

Department of Community Planning and Economic Development – Planning Division
Rezoning
BZZ-2300

Date: May 5, 2005

Applicant: Dan & Heidi Niziolek

Address Of Property: 3401 Irving Avenue South

Contact Person And Phone: Dan Niziolek 612-822-8343

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

Date Application Deemed Complete: April 5, 2005

End of 60 Day Decision Period: June 5, 2005

Date Extension Letter Sent: May 2, 2005

End of 120 Day Decision Period: August 3, 2005

Ward: 10 **Neighborhood Organization:** ECCO

Existing Zoning: R1A Single-family Residential District; SH Shoreland Overlay District

Proposed Zoning: R2B Two-family Residential District

Zoning Plate Number: 24

Legal Description: Lots 13 and 14, Block 54, Calhoun Park.

Proposed Use: Two-family home.

Concurrent Review:

Rezoning: From R1A Single-family District to R2B Two-family District.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments.

Background: The applicants own a legally nonconforming duplex on an approximately 11,000 square foot parcel consisting of two platted lots. They propose to convert the existing duplex into a conforming single-family home and then build a new structure to the west and adjacent to the existing structure that will be a separate dwelling unit, but that would be considered a duplex. The attached drawings are conceptual, but would not qualify as a duplex under the regulations of the zoning code. Section 535.190 limits one principal residential structure per zoning lot. The small connection between the two structures does not make the two buildings one building or a duplex. The zoning code defines a two-

family dwelling as “a building containing two (2) dwelling units only, each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall. The development, as proposed, is two single-family homes. The applicant is aware that this proposal does not qualify as a duplex and is working with staff to develop a conforming design. As of the writing of this report, staff has not received any comment from the neighborhood group.

REZONING (from R1A Single-family to R2B Two-family)

Findings As Required By The Minneapolis Zoning Code:

1. Whether the amendment is not consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan does not have a designation for this area and the existing land use map in the plan shows the area as predominantly low density residential. The plan states the following about housing in Chapter 4:

“Each household in the city has particular needs and the city's future depends on the ability to meet these needs. Neighborhood livability is based on physical conditions, from the quality of housing stock to the condition of the streets. It is also based on social or human factors, many of which were highlighted in the Community Building chapter, including interaction with neighbors, a sense of common purpose and goals, as well as a shared responsibility to take care of resources such as parks and schools. Understanding the elements that maintain this crucial sense of livability is essential to ensuring that the city's future growth fits into the pattern of vital, closely-knit neighborhoods Minneapolis has already established....The Minneapolis Plan directs city efforts to expand and diversify housing options for residents, whether they have highly constrained choice or a great deal of choice in housing. Finally, the last section on housing describes how and where new housing and new amenities, such as commercial services, may be found throughout the city.”

“The diversity of Minneapolis housing reflects the diversity of its citizens. Minneapolis citizens are from different household sizes and have different means. Age, preferences in housing style, and individual needs also vary. The needs of many citizens are met in the existing housing stock. Housing in Minneapolis neighborhoods ranges from primarily owner-occupied single family homes, to areas where high-density residential development is the norm. Two-story homes, bungalows and Victorians dominate in different parts of town. Cooperatives, condominiums, and apartment buildings house many citizens. Newer developments are adding to this diversity with townhomes, row housing, and planned residential developments that use common space in creative ways. Some of these are uniquely viable in Minneapolis because of its unique character as the center of the region.

While condition and management of housing requires ongoing attention in many parts of the city, the diversity of housing in and between neighborhoods is to be embraced and protected. The city's amenities and its identity as the center of the region will continue to attract people with a diversity of needs and interests – from the working class, the creative class and the professional class. Choice in housing supports the vitality represented by this wide-ranging population.”

The plan has the following relevant policy and implementation step from the housing chapter four:

4.9 Minneapolis will grow by increasing its supply of housing.

Implementation Steps

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

Use new and strengthened strategies and programs to preserve and maintain existing housing stock.

