

Department of Community Planning and Economic Development – Planning Division

Rezoning and Variances

BZZ-5641

Minor Subdivision

MS-224

Date: August 13, 2012

Applicant: CPM Development, LLC, Attn: Daniel Oberpriller, 2919 Knox Avenue South #200, Minneapolis, MN 55408, (612) 823-3489

Address of Property: 414 7th Avenue SE

Project Name: Remington Campus Apartments

Contact Person and Phone: CPM Development, LLC, Attn: Daniel Oberpriller, 2919 Knox Avenue South #200, Minneapolis, MN 55408, (612) 823-3489

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

Date Application Deemed Complete: June 29, 2012

End of 60-Day Decision Period: August 28, 2012

End of 120-Day Decision Period: On July 20, 2012, Staff sent a letter to the applicant extending the decision period to no later than October 27, 2012.

Ward: 3

Neighborhood Organization: Marcy Holmes Neighborhood Association (MHNA)

Existing Zoning: R2B (Two-family) district and UA (University Area) Overlay District

Proposed Zoning: R5 (Multiple-family) district and UA (University Area) Overlay District

Zoning Plate Number: 15

Lot area: 70,785 square feet or approximately 1.6 acres

Legal Description: The northwesterly 1/2 of Lot 2, and all of Lots 3, 4, 5, 6, 7, and 8, Block 4, St. Anthony Falls, Hennepin County, Minnesota.

Proposed Use: To allow for the conveyance of approximately 4,920 square feet of property to the abutting parcel to the east in order to allow for the development of the mixed-use Andrew Riverside project. No modifications are proposed to the existing residential structure with 103 units known as Remington Campus Apartments.

Concurrent Review:

- Petition to rezone the subject property from the R2B (Two-family) district to the R5 (Multiple-family) district. The UA (University Area) Overlay District will be maintained.
- Variance to reduce the minimum lot area per dwelling unit from 700 square feet per dwelling unit to 647 square feet per dwelling unit, or a variance of approximately 8%.

Department of Community Planning and Economic Development – Planning Division
BZZ-5641 and MS-224

- Variance to reduce the required setback along the east interior side yard from 15 feet to 7 feet, 3 inches.
- Variance to reduce the off-street parking requirement for the existing building from 103 spaces to 80 spaces.
- Minor subdivision to allow for the adjustment of the east property line. The land that would be conveyed to the abutting parcel to the east upon the approval of the minor subdivision would be an area that is 30 feet, 9 inches wide by 160 feet long, or approximately 4,920 square feet.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Chapter 525, Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements...”; (2) “to vary the lot area or lot width requirements up to thirty (30) percent...”; (6) “to vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces”, Chapter 530 Site Plan Review and Chapter 598 Land Subdivision Regulations.

Background: The applicant proposes to rezone the property located at 414 7th Avenue SE from the R2B (Two-family) district to the R5 (Multiple-family) district. The property is occupied by an existing non-conforming residential structure with 103 units known as Remington Campus Apartments. No modifications are proposed to the structure, however, the rezoning is necessary as the applicant intends to convey approximately 4,920 square feet of property to the abutting parcel to the east in order to allow for a new development on that site. Zoning Code regulations prohibit non-conforming uses from increasing their non-conformity, so the conveyance of the property would not be possible unless the site were to be brought into conformance with the applicable standards of the Zoning Code. Rezoning the property to R5 and processing the necessary variances including: (1) a variance to reduce the minimum lot area per dwelling unit from 700 square feet per dwelling unit to 647 square feet per dwelling unit, or a variance of approximately 8%; (2) a variance to reduce the required setback along the east interior side yard from 15 feet to 7 feet, 3 inches; and (3) a variance to reduce the off-street parking requirement for the existing building from 103 spaces to 80 spaces, allows for the conveyance of the property with a minor subdivision.

The subject parcel encompasses nearly half of the City block bounded by 4th Street SE, 5th Street SE, 7th Avenue SE, and 8th Avenue SE. A portion of the structure on the north half of the premises fronting on 5th Street SE was formerly the site of St. Andrews Hospital. The structure has been converted into multi-family apartments and linked to the multi-family building located on the south half of the block at the intersection of 4th Street SE and 7th Avenue SE. All parcels on the block with the exception of the southwest corner are located in the Fifth Street Southeast Historic District. The conveyance of the property does not result in the need for any review by the Heritage Preservation Commission (HPC).

The abutting property that would receive the conveyed property as part of the proposed minor subdivision is known as the former site of the historic Andrew Riverside Presbyterian Church. The site has been vacant since 2003 when the church was demolished. In May of 2012, the HPC approved a proposed development for this site that includes the property that would be conveyed should the minor subdivision be approved. The project was recently submitted to Staff and has been scheduled for the Planning Commission meeting to be held on August 13, 2012.

The project was scheduled for and heard at the Planning Commission meeting on July 30, 2012. After opening the public hearing and discussing the project, the Planning Commission decided to continue the project one cycle until the August 13, 2012, Planning Commission meeting in order to view the abutting Andrew Riverside development concurrently with the subject proposal.

