



CPED STAFF REPORT
Prepared for the City Planning Commission

CPC Agenda Item #2
August 11, 2014
BZZ-6691

LAND USE APPLICATION SUMMARY

Property Location: 4501 Minnehaha Avenue
Project Name: Houndsteeth Recording Studio
Prepared By: [Lisa Steiner](#), City Planner, (612) 673-3950
Applicant: Anthony Williamette
Project Contact: Anthony Williamette
Request: To allow a recording studio in place of the existing archery sales and service use.

Required Applications:

Change of a Legal Nonconforming Use	To allow an audio production facility in place of the existing general retail sales and services use.
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SITE DATA

Existing Zoning	R2B Two-family District
Lot Area	8,580 square feet
Ward	12
Neighborhood	Hiawatha
Designated Future Land Use	Urban Neighborhood
Land Use Features	Community Corridor (Minnehaha Avenue)
Small Area Plan	46th & Hiawatha Station Area Master Plan

Date Application Deemed Complete	July 18, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	September 16, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site is located on the southeast corner of Minnehaha Avenue and East 45th Street. The existing 850 square foot building was constructed in 1939 and the site was utilized as a gas station until 1965. The existing archery sales and service business, B and B Supply, has been located at the subject property since 1965. The property was zoned B2S-1 Neighborhood Service District from 1963 until 1999, when the property was rezoned to R2B Two-Family District and the commercial use of the property became nonconforming.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. Minnehaha Avenue is a designated Community Corridor with a mix of residential and commercial uses. The subject property is bordered by single and two-family residential uses to the south and east. Across East 45th Street is a landscaping nursery and garden store. A multi-family apartment building is located at the northwest corner of East 45th Street and Minnehaha Avenue. Some commercial uses are also located a block to the south at Minnehaha Avenue and East 46th Street.

PROJECT DESCRIPTION. The applicant is proposing to purchase the subject property and establish an audio production business in the existing building. No alterations to the exterior of the building are proposed at this time.

PUBLIC COMMENTS. Staff received a letter from the Longfellow Community Council indicating their support for the proposed change of nonconforming use. Any additional 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 an audio production use in the R2B Two-family District based on the following [findings](#):

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

The intersection of East 45th Street and Minnehaha Avenue includes another commercial use, as well as a multi-family apartment building and a single-family home. There is a range of zoning districts in the immediately surrounding area. On the east side of Minnehaha, the 4500 block is zoned R2B Two-Family District. However, the west side of the 4500 block of Minnehaha is zoned R1A Single-Family District. The property north of the subject site is zoned C1 Neighborhood Commercial District and R5 Multiple-Family District zoned parcels are located on the 4400 block of Minnehaha. With the recommended conditions of approval, the proposed audio production use will be compatible with adjacent property and the immediate neighborhood.

2. *The proposed use is less intense than the existing, nonconforming use.*

B and B Supply, an archery sales and service store, has operated out of the existing building since 1965.

- a) **Hours of operation:** The proposed audio production use will operate from 10 am to 8 pm, seven days a week. The current archery sales and service use operates Monday through Saturday from 10 am to 6 pm, Monday through Saturday.

- b) **Signage:** The existing “B&B Supply” sign will be removed. The applicant is not proposing any signage at this time for the new business. Per section 543.250, nonconforming uses on corner lots in residential districts are limited to two non-illuminated 16 square foot wall signs which can only be 14 feet in height.

Additionally, a pole from a former sign is currently located at the northwest corner of the site. The sign has been removed and the structural pole is all that remains. Per 543.180, all structural elements from removed signs shall be removed completely. Staff is recommending as a condition of approval that the pole from the former sign be removed to comply with that provision of the zoning code.

- c) **Traffic generation and safety:** The applicant has stated that between 1 and 4 cars per day may be traveling to and from the site.
- d) **Off-street parking and loading:** Although there is a large impervious area between the front of the building and Minnehaha Avenue, it is not formally striped for parking. No off-street parking is required by this use per the zoning code. Typically, an audio production use has a parking requirement of one space per 1,000 square feet of space. However, no parking would be required on this site because the building is less than 1,000 square feet in size.
- e) **Nature of business operations:** The recording studio will primarily be used for folk and acoustic music recording and commercial audio production. The commercial audio production will include voiceover recording, film and television scoring, K-12 outreach audio classes, forensic audio clean-up, tape transfers, mixing or mastering of corporate audio recordings, and podcast/online radio voice-only applications. The issue of noise is addressed below.
- f) **Number of employees:** The owner will be the sole employee of the business. However, the applicant has noted that other audio engineers may utilize the space as well as potentially interns in the future.
- g) **Building Bulk:** There are no interior or exterior alterations proposed at this time.
- h) **Aesthetic impacts on surrounding property:** The applicant is proposing to add additional landscaping to the south and west boundaries of the impervious surface lot area in order to improve aesthetics along Minnehaha and next to the adjacent residential parcel. The applicant also plans to touch up paint to improve building aesthetics.
- i) **Noise, odor, heat, glare and vibration:** No odor, heat, glare, or vibration issues will be caused by the proposed use. The applicant has indicated that in order to account for any potential noise issues, they have performed various tests to determine the sound leakage at moderate and high decibel and sound pressure levels. The applicant has indicated that the thick-walled concrete and brick building lets very little sound in and out and that interior acoustic soundproofing will further minimize any effect outside of the building. Further, the intent of audio recording is to capture sound and any leakage of sound would be a detriment to the purpose of the recording process, so the applicant will take all necessary soundproofing measures to minimize any noise leakage out of the building. Staff is specifying in the conditions that noise must be in keeping with Section 535.620 in order to ensure that the new use will not create noise in such a way to violate current ordinances.

