

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-2715

Date: November 28, 2005

Applicant: Geri Powell

Address of Property: 3800 Grand Avenue

Project Name: Better Than Ever

Contact Person and Phone: Geri Powell, (612) 419-2224

Planning Staff and Phone: Lonnie Nichols, (612) 673-5468

Date Application Deemed Complete: November 2, 2005

End of 60-Day Decision Period: January 1, 2006

End of 120-Day Decision Period: Not Applicable at this time

Ward: 10 **Neighborhood Organization:** Kingfield Neighborhood Association

Existing Zoning: C1 (Neighborhood Commercial District)

Proposed Zoning: No change proposed, not applicable for this application.

Zoning Plate Number: 31

Legal Description: No change proposed, not applicable for this application.

Proposed Use: Consignment Clothing Store as part of an existing mixed-use building that also includes a bakery, art frame shop, and computer repair shop on the ground floor, and two (2) dwelling units on the second story.

Concurrent Review: Conditional Use Permit for consignment clothing store with recommendation for design review and maintenance of the off street parking area and property.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 531 Nonconforming uses and structures, specifically section 531.110 compliance with current standards; Chapter 535, Regulations of General Applicability, specifically 535.80 screening of refuse storage containers; Chapter 536, Specific Development Standards; Chapter 541, Off-Street Parking and Loading, specifically 541.30 existing parking and loading facilities, and; Chapter 548, Commercial Districts.

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Background: The subject tenant space is located at the corner of 38th Street and Grand Avenue on the ground floor of a two-story building constructed in 1911 that covers a double lot at 3800-3804 Grand Avenue. The applicant, Better Than Ever (Consignment Clothing), has indicated they began renting the approximate 2,000 sf tenant space in April 2005, and that the previous tenant, Lucky Girl Gourmet Grocery, vacated the premises in October 2004. The applicant relocated to 3800 Grand Avenue from 11 East 58th Street, a building that was demolished by the owners for the expansion of Bobby and Steve's AutoWorld.

Previous actions at the subject property include the denial of a rezoning from B2S-2 to B3C-2 and setback variance 8 feet to 0 feet along Grand Avenue by the City Planning Commission and City Council in 1966. The Kingfield Neighborhood Association has indicated support for the proposal.

Proposed revisions to the zoning code, currently under review by the City, may include an amendment to allow consignment clothing stores as a permitted use in the C1 district. However, given that Better Than Ever began operating at the subject site in the C1 district over six months ago, the Zoning Administrator has determined a conditional use permit for a consignment clothing store is required. The licensing department has placed a stay on enforcement proceedings pending the decision of the CPC.

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

A consignment clothing store operating within the applicable code requirements at this location will not be detrimental to or endanger the public health, safety, comfort or general welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

A consignment clothing store operating within the applicable code requirements at this location will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The applicant has indicated they will be open from 10:00 A.M. to 7:00 P.M. on Thursday and Friday, and from 10:00 A.M. to 5:00 P.M. on Saturday and Sunday. Regular hours of operation in the C1 district, are from 6:00 a.m. to 10:00 p.m. Sunday through Thursday, and 6:00 a.m. to 11:00 p.m. Friday and Saturday.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided. Staff is recommending the owner(s) of the subject building and property submit a more detailed site plan to the CPED Planning Division as required by zoning code section 531.110, compliance with current standards, to allow for design and maintenance of the off-street parking area. The applicant has not shown roof drainage or site drainage on the plan. There is no landscaping at the site.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The existing uses in the building would be deemed to have grandfather rights to 22 stalls of parking. The respective parking requirements of the uses in the building are: Consignment store – 4, Bakery – 4, Art Framing Shop - 4, Computer Repair Shop – 4, two (2) Dwelling Units – 2.

The property owner has indicated that there are over 20 parking stalls on the streets (Grand Avenue and 38th Street) near the subject property, as well as off-street parking behind the building. The space behind the primary structure contains a garage in disrepair and an accessory building serving the bakery. Staff is recommending the owner(s) of the subject building and property submit a more detailed site plan to the CPED Planning Division as required by zoning code section 531.110, compliance with current standards, to allow for design and maintenance of the off-street parking area. There is a bus stop on 38th Street at Grand Avenue, and a bench is provided in the public right of way at the subject site. Staff is recommending that vehicular parking stalls, including van accessible, handi-capped parking, loading areas, and bicycle parking be added to the site during design review and maintenance of the off-street parking area.