Staff has received official correspondence from the Marcy Holmes Neighborhood Association (MHNA) which supports the rezoning of the property. No additional letters or emails were received prior to the printing of this report. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for further consideration.

REZONING – from the R2B to the R5 district

Findings as Required by the Minneapolis Zoning Code:

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as urban neighborhood. The property is also located one block off of University Avenue SE which is a designated Community Corridor in this location as well as a block from Interstate 35W. Urban neighborhoods are defined as a “predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.” The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “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.” This policy includes the following applicable implementation steps: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.8 states: “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. This policy includes the following applicable implementation step (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Planning Staff believes that the proposal to rezone the subject property from the R2B district to the R5 district is supported by the above listed policies and implementation steps.

There is an additional plan that must be considered when evaluating the proposal which is the *Marcy-Holmes Neighborhood Master Plan* which was adopted by the City Council on December 29, 2003. An addendum to the master plan called the *Marcy-Holmes Master Plan Supplement* was adopted by the City Council on January 26, 2007. Within this document the subject site and the adjacent Andrew Riverside parcel to the east, which is already zoned R5 and specifically called out as a potential redevelopment site, are designated for residential uses. Due to the fact that the redevelopment of the Andrew Riverside site is dependent on bringing the existing Remington Campus Apartments into compliance with the Zoning Code standards, and that the property will remain residential and no changes to the existing use of the

property would occur, Planning Staff believes that the proposal is in conformance with the applicable adopted plan and supplement.

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

A rezoning to the R5 district would be considered primarily in the interest of the property owner as the property would become a conforming use, and the abutting property owner as it would allow for the conveyance of property for inclusion in the redevelopment of the Andrew Riverside site. It could also be considered in the public interest insofar as the subject property would become conforming thus allowing the minor subdivision that would allow for development on the abutting vacant parcel to the east, consistent with adopted policy.

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 subject site is located within an area that has predominantly R2B and R5 zoning classifications. Generally, properties located south of 4th Street SE are zoned R5 and properties located north of 4th Street SE are zoned R2B. However, the abutting property on the same block (the Andrew Riverside site) is zoned R5 and other properties to the east of 8th Avenue SE are zoned C1. The uses within the area are varied and include assorted commercial and residential uses. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff believes that rezoning the subject site to R5 would be appropriate and compatible in this location.

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.

In general, there are reasonable uses allowed under the R2B zoning classification; however, the property as it currently exists is non-conforming with a 103 unit multi-family building on the premises. Typically, R2B properties only allow single or two-family dwellings, which is completely inconsistent with the existing use. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classifications for the property.

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.

Under the 1963 Zoning Code, the subject property and the surrounding area were zoned similarly to what they are zoned today, with the exception being the commercially zoned properties located to the east of the site which were zoned B2S-2 (Neighborhood Service District). The adjacent property was formerly occupied by the Andrew Riverside Presbyterian Church but has since been demolished and is now vacant. In general, there has been somewhat of a change in the character and trend of development within the general area as new multi-family student housing developments have been constructed in the broader vicinity. Due to the proximity of the site to R5 zoning as well as the mix of uses within the general area, Staff believes that the rezoning request is reasonable, appropriate and consistent with adopted policy.

VARIANCE – (1) Variance to reduce the minimum lot area per dwelling unit from 700 square feet per dwelling unit to 647 square feet per dwelling unit, or a variance of approximately 8%; (2) Variance to reduce the required setback along the east interior side yard from 15 feet to 7 feet, 3 inches; (3) Variance to reduce the off-street parking requirement for the existing building from 103 spaces to 80 spaces.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Minimum lot area per dwelling unit from 700 square feet per dwelling unit to 647 square feet per dwelling unit, or a variance of approximately 8%: The applicant proposes to vary the minimum lot area per dwelling unit from 700 square feet to 647 square feet in the R5 district, or a variance of approximately 8%. The existing use of the site as a 103 unit multi-family development is non-conforming and as proposed, in order to bring the property into conformance with the R5 district standards, a variance is necessary. The building currently consists of small studio and one-bedroom apartments. No alterations or modifications to the existing building are proposed. Planning Staff believes that in this specific circumstance, practical difficulties exist in complying with the ordinance as the request to rezone the property to bring the property into conformance with the applicable zoning regulations is reasonable.

The required setback along the east interior side yard from 15 feet to 7 feet, 3 inches: The applicant proposes to vary the required setback along the east interior property line from 15 to 7 feet, 3 inches. The setback of 15 feet is created due to the height of the tallest portion of the building that does not abut the subject property line. The height of the structure abutting the property line in this location is only 3 stories tall which would typically result in a setback requirement of 11 feet. The variance is necessary as a result of the proposed minor subdivision and the conveyance of land area to the abutting property to the east that is 30 feet, 9 inches wide by 160 feet long, or approximately 4,920 square feet in size for the redevelopment of that site. The building is existing and the existing window openings would be maintained in the building along this property line with the lot line adjustment. Further, the adjustment of the lot line would eliminate a curb-cut as well as the surface parking lot that fronts on 4th Street SE. Practical difficulties exist in complying with the ordinance and the separation between the existing building and the lot line at 7 feet, 3 inches is appropriate given the circumstances.

