

Department of Community Planning and Economic Development – Planning Division
Rezoning
BZZ-5762

Date: October 1, 2012

Applicant: Karen Linner

Address of Property: 3013 36th Avenue South

Project Name: n/a

Contact Person and Phone: Karen Linner, (651) 269-0944

Planning Staff and Phone: Aly Pennucci, (612) 673-5342

Date Application Deemed Complete: September 5, 2012

End of 60-Day Decision Period: November 4, 2012

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

Ward: 9 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R1A Single Family Residence District

Proposed Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 28

Legal Description: Lot 013, Block 001, SECOND DIVISION OF SEVEN OAKS ACRES, MINNEAPOLIS, MN, METES AND BOUNDS S ½

Proposed Use: Office

Concurrent Review: Rezoning of 3013 36th Avenue South from the R1A Single Family Residence District to the C1 Neighborhood Commercial District.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 548

Background: The property located at 3013 26th Avenue South contains half of a small commercial building. The building footprint spans across both 3011 and 3013 36th Avenue South. The two properties are considered a single zoning lot that is split zoned. The northern half of the building, located on the 3011 36th Avenue South parcel, is zoned C1. The southern half of the building, located on the 3016 36th Avenue South parcel, is zoned R1A Single Family Residence District. The building is

currently used as an art gallery and dwelling unit for the owners and operators of the gallery. The applicant intends to purchase the building and market it for use as a commercial office use.

Where a zoning lot contains two (2) or more primary zoning classifications the most restrictive provisions apply to that lot. For existing and proposed uses and structures, the more restrictive provisions of the primary zoning districts, including but not limited to, use and building bulk regulations, lot area, parking and loading, and yard requirements apply to the entire zoning lot. Because half of this zoning lot is zoned R1A, the entire lot is held to the regulations of the R1A district. A mixed use building with an art gallery and a dwelling unit is not permitted in the R1A district, making the subject site a legal nonconforming use. Any proposed change in use, unless converted to a single family dwelling, requires either an application for a change of nonconforming use or an application to rezone the property.

As of the writing of this report staff has not received comments from the neighborhood association. Staff did receive a letter in support of the request from a neighboring property owner. Any additional comments, if received, will be forwarded to the Commission.

REZONING

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 designated as urban neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The urban neighborhood classification is predominately a residential area with a range of densities and may include some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses. The following policies of the Comprehensive Plan apply to this project and this site:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

Staff comment: Rezoning to prevent or eliminate split zoning on a zoning lot with a single existing building is in conformance with the implementation of land use regulations and is in conformance with this policy of the comprehensive plan.

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.3 Promote the preservation of traditional commercial storefronts wherever feasible.

Staff comment: Lake Street, a designated commercial corridor, is less than one-half block north of the subject property. The existing structure was built as a commercial building with a traditional storefront.

Land Use Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

- 1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.
- 1.6.2 In parts of the city outside of designated corridors, nodes, and centers, limit territorial expansions of commercial uses and districts.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

- 1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood-serving commercial uses, open space and parks, and campus and institutional uses

Staff comment: Although this rezoning request will expand the C1 district in this area, it will also allow for the renovation and reuse of the existing commercial building and should not adversely impact the surrounding area.

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

A zoning change to the C1 district will resolve the split zoning on this zoning lot. The current property owners operate an art gallery and live in the existing building. The building has been on the market for over a year and the current owners submitted a letter stating that the mixed zoning has made it difficult to sell the property. The applicant intends to purchase the building and remodel the space, if the rezoning is approved, to provide accessible bathrooms and upgraded systems. The proposal is to convert the space back to its original use, office, or a small wellness center. While resolving the split zoning is in the interest of the applicant it is also in the interest of the public to have clear and orderly development of land. This change could lead to increased stability for this property and is not solely for the interest of a single 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 zoning in the immediate vicinity of the site is primarily R1A to the south and C1 and C2 to the north. Lake Street is a designated commercial corridor and is less than one-half block north of the subject property. The commercial districts allow for a wide variety of uses. The R1A district allows for primarily low-density residential uses and institutional uses. Extending the C1 district to resolve

the split-zoned building will allow for reuse of this building in a manner that is compatible with surrounding uses.

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.

Because half of this zoning lot is zoned R1A, the entire lot is held to the regulations of the R1A district. A mixed use building with an art gallery and a dwelling unit is not permitted in the R1A district, making the subject site a legal nonconforming use. Any proposed change in use, unless converted to a single family dwelling, requires either an application for a change of nonconforming use or an application to rezone the property. A zoning change to C1 will allow the building to be used uniformly in a reasonable manner.

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 significant change in the character of this area; however, as stated above, the current use of the property is a challenge for this specific property that is a mix of commercial and residential. This zoning change is consistent with the original construction of this building. Due to the size of the lot and its proximity to residential the potential for redevelopment to a higher intensity use or building is limited.

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 **approve** the application for the rezoning of 3013 36th Avenue South from the R1A Single Family Residence District to the C1 Neighborhood Commercial District.

Attachments:

1. Zoning map
2. Future land use map
3. Correspondence to neighborhood association and council office
4. Correspondence
5. Site Plan
6. Photos