

Community Planning and Economic Development - Planning Division Report
Change of a Nonconforming Use
BZZ-4753

Date: April 26, 2010

Applicant: Thomas Nguyen and Si Nguyen

Address of Property: 2612 1st Avenue S

Contact Person and Phone: Thomas Nguyen (612) 702-8652

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: March 31, 2010

End of 60 Day Decision Period: May 30, 2010

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

Existing Zoning: R2B Two-family District, PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 20

Proposed Request:

- Change of nonconforming use from warehousing/storage to a barber shop/beauty salon.

Concurrent Review:

- **Change of nonconforming use:** from warehousing/storage to a barber shop/beauty salon.

Applicable Code Provisions: Chapter 531, Nonconforming Uses and Structures.

Background: Thomas Nguyen and Si Nguyen have submitted a change of a nonconforming use application for a commercial tenant space in an existing shopping center at 2612 1st Avenue S. The previous legal nonconforming use in the space was warehousing/storage. The request at this time is for a change of nonconforming use to a barber shop/beauty salon. This tenant space is 1,077 square feet in area and is located at the rear of the building. The remainder of the building contains a real estate office and a newspaper office. The property contains split zoning, with the Pedestrian Oriented Overlay District only covering the north half of the site, where the building is located.

The subject building was constructed in 1920 as a commercial building. The property's first zoning classification, per the 1924 Zoning Ordinance, was multiple-family and the building became non-conforming at that time. The 1934 land survey listed the building as a one-story commercial building utilized as a garage. In the 1963 Zoning Ordinance the property was zoned R6, and at that time any

CPED - Planning Division Report
BZZ-4753

commercial uses within the building would have remained non-conforming. The site was rezoned from R6 to R2B in 1975. That same year a conditional use permit was issued for an auto repair use.

Staff received a letter from the Whittier Alliance dated February 1, 2010 in support of the project, with a recommendation for façade improvements.

Findings As Required By The Minneapolis Zoning Code (change of nonconforming use from a warehousing/storage use to a barber shop/beauty salon):

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 site is bordered commercial uses to the north and west, both commercial and residential uses to the east, and a single family home to the south. The subject building has contained commercial uses since its construction in 1920. The proposed barber shop/beauty salon will be entirely within an enclosed building. Staff is recommending that addition landscaping and screening be added along the south property line to buffer the commercial building from the neighboring residential use. The proposed use is compatible with adjacent property in the neighborhood and the character of the area

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

(a) Hours of operation: The previous warehousing/storage use did not have any set hours of operation. The hours of operation proposed for the barber shop/beauty salon are 10 a.m. to 7:00 p.m. each day of the week. These hours are less intense than the hours of operation of the permitted in the R2B District and will not increase the intensity of the commercial space.

(b) Signage: There is currently no signage on the building for any of the commercial uses. The materials submitted by the applicant state that one sign will be provided to identify the barber shop/beauty salon. The specifics of this sign have not been provided, but the applicant has indicated that any future signage for the use will comply with the signage requirements for the R2B district. Chapter 543 of the Zoning Ordinance states the following regarding new signs for non-conforming uses:

Newly established signs located on nonconforming uses shall be limited to one non-illuminated, flat wall identification sign, not to exceed sixteen (16) square feet in area and fourteen (14) feet in height. In addition, on a corner lot, two (2) such signs per building, except as otherwise allowed in the manner provided for in Chapter 531, Nonconforming Uses and Structures, governing expansion or alteration of legal nonconforming uses and structures.

CPED - Planning Division Report
BZZ-4753

(c) Traffic generation and safety: The proposed barber shop/beauty salon is expected to generate more traffic than the previous warehousing/storage use. However, the amount of traffic generated is not expected to negatively impact the surrounding area. The site has adequate off-street parking and its use is not expected to contribute to congestion. The site is in a pedestrian oriented area and bus service is available throughout the day one block from the site, along Nicollet Avenue. In that regard, the amount of traffic generated is not expected to have a negative impact on surrounding properties and staff has no concerns about safety.

(d) Off-street parking and loading: The vehicle parking requirement for the previous warehousing/storage use was 4 spaces. The vehicle parking requirement for the barber shop/beauty salon is one space per 500 square feet of gross floor in excess of 4,000 square feet plus, or a minimum of 4 spaces. For the 1,077 square foot space, 4 parking stalls are required. The parking requirement is not more intense than that of the previous use. The two office tenants each require one space per 500 square feet of gross floor in excess of 4,000 square feet plus, or a minimum of 4 spaces. In this case, the office uses each require 4 off-street parking spaces. The total vehicle parking requirement for the site is 12 spaces. The site has 17 vehicle parking spaces, satisfying the minimum requirement. The parking requirement for the barber shop/beauty salon use is identical to that of the previous use, thus not increasing the intensity of the space. As a condition of approval, the parking lot must be striped to properly delineate the parking stalls.

