



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: March 24, 2005

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Prepared by: Jim Voll, City Planner, (612) 673-3887

Approved by: Jason Wittenberg, Planning Supervisor

Subject: Moratorium Waiver.

Previous Directives: None.

Financial Impact: Not applicable

<p>Community Impact:</p>

<p>Ward: 4</p>

<p>Neighborhood Notification: The Lind-Bohanon Neighborhood Association was notified of the application by a letter dated March 2, 2005. As of the writing of this report staff has not received comments from the neighborhood.</p>

<p>City Goals: See staff report</p>

<p>Comprehensive Plan: See staff report</p>

<p>Zoning Code: See staff report</p>

<p>Living Wage/Job Linkage: Not applicable</p>

<p>Other: Not applicable</p>

Background/Supporting Information: Please see attached staff report.

Department of Community Planning and Economic Development - Planning Division
Waiver From Moratorium Application
BZZ - 2244

Date: March 3, 2005

Applicant: Don Willenbring dba Timeless Homes

Address Of Property: 4623 Lyndale Avenue North

Contact Person And Phone: Don Willenbring 612-363-3915

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: March 8, 2005

End of 60 Day Decision Period: May 7, 2005

Ward: 4 **Neighborhood Organization:** Lind Bohanon

Existing Zoning: C1 Neighborhood Commercial District

Reason For Waiver: To allow the construction of a new triplex on the lot at 4623 Lyndale Avenue North in the moratorium area that is defined as that part of north Minneapolis north of West Broadway to the Mississippi River and to the city limits and in the Willard-Hay, Near North, Harrison, and Sumner Glenwood Neighborhoods.

Background: The City Council has approved a moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units in the area of north Minneapolis bounded by West Broadway Avenue and the Mississippi River north to the city limits and to the city limits and in the Willard-Hay, Near North, Harrison, and Sumner Glenwood Neighborhoods, except housing being developed in conjunction with the Community Planning and Economic Development Department. The interim ordinance (Chapter 578) was approved by the City Council on June 18, 2004 and amended on August 20, 2004.

The applicant proposes to build a triplex on the vacant lot at 4623 Lyndale Avenue North. Triplexes are permitted uses in the C1 District and are required to have a lot area of 5,000 square feet or 1,500 square feet per dwelling unit, whichever is greater, and a lot width of 40 feet. The lot meets these requirements.

Neighborhood Review: The Lind-Bohanon Neighborhood Association was notified of the application by a letter March 2, 2005. As of the writing of this report, staff has not received any comments. Staff will forward comments, if any are received, to the Committee.

Findings:

Section 529.50 of the Minneapolis Code states that, "a waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not

unduly affect the integrity of the planning process or the purpose for which the interim ordinance is enacted.”

Hardship:

The applicant proposes to build a triplex on the vacant lot at 4623 Lyndale Avenue North. The applicant has recently purchased the lot. He will build the triplex with the intent to sell it to another party. The future owners are under deadlines for financing and tenant occupancy. A delay at this point could constitute a hardship.

Interference with the purposes of the moratorium:

The city council is concerned about the effects of the design of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units, especially in and near older neighborhoods with low and moderate priced housing. The city council is concerned that the design of some newly constructed housing in these neighborhoods is incompatible with the traditional design of surrounding properties and may detract from the desirability of these areas as places to live. The city council also is concerned that the design of some newly constructed housing in these neighborhoods may negatively affect neighborhood livability and discourage homeownership, maintenance and investment in surrounding properties.

The city council is interested in protecting the livability of the study area by preserving the existing character of its traditional residential neighborhoods. Approximately one-third of the city’s total vacant residential lots are located within the study area. Many of these lots are available for residential development at low cost. The city council is concerned about future residential development in the study area without additional design standards for single-family dwellings, two-family dwellings, and multiple-family dwellings of three and four units. The city council is concerned that further development without such design standards could negatively affect existing and future residential development and contribute to neighborhood instability.

As a result of the important land use and zoning issues cited above, the city, through its planning division of the Community Planning and Economic Development Department (CPED), will conduct studies to consider possible amendments to the comprehensive plan or official zoning controls to address the issues of design standards for these residential uses. (Residential developments of five units or more are governed by the standards for conditional use permit and site plan review.)

The east side of this part of Lyndale Avenue is zoned I2 Medium Industrial and is a mix of commercial, industrial, and office uses. The west side is zoned commercial and has a restaurant at the south end of the block and a motel and office building at the north end of the block. In between these commercial uses are a mix of residential uses including an apartment building and single and two-family homes. The majority are two and one-half stories with enclosed porches in front. Many have detached garages at the rear of the site. (Please see the attached photos).

The proposed home is of a similar architectural style with the majority of the homes on the block and it does have architectural detail including a porch. The building meets the window requirements of the code for the front façade and has a roof pitch similar to surrounding homes. It also has a basement and a front porch. There is a garage at the rear of the site. Based on the criteria used for the other waiver proposals reviewed over the last year, staff would recommend

approval with conditions that will require additional windows on the north side of the house; however, staff now has a proposal for design requirements (scheduled to be heard by the City Planning Commission on March 28, 2005), so the review standards for this and future waivers will take into consideration these standards.

The proposed design standards have not had a public hearing before the City Planning Commission or the City Council. They have been reviewed by the City Planning Commission at its Committee of the Whole meeting. In general, the design standards require that a new structure meet requirements that total a certain number of points. Points are awarded for the utilization of certain building materials, a detached garage, increased windows on all facades, provision of a deciduous tree, and for a porch and roof pitch that meet certain standards.

This house would meet the point requirements if additional windows are added to all facades. The percentage required would be 20 percent of each floor on the front façade and 15 percent for each floor on each of the other sides. The applicant has revised the drawings to meet these requirements (please see attached drawings).

The proposal also received points for providing a detached garage at the rear of the site, providing a basement, for meeting a roof pitch of 6/12 or steeper, and for the provision of a deciduous tree.

Recommendation of the Community Planning and Economic Development Department - Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the City Council adopt the above findings and **approve** the waiver application for 4623 Lyndale Avenue North subject to the following conditions:

- 1) Provision of additional windows that would equal 20 percent of each floor of the front façade and 15 percent of each floor on each of the other sides of the building as shown on the revised drawings.