

Department of Community Planning and Economic Development – Planning Division
Rezoning and two Variances
BZZ-2363

Date: June 27, 2005

Applicant: Paul and Juliette Humiston

Address of Property: 1227 4th Street Northeast

Project Name: Moonflower Gardens

Contact Person and Phone: Paul and Juliette Humiston, (612) 827-4111

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: May 27, 2005

End of 60-Day Decision Period: July 26, 2005

End of 120-Day Decision Period: Not applicable

Ward: 3 **Neighborhood Organization:** Sheridan Neighborhood Organization

Existing Zoning: R2B, Two-family District

Proposed Zoning: C1, Neighborhood Commercial District

Zoning Plate Number: 9

Legal Description: Lot 22, Block 3, Cutter’s Addition to Minneapolis.

Proposed Use: Greenhouse/lawn and garden supply store

Concurrent Review:

Rezoning: of the property located at 1227 4th Street Northeast from R2B to C1 to allow for a greenhouse/lawn and garden supply store.

Variance: of the enclosed building requirement to allow an outdoor sales and display area.

Variance: to reduce the drive aisle width from 22 feet to 5 feet 9 inches.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article IX, Variances, specifically Section 525.520(26) “to vary the enclosed building requirements of this zoning ordinance” and Section 525.520(14) “to reduce the minimum required width of parking aisles...”

Background: The applicants purchased the property located at 1227 4th Street Southeast. There is

currently a single-family dwelling on the property which the applicants intend to convert to a greenhouse/lawn and garden supply store. The applicants are planning improvements to the property that include: updating the electrical system, opening up the front porch, making the building handicap accessible by constructing a ramp, installing a new fence around the site and painting the building.

The parking requirement for this use is 4 spaces. The applicants are proposing to utilize the existing parking area along the alley. The parking area would be landscaped on both the north and south sides and would accommodate up to 3 vehicles. The fourth parking space would be accommodated through the installation of the bicycle rack near the front entrance to the building.

The site is currently zoned residential (R2B). In order to change the zoning classification of the property to commercial (C1) the applicant had to obtain signatures from 2/3's of the property owners within 100 feet of the property. On May 31, 2005, the City Attorney's Office sent a letter indicating that all requirements had been met.

The applicants are applying for two variances. One is to allow for an outdoor sales and display area in the back yard of the property. The zoning code allows greenhouses/lawn and garden supply stores to have outdoor sales and display areas. However, it shall be no closer than 20 feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use. In addition, the outdoor sales and display area shall be screened as specified in Chapter 530. The property to the north and south are both zoned R2B and both have ground floor residential uses on them. Therefore, the applicants have applied for a variance of the enclosed building requirements.

The other variance that the applicants have applied for is to reduce the required width of the drive aisle. The zoning code requires a 22-foot wide drive aisle. The applicants are proposing to have a 5-foot, 9-inch wide drive aisle.

The applicants met with the Sheridan Neighborhood Organization. After discussing the project, the board unanimously passed a motion to support the rezoning of the property to C1 to allow for a greenhouse/lawn and garden supply store.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

The property is designated as two-family in the comprehensive plan. The property is located one block north of Broadway Street Northeast which is a designated Community Corridor. In addition, the property is located one block east of the 13th Avenue Northeast/Broadway/University Avenue designated Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses (Policy 9.15).
- Provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 9.23).
- Support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city (Policy 9.24).
- Coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 9.27).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 9.29).
- Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings (Implementation Step for Policy 9.29).

Although the property is located one block north of a designated Community Corridor and one block east of the 13th Avenue Northeast/Broadway/University Avenue designated Neighborhood Commercial Node, the Planning Division does not believe that it would be appropriate to rezone this property to C1 as it is not compatible with the surrounding area.

The block that the subject property is located on is primarily residential. The property to the north contains two buildings. One is a mixed-use building containing a commercial storefront and a dwelling unit. The other is a single-family dwelling. The commercial storefront has been vacant for approximately 20 years. Please note that the Planning Division is working with the property owner to the north on a rezoning application that would allow him to locate a coffee shop at the commercial storefront. The subject property was originally constructed as a single-family dwelling and has remained as such since it was constructed. The properties to the south and east contain residential buildings.

With the exception of the property to the north, the block is primarily residential. Changing the zoning classification of this property from residential to commercial would allow for a much wider range of uses on the property than currently could be located there which could have a negative impact on the surrounding residential uses.

