



LAND USE APPLICATION SUMMARY

Property Location: 3255 Garfield Avenue South
Project Name: The Amp House
Prepared By: Lisa Steiner, Senior City Planner, (612) 673-3950
Applicant: B. Aaron Parker & Karen M. Parker
Project Contact: B. Aaron Parker
Request: To allow the conversion of an existing building to a mixed-use building and construct a detached garage.

Required Applications:

Rezoning	Petition to rezone the property from the R2B Two-Family District to the ORI Neighborhood Office Residence District.
Conditional Use Permit	To increase the maximum height in the ORI District from the permitted 2.5 stories/ 35 feet to 3 stories/33 feet 9 inches.
Variance	To reduce the required front yard along Garfield Avenue South from approximately 31 feet (established) to 0 feet for stairs and an entrance landing.
Variance	To reduce the required front yard along West 33 rd Street from the required 15 feet to 0 feet for a patio.

SITE DATA

Existing Zoning	R2B Two-Family District
Lot Area	11,459 square feet / 0.26 acres
Ward	8
Neighborhood	Lyndale
Designated Future Land Use	Urban Neighborhood
Land Use Features	One block from Community Corridor (Lyndale Avenue)
Small Area Plan	None

Date Application Deemed Complete	December 16, 2015	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	February 14, 2016	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is located at the northeast corner of Garfield Avenue South and West 33rd Street. The property is approximately 11,500 square feet in area. In 1911, a brick substation building was constructed on the site (see historic photos in appendix). This building was utilized as a substation until the 1990s but has been vacant since that time. The building was identified in a 2005 survey of Southwest Minneapolis as potentially eligible for individual local and National Register of Historic Places landmark designation.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding area is primarily residential with a range of densities from single-family homes to multi-unit apartment buildings. Directly north of the property is a single-family home and directly south across West 33rd Street is a four-unit multi-family building. Across the alley to the east are single-family homes, and to the west across Garfield Avenue is a 17-unit multi-family apartment building. The west side of Garfield Avenue on the subject block is zoned R4 Multi-Family District and is primarily multi-family residential, while the east side is currently zoned R2B Two-Family District and is primarily single-family dwellings with a few multi-family residential buildings as well. Painter Park is located southwest of the subject property. Lyndale Avenue, a designated Community Corridor, is located one block west of the subject property and has a mix of Office Residential, Commercial, and Multi-Family Residential zoning.

PROJECT DESCRIPTION. The applicant is proposing to renovate the existing vacant brick building on the site and convert it into four dwelling units and a “co-working” office space. The office space would be approximately 900 square feet in size and would be accessed from the existing main entry to the building on Garfield Avenue. Three of the dwelling units would be accessed from a new stairway and entrance addition on the north side of the existing building with a doorway facing Garfield. A fourth unit would be accessed from a separate door on the north elevation located towards the rear lot line. An approximately 500 square foot rooftop greenhouse addition is proposed on top of the existing building. Various site improvements including landscaping, walkways, and fencing are also proposed.

The applicant is also proposing to construct a detached garage with three parking stalls at the rear of the lot. The proposed garage complies with the maximum height requirements, yard requirements, and maximum floor area for accessory structures. Because the proposed office use would be less than 1,000 square feet in area, there is no off-street parking requirement for the use. The four-unit project qualifies for a 100 percent reduction from the typical minimum parking requirement of 4 spaces because the property is located within one-quarter mile of a bus transit stop with midday service headways of fifteen minutes or less.

The applicant has elected not to begin the Preliminary Development Review process prior to seeking land use approvals, so the proposal has not yet been reviewed by other City departments such as the Public Works Department or Construction Code Services.

PUBLIC COMMENTS. No comments had been received as of the writing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

REZONING

The Department of Community Planning and Economic Development has analyzed the application to rezone the property at 3255 Garfield Avenue South from R2B Two-Family District to ORI Neighborhood Office Residence District based on the following findings:

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

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property is designated as Urban Neighborhood on the future land use map. Urban neighborhoods are predominantly residential areas with a range of densities but are typically lower density and are not intended to accommodate significant new growth or density. These areas may include other small-scale uses, including neighborhood-serving commercial, institutional, and semipublic uses scattered throughout.

The following principles and policies outlined in the plan apply to this proposal:

Land Use Policy 1.1: 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.

- 1.1.5 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 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Economic Development Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base.

