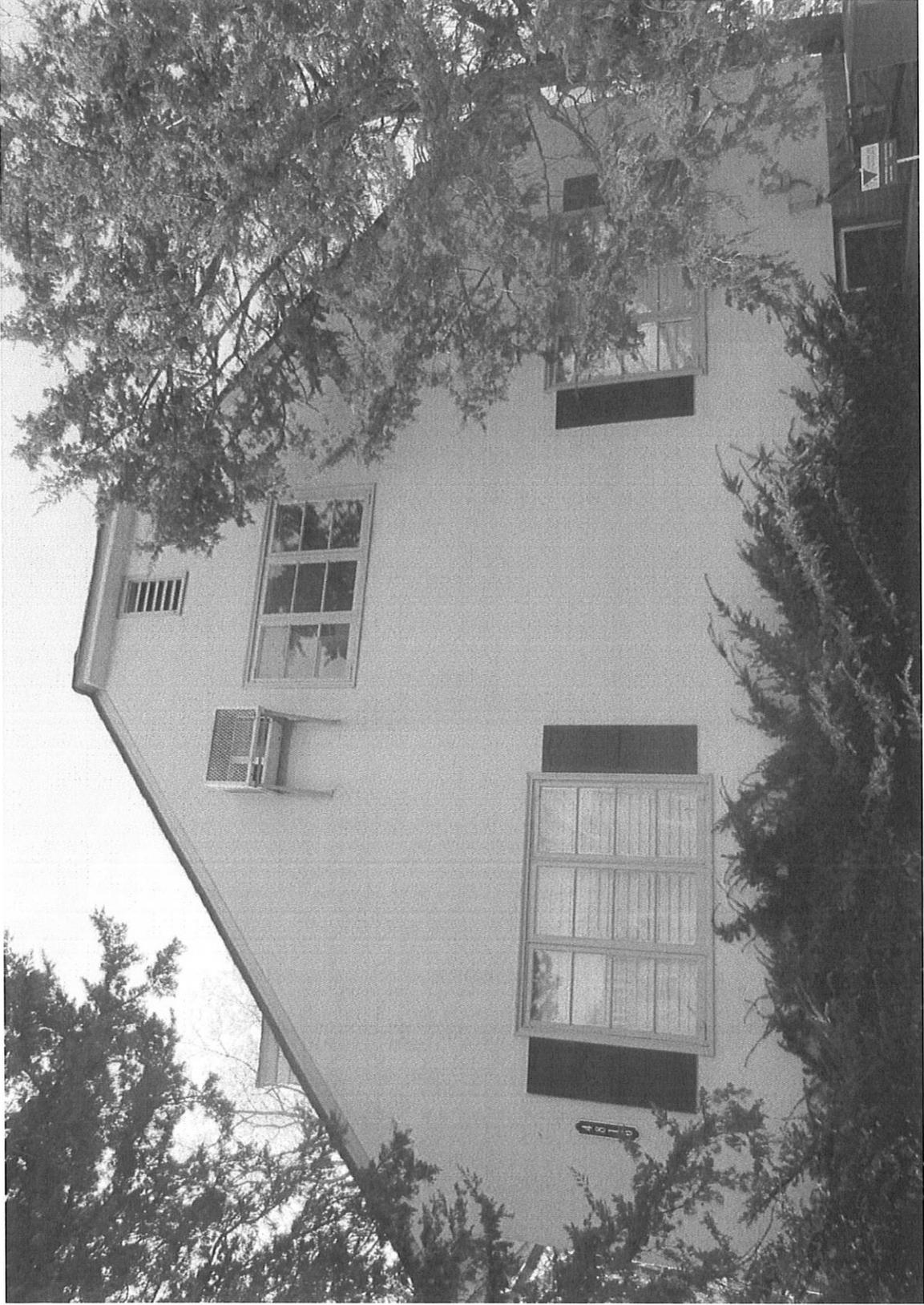
West Elevation



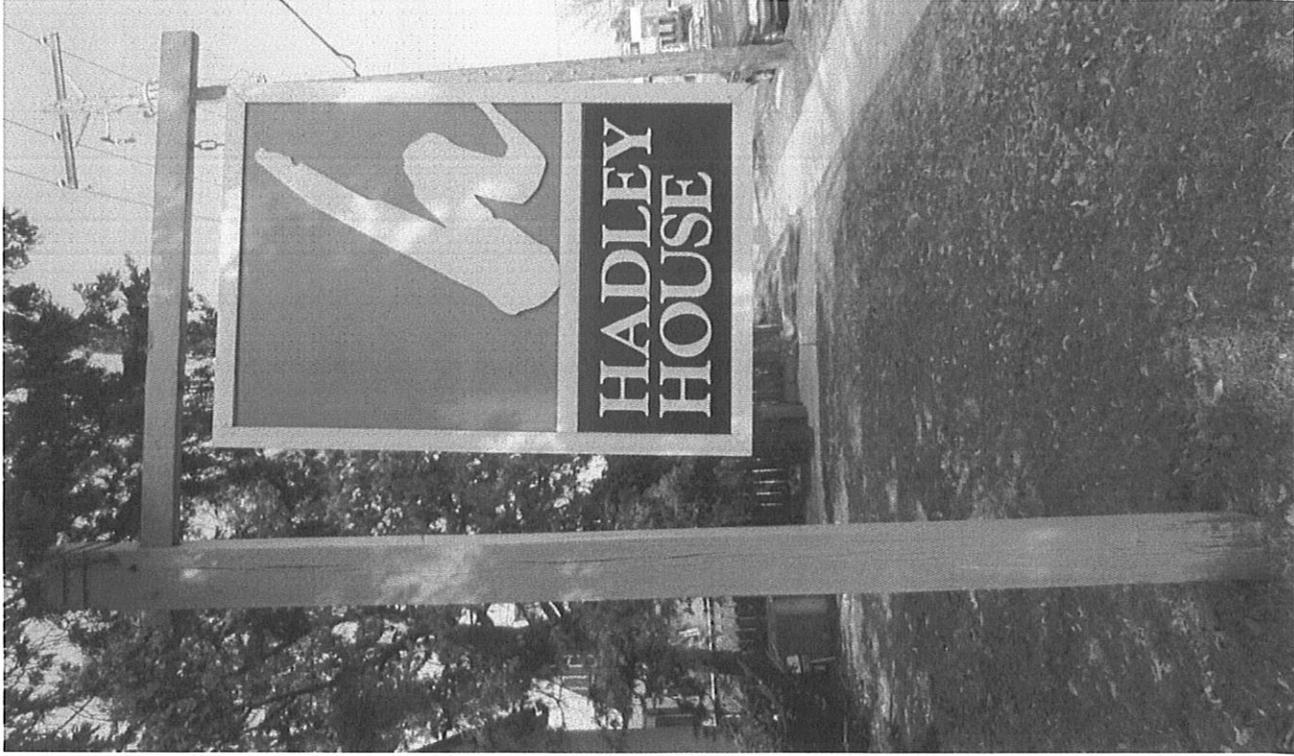


North Elevation





East Elevation



Existing Sign

