

## LAND USE APPLICATION SUMMARY

*Property Location:* 3219 Portland Avenue  
*Project Name:* 3219 Portland Ave Rezoning  
*Prepared By:* Mei-Ling Smith, City Planner, (612) 673-5342  
*Applicant:* Mountain High LLC  
*Project Contact:* Victoria Yopez  
*Request:* To convert the existing duplex to a three-unit building.  
*Required Applications:*

<b>Rezoning</b>	Petition to rezone the property located at 3219 Portland Ave S from the R2B Two-Family District to the R3 Multiple-Family District.
<b>Variance</b>	To reduce the minimum lot area requirement from 5,000 square feet to 4,720 square feet for a multiple-family dwelling with three units.

## SITE DATA

<b>Existing Zoning</b>	R2B Two-Family District
<b>Lot Area</b>	4,720 square feet / 0.11 acres
<b>Ward(s)</b>	9
<b>Neighborhood(s)</b>	Central Area Neighborhood Organization
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	n/a
<b>Small Area Plan(s)</b>	n/a

<b>Date Application Deemed Complete</b>	April 15, 2016	<b>Date Extension Letter Sent</b>	May 2, 2016
<b>End of 60-Day Decision Period</b>	June 14, 2016	<b>End of 120-Day Decision Period</b>	August 13, 2016

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject site is located midblock on Portland Avenue. The existing two-and-half story building was constructed in 1905 and currently contains two dwelling units. The size of the lot is approximately 4,720 square feet.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The surrounding blocks are consistently zoned R2B. All but seven of the 77 properties within a 350-foot radius of the subject property contain single-family homes and duplexes. Of the seven properties that do not contain single-family homes or duplexes, five are legally nonconforming properties which contain three dwelling units or more, and parcels are vacant.

**PROJECT DESCRIPTION.** The applicant is proposing to finish the third floor of the existing building in order to add a third dwelling unit to the existing duplex. The project would include various interior modifications in order to accommodate new stairways and doorways. The applicant is not proposing to add an accessory dwelling unit to the existing duplex, as none of the units will be owner-occupied and this is an accessory dwelling unit standard that cannot be varied.

**PUBLIC COMMENTS.** Staff has not received any comments as of the printing of this report. Any additional 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 for a petition to rezone the property at 3219 Portland Avenue from the R2B Two-Family District to the R3 Multiple-Family District, based on the following findings:

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

The proposed zoning would not 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, with highest densities generally to be concentrated around identified nodes and corridors. They 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.” Areas designated as urban neighborhoods are not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

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.**

- I.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

- I.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 1.8: 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.**

- I.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

The existing R2B zoning district accommodates low density residential in the form of one and two-unit dwellings. The R3 district is considered a medium density district. The site is not near designated nodes, corridors, or other land use features that would support higher density development in this location. As such, the proposed rezoning is not consistent with the applicable 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.*

Rezoning the property to the R3 district would be in the interest of the property owner, as it would allow the existing building on the site to be converted into a triplex in order to legally establish an existing third dwelling unit. The proposed rezoning is not supported by any broader policies that would make it beneficial to the public interest.

- 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 site is in the center of a block that is entirely zoned R2B. The surrounding area is consistently zoned R2B. All but seven of the 77 properties within a 350-foot radius of the subject property contain single-family homes and duplexes. Of the seven properties that do not contain single-family homes or duplexes, five are legally nonconforming properties which contain three dwelling units or more, and parcels are vacant. As such, the proposed rezoning would not be compatible with the context of the surrounding area. Additionally, adopted City policy does not support the proposed R3 zoning district 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.*

There are reasonable uses allowed under the existing R2B zoning classification, including the legal use of the structure as a duplex. 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.*

The subject property has been zoned R2B Two-Family District since the 1963 zoning code was adopted. The purpose of the R2B district was “to provide for an environment of predominantly low density, single and two-family dwellings and cluster developments.” The R2B zoning classification was retained under the 1999 zoning code, which is currently in place, and is equivalent to the R2B district under the 1963 code. The character of the area has remained largely unchanged since that time.

## VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum lot are requirement from 5,000 square feet to 4,720 square feet for a multiple-family dwelling with three units, 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.*

Staff finds that there are not unique circumstances of the property that create a practical difficulty in complying with the ordinance. The R3 zoning district requires a minimum lot area of 5,000 square feet, or 1,500 square feet per dwelling unit, whichever is greater. The minimum lot area requirement for the proposed project with three dwelling units would be 5,000 square feet, where 4,720 square feet is proposed. Staff has analyzed the surrounding area and has found the average lot area to be 5,422 square feet. The existing parcel is legally nonconforming to the 5,000 square foot minimum lot area requirement for a duplex established prior to 1995 in the R2B district. Staff finds that the circumstances underlying the variance have been created by the applicant.

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.*

The R3 Two-Family District is created to provide an environment of predominantly single and two-family dwellings, cluster developments and smaller multiple-family developments on lots with a minimum of five thousand (5,000) square feet and at least one thousand five hundred (1,500) square feet of lot area per dwelling unit. The purpose of requiring a minimum lot area of 5,000 square feet for multiple-family dwelling, or 1,500 square feet per dwelling unit, in the R3 district is to ensure that the lot is sufficient in size to provide a dwelling with adequate off-street parking, access to light and air, and outdoor amenities. Staff finds that the proposed variance is not a reasonable request consistent with the spirit and intent of the ordinance.

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 requirements are established to ensure compatibility with surrounding uses. In the R3 district, the minimum lot area standard is intended to reinforce the predominant character of the City's medium density residential districts. If granted, the proposed variance would not be detrimental to the health, safety, or welfare of the general public, as there are three off-street parking spaces provided on the site, as required by the ordinance. Adding a third dwelling unit to the property would also require a building permit to ensure compliance with the applicable building codes and life safety ordinances.

## FOR REZONINGS ONLY

**ZONING PLATE NUMBER.** 25

**LEGAL DESCRIPTION.** LOT 004 BLOCK 001 NICHOLS & SAEGERS ADDN TO MPLS.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Victoria Yopez for the property located at 3219 Portland Avenue:

**A. Rezoning.**

Recommended motion: **Deny** the application to rezone the property located at 3219 Portland Avenue from the R2B Two-Family District to the R3 Multiple-Family District.

**B. Variance of the minimum lot area requirement.**

Recommended motion: **Deny** the application for a variance to reduce the minimum lot area requirement from 5,000 square feet to 4,720 square feet.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Plans
4. Photos
5. Rezoning matrix

March 1<sup>st</sup>, 2016

Statement of Proposed Use

The property located at 3219 Portland Ave Minneapolis, MN 55407 is currently zoned R2B and we; Mountain High LLC propose that the property be rezoned to R3. This will enable us to add an additional dwelling unit that will be rented out to a low-income individual. At this current time the property is a residential duplex and one of the units is being rented out for less then market rate. This property is located near metro transit, retail centers, & activity centers. A neighborhood corridor is located two blocks away and adding an additional unit will also increase the supply of housing for low-income individuals.

Best Regards,



Victoria Yepez  
Property Manager  
651-210-78000  
victoria\_yepez@yahoo.com

March 1<sup>st</sup>, 2016

Land Variance

Mountain High, LLC is a rezoning a property located at 3219 Portland Ave Minneapolis, MN 55407 from R2B to R3 zoning. This property was built in 1910 and the lot size is 4, 720 sq. ft., which poses a problem because R3 zoning requires a minimum square footage of 5000 sq. ft.. Therefor we are requesting a land variance for the 280 sq. ft. that this lot lacks. This is an inner city property and they have limited lot space. This property is located close to Metro Transit stops; its five minutes from downtown Minneapolis and is very close to Powderhorn Park, which is 5 blocks away. The Green Way bike trail is 3 blocks away right off of Lake Street.

Mountain High, LLC plans to add an additional unit in the attic to rent to a low-income individual who wants to live in the city close to metro transit and work. Currently one unit on the property is rented out for under market rate to a low-income family.

This variance will not change the character, harm, or cause problems to anyone considering that nothing will change outside of the property. Tenants do not use the land surrounding the property and they currently prefer their children to go to the park (5 blocks away) to play because the property is located right off of Portland Avenue, which consists of a lot of car traffic.

