

Department of Community Planning and Economic Development – Planning Division
Rezoning and Conditional Use Permit
BZZ-4197

Date: October 6, 2008

Applicant: Ernest Johnson with Sabathani Community Center, Inc.

Address of Property: 310 East 38th Street

Project Name: Sabathani Community Center

Contact Person and Phone: Elaine Dyer with Sabathani Community Center, Inc., (612) 821-2305

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

Date Application Deemed Complete: September 8, 2008

End of 60-Day Decision Period: November 7, 2008

End of 120-Day Decision Period: A 60-day extension letter was mailed on September 22, 2008, extending the 120-day decision period to January 6, 2009

Ward: 8 **Neighborhood Organization:** Central Neighborhood Improvement Association

Existing Zoning: R1A, Single-family District

Proposed Zoning: OR2, High Density Office Residence District

Zoning Plate Number: 25

Legal Description (properties to be rezoned): 310 East 38th Street: Lots 8 through 12, inclusive, Block 11; Lots 1 through 14, inclusive, Block 12; Lots 1 through 16, inclusive, Block 13; Lots 11 through 16, inclusive, Block 14; that part of vacated Clinton Avenue lying south of a line drawn from the Southeast corner of Lot 2, Block 12, to the Southwest corner of Lot 13, Block 11, and North of a line drawn from the Southeast corner of Lot 6, Block 13, to the Southwest corner of Lot 11, Block 14; all of the vacated or to be vacated North/South alley in adjoining Lots 1 through 14, Block 12, and Lots 1 through 16, Block 13; all in Vinton Park Addition to Minneapolis, according to the recorded plat thereof on file in the office of the County Recorder and situate in Hennepin County, Minnesota, subject to reservations, restrictions and easements of record.

Proposed Use: Community center

Concurrent Review:

Rezoning: from R1A to OR2 for a community center (existing building and uses)

Conditional use permit: to extend the hours of operation on Friday and Saturdays from 7 am to 11 pm to 7 am to 2 am (specifically for the accessory reception hall use within the community center)

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments and Chapter 525, Article VII, Conditional Use Permits

Background: The building, located at 310 East 38th Street, was built in 1922 and was originally used as a public junior high school until its closing in 1962. Between 1962 and 1972 the Minneapolis Public Schools used the building for cold storage. In 1972, Sabathani Community Center, Inc. purchased the building and has utilized the building as a community center ever since. Uses within the community center include a day care, a K-12 high school, a teen program, a senior center, adult education programs, a pediatric clinic and a food, clothing and furniture shelf. Within the building there are also conference rooms and a reception hall that are available to the public. On the grounds of the building there is also a community garden and an accessory surface parking lot.

The site is zoned R1A and has been since Sabathani Community Center, Inc. purchased the property. Community Centers are not an allowed use in the R1A zoning district. To bring the use into conformance with the zoning ordinance the applicant is proposing to rezone the site to the OR2 zoning district which permits community centers. Please note that the OR2 zoning district is the first district that Community Centers are permitted. Within the community center there is an accessory reception hall. Events at the reception hall currently operate past the hours of operation allowed. To bring the use into conformance with the zoning ordinance the applicant has applied for a conditional use permit to extend the hours of operation until 2 am on Friday and Saturdays.

REZONING – of the property located at 310 East 38th Street from R1A to OR2 for a community center (existing building and uses)

Findings as Required by the Minneapolis Zoning Code:

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

The site is located on East 38th Street just west of the intersection of 4th Avenue South and East 38th Street. According to *The Minneapolis Plan*, East 38th Street is a designated Community Corridor and the intersection of 4th Avenue South and East 38th Street is a designated Neighborhood Commercial Node. The proposed land use features in the update to *The Minneapolis Plan* are the same. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- 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 4.2).
- Ensure that commercial uses do not negatively impact nearby residential uses (Implementation Step for Policy 4.2).

- 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 (Policy 4.4).
- Provide for a range of commercial districts that provide the services required by the residents and businesses (Implementation Step for Policy 4.4).
- 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 4.5).
- Direct other uses that act as neighborhood focal points (institutional, cultural or social) to locate at Neighborhood Commercial Nodes (Implementation Step for Policy 4.5).

The Planning Division believes that rezoning the parcel of land located at 310 East 38th Street from the R1A District to the OR2 District is in conformance with the foregoing policies of the comprehensive plan.

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

The amendment will allow the applicant to bring the use of the building as a community center into conformance with the zoning ordinance which it has been for 36 years. The community center has been a long standing resource for people within the community.

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 property is bordered by R1A zoning to the north, R1A and C1 zoning to east, R1A and C1 zoning to the south and R1A zoning to the west. Uses in the area include a fire station, small scale commercial uses, a church and residential dwellings of varying densities. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the OR2 zoning district would be compatible with the surrounding area.

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.

The R1A zoning district is a single-family district. Permitted uses in the R1A district include the following five uses:

- Single-family dwellings
- Community residential facility serving six or fewer persons
- Community garden
- Park, public
- Place of assembly

Given the size of the site and the building the Planning Division does not believe that the above uses would be reasonable or practical uses of the property permitted in the R1A zoning district.