To reduce the off-street parking requirement for the existing building from 103 spaces to 80 spaces: The proposed reduction in surface parking spaces from 103 spaces to 80 spaces for the existing residential development is appropriate given the context of the area and the availability of alternative forms of transportation due to the property's proximity to the university. Several bus lines are within walking distance from the site and the applicant further contends that the provision of 80 spaces is adequate to serve the tenants of the existing building. Further, allowing a reduction in parking would eliminate a curb cut and the surface parking that abuts 4th Street SE. Practical difficulties exist in complying with the ordinance and the request is reasonable given the circumstances.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Minimum lot area per dwelling unit from 700 square feet per dwelling unit to 647 square feet per dwelling unit, or a variance of approximately 8%: The proposal to reduce the minimum lot area for an existing 103-unit residential building that consists of studio and one-bedroom apartments is reasonable

and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan. The reduction allows the property to become compliant with Zoning Code regulations and further allows for the potential of a redevelopment on the abutting parcel.

The required setback along the east interior side yard from 15 feet to 7 feet, 3 inches: The proposal to reduce the interior side yard setback along the east property line from 15 feet to 7 feet, 3 inches is reasonable and would be keeping with the spirit and the intent of the ordinance. The proposed separation of the existing building from the new lot line would be adequate given the context and all existing window openings would be maintained. Further, the reduction allows for the transfer of property to the adjacent site for a potential redevelopment.

To reduce the off-street parking requirement for the existing building from 103 spaces to 80 spaces: The proposal to reduce the required off-street parking from 103 spaces to 80 spaces is reasonable and would be in keeping with the spirit and the intent of the ordinance. The applicant has stated that the reduction in parking would still allow ample parking for the tenants of the existing building.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Minimum lot area per dwelling unit from 700 square feet per dwelling unit to 647 square feet per dwelling unit, or a variance of approximately 8%: The reduction in the minimum lot area per dwelling unit for an existing residential building would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The reduction would also not be detrimental to the health, safety, or general welfare of the public or those utilizing the property or nearby properties.

The required setback along the east interior side yard from 15 feet to 7 feet, 3 inches: The reduction in the required setback along the east interior side yard from 15 feet to 7 feet, 3 inches would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The reduction would also not be detrimental to the health, safety, or general welfare of the public or those utilizing the property or nearby properties. The separation between the existing building and the property line is appropriate given the circumstances.

To reduce the off-street parking requirement for the existing building from 103 spaces to 80 spaces: The reduction in the off-street parking requirement would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The reduction would also not be detrimental to the health, safety, or general welfare of the public or those utilizing the property or nearby properties. The provision of 80 parking spaces for the existing residential building that contains 103 studio and one-bedroom apartments is adequate based on information provided by the applicant.

MINOR SUBDIVISION

Required Findings:

1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

Both parcels would be in conformance with the requirements of the zoning ordinance and comprehensive plan. Both lots are also in conformance with the standards of the subdivision regulations.

2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The proposed subdivision would result in the shift of the east property line. The land that would be conveyed to the abutting parcel to the east upon the approval of the minor subdivision would be an area that is 30 feet, 9 inches wide by 160 feet long, or approximately 4,920 square feet. This should have little effect on the surrounding area and will not add congestion to the public streets.

3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.

The sites are relatively flat and do not present the above noted hazards.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

No change to the grading is proposed and any modification to the access shall be reviewed and approved by Public Works through the PDR process.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Existing utility and drainage provisions are adequate for the existing development located on a portion of the site. The future development proposed on the abutting parcel requires review and approval by Public Works through the PDR process.

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 rezoning petition to change the zoning classification of the property located at 414 7th Avenue SE from the R2B district to the R5 district. The UA (University Area) Overlay District will be maintained.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to reduce the minimum lot area per dwelling unit from 700 square feet per dwelling unit to 647 square feet per dwelling unit, or a variance of approximately 8% in the R5 district within the existing building on the property located at 414 7th Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required setback along the east interior side yard from 15 feet to 7 feet, 3 inches for the existing building on the property located at 414 7th Avenue SE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the off-street parking requirement from 103 spaces to 80 spaces for the existing building on the property located at 414 7th Avenue SE subject to the following condition:

1. The parking lot shall be restriped per the site plan submitted.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the minor subdivision application to allow for the adjustment of the east property line on the property located at 414 7th Avenue SE.

Attachments:

1. Rezoning Matrix – R2B vs. R5
2. Statement of use / description of the project
3. Correspondence
4. Zoning map
5. Existing site plan and survey
6. Photos