Sincerely,

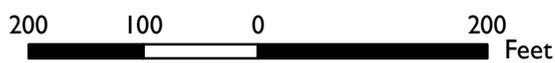
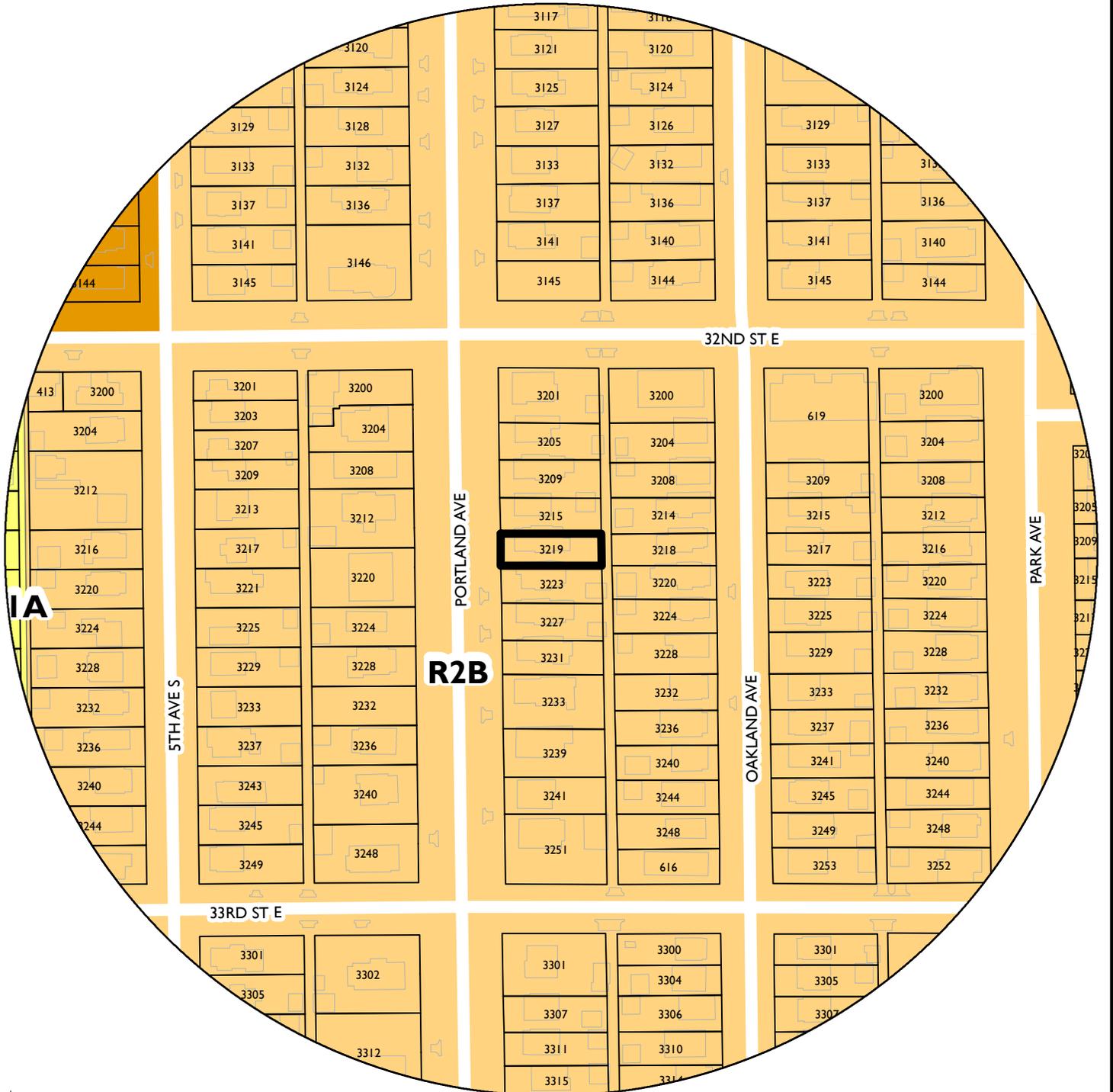
Victoria Yopez  
Property Manager  
Mountain High, LLC  
651-210-7800