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

Greenhouses/lawn and garden supply stores are not an allowed use in the R2B zoning district. In order to open and operate a greenhouse/lawn and garden supply store on this property it needs to be rezoned to C1. This application is 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 Planning Division does not believe that it would be appropriate to rezone this property to C1 as it is not compatible with the surrounding area. The site is bordered by B2B zoning on the north, east and south and by C1 zoning to the west. Surrounding uses include a mixture of residential buildings, offices, commercial businesses including a theater and restaurants and a school. Although there are a handful of commercial uses located to the west, the subject property would not be an appropriate location for commercial zoning.

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.

There are reasonable uses of the property permitted under the R2B zoning district. The R2B zoning district is a two-family district. Permitted uses in the R2B district include, but are not limited to, the following:

- Single-family dwelling
- Two-family dwelling
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place of assembly

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.

Until recently, within this area of Minneapolis there has not been a change in zoning or in the type of development. However, the Ritz Theater, located at 343 13th Avenue Northeast, is requesting a rezoning from C1 to C2 to allow for a live theater. They are also requesting a TP (Transitional Parking) Overlay rezoning of the Sheridan school site, located at 1101 Broadway Street Northeast, in order to use the parking lot for commercial purposes.

VARIANCE - of the enclosed building requirement to allow an outdoor sales and display area

Findings as Required by the Minneapolis Zoning Code for the Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Enclosed building requirements: The applicants are seeking a variance of the enclosed building requirement to allow an outdoor sales and display area. The applicants have indicated that the nature of the business requires an outdoor sales and display area for live plants during the growing season. In addition, because the lot is only 40 feet wide and located between two residentially zoned properties

with residential uses on them, the applicants have indicated that it is impossible to locate the outdoor sales and display area while maintaining a 20-foot setback from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use as it would leave no space for such outdoor sales and display area.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Enclosed building requirements: The Planning Division finds no unique circumstance of this parcel of land that would warrant the granting of the variance. The typical width of a residential zoning lot in the City of Minneapolis is 40 feet. In this case, the applicants are creating the hardship in that they are requesting to change the zoning classification of the property from residential to commercial.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Enclosed building requirements: The granting of the variance would alter the essential character of the surrounding area as there are residential uses on three sides of the subject property. Allowing a commercial outdoor sales and display area in the back yard of the property would generate noise and traffic that is not otherwise associated with residential back yards.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Enclosed building requirements: Staff believes that the granting of the variance would likely have little impact on or fire safety, nor would allowing an outdoor sales and display area in the back yard of the subject property be detrimental to welfare or public safety. However, the Planning Division believes that the granting of the variance would likely impact the amount of congestion in the public streets and alley.

VARIANCE - to reduce the drive aisle width from 22 feet to 5 feet 9 inches

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Drive aisle width: The applicants are seeking a variance to reduce the drive aisle width from 22 feet to 5 feet 9 inches. The applicants have indicated that the parking area in back of the building is currently accessed off of the alley and that the alley is utilized as part of the drive aisle to get into and out of the

parking area on the site. If the applicants were to conform to the drive aisle width requirement of the zoning code the majority of the back yard would need to be paved.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Drive aisle width: Although the parking area is existing and the alley is utilized as part of the drive aisle, there are no drive aisle width requirements for single-family dwellings in the zoning code. In this case, the applicants are creating the hardship in that they are requesting to change the use of the property from residential to commercial which requires a minimum drive aisle width.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Drive aisle width: The granting of the variance would alter the essential character of the surrounding area as there would be more vehicles coming and going from the site if it were utilized as a greenhouse/lawn and garden supply store instead of a single-family dwelling as it is today.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Drive aisle width: Staff believes that the granting of the variance would likely have little impact on or fire safety, nor would allowing an outdoor sales and display area in the back yard of the subject property be detrimental to welfare or public safety. However, the Planning Division believes that the granting of the variance would likely impact the amount of congestion in the public streets and alley.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the rezoning petition of the property located at 1227 4th Street Northeast from R2B to C1 to allow for a greenhouse/lawn and garden supply store.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for variance:

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance of the enclosed building requirement to allow an outdoor sales and display area located at 1227 4th Street Northeast.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the drive aisle width from 22 feet to 5 feet 9 inches located at 1227 4th Street Northeast.

Attachments:

1. Statement of proposed use and description of the project
2. Variance findings
3. Letters to Council Member Samuels and the Sheridan Neighborhood Organization
4. May 25, 2005, e-mail from the Sheridan Neighborhood Organization stating support for the rezoning application
5. May 31, 2005, letter from the City Attorney's office regarding the rezoning
6. Zoning Map
7. Site plan and floor plans
8. Photographs of the site and surrounding area