Staff finds that the proposed use of the property as an audio production facility will not be more intense than the general retail sales and service use that has been operating within the subject building for almost forty years. Therefore, CPED staff would support the change of nonconforming 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 to allow an audio production use in the R2B Two-family District, subject to the following conditions:

1. The audio production facility shall not create noise in such a way that violates section 535.620 of the Minneapolis Zoning Code or Chapter 389 of the Minneapolis Code of Ordinances related to noise.
2. Any future signs will require a separate sign permit from CPED and must comply with 543.250 of the zoning code, which specifies that nonconforming uses in residential districts on corner lots shall be limited to two non-illuminated flat wall identification signs, not to exceed sixteen feet in area and fourteen feet in height each.
3. The pole from a removed sign at the northwest corner of the site shall be removed per section 543.180.
4. The applicant shall plant shrubs at least three feet in height and 60 percent opaque along the south and west sides of the impervious surface lot.
5. All areas not occupied by buildings, parking facilities, or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, wood mulch, shrubs, trees, or edible landscaping per 530.180. All landscape materials shall be installed to current industry standards and incorporate environmentally sound management practices per 530.210.
6. All site improvements shall be completed by August 11, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

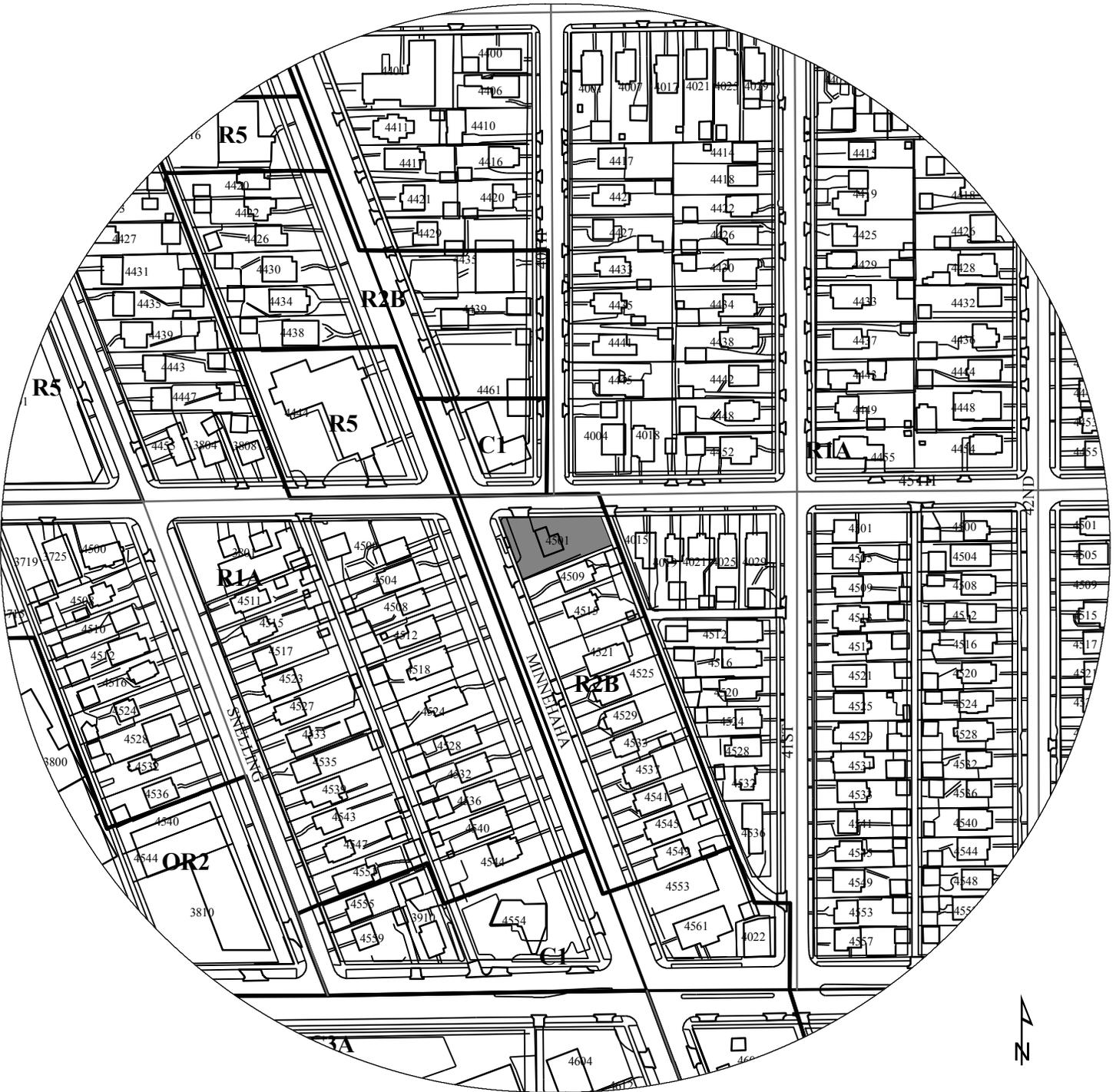
1. Aerial map
2. Zoning map
3. Written description and findings submitted by applicant
4. Property history
5. Site plan
6. Photos
7. Correspondence

4501 MINNEHAHA



NAME OF APPLICANT

WARD



PROPERTY ADDRESS

4501 Minnehaha Avenue

FILE NUMBER

BZZ-6691

Application of Non-Conforming Use at 4501 Minnehaha Avenue

Information Reference Form

Hours of Operation: General working hours will be 10am-8pm.

Signage: There will be no signage initially. We do expect to install a 15' wide unmarked awning across the front (Minnehaha facing side) of the building in summer 2015. These plans are not concrete, but it is believed that this will enhance the façade of the building along Minnehaha.

Traffic Generation: The traffic generated at the recording studio will be minimal and as negligible as the current use, perhaps seeing 1-4 cars total per day.

Off-street Parking and loading: All recording studio customers will park in the open, 8-space lot that is attached to the property. All loading of equipment will be on the lot through the main front doorway. No street parking traffic will be generated due to the low number of vehicles and clients coming and going.

Nature of Business Operations: The day-to-day use of this property as a recording studio will generally be acoustic/folk music recording and commercial audio production. Commercial audio production may include voiceover recording, scoring for film and television, K-12 outreach audio classes, forensic audio clean-up, tape transfers, as well as mixing and mastering of corporate audio recordings. The studio use will also include podcast/online radio productions with voice-only applications. Note that no RF broadcasting will occur. All of these uses have minimal noise considerations as they are based on the level of monitoring in the isolated control room. This assures that noise issues are off the table at the beginning of this plan. Chief operating hours of this establishment will be 10am-8pm. The studio will be a strictly drug and alcohol free environment.

Number of employees: The studio will be operated chiefly by the owner, Anthony Williamette. Other engineer will use the space from time to time on a contract basis. Graduates from local recording programs will also be welcomed as interns as the studio progresses.

