

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-2780

Date: January 9, 2006

Applicant: Lewis Kennedy

Address of Property: 3711 West 44th Street

Project Name: Turn Style Consignment Shop

Contact Person and Phone: Lewis Kennedy with Turn Style Consignment Shop, (763) 315-6662

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

Date Application Deemed Complete: December 15, 2005

End of 60-Day Decision Period: February 13, 2006

End of 120-Day Decision Period: Not applicable

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: C2, Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable

Zoning Plate Number: 29

Legal Description: Not applicable

Proposed Use: Consignment shop

Concurrent Review:

Conditional use permit: to allow a consignment shop

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits

Background: The applicant is proposing to operate a consignment clothing store in one of the vacant commercial tenant spaces in the 44th Street Shoppes shopping center. Previously the space had been occupied by a Mr. Movies. The site contains two separate buildings. One is a multi-tenant shopping center and the other is a single use commercial building. In total there are four commercial businesses on the site. In addition to the two buildings there is a 64-space parking lot on the site. This site went through a major site plan review in 2001. The site is in conformance with the previously approved plan.

CONDITIONAL USE PERMIT - to allow a consignment shop

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 Planning Division does not believe that a consignment clothing store would be detrimental to or endanger the public health, safety, comfort or general welfare. The building was originally constructed in 1966 and has been occupied by a variety of commercial businesses. Mr. Movies was the more recent tenant in this space. The Planning Division believes that the proposed use will operate in a similar way as the previous commercial business.

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 a consignment clothing store would be injurious to the use and enjoyment of other property in the area. The use is similar to the other businesses in the shopping center. There is parking available in front of the store.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for a consignment clothing store is one space per every 300 square feet of gross floor area in excess of 4,000 square feet. Given the size of the space the parking requirement for the business is four spaces. On site there are a total of 64 parking spaces.

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

The site is designated as retail - commercial in the comprehensive plan. This site is located on West 44th Street which is a designated Community Corridor. In addition, the site is located two blocks east of the Morningside (West 44th Street and France Avenue South) designated Neighborhood Commercial Node.

According to the principles and policies 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 9.27).
- Support the continued presence of small-scale retail sales and commercial services along Community Corridors (Implementation step for Policy 9.27).
- Ensure that commercial uses do not negatively impact nearby residential areas (Implementation Step for Policy 9.27).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. The applicant is proposing to operate a consignment clothing store in one of the vacant commercial tenant spaces in the 44th Street Shoppes shopping center. The entrance to the building will be located on the north side of the building with direct access to the on-site parking lot.

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

ZONING CODE:

- **Use:** The proposed use is conditional in the C2 zoning district.
- **Off-Street Parking and Loading:** The parking requirement for a consignment clothing store is one space per every 300 square feet of gross floor area in excess of 4,000 square feet. Given the size of the space the parking requirement for the business is four spaces. On site there are a total of 64 parking spaces.
- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. The lot in question is 56,440 square feet in area. The total square footage of the two buildings on the site is 23,345 square feet of gross floor area, an FAR of .41.
- **Building Height:** Building height in the C2 zoning district is limited to 4 stories or 56 feet, whichever is less. Both of the buildings on the site are one story tall.
- **Minimum Lot Area:** There is no minimum lot size for a consignment clothing store in the C2 zoning district.
- **Yard Requirements:** The building and the parking lot is existing.
- **Specific Development Standards:** Consignment clothing stores are subject to specific development standards. The specific development standards for a consignment clothing store are:
 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.
- **Hours of Operation:** The hours of operation in the C2 zoning district are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the hours of operation for the business will be Monday through Friday 10 am to 9 pm, Saturday 10 am to 7 pm and Sunday 12 pm to 6 pm.
- Signs:** The applicant is proposing to replace the existing Mr. Movies canopy sign with a new canopy sign over the tenant space. The applicant is also proposing to replace the existing Mr. Movies sign located as part of the freestanding sign with a new sign. The applicant will need to obtain sign permits prior to installing the new signs.
- **Refuse storage:** There are dumpsters located on the south side of the building for the different tenants within the building. As part of the 2001 site plan review the dumpsters have been enclosed per the zoning code standards.

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 application to allow a consignment shop located at 3711 West 44th Street subject to the following conditions:

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.

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Attachments:

1. Letter from the property owner authorizing the application
2. Conditional use permit findings
3. December 15, 2005, letter to Council Member Hodges
4. November 18, 2005, letter to the Linden Hills Neighborhood Council
5. Zoning Map
6. Site plan and floor plan
7. Sign information
8. Photographs of the site and surrounding area