- 4.2.1 Promote access to the resources and information necessary for successful operation of healthy businesses.
- 4.2.5 Encourage small business opportunities, such as appropriate home occupations and business incubators, in order to promote individual entrepreneurs and business formation.

Heritage Preservation Policy 8.10: Promote the benefits of preservation as an economic development tool and a method to achieve greater environmental sustainability and city vitality.

- 8.10.5 Prioritize the reuse of the city's historic buildings as a strategy for sustainable development.

The applicant's proposal to rezone the property at 3255 Garfield Avenue South is consistent with the above policies of the comprehensive plan.

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 is not solely for the interest of a single property owner. Rezoning to ORI would allow for more potential uses on the site without drastically altering the allowed form of potential future development. The main differences in by-right building form between R2B zoning and ORI zoning are front yard setbacks and permitted maximum floor area ratio.

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.*

Although the subject property is currently residentially zoned, the property has never been utilized residentially, as it was a utility substation for over eighty years and has been vacant for the last two decades. The surrounding area is primarily residential with a range of densities from single-family homes to multi-unit apartment buildings. The west side of Garfield Avenue on the subject block is zoned R4 Multi-Family District and is primarily multi-family residential, while the east side is currently zoned R2B Two-Family District and is primarily single-family dwellings with a few multi-family residential buildings as well. Painter Park is located southwest of the subject property. Lyndale Avenue is located one block west of the subject property and has a mix of Office Residential, Commercial, and Multi-Family Residential zoning.

The ORI Neighborhood Office Residence District is intended to provide a small scale mixed use environment of low to moderate density dwellings and office uses, which can serve as a transition between neighborhood commercial centers and surrounding residential uses. The applicant's proposal for four units would have a residential density of approximately 15 dwelling units/acre, which is consistent with the density in the surrounding area. Considering that the subject property is 11,459 square feet (the size of two typical lots on this block face), the proposed density is equal to two typically-sized lots with duplexes. The existing uses and zoning classifications of the surrounding properties are compatible with the proposed rezoning of the subject property to ORI.

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 property is currently zoned within the R2B Two-Family District. Permitted uses in this district include single and two-family dwellings, small community residential facilities, community gardens, parks, places of assembly, child care centers, and small market gardens. Rezoning to ORI would allow multi-family dwellings, offices, theaters with live indoor performances, educational arts centers, preschools, as well as some additional conditional uses (see use comparison table provided in the appendix). While some reasonable uses of the property exist within the R2B District, the likelihood that the existing building could be repurposed for uses permitted in the R2B District is low. Staff finds that rezoning to ORI would support the retention of the existing building, as ORI zoning provides more potential adaptive reuse options for the existing building.

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.*

Although the subject property is currently residentially zoned, the property has never been utilized residentially, as it was a utility substation for over eighty years and has been vacant for the last two decades. In 1963, the subject property was zoned within the R5 General District. By 1975, the property had been rezoned to the R2B Two-Family District, which it has remained ever since. In 2010, as part of the Midtown Greenway Rezoning Study, the properties on the west side of the 3200 block of Garfield were rezoned to the R4 Multiple-Family District. The subject property was just outside the boundary of this rezoning study.

The vast majority of buildings in the surrounding area, including the subject building, were constructed in the early twentieth century. There has not been a noticeable change in the character of the development surrounding the property since it was zoned for residential uses. Staff finds that it would be appropriate to rezone the property to ORI Neighborhood Office Residence District in order to repurpose the existing non-residential building for an office use and four dwelling units.

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to increase the maximum allowed height from the permitted 2.5 stories/ 35 feet to 3 stories/ 33 feet 9 inches based on the following findings:

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 existing building is two stories or 26 feet in height. The maximum allowed height of a building in the ORI Neighborhood Office Residence District is 2.5 stories or 35 feet, whichever is less. The applicant is proposing to construct an approximately 500 square foot gabled-roof greenhouse addition to the rooftop of the existing building. The addition would make the building three stories in height per zoning code definitions. The overall height of the structure would be 33 feet 9 inches with the addition. Although the highest point of the addition (the ridge of the greenhouse) would be at 35 feet, the height of a gabled roof is measured to the midpoint between the ridge and the eave, which would be 33 feet 9 inches. Staff recommends a condition of approval specifying that the addition must be limited to the proposed height and area shown in the submitted plans. The proposed 3 story/33 foot 9 inch tall building will not be detrimental to or endanger the public health, safety, comfort, or general welfare provided that the development complies with all applicable building codes, life safety ordinances, and Public Works standards.