Building Bulk: As mentioned in the signage portion above, there are plans to install an unmarked 15' wide awning in the summer of 2015. There are no other interior or exterior building considerations at this time.

Aesthetic impacts on surrounding property: The aesthetic of the building and property will remain largely the same. Upon move-in, we plan to touch-up paint on the exterior to give it new life. We also plan to use the 14'x14' garden in the back to provide flowers and vegetables as the growing season permits. Other than these items, the property will continue to be kept up with high standards regarding lawn mowing, snow removal, and overall upkeep. We want to be proud of both the products and property that represent this business.

Lighting: Lighting will be minimal and will be no change from the current lighting use.

Noise: In the interest of discovering and eliminating any noise concerns from the very beginning, we have performed various tests to determine the sound leakage at both moderate and high dB SPL levels (100 dB or greater). As mentioned above, the building is thick-walled brick that lets very little sound in and out. The proper interior acoustic considerations will be made to minimize reflections and any leakage to the outside world.

It's been determined that even neighbor Gary Steele will not be affected while in his yard. Although the business relies mostly on acoustic and commercial work, we've taken all necessary precautions and done the footwork to ensure that any scrutiny in this area can be dismissed.

Odor: No odors will be emitted from this property.

Heat: No additional will be generated from this property.

Glare: No additional glare will be generated from this property.

Vibration: No vibration will be generated from this property.

4501 Minnehaha Avenue

Change of Non-Conforming Use Concept Development Plan



Scope

As the potential future owner of the property at 4501 Minnehaha Minneapolis, MN 55406, I intend to use the building as a small, owner-operated commercial recording studio. Below are the details on the daily use, community initiative, layout, noise concerns, and neighborhood impact.

Day-to-Day Use

The day-to-day use of this property as a recording studio will generally be acoustic/folk music recording and commercial audio production. Commercial audio production may include voiceover recording, scoring for film and television, K-12 outreach audio classes, forensic audio clean-up, tape transfers, as well as mixing and mastering of corporate audio recordings. The studio use will also include podcast/online radio productions with voice-only applications. Note that no RF broadcasting will occur. All of these uses have minimal noise considerations as they are based on the level of monitoring in the isolated control room. This assures that noise issues are off the table at the beginning of this plan. Chief operating hours of this establishment will be 10am-8pm. The studio will be a strictly drug and alcohol free environment.

Community Initiative

There is a strong community-driven arts initiative associated with this recording studio plan. I intend to continue my work with Minneapolis' Capri Theater and develop a strong K-12 outreach, offering volunteer-based local community programs and classes for those interested in the recording arts. Given my audio engineering degree and Pro Tools certification, I'd like to pass on any knowledge and information I can to those willing to learn.

We plan to host open houses with the above in mind, allowing the already strong neighborhood to have a transparent understanding of what this recording studio is all about.

Noise Concerns

In the interest of discovering and eliminating any noise concerns from the very beginning, we have performed various tests to determine the sound leakage at both moderate and high dB SPL levels (100 dB or greater). As mentioned above, the building is thick-walled brick that lets very little sound in and out. The proper interior acoustic considerations will be made to minimize reflections and any leakage to the outside world.

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Layout

As you can see in the photos below, the structure is thick-walled concrete and brick. This foundation and wall build allows very little sound either in or out. This is one of the reasons that this building in particular has been planned for this use. The sides facing Minnehaha Avenue and 45th street are further reinforced with hardwood across the front.