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.

There has not been a change in the character of development in the area. Historically a mixture of commercial and residential uses have been located along East 38th Street and at the intersection of 4th Avenue South and East 38th Street.

CONDITIONAL USE PERMIT - to extend the hours of operation on Friday and Saturdays from 7 am to 11 pm to 7 am to 2 am (specifically for the accessory reception hall use within the community center)

Findings as Required by the Minneapolis Zoning Code:

The Department of 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.

The hours of operation for the OR2 zoning district are Sunday through Thursday, from 7:00 a.m. to 10:00 p.m. and Friday and Saturday, from 7:00 a.m. to 11:00 p.m. The applicant has requested a conditional use permit to extend the hours of operation for the accessory reception hall use on Friday and Saturdays from 7 am to 11 pm to 7 am to 2 am. The Planning Division does not believe that allowing the accessory reception hall to stay open until 2 am on Friday and Saturdays would be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant has indicated that off-duty police officers are retained for events. To ensure that this is always occurs the Planning Division is recommending that the person using the reception hall hire private security or off-duty police officers for the duration of the event taking place.

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.

The Planning Division does not believe that allowing the accessory reception hall to stay open until 2 am on Friday and Saturdays would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The use is one of many uses within the building and parking for the use is provided in the accessory surface parking lot on the site.

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

Extending the maximum hours of operation will not affect the adequacy of the building or the site.

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

There are 206 parking spaces located in the accessory surface parking lot just east of the building. All of these spaces are available for the uses located in the Sabathani Community Center.

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

The site is located on East 38th Street just west of the intersection of 4th Avenue South and East 38th Street. According to *The Minneapolis Plan*, East 38th Street is a designated Community Corridor and the intersection of 4th Avenue South and East 38th Street is a designated Neighborhood Commercial Node. The proposed land use features in the update to *The Minneapolis Plan* are the same. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- 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 4.2).
- Ensure that commercial uses do not negatively impact nearby residential uses (Implementation Step for Policy 4.2).
- 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 (Policy 4.4).
- 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 4.5).
- Direct other uses that act as neighborhood focal points (institutional, cultural or social) to locate at Neighborhood Commercial Nodes (Implementation Step for Policy 4.5).

The Planning Division believes that extending the hours of operation for the accessory reception use within the building would be in conformance with the foregoing policies of the comprehensive plan. The accessory reception hall is located within the building and there are 206 parking spaces located in the accessory surface parking lot just east of the building. All of these spaces are available for the uses located in the Sabathani Community Center.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

The hours open to the public may be extended by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

1. Proximity to permitted or conditional residential uses.

There are residential uses located on all four sides of the property. Those residential uses located on the east and north sides of the site are across the alley and adjacent to the accessory surface parking lot. Given the size of the site, which allows for a good deal of distance between the activity and the residential units, the Planning Division does not believe that the use of the accessory reception hall will be a detriment to those surrounding residential uses.

2. Nature of the business and its impacts of noise, light and traffic.

The accessory reception hall is located within the Sabathani Community Center. Reception halls can be a concern in terms of a large volume of late night activity. However, given the size of the building and the number of parking spaces provided on the site noise, light and traffic should not be a problem. Further, the parking lot access is from a community corridor rather than from a neighborhood residential street.

3 Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

With the approval of the rezoning application and the conditional use permit for extended hours the zoning regulations will be met.

4. History of complaints related to the use.

Planning Division staff spoke with the Minneapolis Police Department and the Minneapolis Licensing Office about the applicant's request to expand the hours of operation for the accessory reception hall located within the Sabathani Community Center. Both the Minneapolis Police Department and the Minneapolis Licensing Office indicated that if an extension of hours is granted that the applicant shall have a security audit done for the site and that the applicant provide a security plan which will be kept on file with the Minneapolis Licensing Office.

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 the City Council adopt the above findings and **approve** the rezoning of the property located at 310 East 38th Street from R1A to OR2 for a community center (existing building and uses).

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

Department of Community Planning and Economic Development – Planning Division
BZZ-4197

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 application to extend the hours of operation on Friday and Saturdays from 7 am to 11 pm to 7 am to 2 am (specifically for the accessory reception hall use within the community center) located at 310 East 38th Street subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The host using the reception hall shall hire private security or off duty police officers for the duration of reception events taking place.
3. A security audit shall be conducted for the site with the Minneapolis Police Department.
4. The applicant shall provide a security plan which will be kept on file with the Minneapolis Licensing Office.

Attachments:

1. Statement of proposed use and description of the project
2. Comparison table for rezoning
3. Conditional use permit findings for extended hours
4. RECAP report from the Minneapolis Police Department
5. September 4, 2008, letter to Council Member Glidden, the Central Neighborhood Improvement Association and the Bryant Neighborhood Organization
6. Zoning Map
7. GIS maps of the site and floor plans of the building
8. Aerial and other photos of the property