5. Is consistent with the applicable policies of the comprehensive plan.

MINNEAPOLIS PLAN:

The Minneapolis Plan identifies 38th Street from King's Highway (Dupont Avenue) to West River Parkway as a Community Corridor. The adaptive reuse of this existing building for a small business conforms to the following applicable policies and relevant implementation steps of the Minneapolis Plan.

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets 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.

Relevant Implementation Steps

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Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street's capacity to carry current volumes of traffic.

Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

Ensure that commercial uses do not negatively impact nearby residential areas.

Prioritize transit advantages to Community Corridor streets, and encourage the routing of express transit service to these streets wherever possible.

4.4 Minneapolis will continue to 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.

Relevant Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Maximize the effectiveness of city support services and continue to build successful partnerships with the business community, neighborhood groups and other interested parties.

Encourage coordination and communication between business associations and neighboring residents groups.

9.23 Minneapolis will continue to 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.

Relevant Implementation Step

Encourage comprehensive and site specific solutions that address issues of compatibility of commercial areas with surrounding uses.

9.24 Minneapolis will 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.

Relevant Implementation Step

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

9.27 Minneapolis will 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.

Relevant Implementation Steps

Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street's capacity to carry current volumes of traffic.

Discourage conversion of residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

Ensure that commercial uses do not negatively impact nearby residential areas.

Prioritize transit advantages to community corridor streets, and encourage the routing of express transit service to these streets wherever possible.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

Consignment Clothing Stores are subject to the following specific development standards from Chapter 536 of the zoning code.

- (1) Only clothing, shoes and related accessories shall be sold.
- (2) Individual consignors shall not be paid for the merchandise until the merchandise has been sold by the consignment store to a third party.
- (3) An appointment or set hours shall be required for the acceptance of merchandise.
- (4) No donations shall be accepted.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code. No sign data has been listed on the application, but the applicant has verbally expressed an interest in re-facing an existing sign projecting from the Northeast corner of the building. Window signage is also subject to the provisions of the zoning code. The applicant will need to obtain permits for changing or installing any new signage.

Refuse storage: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

The applicant has not indicated a refuse storage plan on the application materials. Staff visited the site and noticed dumpsters in the rear yard that were not screened per code, but it was not clear if the Better

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Than Ever consignment store was using these dumpsters. Staff is recommending the owner(s) of the subject building and property submit a more detailed site plan to the CPED Planning Division, including the designation of refuse storage area and screening, to allow for design and maintenance of the rear yard and off-street parking area.

531.110. Compliance with current standards. All nonconforming uses and all conforming uses in nonconforming structures shall at all times maintain compliance with all general performance standards and with all landscaping, screening and curbing requirements applicable in the district in which the use is located, or applicable in the most restrictive district in which the use is first allowed, whichever has the greater requirement. Upon determination by the zoning administrator that strict compliance with applicable standards would be practically or economically infeasible, the zoning administrator shall require compliance with such portion of applicable standards as is practically and economically feasible.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit for a Consignment Clothing Store located at 3800 Grand Avenue, subject to the following conditions:

1. The consignment clothing store shall comply with the following applicable Specific Development Standards of section 536.20 of the zoning code:
 - (1) Only clothing, shoes and related accessories shall be sold.
 - (2) Individual consignors shall not be paid for the merchandise until the merchandise has been sold by the consignment store to a third party.
 - (3) An appointment or set hours shall be required for the acceptance of merchandise.
 - (4) No donations shall be accepted.
2. The owner(s) of the subject building and property shall submit a more detailed site plan to the CPED Planning Division by March 31, 2006, as required by zoning code section 531.110, compliance with current standards, to allow for design and maintenance of the off-street parking area.

Attachments:

1. Statement of Use and Property Owner authorization letter
2. Applicant's CUP Findings and Correspondence-Kingfield Neighborhood letter
3. Previous City Actions
4. Zoning maps
5. Site and Floor Plan
6. Photos