CPED - Planning Division
BZZ-2300

Review policies and practices that determine the appropriate scale of residential development on properties that come into city ownership or request City development assistance.

It is the staff opinion that the zoning change could be considered in conformance with the above noted language of the plan if it were just a simple movement of the line two lots to the south and west between the R1A and R2B districts. However, this site is subject to the large lot provision of the subdivision ordinance. While the applicants do not propose to subdivide their property, if they did they would not be able to under existing regulations. If the site were rezoned it would be easier to subdivide.

Section 598.240(2)[a] of the subdivision regulations requires that lot width be increased in “large-lot districts.” The section states that “lot area shall not be less than the greater of (1) the minimum requirements set forth by the zoning ordinance or (2) the average of the single-family and two-family zoning lots located in whole or in part within three hundred fifty (350) feet or the average of the single-family and two-family zoning lots located in whole or in part within three hundred fifty (350) feet, whichever is greater, where such average lot area exceeds the minimum zoning requirement by fifty (50) percent or more.”

The minimum lot area in the R1A District is 5,000 square feet. The average of the single-family and two-family lots within 350 feet is 6,454 square feet. The average of the single-family and two-family lots within the same zoning district (R1A) within 350 feet is 9,727 square feet. This exceeds the minimum lot area of 5,000 square feet by 50 percent ($5,000 \times 50\% = 2,500$ and $2,500 + 5,000 = 7,500$). Because this average is the greater of the three, and because it exceeds the minimum of the district by 50 percent, it (9,727) is the minimum lot area under the large lot provision of the subdivision ordinance. If the applicants were to propose a subdivision they would not meet the minimum lot area.

The applicant is not proposing a subdivision, but the concern is that by rezoning this parcel the City would remove a site that is part of a large lot district and move it into an area that is not subject to the provision. This not only removes the property, but it lowers the average lot size for those properties that remain in the district, making them easier to subdivide. The City is made of up of different types of neighborhoods and large lots districts around the lakes are one of the various types of areas that the comprehensive plan indicates are necessary to preserve. For this reason, staff does not believe that the rezoning is in conformance with the goals of the comprehensive plan.

2. Whether the amendment is not in the public interest and is may be solely for the interest of a single property owner.

The rezoning will not change the actual density on the site and will, as the applicants state in their letter, provide new housing opportunities, eliminate nonconformities, replace parking with housing, and convert rental to ownership, so in this sense the rezoning could be considered in the interest of the public. However, some of these goals could be achieved under the existing zoning and may not be as important as other goals of the comprehensive plan, such as preserving the existing character of the large lot districts around the lakes. For this reason the rezoning is in the interest of the applicant.

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.

There is R1A zoning adjacent to the west and south of the site and R2B zoning adjacent to the north and east of the site. There is a mix of single, two, and multifamily uses in the area. The site is on the border between the two districts and if the site were rezoned to R2B it would not necessarily be incompatible with the area, but as stated above, it would move the parcel out of the large lot district and could set a precedent for the erosion of this large lot 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.

There are reasonable uses for the property under the existing zoning classification. The R1A District allows single-family homes and does not prevent an existing legally nonconforming duplex from remaining on the site.

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.

It appears that this site was part of the Calhoun-Isles 40 acre study completed in 1977 according to historical maps and records in the City Clerk's office; however the actual 40 acre study documents are missing. Maps before this study show the site zoned R2A (this district no longer exists, but is basically the R2 District under the current code), so it appears that the site was downzoned as a part of this study in 1977. The character or trend in development of the area has not changed significantly since this downzoning.

RECOMMENDATION:

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 **deny** the rezoning application from the R1A Single-family District to the R2B Two-family District for property located at 3401 Irving Avenue South.

Attachments:

1. Statement and findings from the applicant.
2. Site map.
3. Historical zoning map.
4. Site plan and conceptual elevations.
5. Photos.