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 and orderly development and improvement of surrounding property for uses permitted in the district.*

The height of the building would be shorter than the maximum height of 35 feet in the ORI District but requires a Conditional Use Permit because the greenhouse, per zoning code definitions, constitutes a third story of the building. Staff recommends a condition of approval specifying that the size of the rooftop addition be limited to 500 square feet in area and 33 feet 9 inches in height, as shown on the submitted plans, in order to ensure that the addition would not be injurious to the use and enjoyment of other property in the vicinity in regards to shadowing impacts. The addition of the proposed rooftop greenhouse, with its limited size and height, will not be injurious to the use

and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property.

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

Increasing the height of the existing building by constructing a rooftop greenhouse addition will not have an impact on utilities, access roads, or drainage.

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

Increasing the height of the building with a rooftop greenhouse addition will have no impact on traffic congestion in the public streets. The overall proposal will exceed the minimum parking requirements for both residential and nonresidential uses.

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

The proposed development including the request to exceed maximum height in terms of stories would be consistent with the general policies of *The Minneapolis Plan for Sustainable Growth* listed above in the rezoning analysis section.

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

If the requested land use applications are approved, the proposal will comply with all provisions of the ORI Neighborhood Office Residence District.

Additional Standards to Increase Maximum Height

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in office residence districts:

1. *Access to light and air of surrounding properties.*

The proposed rooftop greenhouse house should not impact the light or air of surrounding properties. The rooftop greenhouse would be setback approximately 19 feet from the east property line and 22 feet from the south property line. The greenhouse would be located over 70 feet from the adjacent house to the north and approximately 30 feet from the adjacent house to the east.

2. *Shadowing of residential properties, significant public spaces, or existing solar energy systems.*

The proposed rooftop addition would not shadow significant public spaces or known existing solar energy systems. The addition would likely contribute to some additional shadowing of the adjacent residential properties at certain points in the year. However, since the addition is less than 500 square feet in area and the overall height of the building would be 33 feet 9 inches, the shadowing impact should be minimal. Staff recommends specifying the area and height of the proposed addition as a condition of approval in order to ensure that shadowing is limited.

3. *The scale and character of surrounding uses.*

The rooftop addition would be slightly out of character with surrounding uses. This area has a range of building types from one-story single-family homes to three-story multi-family buildings. However, the first stories of these three-story multi-family buildings in the area are typically garden-levels so their overall building height is typically less than 30 feet. With this greenhouse addition, the overall height of the building would be taller than all other existing buildings on the subject block. The

buildings to the east and north are primarily single-family homes that are one or two stories in height. However, the total height of the building with the rooftop addition would still be less than the maximum in terms of feet at 33 feet 9 inches and would not be wholly out of scale with the permitted heights of surrounding uses.

4. *Preservation of views of landmark buildings, significant open spaces or water bodies.*

The proposed rooftop addition would not block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCES

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the required front yard setback along Garfield Avenue South and a variance to reduce the required front yard setback along West 33rd Street based on the following findings:

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.*

Front Yard - Garfield Avenue South. The applicant is proposing to construct a new stairway and entrance landing to the front of the existing building at the corner of Garfield Avenue and 33rd Street. The required front yard setback in the ORI District is 15 feet or the established front yard of adjacent residential properties. The existing building currently has a five-foot stairway leading to the main door. The plans submitted indicate that the existing home to the north is located approximately 31 feet from their front property line. Stairs are permitted obstructions in required front yards, provided they do not exceed eight feet in width. Entrance landings are also permitted obstructions in front yards provided they do not exceed 36 square feet in area. The proposed stairs are between 20 and 25 feet in width and the entrance landing area is approximately 350 square feet in area; both the stairs and entrance landing therefore require a variance from the required 31 feet to 0 feet. The plans also indicate that the stairs would extend into the public right-of-way, which would require an encroachment permit from the Public Works Department.

Staff does not find that there are any practical difficulties in complying with the ordinance because of any unique circumstances. The circumstances requiring the variance are not based on economic considerations alone but they are self-created by the applicant's proposal.

