

Department of Community Planning and Economic Development
Rezoning
BZZ-5894

Date: March 4, 2013

Applicant: W. George Lang

Address of Property: 2601 Colfax Avenue North

Project Name: 2601 Colfax Avenue North Rezoning

Contact Person and Phone: W. George Lang

CPED Staff and Phone: Brad Ellis, (612) 673-3239

Date Application Deemed Complete: January 25, 2013

End of 60-Day Decision Period: March 26, 2013

End of 120-Day Decision Period: May 25, 2013 (Extension letter sent February 20, 2013)

Ward: 03 **Neighborhood Organization:** Hawthorne Community Council

Existing Zoning: R2B Two-Family District

Proposed Zoning: R3 Multiple-Family District

Zoning Plate Number: 08

Legal Description: Lot 7, Block 13, Fairmont Park Addition to Minneapolis

Proposed Use: A two-family dwelling

Rezoning Petition: change the zoning classification from R2B Two-Family District to R3 Multiple-Family District to allow for the legal conversion of a single-family dwelling to a two-family dwelling.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 546 Residence Districts

Background and Analysis: The subject property is a corner lot and is approximately 5,433 sq. ft. The earliest building permits on the property were to allow for a 24 ft. x 44 ft. single-family dwelling to be moved on to the lot in 1960. The applicant lives across the alley at 1012 26th Avenue North, and purchased the building in 2012 believing it to be a two-family dwelling. City records show no additional permits that could indicate a lawful conversion to a two-family dwelling.

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From 1924, the first year the City of Minneapolis had a codified zoning ordinance, to 1963, the property was zoned Residence District with a “C” density district. A two-family dwelling was a permitted use at the time of the building’s move to the lot in 1960. With the adoption of a new zoning code in 1963 the property was zoned R2B Two-Family District, and has remained R2B until the present. In the R2B, a two-family dwelling is a permitted use. However, in 1995 the City amended the zoning code requiring all newly established two-family dwellings to have a minimum lot area of 10,000 square feet, so while a two-family dwelling is permitted, the property at 2601 Colfax Avenue North does not have the required lot area. Per 525.520(2)(b), lot area can be varied, but only up to 30 percent, or up to 55 percent for newly constructed two-family dwellings:

- (2) To vary the lot area or lot width requirements up to thirty (30) percent, except for the following uses, where the maximum variance of thirty (30) percent shall not apply.
 - a. To vary the lot area or lot width requirements up to fifty (50) percent for schools, grades K-12, located in the OR2, OR3 and commercial districts.
 - b. To vary the lot area or lot width requirements up to fifty-five (55) percent for newly constructed two-family dwellings located in the R2B District, provided the surrounding properties are primarily two-family dwellings developed on lots similar in size to the proposed development.

Because the proposed two-family dwelling at 2601 Colfax Avenue North would be a conversion of an existing structure rather than new construction, the property must be rezoned, rather than just apply for a variance to lot area before the Board of Adjustment, in order to establish a two-family dwelling.

The present use of the property is a single-family dwelling. City records indicate that the legal use of the property is a single-family dwelling. The applicant is petitioning to rezone the property from R2B Two-Family District to R3 Multiple-Family District to allow for the legal conversion of a single-family dwelling to a two-family dwelling. The subject property exceeds the minimum lot area required to allow for the conversion to two-family dwelling in the R3 District and meets the minimum off-street parking requirement of two parking spaces. If the petition to rezone the property is approved, the applicant will be required to obtain building permits to legally convert the use from a single-family dwelling to a two-family dwelling and meet current applicable codes.

Staff has received a letter of support from the Hawthorne Community Council. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

REZONING

Findings as Required By the Minneapolis Zoning Code:

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

The subject property’s existing land use classification is low-density housing, which is classified as residential dwellings with less than 20 dwelling units/acre. The proposed use is consistent at

16 dwelling units per acre. The property is designated *Urban Neighborhood* on the future land use map of the comprehensive plan.

