

Department of Community Planning and Economic Development – Planning Division
Change of a Legal Nonconforming Use
BZZ – 2112

Date: January 10, 2005

Applicant: Warren Zacher

Address of Property: 2429-31 Lyndale Ave. S.

Project Name: Sweeney Todd's

Contact Person and Phone: Warren Zacher, (612) 325-4036

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: November 22, 2004

End of 60-Day Decision Period: January 21, 2005

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: OR1

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Use: Beauty salon

Concurrent Review:

Change of a Legal Nonconforming Use: Change of a nonconforming use from a television/vcr repair facility to a beauty salon.

Applicable zoning code provisions:

531.80. Change of use. (a) *Standards.* A nonconforming use may not be changed to any use other than a use permitted in the district in which the use is located, unless approved by the city planning commission in accordance with this section...

Background: The applicant proposes to open a beauty salon in an existing building located on the 2400-block of Lyndale Avenue South. A television/vcr repair facility was the most recent established use and was nonconforming in the OR1 District.

Three residential units are attached to the rear of the building. A retail use is currently located in the upper commercial space on the front portion of the lot.

CHANGE OF A LEGAL NONCONFORMING USE -

Findings as Required by the Minneapolis Zoning Code:

The City Planning Commission may approve a proposed change in use if it finds that the proposed use is compatible with adjacent property and the neighborhood and is less intense than the existing nonconforming use. In determining whether a use is compatible and less intense, the city planning commission shall consider but not be limited to the following factors:

(1) Hours of operation.

The applicant has indicated that the proposed salon would be open from 11:00 a.m. to 8:00 p.m. Tuesday through Friday and from 9:00 a.m. to 6:00 p.m. on Saturday. The salon would be closed on Sundays and Mondays. While the precise hours of operation of the previous television/vcr repair facility are not known but are thought to have been hours typical of a retail or service-oriented use.

(2) Signage.

The size and type of signage will not be changed. The applicant will make use of an existing sign face on an existing freestanding pole, which is nonconforming.

(3) Traffic generation.

The applicant expects no more than six new clients during any peak hour of operation. Given the relatively high density, mixed use nature of the area, one might expect a significant number of patrons to arrive on foot (compared to the previous use, which involved people bringing televisions to and from the site).

(4) Off-street parking and loading.

The building was constructed without off-street parking and will continue to have no access to off-street parking.

(5) Nature of business operations.

The nature of the proposed hair salon use is not expected to create any off-site impacts that would be substantially different than the previous use.

(6) Number of employees.

The applicant has indicated that the business has seven employees. The number of employees in the television/vcr repair facility is not known but one might expect that there were fewer than seven employees.

(7) Building bulk.

The building bulk would not change. No additions are proposed.

(8) Aesthetic impacts on surrounding property

The exterior aesthetic character of the building would not change.

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

The proposed hair salon use is not expected to generate significant levels of off-site lighting, noise, odor, heat, glare, or vibration.

RECOMMENDATION

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a change of a legal nonconforming use from a television service and repair facility to a beauty salon in an OR1 District at 2429-31 Lyndale Ave. S.

Attachments:

1. Statements submitted by the applicant
2. Zoning map
3. Aerial photograph
4. Site plan
5. Floor plan
6. Photos