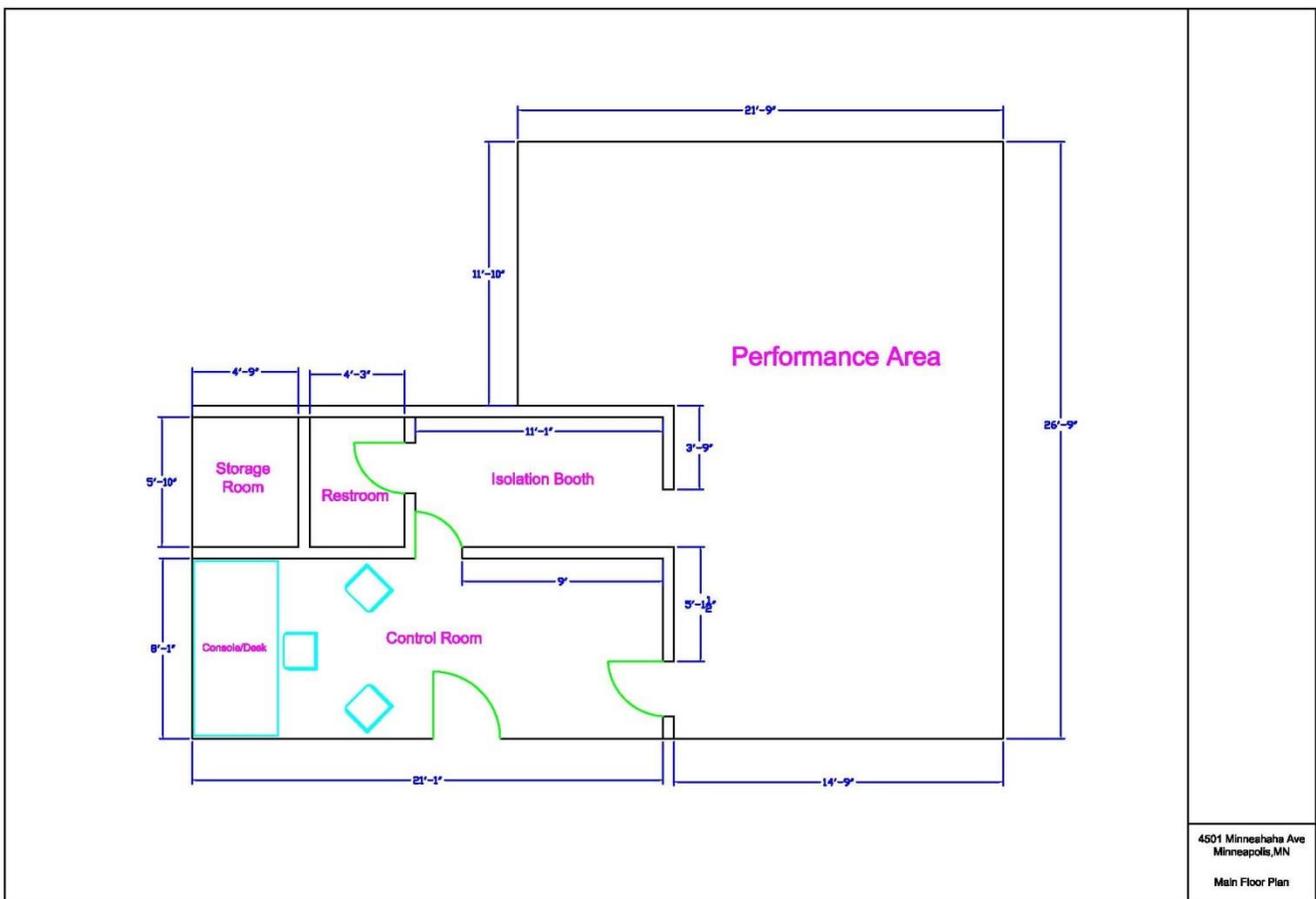


There will be no construction associated with the installation of the recording studio equipment. The building's size and shape cater to the needs of this studio, thus another reason this building in particular was selected for this plan. The 13' ceilings in the large room and brick work make for beautiful acoustics and we intend to full take advantage of this historical building's architecture.

Layout (Continued)

Below is a bird's-eye view diagram of the building and associated basement (top left).

- The large room that runs the length of 26' 9" will be the performance area. This area will be used to capture voice and instruments alike.
- The front room running 21' 1" will be the control room. This is where the monitoring of audio will be done.
- The 13' 2 3/8" long middle room will be used as an isolation booth for different acoustic sounds. The other two, smaller rooms in the main building are bathrooms with running water and working plumbing. The basement will be used for storage only as needed.



Improvements

Although the building will require no interior construction, I plan to repaint the exterior and interior with the existing color scheme, just to clean things up a bit. Current owner Gary Steele has always kept the yard and exterior in immaculate condition, at one time using the 14'x14'x garden in the back yard. I plan to maintain the appearance that Gary has upheld, eventually (spring 2015) using the garden for vegetable growing.

I do intend to install a 15' wide awning over the front door, with no signage attached to it. This will serve to protect the front façade of the building and add an overall more appealing aesthetic to the building. This will likely be done in summer 2015.

The building has a new, rubber membrane roof that is about 1-year old. We've examined the roof thoroughly to ensure proper drainage is operational.

Neighborhood Impact

I have focused greatly on the impact of the neighborhood for this recording studio. The current building owner, Gary Steele, owns and lives in the residential property next door. Gary has welcomed my concept with open arms, knowing that this will be a great addition to the neighborhood he grew up in and successfully ran his business over the last 45 years. The neighboring property to the east is separated by about 100' of grassed yard and property line that should alleviate any issues. The neighboring property to the north (Minnehaha Falls Nursery and Landscaping) will be completely isolated to any effect of the business, as will the residences across the avenue to the west.

This neighborhood along Minnehaha Avenue is unique and contains mostly family-owned, small businesses and single family bungalows. I intend to join this collection of wonderful, small, growing businesses along this street by offering a destination boutique recording studio in a small footprint in one of the finest parts of our city. The foot traffic will be minimal and will have no effect on neighborhood parking or increased traffic due to the 8-space parking lot located on the premises.

Property History

To whom it may concern,

I, Gary Steel have been the majority owner and operator of B and B Supply at 4501 Minnehaha Avenue since 2003. Prior to 2003, this was a partnership with WILLIAM J. SWART

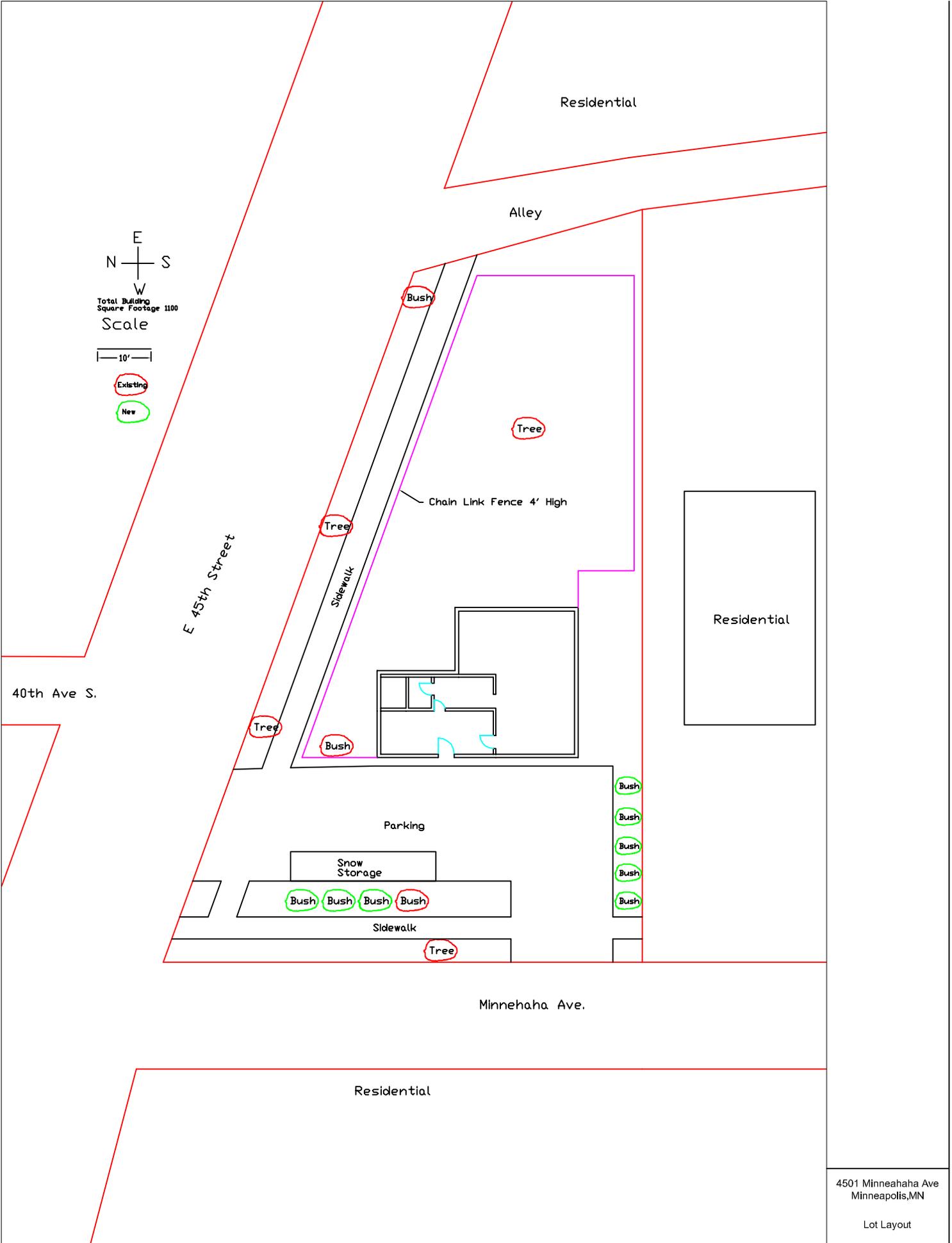
B and B Supply has been owned and operated out of the building on 4501 Minnehaha Avenue since 1965. Since this time, B and B Supply has been chiefly archery sales and repair. Prior to _____, this property was PHILLIPS GAS STATION.

