

Department of Community Planning and Economic Development - Planning Division
Rezoning, Conditional Use Permit to amend a Planned Unit Development, and Alley Vacation
BZZ-3064 & Vac-1483

Date: September 18, 2006

Applicant: Minneapolis Institute of Arts

Address Of Property: 2509 3rd Avenue South, 321 25th Street East, and 2516 Clinton Avenue South

Contact Person and Phone: Bridget Hust – Faegre & Benson 612-766-8909

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

Date Application Deemed Complete: June 26, 2006

End of 60 Day Decision Period: August 25, 2006 (applicant has provided a letter extending the review period to November 23, 2006)

Ward: 6 **Neighborhood Organization:** Whittier

Existing Zoning: R2B and R4 Two- and Multiple-family Residence Districts.

Proposed Zoning: OR3 Institutional Office Residence District.

Zoning Plate Number: 20

Legal Description: Lots 1 to 6, Block 2, R.D. Beede's 1st Addition to Minneapolis; and the north half of Lot 1, Block 11, Geo. Galpins Addition to Minneapolis; and a vacated alley described as follows: the south 12 feet of Lots 1 and 2, Block 2, R.D. Beede's 1st Addition to Minneapolis; all according to the recorded plat thereof, on file at Hennepin County, Minnesota.

Existing/Proposed Use: Parking and storage and office space as well as other accessory museum uses.

Concurrent Review:

Rezoning: From the R2B and R4 Two- and Multiple-family Residential Districts to the OR3 Institutional Office Residence District

Conditional Use Permit: To amend the boundaries of the Planned Unit Development.

Alley Vacation: Of the paper alley to the south of the Whittier home.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Article VII, Conditional Use Permits; and Chapter 527 Planned Unit Developments.

CPED - Planning Division Report
BZZ-3064 & Vac-1483

Background: The Minneapolis Institute of Arts (MIA) is proposing to rezone three parcels to the OR3 Institutional Office Residence District. The three parcels are:

- 2509 Third Avenue South – this is an existing parking lot zoned R4 Multiple-family Residence District. It is part of the MIA Planned Unit Development (PUD) and is a legally nonconforming parking lot. There is an approved site plan for the lot and the site is in compliance with the approved plan.
- 321 25th Street East – this is the site of a former nursing home (Whittier Nursing Home) that the MIA has purchased and plans to use for storage, possible office space, and possible maintenance operations. It is zoned R4 Multiple-family Residence District. To utilize this parcel for accessory museum uses requires a rezoning to OR2 or OR3 and an amendment to the approved PUD to include this parcel.
- 2516 Clinton Avenue South – this is a vacant lot to the south of the nursing home site that is zoned R2B Two-family District. Some of the nursing home parking and accessory structures are on this site.

The MIA is requesting OR3 zoning for the site and has provided a letter supporting this position attached to this memo. An amendment to the PUD is required to include 321 25th Street East and 2516 Clinton Avenue South to the approved PUD. The parking lot is currently part of the approved PUD.

A letter in support of the rezoning from the Whittier Alliance is attached to this report.

A previous alley vacation (Vac-1483) approved by the City Planning Commission on April 24, 2006, and the City Council on May 26, 2006, for the paper alley south of the Whittier home and north of 2516 Clinton Avenue South had an error in the legal description. This application will amend the legal description.

REZONING (from the R2B and R4 to OR3)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan does not have a specific designation for this area, but has the following policy about the arts in Minneapolis:

Policy 6.5 Minneapolis will continue to promote the economic and creative vitality of arts activities based in the city, both as a regional center for art with an international presence as well as a unique arts environment that responds to local specialty interests.

Implementation Steps

Enhance the city's unique arts and cultural resources that promote the city's identity within the region and in special 'niches' within the arts community.

Encourage the growth of the film and video industry in Minneapolis by promoting the city to a national film and video production audience.

CPED - Planning Division Report
BZZ-3064 & Vac-1483

Position the Arts Commission to act as a liaison between all city agencies that sponsor public arts activities in order to enhance the cultural life and enrich the experience of citizens through the arts.

Develop closer collaboration among the Arts Commission, the Heritage Preservation Commission, the Committee on Urban Environment and the City Planning Commission.

The City Form chapter of *The Minneapolis Plan* has the following statement about institutional uses:

“Other significant changes to the city's features have come hand-in-hand with increased economic prosperity. As the city grew, so too did many of its founding institutions. Educational institutions, hospitals and corporations expanded and increased their presence in city neighborhoods, and residents and business owners grappled with the challenge of accommodating expansion and change in a compatible, mutually advantageous way. Vital, healthy institutions bring tremendous stability and presence to any city neighborhood. Balancing the need for expansion with the scale and character of pedestrian or other street level activity in city neighborhoods is a critical issue for both the livability of city neighborhoods surrounding institutions and the continued success of these organizations.”

The plan has the following policy and implementation steps:

Policy 9.7 Minneapolis will work with institutional partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.

Implementation Steps

Concentrate the greatest density and height in the interior of institutional campuses.

Develop building forms on the edges of institutional property which are most reflective of neighboring properties.

