

**Excerpt from the  
CITY PLANNING COMMISSION MINUTES  
Minneapolis Community Planning & Economic Development (CPED)**

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**MEMORANDUM**

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DATE: June 9, 2016

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of May 9, 2016

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The following actions were taken by the Planning Commission on May 9, 2016. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

**Committee Clerk**

Lisa Kusz - 612.673.3710

**Commissioners present**

Matthew Brown, President | John Slack, Vice President | Alissa Luepke Pier, Secretary  
Lisa Bender | Rebecca Gagnon | Sam Rockwell | Amy Sweasy | Scott Vreeland

**Commissioner absent**

Ryan Kronzer | Nick Magrino

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**1. 3219 Portland Ave Rezoning, 3219 Portland Ave S, Ward 9**

Staff report by [Mei-Ling Smith](#), BZZ-7621.

The City Planning Commission adopted staff findings for the applications by Victoria Yopez.

**A. Rezoning.**

Action: The City Planning Commission recommended that the City Council **deny** the application to rezone the property located at 3219 Portland Ave from the R2B Two-Family District to the R3 Multiple-Family District.

**Aye:** Bender, Gagnon, Luepke-Pier, Rockwell, Slack, Sweasy and Vreeland

**Absent:** Kronzer and Magrino

**B. Variance to reduce the minimum lot area requirement.**

**Not Approved by the Commission**

Action: The City Planning Commission recommended that the City Council **deny** the application for a variance to reduce the minimum lot area requirement from 5,000 square feet to 4,720 square feet.

**Aye:** Bender, Gagnon, Luepke-Pier, Rockwell, Slack, Sweasy and Vreeland

**Absent:** Kronzer and Magrino

Staff Smith presented the staff report.

**Commissioner Rockwell:** Can you tell us if this were rezoned and then torn down what could be developed there?

**Staff Smith:** In terms of bulk it would be the same as the R2B district so it would be able to have additional density. Bulk in terms of height, but the FAR is actually 1.0 so it'd be a larger FAR overall because .5 is currently the maximum.

**Commissioner Bender:** Could this be achieved through an accessory dwelling unit?

**Staff Smith:** An accessory dwelling unit is not possible in this case because the property is not owner occupied so there wouldn't be an owner on site and that is one of the requirements for the accessory dwelling unit.

President Brown opened the public hearing.

**Victoria Yopez:** I guess our argument is that it's a waste of space to have a whole empty huge attic. Our purpose for rezoning would be to help increase affordable housing. We were thinking of adding the space to the second unit, which might be optional, but then it doesn't house as many people. That was kind of a big deal for us. There is a growing population. It's very accessible for people, especially those who don't have cars. It's close to MetroTransit, the greenway is close. It's a centralized area as far as commute goes for people. There are a lot of single families, smaller families and having affordable housing in this part of the city is nice to have. It seems that only a block and half away there is a variety of other zoning categories so I have questions as far as what they look at when they base it off of that...a block, a two block radius?

**Commissioner Luepke-Pier:** It looks like the attic unit is listed as having 798 square feet. I'm wondering what the headroom height is at the knee walls...are the knee walls five feet high in the attic since it's sloped or are you only counting from a certain point?

**Victoria Yopez:** The total square feet of the attic is almost 1100 square feet so we would be excluding the slants so all the walls would meet the height requirement of like six or seven feet. I'm not sure, but they all meet the height requirement. It's a very tall attic.

**Peter Bajurny (3055 22<sup>nd</sup> Ave S):** I'm in support of these applications. While staff approval is the technically legally correct decision here, I'm hoping a broader look can be taken at this or at least impact future policy making to make this possible. For a three unit dwelling, it has enough parking. It doesn't change the physical character of the neighborhood. It provides more affordable housing in this area. It preserves an older building. It seems to be consistent with a lot of City goals even if they may not be explicitly stated. I find it kind of amusing that it's denied the variance because it's the applicant's fault that the lot was too small. This building is over 100 years old, I don't think it's their fault that the lot is only 4700 square feet. Even if it's not possible to make this possible here, I hope that in the future something can be done to make this kind of in

**Not Approved by the Commission**

place intensification of density that doesn't disrupt the character, that doesn't add undue parking burden, that does provide affordable housing, make it possible for our city. Thank you.

President Brown closed the public hearing.

**Commissioner Luepke-Pier:** I'm going to move to support staff recommendation on the rezoning application (Rockwell seconded). I'm going to do so not because I don't want them to use the attic, but I feel there are practical ways of using the unit. The second floor unit is a two bedroom and a lot of time it's families that have trouble finding affordable housing so having that extra square footage for more bedrooms on the third floor would be a benefit to families. The reason why I'm supporting it is because I just can't find a way to justify granting a rezoning in the middle of a sea of R2B. It's not adjacent to anything, it's not on a commercial corridor, it's not on a community corridor, it's in the middle of a block in the middle of a sea of R2B and we just have not historically granted spot zoning. It's a dangerous precedent to set for upzoning a lot for something like this when it can be used practically for the same means with the same end in the same way.

**Commissioner Bender:** I agree with the motion for the reasons stated. There is a lot of demand for folks to use existing buildings as higher unit counts than what's allowed in the zoning and I think it's something we need to take a strong look at in our Comp Plan update. I think it's notable that if this were owner occupied that an accessory dwelling unit would be a solution, but because we were not able to get political support we needed to include rental properties to have the opportunity to add an accessory dwelling unit this isn't allowed. That would be a policy solution, to allow accessory dwelling units in rental properties. In looking at our zoning overall in the city, especially in places where there are high demands for housing options and in neighborhoods where there are a lot of larger structures that could be reused for smaller units, there's a demand for that. There is a lot of interest in having more units in existing buildings. I think staff's recommendation is the right one, but I agree with the testimony that came forward and I think it's unfortunate that we are often restrictive of how people are using these older buildings in neighborhoods where a lot of people want to live.

**Commissioner Rockwell:** I agree with the statements made. I think we're in a bind where a large unit can only be rented by a family and not by a collection of individuals because we have a ceiling on that. I agree that this unit could be part of the second story and rented to a family. I support the motion. I think we're caught with our own language here.

**Aye:** Bender, Gagnon, Luepke-Pier, Rockwell, Slack, Sweasy and Vreeland

**Absent:** Kronzer and Magrino

**Commissioner Luepke-Pier:** I will move item B, staff recommendation (Rockwell seconded).

**Aye:** Bender, Gagnon, Luepke-Pier, Rockwell, Slack, Sweasy and Vreeland

**Absent:** Kronzer and Magrino