

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, and Variance
BZZ-5901

Date: January 22, 2013

Applicant: Rick Wessling

Address of Property: 3442 Washington Avenue North

Project Name: Not applicable for this application

Contact Person and Phone: Rick Wessling, (612) 270-6634

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: December 24, 2012

End of 60-Day Decision Period: February 22, 2013

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

Ward: 3 **Neighborhood Organization:** McKinley Community

Existing Zoning: I2, Medium Industrial District

Proposed Zoning: I2, Medium Industrial District and IL Industrial Living Overlay District

Zoning Plate Number: 12

Legal Description: Lot 005 Engman's Addition to Minneapolis

Proposed Use: Residence and art studio

Concurrent Review:

Rezoning: to add the Industrial Living Overlay District (ILOD) to the site.

Conditional use permit: to allow the addition of a dwelling unit in the Industrial Living Overlay District.

Variance: to reduce the minimum lot area for a residential use from 5,000 square feet to 4,020 square feet.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 551.370, Conditional Uses in Industrial Living Overlay District, Chapter 525, Article IX, Variances.

Background: The subject property is a through lot located in North Minneapolis with street frontage on Washington Avenue North and 2nd Street North. The properties in this area between Washington Avenue North and 2nd Street North are smaller than average. All of these properties are zoned I2/Medium Industrial; however, a majority have residential uses that were built in the first part of the 20th century.

The subject property is 4,020 square feet and contains a building that was built as a factory in 1968. The building dimensions haven't changed since it was built (38'8" x 64'). Including the basement, it has 4,940 square feet (2,470 square feet per floor). The exterior materials include concrete block and glass block windows. The back of the lot (2nd Street North) has a driveway leading to three off-street parking spaces.

The building is currently vacant. The current owner is Clown Glass Incorporated. According to Clown Glass Incorporated's website, they do glass blowing and have a commercial storefront in Uptown (2114 Lyndale Avenue South).

The applicant is proposing to renovate the existing building into an owner-occupied residence and arts studio. The applicant states that the studio would support his wood working and metal working hobbies and would not be accessed by the public as either gallery or as sales space. The one-bedroom residential unit would be approximately 1,400 square feet and take up the front portion of the building on both floors. The remaining space would be devoted to the arts studio (approximately 3,540 square feet). The applicant is proposing minimal changes to the exterior of the building and the parcel at this time.

There were three applications submitted to allow for the residence and arts studio at 3442 Washington Avenue North:

- An application to add the Industrial Living Overlay District to the I2/Medium Industrial Zoning District to allow for a residential unit.
- A conditional use permit to allow for a dwelling unit in the Industrial Living Overlay District.
- A variance to reduce the minimum lot area for a residential use from 5,000 square feet to 4,020 square feet.

REZONING: to add the Industrial Living Overlay District (ILOD) to the site

Findings as Required by the Minneapolis Zoning Code:

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

The zoning amendment to add the IL Overlay District to the I2/Medium Industrial Zoning District parcel at 3442 Washington Avenue North is consistent with the applicable policies of the comprehensive plan. The subject property is designated as urban neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The urban neighborhood designation calls for predominantly residential uses, which is the proposed use of the subject property.

The proposed residential use is also consistent with the following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*:

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- 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 (Land Use Policy 1.1).
- 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 Implementation Step 1.1.5).
- Ensure appropriate transitions between uses with different size, scale, and intensity (Land Use Policy 1.2).
- Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public (Land Use Implementation Step 1.2.3).
- 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 (Land Use Policy 1.8).
- Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features (Land Use Implementation Step 1.8.1)
- Grow by increasing the supply of housing (Housing Policy 3.1).
- Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types (Housing Policy 3.6).
- Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time (Housing Implementation Step 3.6.1).
- Promote housing development in all communities that meets the needs of households of different sizes and income levels (Housing Implementation Step 3.6.2).

Furthermore, the proposed rezoning is consistent with the small area plan for the area: *Above the Falls Small Area Plan: A Master Plan for the Upper River in Minneapolis (2000)*. The currently adopted plan recommends that subject property and neighboring properties be residential (mid-to-high density).

The Above the Falls plan is in the process of being updated and is scheduled to be adopted by the Minneapolis City Council in March 2013. The applicant's proposal is also consistent with the draft update, which recognizes the challenges of the small parcels between Washington Avenue North and 2nd Street.

The small sites located between 2nd St N and Washington Ave N present somewhat of a challenge for redevelopment, as many are small, steeply sloped, and narrow. These may be suitable for small-scale office and light industrial uses. As there are already a number of residential uses within this section, it may also be appropriate for live-work type arrangements. Future reconfigurations of the street network and interstate access should consider ways to assemble these parcels in larger groupings, to allow for more options for redevelopment (Above the Falls Master Plan Update, page 84).

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

The amendment is in the public interest and not solely that of the property owner. The proposal to add the IL Overlay District to the subject property will allow more flexibility in uses while maintaining the underlying industrial zoning district uses. In addition, adding the IL Overlay District to the existing I2

District will allow the subject property to have a residential use similar to the neighboring properties.

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 existing uses of the surrounding properties are compatible with the proposed use and zoning classification for the subject property. The area surrounding the subject property is primarily residential, which is the proposed use for 3442 Washington Avenue North.

The proposed zoning classification is also compatible with the zoning classification within the general area. The properties between Washington Avenue North and 2nd Street North are zoned I2/Medium Industrial. The applicant's proposal to add the IL Overlay District will maintain the I2/Medium Industrial zoning and will not prohibit the subject property or the neighboring properties from industrial 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.

There are reasonable uses of the property in question permitted under the existing zoning classification, including an arts studio, which is part of the applicant's live-work proposal.