The OR3 district was established to provide a mixed use environment of very high density dwellings, large office uses, and major institutions, with additional small scale retail sales and services uses designed to serve the immediate surroundings. While some of the uses in the OR3 district, such as large office buildings or residential towers, may not be appropriate for the area OR3 zoning is appropriate for a large institutional use such as the MIA. The amendment to the PUD will allow for greater control over future development and for a unified campus. Therefore, it is the staff opinion that in conjunction with the PUD amendment, the rezoning of this area to the OR3 district is in conformance with the goals 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 rezoning is in the interest of the applicant. However, the reuse of an obsolete nursing home can be considered in the interest of the public.

- 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 surrounding area is a mix of residential and institutional uses including single and two-family homes, apartment buildings, and the MIA, Children's Theater, and MCAD campus. The OR3 District is an appropriate district for large institutional uses. The inclusion of the nursing home site into the MIA PUD will provide a greater level of control over the site that will help guide future development to be compatible with the surrounding area.

- 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 existing R2B and R4 Residential Districts allow a range of residential uses from single-family homes to multi-family structures.

- 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.**

While the overall area has seen redevelopment with residential and commercial projects there has been significant change to the MIA, Children's Theater, and MCAD campus with major expansions to all of these institutions.

CONDITIONAL USE PERMIT (to amend the Planned Unit Development)

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The MIA proposes to amend their PUD to include the nursing home site. The adjacent parking lot is already part of the PUD. No significant changes are proposed for the nursing home building. It will be used for accessory uses such as office space, storage, and possibly maintenance functions. This should have little impact on the surrounding area.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is fully developed. As noted in finding number one, no significant changes are proposed for the nursing home building. It will be used for accessory uses such as office space, storage, and possibly maintenance functions. This should have little impact on the surrounding area.

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

Utilities and access are existing and adequate. A drainage and stormwater management will be required for any redevelopment of the site.

4. Adequate measures have not been or will be provided to minimize traffic congestion in the public streets.

The nursing home building does not have any parking and has grandfathered for its parking requirements. Traditionally the MIA has allowed the home to use the adjacent parking lot. The primary use of the building will be accessory to the MIA campus, so an increase in parking demand or supply will not occur at this time. Any redevelopment of the site would require a reevaluation of the parking requirements and an amendment to the existing Travel Demand Management plan for the overall tri-institutional campus.

5. Is consistent with the applicable policies of the comprehensive plan.

Please see finding number one under the rezoning section of this staff report.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The proposed development will conform to all other regulations of the zoning code if the rezoning and PUD amendment are approved. There are a few items out of compliance with the zoning code. There is some outdoor storage that is not permitted and additional landscape screening is required in some areas of the parking lot facing Clinton Avenue and the south property line. The following additional findings are required for a PUD.

Findings Required For Planned Unit Developments:

In addition to the conditional use permit standards contained in Chapter 525, before approval of a planned unit development the city planning commission also shall find:

1. **That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**
 - a. **The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.**
 - b. **The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.**
 - c. **The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment or historic features.**
 - d. **The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**
 - e. **The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The overall campus (including the adjacent parking lot), has had a site plan approved by the city and implemented by the MIA and Children's Theater that meets the above noted findings. No significant changes are proposed for the nursing home building. It will be used for accessory uses such as office space, storage, and possibly maintenance functions.

2. **That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

The parking lot and the nursing home site shall be replatted into one or more lots by September 18, 2008.

ALLEY VACATION

Background: This alley is a paper alley and had has not been constructed. The street grade is approximately 4 feet lower than the alley grade. The applicant is also the owner of two properties, 321

CPED - Planning Division Report
BZZ-3064 & Vac-1483

25th Street East and 2516 Clinton Avenue South, adjacent to the alley. The alley is covered by turf and is part of an outdoor green space connecting the two properties owned by the applicant.

Responses from Utilities and Affected Property Owners: Of the responses received, there were no objections and no easements requested.

Findings: The CPED Planning Division and Public works Department finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application from R2B Two-family and R4 Multiple-family Residential Districts to the OR3 Institutional Office Residence District for property located at 2509 3rd Avenue South, 321 25th Street East, and 2516 Clinton Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit to amend a Planned Unit Development:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to amend a Planned Unit Development to add properties located at 321 25th Street East, and 2516 Clinton Avenue South subject to the following condition:

- 1) Removal of all outdoor storage and provision of the required landscape screen for the parking lot.

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation.

Attachments:

- 1) Statements from applicant
- 2) Letter from neighborhood group.

CPED - Planning Division Report
BZZ-3064 & Vac-1483

- 3) Public works letter.
- 4) Zoning map.
- 5) Site plan.
- 6) Photos.

CPED - Planning Division Report
BZZ-3064 & Vac-1483

Schiff

Vacating the portion of the Alley on the block bound by Clinton Ave S, 26th St E, 3rd Ave S, and 25th St E (Vacation File No. 1483).

Resolved by The City Council of The City of Minneapolis:

That all that part of the alley described as the south 12 feet of Lots 1 and 2, Block 2, R.D. Beede's 1st Addition to Minneapolis, according to the recorded plat thereof, on file at Hennepin County, Minnesota is hereby vacated.