

Department of Community Planning and Economic Development - Planning Division
Change of a Legal Nonconforming Use
BZZ-4263

Date: December 8, 2008

Applicant: Colette Gandelot, 3636 Zenith Avenue South, Minneapolis, MN 55410, (612)889-0118

Address of Property: 514 39th Street West

Project Name: Colette & Company, LLC

Contact Person and Phone: Colette Gandelot, 3636 Zenith Avenue South, Minneapolis, MN 55410, (612)889-0118

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: October 28, 2008

End of the 60 Day Review Period: December 26, 2008

End of 120-Day Decision Period: Not applicable for this application

Ward: 8 Neighborhood Organization: Kingfield Neighborhood Association

Existing Zoning: R2B (Two-family) district

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 30

Lot area: 1,240 square feet or .03 acres

Legal Description: Not applicable for this application.

Proposed Use: Contractor's office (residential design and construction management firm).

Concurrent Review:

- Change of a non-conforming use to allow a contractor's office (residential design and construction management firm) within an existing building located in the R2B (Two-family) district.

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures; Section 531.80 Change of use.

Background: The applicant proposes to locate a contractor's office (residential design and construction management firm) in the existing structure located on the property at 514 39th Street West. The property is zoned R2B which does not allow commercial uses; a change of legal non-conforming use would be required as the property formerly held a non-conforming use certificate for the operation of a medical, dental or veterinary clinic. The building was originally constructed as a commercial structure in 1901 and has continually operated as such.

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. The City Planning Commission may approve a proposed change if it finds the proposed use is compatible with adjacent property in the neighborhood and is less intense than the existing nonconforming use.

As of the writing of this staff report, Staff has received no official correspondence from the neighborhood group. Staff will forward any correspondence received after the printing of this report to the Planning Commission for further consideration.

Findings As Required By The Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and makes the following findings:

The Planning Commission may approve a proposed change in use if the use meets the following standards as specified in section 531.80 of the Zoning Code:

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

The property is located along 39th Street West in a predominantly single and two-family residential neighborhood. All properties located in the immediate vicinity, in all directions are zoned R2B. The structure on the premises was originally constructed as a commercial building in 1901 and has been occupied by various commercial tenants. A contractor's office (residential design and construction management firm) would likely be compatible adjacent to the residential uses within the area and would not likely be any more intense than the former commercial businesses that previously were located in the building.

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

(a) Hours of operation: According to the applicant the office will operate Monday through Friday from 8:00 a.m. to 5:00 p.m. and will not have office hours on the weekends or after-hours appointments. These hours would be expected to be less intense than the former use of the site as a clinic (although no details on the former businesses hours of operation are available).

(b) Signage: According to the applicant, there is no existing signage on the building. The applicant proposes to located one non-illuminated, wall-mounted sign that is 3 feet high and 2 feet, 6 inches wide, fabricated by a professional sign-maker. Details of the proposed signage are included in the attachments. Chapter 543 of the Zoning Code allows one non-illuminated, flat wall identification sign not exceeding eight (8) square feet with a maximum height of twelve

(12) feet or top of wall, whichever is less. The proposed sign is meeting these requirements. The proposed signage will require a separate permit from Zoning.

(c) Traffic generation: The proposal to locate an office use in place of a clinic would not be expected to result in an increase in traffic generation. This is no off-street parking on the premises.

(d) Off-street parking and loading: There is no off-street parking associated with the existing structure. The proposal to replace a clinic use with the proposed office use does not result in additional required off-street parking per Section 541 of the Zoning Code. The required parking for the site has been grandfathered. The applicant has stated that they would expect that the office use would likely create fewer parking and traffic issues compared to former use of the site as a clinic. The proposed tenant is a two-person design company that primarily sees clients in their own homes.

(e) Nature of business operations: The applicant would be providing residential design and construction management services at the site should the change in non-conforming use be approved. The company has been in operation for three years and would like to permanently occupy the subject site.

(f) Number of employees: There will be a total of two employees at the office.

(g) Building Bulk: The building covers nearly the entire site. No change to the exterior of the structure is proposed other than painting it a different color. The tenant space would require interior renovations in order to adapt it to the use as an office.

(h) Aesthetic impacts on surrounding property: The building covers nearly the entire site. The only modifications proposed include painting the structure and providing additional landscaping on the small perimeter yards to improve its aesthetic appearance.

(i) Noise, odor, heat, glare and vibration: Neither the former or proposed use would be expected to have any significant impacts as it relates to noise, odor, heat, glare or vibration.

Planning Staff would not expect the proposed use to be more intense than the existing use at the site.

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 Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for a change in nonconforming use to allow a contractor's office (residential design and construction management firm) on the property located at 514 39th Street West subject to the following conditions:

- 1) That the hours open to the public be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.
- 2) Any new signage for the proposed contractor's office requires a separate permit from the Zoning Office.

Attachments:

- 1) Statement of proposed use & findings
- 2) Correspondence
- 3) Zoning map
- 4) Plans – site, floor plans, sign, elevation, etc.
- 5) Photos
- 6) Oblique aerial photo