Front Yard - West 33rd Street. The applicant is proposing to construct a patio over an existing areaway and along the south property line. The patio would be about 56 feet by 7 feet in size. Because the front yard of the adjacent property to the east is along West 33rd Street, the applicant is subject to a front yard setback along West 33rd Street as well. The required front yard in the ORI District is 15 feet and the adjacent house is set back approximately 12 feet from their property line. The applicant has indicated on their plans that there is an existing approximately 150 square foot areaway (currently obscured by overgrown shrubs) along the subject building's south elevation. The applicant proposes to install an egress window in the basement of the existing building that would open to this areaway. A grate would be installed over the areaway with an egress hatch. This areaway would extend to the rear property line and be utilized as a first level patio for two dwelling units. Additionally, two new doors would be installed at the first level of the building which would access this patio area. In total, the applicant is proposing a nearly 400 square foot patio along their southern property line that would extend more than half of the length of the existing building.

The maximum size of a patio that is permitted in a required front yard is 50 square feet and it cannot project more than 4 feet into the required yard. The applicant's proposal does not comply

with either of these requirements for the patio to qualify as a permitted obstruction. The existing building is located 7 feet from the south property line. In order to construct new patios along this elevation without triggering a variance, the applicant would need to construct two separate fifty square foot patios that had only three feet of depth. This would not be usable patio space. However, the proposal includes an over 5,000 square foot undeveloped area north of the building where there are many opportunities to construct patios without triggering variances. Considering the other options on the site for patios, staff does not find that there are practical difficulties in complying with the ordinance due to unique 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.*

Front Yard - Garfield Avenue South. The proposal to construct a large stairway and entrance landing at the corner of the property leading to the front entry on Garfield would be supported by several policies in the comprehensive plan that relate to principal entrances and eyes on the street. However, new development should also be appropriate within the context of adjacent properties. The directly adjacent properties are all residential. Required yards are intended to be unobstructed from the ground level to the sky with the exception of the list of permitted obstructions. The applicant's proposal is generally reasonable. As proposed, 62% of the site would be impervious surfaces; this is significantly below the maximum impervious surface coverage of 85% in the ORI District. However, there are other options, such as constructing a stairway that is eight feet in width and an entrance landing that is 36 square feet in area, which would not require a variance, and still have a well-defined principal entrance to the office area.

Front Yard - West 33rd Street. The applicant is proposing a nearly 400 square foot patio which would be two feet above the sidewalk level and would be accessed by two of the proposed dwelling units. While a smaller patio might be reasonable in this location, staff does not find the size of the proposed patio to be reasonable in a required front yard. The adjacent home to the east is set back about 12 feet from their south property line and the proposed patio would not be appropriate in this context.

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.*

Front Yard - Garfield Avenue South. The proposed variance would alter the character of the front yards along this block face. The rest of the subject block is residential in character with small stairways and walkways leading to the front doors of each building. The proposed stairway and landing would be essentially a large public area which is out of character with the rest of the surrounding area. The variance would not be detrimental to the health, safety, or welfare of the general public. It may, however, be disruptive for adjacent neighbors as there would be more use of the front yard than there would be with a stairway and entrance landing which complied with the yard requirements.

Front Yard - West 33rd Street. The existing building has a 150 square foot areaway according to the applicant that is currently obscured by overgrown shrubs. The current condition also includes an approximately 2 foot grade change from the sidewalk level to the building in the seven foot wide yard area. The proposed variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. However, the proposed variance would potentially be injurious to the use and enjoyment of adjacent property as the patio would be significantly larger and closer to the property line than a patio typically allowed as a permitted obstruction in a front yard.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 24

LEGAL DESCRIPTION. Lots 15 and 16, Block 11, Motor Line Addition to Minneapolis, Minneapolis, Hennepin County, Minnesota.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by B. Aaron Parker & Karen M. Parker for the property located at 3255 Garfield Avenue South:

A. Rezoning the property from the R2B Two-Family District to the ORI Neighborhood Office Residence District.

Recommended motion: **Approve** the application for a rezoning from the R2B Two-Family District to the ORI Office Residence District.

B. Conditional Use Permit to increase height from 2.5 stories or 35 feet to 3 stories, 33 feet 9 inches.

Recommended motion: **Approve** the application for a conditional use permit, subject to the following conditions:

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 two years of approval.
2. The rooftop addition shall be limited to 33 feet 9 inches in height and 500 square feet in area as shown on the submitted plans.

C. Variance to decrease the required front yard along Garfield Avenue South.

Recommended motion: **Deny** the application for a variance.

D. Variance to decrease the required front yard along West 33rd Street.

Recommended motion: **Deny** the application for a variance.

ATTACHMENTS

1. Zoning map
2. Oblique aerial
3. Historic photos
4. Use comparison and rezoning matrix
5. Written description and findings submitted by applicant
6. Plans
7. Building elevations
8. Renderings
9. Correspondence