The minimum bicycle parking requirement for the barber shop/beauty salon is 3 spaces. The previous warehousing/storage use was established prior to the adoption of the bicycle parking requirement, therefore not subject to this provision. The applicant has indicated that the minimum bicycle parking requirement will be met by providing a bike rack in the northeast corner of the parking lot.

Section 541.360 of the zoning code requires that all parking lots of four or more spaces be subject to the landscaping, screening and curbing requirements of Chapter 530, Site Plan Review. Section 530.170 requires all parking and loading facilities fronting along a public street to provide a landscaped yard at least 7 feet wide with plantings at least 3 feet in height and 60 percent opaque. Chapter 530 also requires all parking and loading abutting or across an alley from a residential use to provide a landscaped yard at least 7 feet in width along the property line. Screening that is at least 95 percent opaque is also required within this landscaped yard.

In this case, the parking lot fronts on a public street to the east and abuts residential uses to the south. The site plan shows a landscaped yard approximately six feet in width between the parking lot and 1st Avenue S. The site has five parking spaces in excess of the minimum requirement. Therefore, staff is recommending that the landscaped yard on the east side of the site be increased to seven feet in width. The landscaped yard shown between the parking lot and the residential use to the south is approximately five feet in width. The site plan shows a drive aisle that is 27 feet wide serving the parking lot. This drive aisle can be reduced so that an additional two feet of landscaping is provided between the parking lot and the adjacent residential use. Staff recommends that, as a condition of approval, a landscaped yard at least 7 feet wide with screening that is at least 95 percent opaque be provided in this location. A more

CPED - Planning Division Report
BZZ-4753

detailed landscape plan will also be required, identifying plant types. Because the properties located across the alley have commercial zoning and do not have residential uses, landscaping and screening is not required along the public alley.

(e) Nature of business operations: The subject tenant space was most recently utilized as a warehousing/storage use. This use did not have any regular customers or regular business hours. The barber shop/beauty salon is classified as “general retail sales and service.” While the proposed use is expected to generate more activity at the site, it is not expected to have a detrimental impact on the surrounding area.

(f) Number of employees: According to the applicant, the previous warehousing/storage use did not have any full-time, regular employees. It was maintained by the property owner. The proposed barber shop/beauty salon will have three employees. A business that employs three people is not expected to negatively affect the surrounding area and will have little impact on the intensity of the use.

(g) Building Bulk: The existing building has a footprint that is approximately 4,617 square feet in area. The lot is 14,820 square feet in area, for a floor area ratio of .31. The maximum floor area ratio in the R2B District is 0.5. The building will not be expanded as part of the application and will continue to comply with the maximum FAR for the district. The intensity of the use, in terms of bulk, will not be increased by the establishment of a barber shop/beauty salon.

(h) Aesthetic impacts on surrounding property: The applicant is proposing improvements to the site, including the installation of landscaping and painting of the building. As a condition of approval, staff is recommending that all sides of the building be painted uniformly to improve its appearance. The installation of landscaping will also improve the appearance of the site.

As stated above, staff is recommending that the applicant provide a landscaped yard 7 feet in width along with screening at least 95 percent opaque between the property and the residential use to the south. These site improvements should mitigate any impact that the proposed use may have on the adjacent property.

(i) Noise, odor, heat, glare and vibration: The proposed use, as with the previous use, is not expected to generate noise, odor, heat, glare or vibration.

Based on the above analysis, the proposed barber shop/beauty salon should not be more intense than the previous warehousing/storage use, with the attached conditions of approval.

Recommendation of the Community Planning and Economic Development Department – Planning Division:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the change of nonconforming use from warehousing/storage to a barber shop/beauty salon in the R2B Two-family Residence District for the property at 2612 1st Avenue S, subject to the following conditions:

CPED - Planning Division Report
BZZ-4753

1. The applicant shall provide a detailed landscaped plan showing a landscaped yard 7 feet in width along with screening at least 95 percent opaque between the property and the residential use to the south, in accordance with Section 530.170 of the Zoning Ordinance.
2. A landscaped yard at least 7 feet wide with plantings at least 3 feet in height and 60 percent opaque shall be provided between the parking lot and 1st Avenue S, in accordance with Section 530.170 of the Zoning Ordinance.
3. The parking spaces shall be clearly marked using paint or other marking devices, in accordance with Section 541.320 of the Zoning Ordinance.
4. All sides of the building shall be painted uniformly to improve the appearance of the structure.

Attachments:

1. Statement from applicant.
2. Zoning map.
3. Letter from the Whittier Alliance.
4. Site plans and floor plan.
5. Photos.