A Community Corridor, Emerson Avenue North, is one-and-a-half short blocks west of the subject property. Another Community Corridor, Lyndale Avenue North, is three blocks east. The urban neighborhood classification is predominately a residential area with a range of densities. A community corridor is primarily residential with intermittent commercial uses clustered at intersections in nodes, with medium density (20-50 du/acre), transitioning to low density (less than 20 du/acre) in surrounding areas.

a. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the rezoning:

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.

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.
- 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.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.

Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

- 3.6.4 Provide and maintain moderate and high-density residential areas, as well as areas that are predominantly developed with single and two family structures.

Staff comment: The surrounding area has a range of residential densities from single-family to multiple-family. Many of the properties in the surrounding R2B district are legal conforming two-family dwellings. There is a property zoned R4 mid-block along Dupont Avenue North, north along the alleyway. There is a C1 Neighborhood Commercial District 260 feet away. The proposed use will occur within the existing structure. The applicant is not intending to demolish, remodel or add on to the existing structure to allow for the legalization of one additional dwelling unit. The proposed rezoning is consistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

b. Consistency with plans:

This property is not located within a study area governed by additional small area or master plans.

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

The amendment is primarily in the interest of the property owner. However, the surrounding area has a range of residential densities from single-family dwellings to multiple family dwellings. The area is zoned R2B Two-Family District, which allows two-family dwellings as-of-right, and there are many two-family dwellings in the immediate vicinity. The proposed use will occur within the existing structure. The applicant is not intending to demolish, remodel or add on to the existing structure. If the R3 District is approved, the property owner could demolish or remodel the existing structure and build up to three dwelling units, based on the density allowed in the R3 District of 1,500 square feet of lot area per dwelling. This would require major upgrades to the property in order to meet building code requirements.

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.

There is a range of zoning classifications in the area. Most of the area is zoned R2B, which allows two-family dwelling as-of-right. Mid-block along Dupont Avenue North (across the alley) is one parcel with R4 zoning. Interestingly, the zoning to the west, on the Community Corridors of Emerson and Fremont Avenues North, is R1A Single-Family District. There are a mix of uses in the area, including single-family dwellings with a mix of two- and three-family dwellings, and a commercial use a block away. A low-density district on this property would be appropriate given its location in the urban neighborhood, a just over a block off a Community Corridor. As noted above, if the R3 District is approved, the property owner could demolish or remodel the existing structure and build up to three dwelling units, based on the density allowed in the R3 District of 1,500 square feet of lot area per dwelling. This would require major upgrades to the property in order to meet building code requirements.

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.

The structure was being used as a two-family dwelling prior its purchase by the applicant, although the legal use of the property is a single-family dwelling. The R3 Multiple-Family District is established to provide for an environment of predominantly single and two-family dwellings, cluster developments and smaller multiple-family dwellings on lots with a minimum lot area of 5,000 sq. ft. and at least 1,500 sq. ft. of lot area per dwelling unit. The proposed use of two dwelling units will be located on a lot of 5,433 sq. ft., and the density is 2,716.5 sq. ft. of lot area per dwelling. There is a mix of uses in the area, including single- and two-family dwellings, as well as medium-density

residential and commercial uses. The proposed use will occur within the existing structure. The applicant is not intending to demolish, remodel or add on to the existing structure to allow for the one additional dwelling unit. A two-family dwelling is a reasonable use of 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.

From 1924, the first year the City of Minneapolis had a codified zoning ordinance, to 1963, the property was zoned Residence District. Single- and two-family dwellings were the only permitted residential uses in this district. The property was rezoned to R2B Two-Family District in 1963 with the adoption of the new zoning ordinance. The property has been continuously zoned R2B Two-Family District since 1963. Single- and two-family dwellings are the few permitted residential uses in this district. Due to the proximity to the community corridor and the mix of densities in the surrounding area, the proposed amendment will be in character and consistent with the surrounding area.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification for the property located at 2601 Colfax Avenue North from R2B Two-Family District to R3 Multiple-Family District to allow for the conversion of a single-family dwelling to a two-family dwelling.

Attachments:

- 1) Statement of use
- 2) Correspondence
- 3) Zoning map
- 4) Rezoning matrix
- 5) Plans
- 6) Photos