Victoria Yepetz

9th

NAME OF APPLICANT

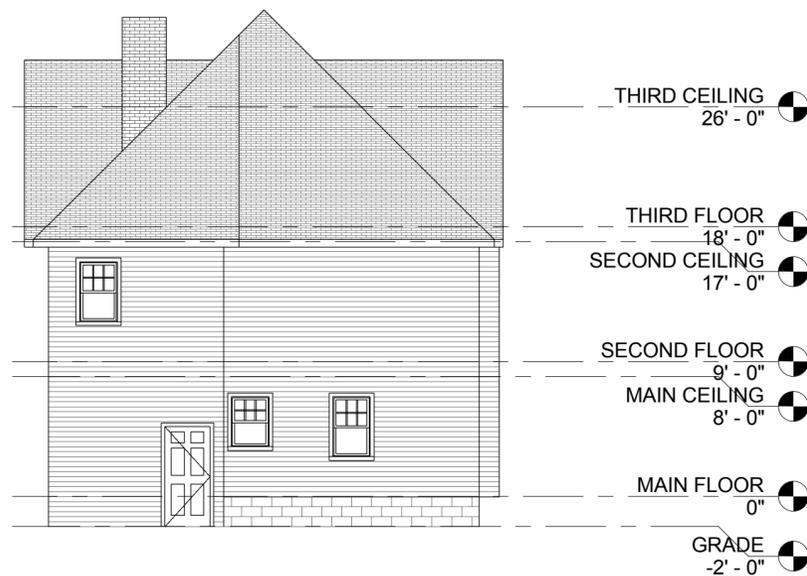
WARD



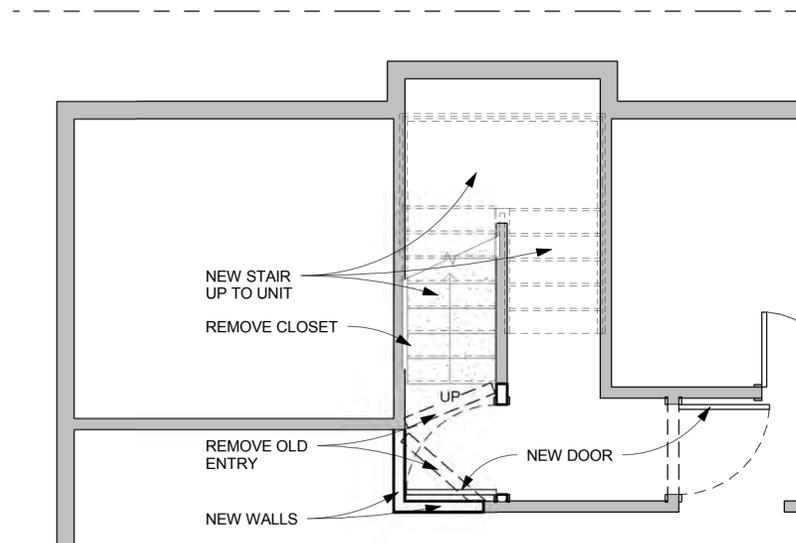
PROPERTY ADDRESS  
**3219 Portland Ave**