Sincerely,

Gary Steele

Gary Steele 7/11/14

Site Plan



4501 Minnehaha Ave
Minneapolis, MN

Lot Layout

4501 Minnehaha Avenue Site Plan and Layout

Overview: The building at 4501 Minnehaha Avenue is currently B and B supply which has been owned and operated out of this building for over 45 years. The building is zoned R2B, but contains no living quarters and has always been a commercial-only building.

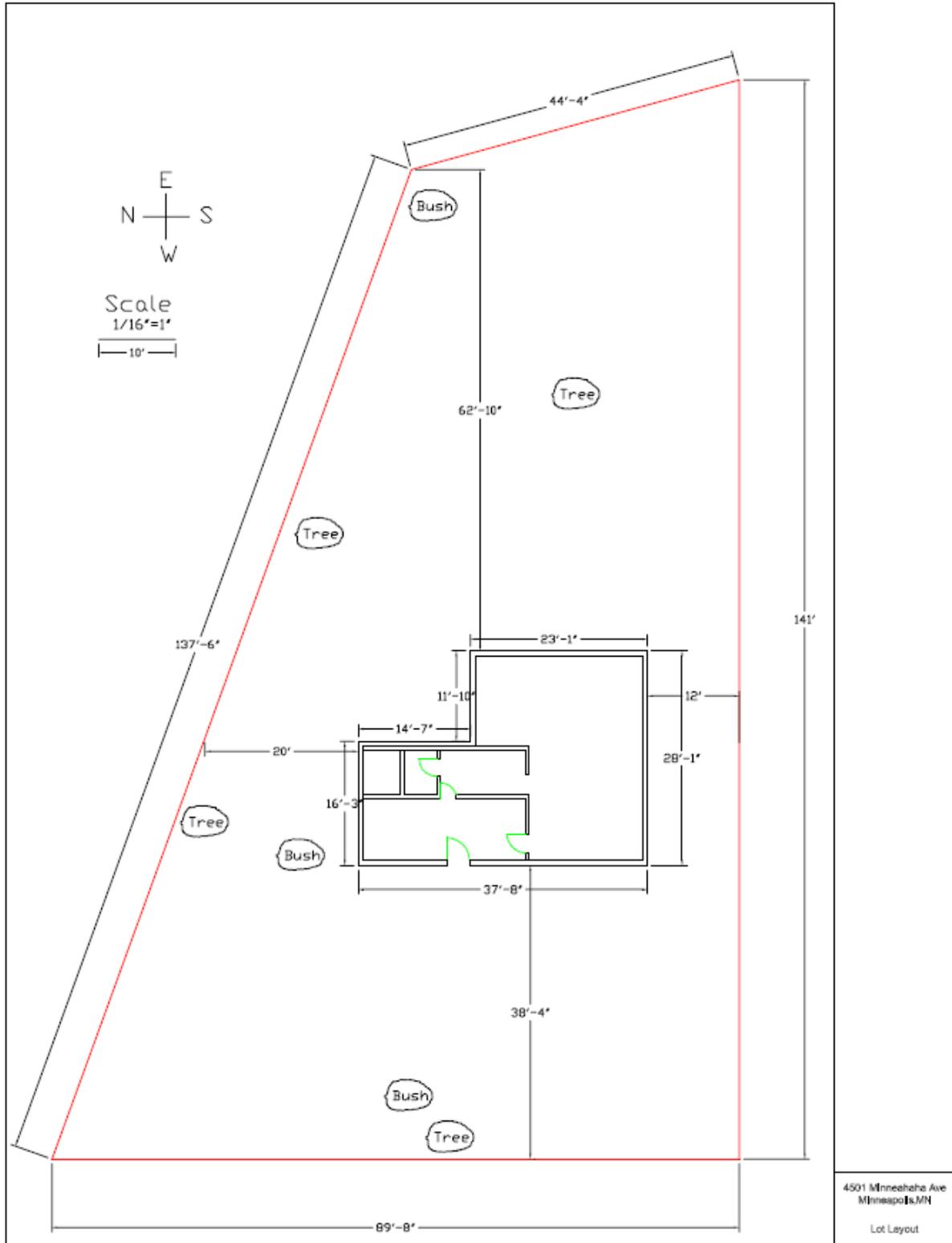
I propose to move my recording and production studio into this space and operate it daily as such.

Changes: Through this, there will be no exterior or interior building. The only initial change will be to touch up the paint with the existing color on both the exterior and interior. I will also be moving my recording studio equipment and instruments into the building. As mentioned above, this process requires no construction.



Lot Layout:

Below is a drawing of the building sitting on the lot and the various foliage in the yard. This drawing also shows the distance from the building to the property line (outlined in red).



Front Façade:

The front façade, west-facing portion of this building will not be changing. I will be touching up the red and white paint with the existing colors to make things look newer. I will also be keeping the 8-space parking lot as is. The current owner has always taken good care of the front and side yard landscaping, and I will do the same.



Backyard:

The backyard, facing east, contains mostly grass and 4' high chain-link fencing. Both the grass and fencing will remain. There is a 14'x14' garden in the center of the back yard that will be used for vegetable growing for starting in the spring of 2015. The backyard will not have any other utilitarian use and will be kept up as well as the current owner has.