The addition of the IL Overlay District will allow for the other aspect of the live-work proposal, a residential unit. Allowing the residential aspect will help the subject property blend in better with the neighboring residential properties. The IL Overlay District will also allow for the following uses:

- General retail sales and services uses.
- Antiques and collectibles.
- Banks and financial institutions.
- Bookstore, new or used.
- Grocery store.
- Laundry, self service.
- Performing, visual or martial arts school.
- Reception or meeting hall.
- Sports and health facility, minor.
- Supportive housing.
- Theater, indoor, provided live performance only.
- Video stores up to four thousand (4,000) square feet.

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 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.

CONDITIONAL USE PERMIT - for a supportive housing facility

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

- 1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The conditional use permit is to allow for the residential aspect of the live-work unit. The establishment of the residential use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the area. The residential use will complement the neighboring residential uses. The applicant and future residents should be aware that relatively heavy industrial activity, which includes significant truck traffic, also takes place in the area and that a compost facility is located nearby (3750 Washington Avenue North).

- 2. The conditional use 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 residential use will not be injurious to the use and enjoyment of other property in the vicinity. In fact, allowing the residential use will complement the neighboring residential uses.

The addition of the IL Overlay District will also not impede orderly development and improvements of surrounding property. The IL Overlay District will allow the subject property to move towards the Comprehensive Plan's vision for this site, urban neighborhood, while not prohibiting it from industrial uses in the mean time.

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

Adequate utilities access, roads, and drainage facilities exist. The site will continue to have access to three off-street parking spaces from 2nd Street North.

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

Traffic congestion will likely be less than with other uses since it is an owner-occupied residence with space devoted to a hobby arts studio. The Minneapolis Zoning Code requires that the proposed development have one off-street parking space for one residential dwelling unit. The applicant is proposing to maintain having three off-street parking spaces.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The proposed residential use of the property is consistent with the applicable policies of the comprehensive plan. The subject property is designated as urban neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The urban neighborhood designation allows for predominantly residential uses.

The proposed residential use is consistent with the following policies and implementation steps of The Minneapolis Plan for Sustainable Growth:

- 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 (Land Use Policy 1.1).
- 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 Implementation Step 1.1.5).
- Ensure appropriate transitions between uses with different size, scale, and intensity (Land Use Policy 1.2).
- Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public (Land Use Implementation Step 1.2.3).
- 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 (Land Use Policy 1.8).
- Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features (Land Use Implementation Step 1.8.1)
- Grow by increasing the supply of housing (Housing Policy 3.1).
- Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types (Housing Policy 3.6).
- Promote the development of housing suitable for people and households in all life stages that can be adapted to accommodate changing housing needs over time (Housing Implementation Step 3.6.1).
- Promote housing development in all communities that meets the needs of households of different sizes and income levels (Housing Implementation Step 3.6.2).

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The development will meet all other applicable regulations of the I2/Medium Industrial zoning district if the addition of the overlay district and variance applications are also approved. The proposed residential use (with an arts studio) is in compliance with the conditions of approval for dwelling units outlined in 551.370. The proposed project is not supportive housing, and the applicant is not proposing exterior alterations that will detract from the building on the subject property nor the surrounding area. In addition, the applicant is proposing to separate the living unit from the arts studio as required by the building code. This will protect the residential portion of the building from dust, noise, light, glare, smoke, and order.

VARIANCE - to reduce the minimum lot area for a residential use from 5,000 square feet to 4,020 square feet.

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.**

Lot area: Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The subject property and the neighboring residential properties between Washington Avenue North and 2nd Street North were plotted before the first Minneapolis Zoning Code in 1924 and are smaller than average lots in the City. The minimum lot area requirement for a residential use in the Industrial Living Overlay District is 5,000 square feet. However, few of the parcels in this area meet this requirement including the subject property. The subject property is 4,020 square feet (19.6 percent below the required lot area). The property to the north (3447 Washington Avenue North) is 4,080 square feet and the property to the south (3438 Washington Avenue North) is 4,480 square feet. These circumstances were not created by the applicant nor are they based on economic considerations alone.

- 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.**

Lot area: The 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. Lot area requirements are established to ensure compatibility with surrounding uses. The applicant is proposing to use the subject property for a residential use, which is consistent with the adjacent residential properties. Furthermore, the applicant's proposal will be keeping with the spirit and intent of the comprehensive plan. The future land use map for the subject property and the neighboring properties is urban neighborhood. Urban neighborhood designation allows for predominantly residential uses.

- 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.**

Lot area: The proposed variance will not alter the essential character of the locality and will not be injurious to the use and enjoyment of the other property in the vicinity. In fact, granting of the variance will assist in making the subject property more compatible with the neighboring residential properties. Granting of the variance will also not be detrimental to the health, safety, or welfare of the general public or to those utilizing the property or nearby properties. The applicant will be using the property as a residential use with a nonpublic arts studio. Noise,

health, and safety concerns from the arts production will be covered by other parts of the city code.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and the Minneapolis City Council adopt the above findings and **approve** the rezoning to add the Industrial Living Overlay District (ILOD) to the property located at 3442 Washington Avenue North.

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 recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow the addition of a dwelling unit in the Industrial Living Overlay District at 3442 Washington Avenue North subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area for a residential use from 5,000 square feet to 4,020 square feet at 3442 Washington Avenue North subject to the following condition:

1. Approval of the final site plan by the Department of Community Planning and Economic Development – Planning Division.

Attachments:

1. Statement of proposed use and statements to rezoning, conditional use permit and variance findings
2. Council member and neighborhood notification
3. Zoning and future land use map
4. 1912-1951 Sanborn map
5. Above the Falls Small Area Plan: 2000 and 2013 Update
6. Site plan and floor plans
7. Aerials and images