FILE NUMBER  
**BZZ-7621**

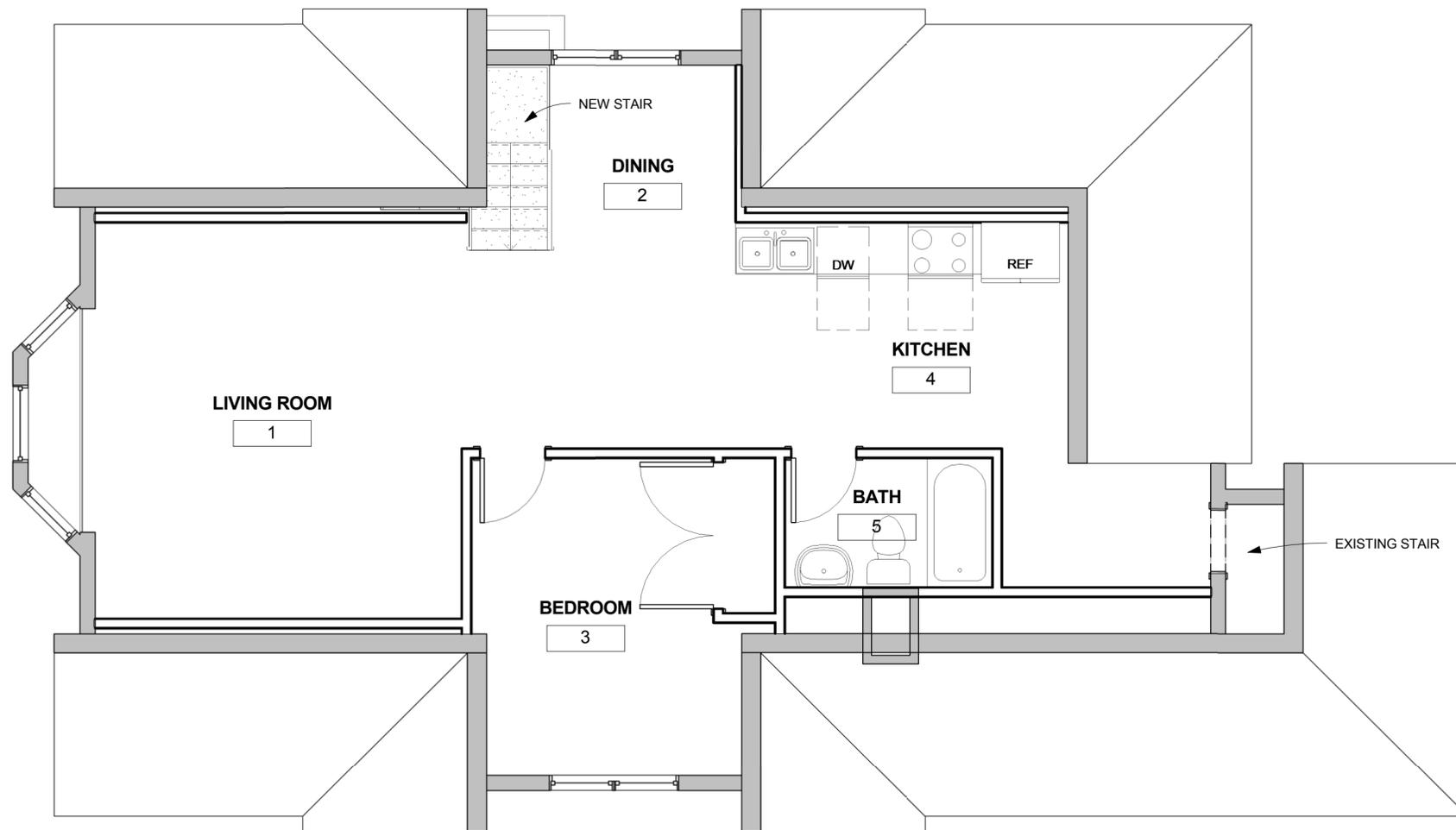




3 EAST  
A1 1/8" = 1'-0"



2 SECOND FLOOR  
A1 1/4" = 1'-0"



1 THIRD FLOOR  
A1 1/4" = 1'-0"

DATE: 2-16-2016

REVISIONS:

ISSUED 3-3-2015



TODD KNUTSON DESIGN

40 SOUTH 7th STREET  
STUDIO 212-156  
MINNEAPOLIS, MN. 55402  
P: 612-251-1041  
F: 612-332-4419  
WWW.TODDKNUTSONDESIGN.COM

TERMS:

CONTRACTOR TO VERIFY ALL DIMENSIONS, AS BUILT CONDITIONS (IF APPLY) AND SITE CONDITIONS, BEFORE ORDERING MATERIAL OR DEMOLISHING EXISTING STRUCTURES. CONTRACTOR AND ALL SUBS MUST REPORT ANY DISCREPANCIES TO DESIGNER IMMEDIATELY. AS BUILT AND SITE CONDITIONS OFTEN HAVE UNIQUE CONDITIONS THAT CANNOT BE PREDICTED OR FORSEEN AT DESIGN COMPLETION. CONTRACTOR, SUBS AND DESIGNER WILL WORK TOGETHER TO REACH A SOLUTION IF ANY SITUATION MAY ARISE.