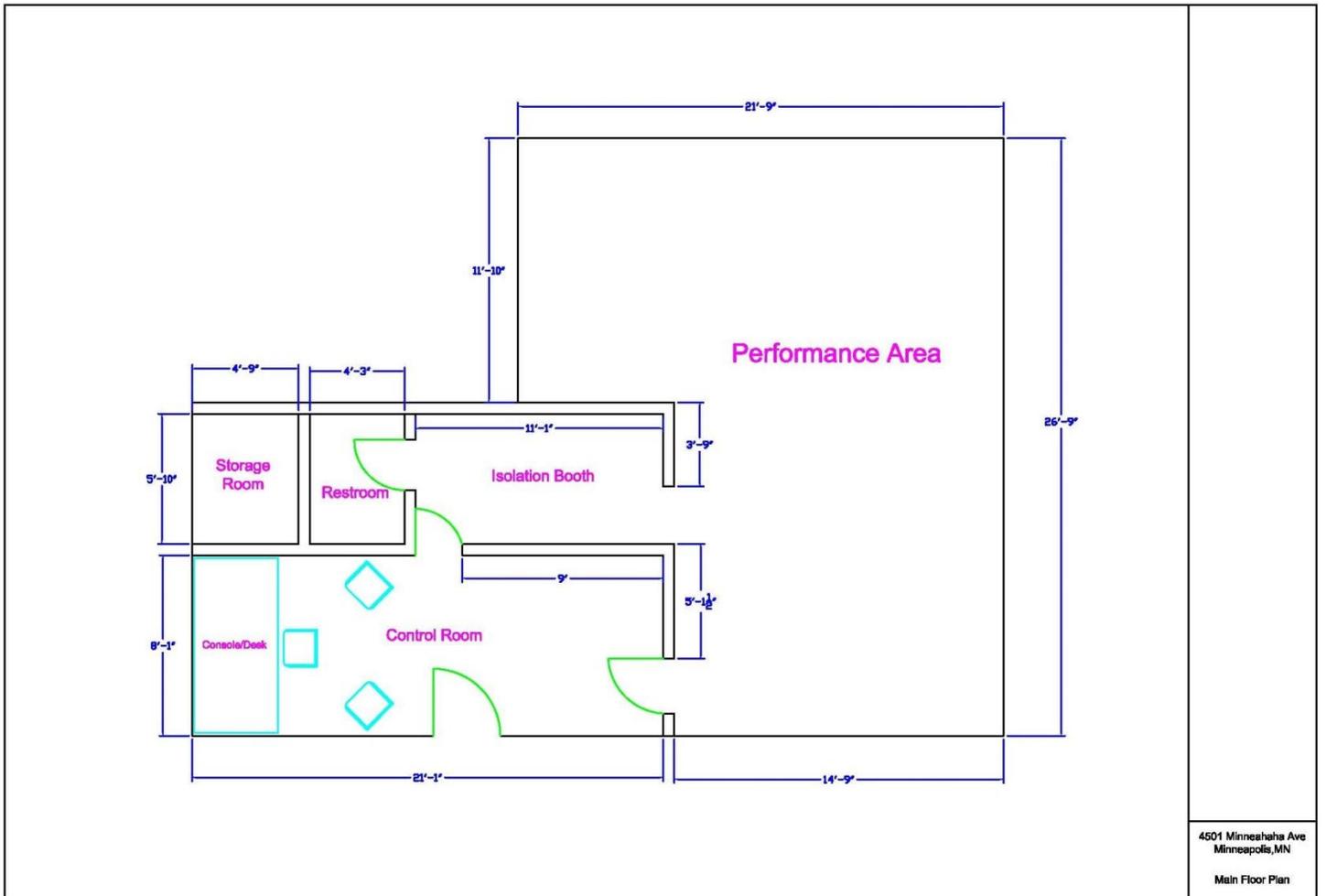
Property Line:

The property line on the south side of the lot borders the property at 4509 Minnehaha Avenue. This property is also owned by 4501 Minnehaha Avenue owner Gary Steele. Mr. Steele will continue to reside there for the foreseeable future. Mr. Steele is 100% behind my plan of putting in my recording/production studio and has worked with me to perform sound pressure level tests to ensure there will be no disruption to him at any time of the day. Mr. Steele's residence is located 6' from the southern property line and the building at 4501 is located 12' from the southern property line.



Floor Plan:

As there will be no construction during this project, the floor plan is very simple. Using the existing three main rooms, the control room, isolation booth, and performance area of the recording studio are clearly defined in the layout below. The restroom and storage room are also noted and labeled. The view is a perspective from the front door where East is the top of the drawing.



The control room is where the monitoring and playback of the music and dialogue will be heard through control room speakers. This is where the majority of time will be spent fine tuning things.

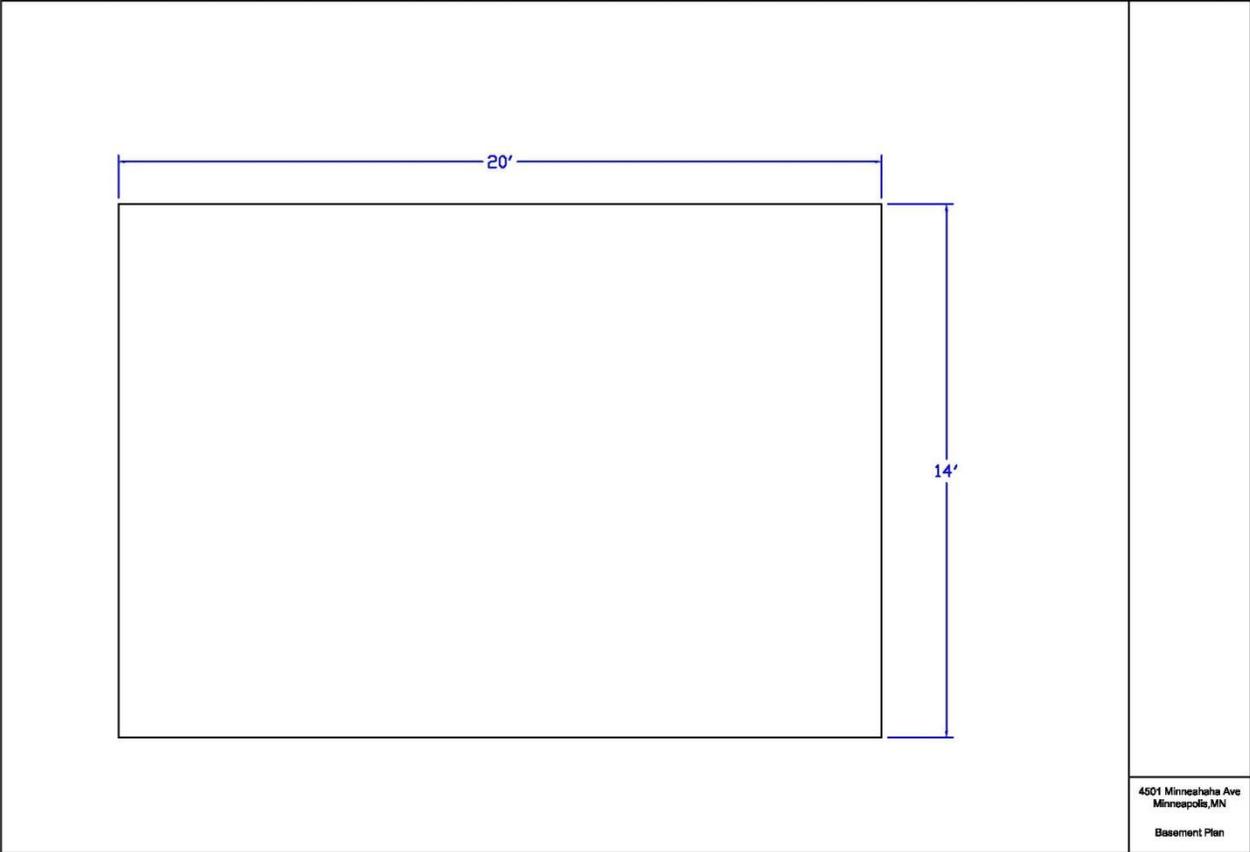
The performance area is where all dialogue and instruments will be captured either with microphones or using direct input recording.

The isolation booth is setup to have an isolated space from the main performance area, where separation from other sources can be heard. This also allows for difference acoustical characteristics from the main performance area.

The bathroom is equipped with a working sink and toilet.

The basement and storage room will be solely storage.

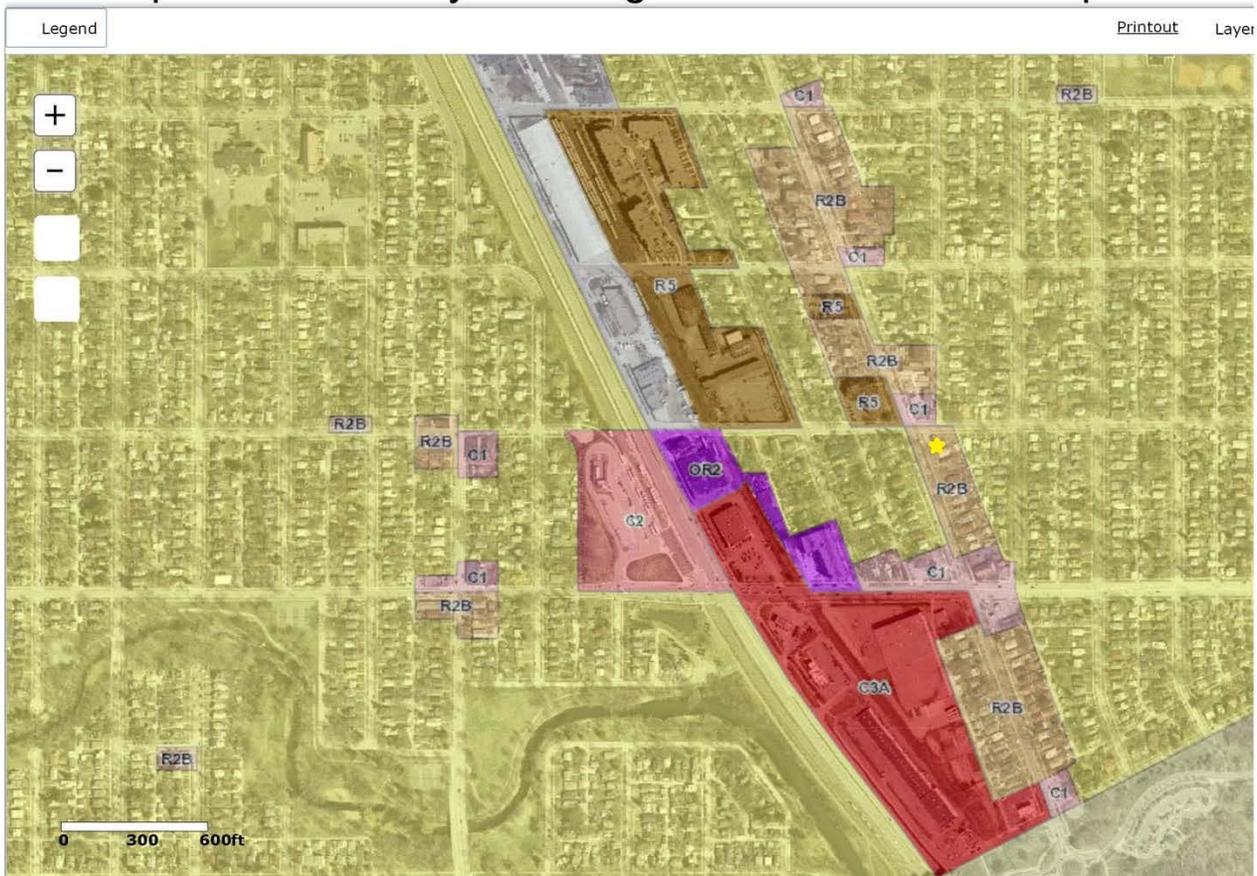
Basement layout:



Neighborhood Snapshot:

The below image is a Birdseye view of the neighborhood zoning surrounding 4501 Minnehaha Avenue. The yellow star indicates the location of 4501 Minnehaha. This shows that the entire block along Minnehaha has commercial operations scattered throughout. It also shows the great number of commercial operations along the Hiawatha. After evaluating this, I've established the operation of a recording and production studio at 4501 Minnehaha would be consistent with other operations in this neighborhood and surrounding area.