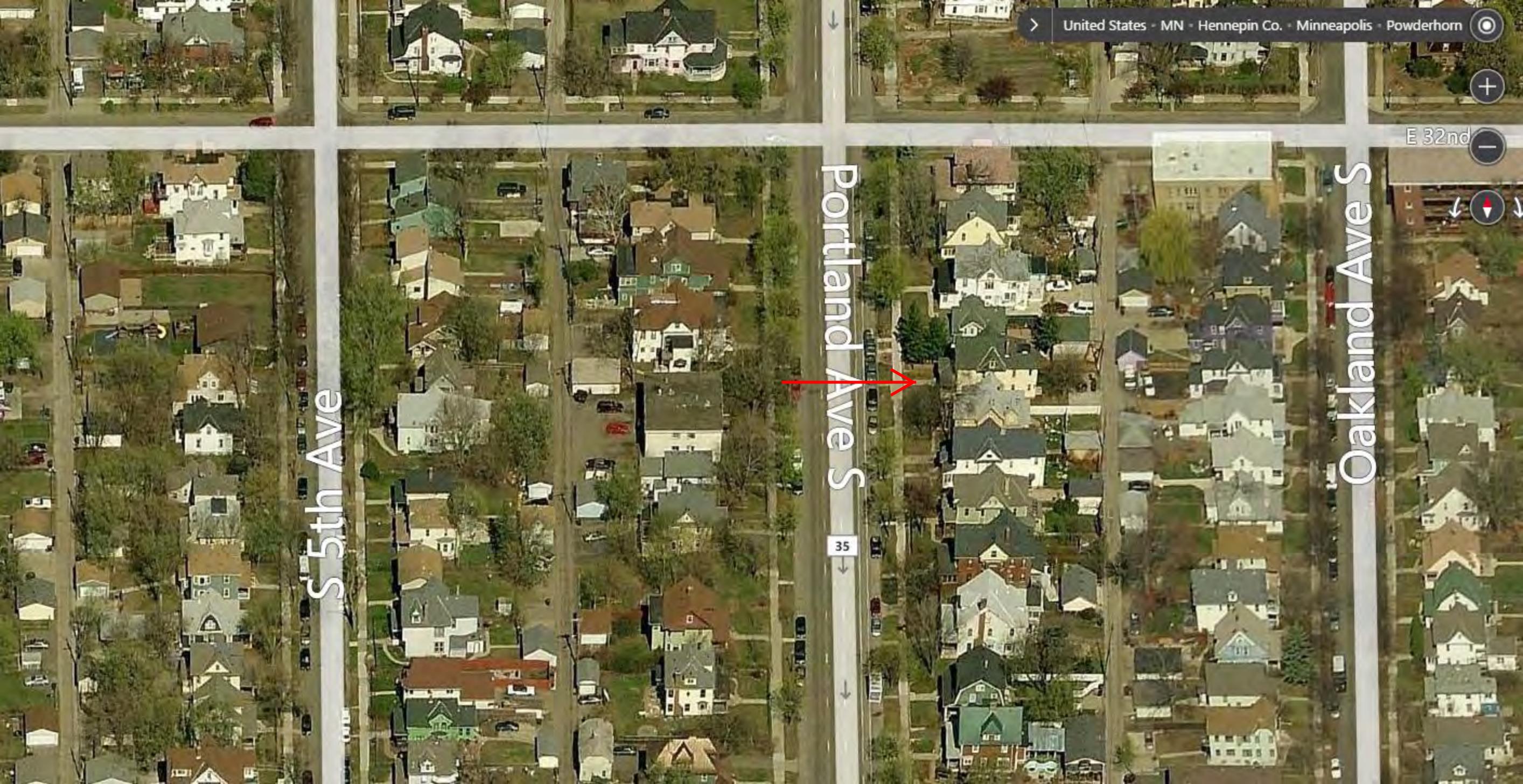
PORTLAND AV SO

JOB NO: 3219

SHEET NO:

**A1**

FLOOR PLANS AND ELEVATION



S 5th Ave

Portland Ave S

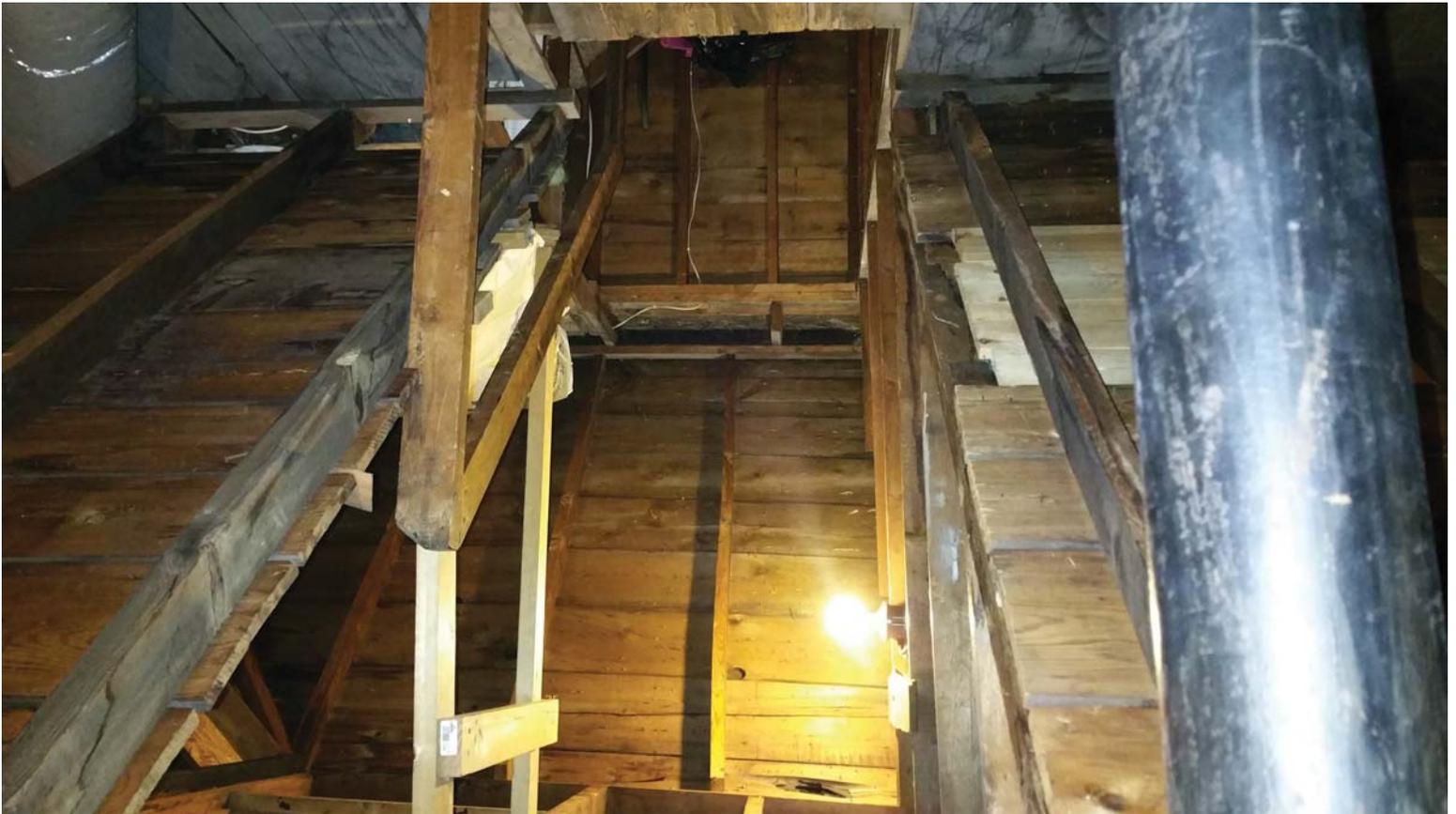
Oakland Ave S

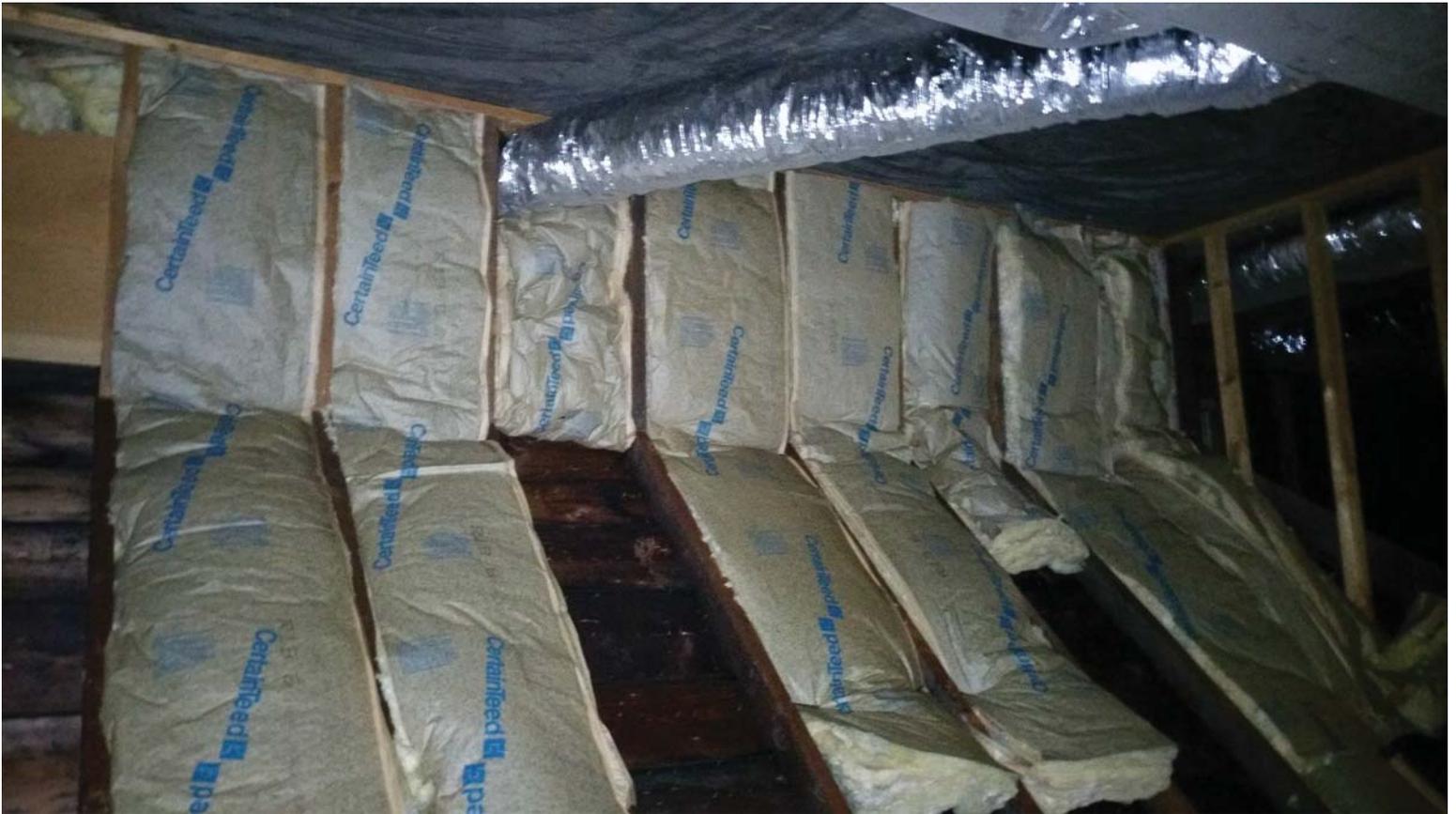
35

E 32nd









**Single- and Two-Family Districts**

	<b>R2B</b>	<b>R3</b>
	Two-Family District	Multiple Family District (Medium Density)
<b>FAR</b>		
Base FAR Maximum	<b>0.50</b>	<b>1.00</b>
20% bonus for enclosed, underground or structured parking		0.20
20% bonus for 50% ground floor commercial		
20% bonus for 20% affordable units		0.20
<b>Total possible FAR</b>	<b>0.50</b>	<b>1.40</b>
Required lot area per dwelling unit (sq. ft.)	5,000	1,500
Possible DU Bonuses:		
20% bonus for enclosed, underground or structured parking		Y
20% bonus for 50% ground floor commercial		
20% bonus for 20% affordable units		Y
Base building height maximum (in stories)	2.5	2.5
Maximum size of retail store (sq. ft.)	0	0
Maximum Lot Coverage	45%	45%
Maximum Impervious Surface Coverage	60%	60%
<b>Yard Requirements</b>		
Front	20	20
Interior side or rear <sup>1</sup>	5	5
Corner Side	8	8
<b>Height Requirements</b>		
Feet	35	35
Stories	2.5	2.5
<b>Retail</b>		
Maximum size of retail store (sq. ft.)-base	0	0
Bonus for no parking b/w structure and street	0	0
Bonus for additional stories & parking	0	0