Minneapolis Community Planning and Economic Development - Z



Scope

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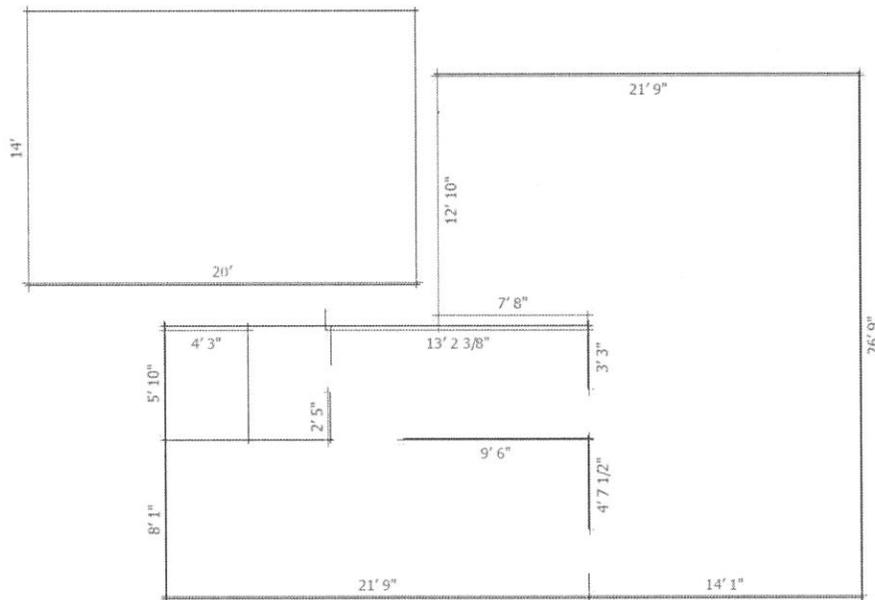


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Correspondence with neighbors

June, 30th 2014

Anthony Williamette

Dear Neighbor of 4501 Minnehaha Avenue,

I am writing to you regarding my intention of installing a recording studio in the property at 4501 Minnehaha Avenue. In this letter, I have included a detailed plan of how the space will be used and the associated neighborhood impact. I want all neighbors of this property to be familiar and comfortable with the environment of the recording studio and make vocal any concerns you may have so that we can work these out in advance.

Respectfully,

Anthony Williamette

Dear Anthony,

Thank you for your concern and your detailed report on your intentions for the property at 4501 Minnehaha. As a direct neighbor at 4509 Minnehaha, sharing a property line, we thank you for taking us into consideration regarding use of the space at 4501 Minnehaha Avenue. We wholeheartedly approve of your use and wish you the best of luck in growing your business in our charming neighborhood.

Regards,

Gary and Susan Steele

6/30/14

Gary R. Steele
Susan Steele

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Regards,

Rich Bonnett

Correspondence with neighborhood group and council member

Tony Williamette

From: Tony Williamette
Sent: Tuesday, July 01, 2014 9:43 AM
To: 'melanie@longfellow.org'; 'andrew.johnson@minneapolismn.gov'
Subject: 4501 Minnehaha Avenue Change of Use
Attachments: Zoning Snapshot.jpg; 4501 Minnehaha Change of Non-Conforming Use.docx

Good Morning Melanie and Andrew,

I am writing you about the property at 4501 Minnehaha Avenue. I am currently going through the "Change of Non-Conforming Use" zoning process and I want to ensure that the neighborhood and community council are aware of my intentions for this property.

Currently, this property is owned and operated by Gary Steele, who runs a retail store front, "B&B Supply", selling archery equipment as well as repairing and servicing BB and pellet guns. Gary has run his operation for the last 45 years and is ready to call it quits. Gary also owns and resides at the residential property next door, so he isn't going too far.

The building is currently zoned "R2B", which allows for single and two-family dwellings. This was originally an old Phillips gas station and never housed any sort of living quarters, but the city zoned it for R2B somewhere along the line to conform with the block of houses between 45th and 46th along Minnehaha. This is clearly a commercial-only building and Gary's business was grandfathered in as he was present during the zoning change. If anyone wanted to do anything but archery sales out of this building, they would need to apply for re-zoning or non-conforming use, as I am. I've attached a zoning snapshot to show you that a commercial operation in this neighborhood would not be an exception. The yellow star indicates the location of the property.

My intention is to setup a recording and production studio in this building. I've attached my development plan that addresses items such as day-to-day use, community initiative, noise concerns, layout, improvements, and neighborhood impact. I want to ensure that the community is aware and supportive of my engagement with this property and introduction to the neighborhood. I not only want this studio to "fit" into the neighborhood, I want it to thrive and be a part of the neighborhood, with full transparency for the kind of business that will be run.

Feel free to contact me should you have any questions. If you wish for me to attend a council meeting, I'd be happy to attend and answer any questions you may have. I thank you in advance for allowing my small business the chance to flourish in this Hiawatha portion of the Longfellow neighborhood.

Regards,

Anthony Williamette
tony.williamette@electrosonic.com
612-850-8661

LONGFELLOW

COMMUNITY COUNCIL

July 22nd, 2014

Minneapolis CPED
105 Fifth Avenue South #200
Minneapolis, MN 55401

Re: Application for Non-Conforming Use at 4501 Minnehaha Avenue

Please accept this letter of support for Elctro Sonic Studios' application of non-conforming use for their studio at 4501 Minnehaha Avenue. Tony Willamette of Electro Sonic Studios attended the Longfellow Community Council (LCC) Neighborhood Development Committee on July 16th to present information and renderings regarding the proposed sale and non-conforming use application of 4501 Minnehaha Avenue. The NDC has reviewed Mr. Willamette's plan and believes that this business will be a beneficial addition to the community.

Please contact Joe Sturm in the LCC Office with any questions or concerns:
Joe@longfellow.org and 612-722-4529 (ext. 13).

Sincerely,



Joe Sturm,
Housing and Environment Coordinator
Longfellow Community Council

Correspondence received by staff

Steiner, Lisa

From: George Johnson <GJohnson@harrissarchitects.com>
Sent: Tuesday, July 29, 2014 2:11 PM
To: Steiner, Lisa
Subject: BZZ-6691 - 4501 Minnehaha Ave (change of nonconforming use)

Lisa,

I received notice that there will be a public hearing regarding the 4501 Minnehaha Ave audio recording studio. I will not be able to attend but I would like to voice my support of the project. I believe it is an appropriate use that will have minimal impact on the adjacent residences. Thank you.

George Johnson
4515 Minnehaha Avenue