

Department of Community Planning and Economic Development – Planning Division
Rezoning and Variance
BZZ-5168

Date: June 27, 2011

Applicant: Eliot Architects, LLC

Address of Property: 3801-3813 1st Avenue South

Project Name: Macedonia Baptist Church Elevator and Entry Addition

Contact Person and Phone: Brian Hinz, (715) 386-8303

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: May 19, 2011

End of 60-Day Decision Period: July 17, 2011

End of 120-Day Decision Period: September 15, 2011 (*extension letter sent June 14, 2011*)

Ward: 8 **Neighborhood Organization:** Kingfield Neighborhood Association

Existing Zoning:

- 3801 1st Avenue South – C1 Neighborhood Commercial District
- 3809 and 3813 1st Avenue South – R1A Single-Family District

Proposed Zoning: OR2 High Density Office Residence District

Zoning Plate Number: 31

Legal Description: Lots 27, 28, 29 and 30, Block 3, NICOLLET PARK ADDITION TO MINNEAPOLIS, located in Minneapolis, recorded in the office of the County Recorder, Hennepin County, Minnesota

Proposed Use: Place of assembly

Concurrent Review:

- Petition to rezone the property located at 3801 1st Avenue South from C1 to OR2
- Petition to rezone the properties located at 3809 and 3813 1st Avenue South from R1A to OR2
- Variance to reduce the required front yard along 1st Avenue South to allow for a new ground level patio

Minneapolis City Planning Division Report
BZZ-5168

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article IX, Variances, and 525.520(6) “to vary the yard requirements...,” Chapter 547 Office-Residence Districts and Chapter 551 Overlay Districts

Background and Analysis: The subject property is approximately 157.72 ft. by 132.25 ft. (20,858 sq.ft.). The first building permit for 3801 1st Avenue South was to allow for a 41 ft. by 80 ft. telephone exchange in 1909. In 1911, a 10 ft. by 11 ft. addition was added to the telephone exchange. By 1952, the use was converted to an office and a 31 ft. by 78.2 ft., 2-story addition was constructed to the existing building. Two new 2-story additions were constructed in 1955 and 1959, adding almost 5,000 sq. ft. of building footprint.

From 1924, the first year the City of Minneapolis had a codified zoning ordinance, to 1963, the property located at 3801 1st Avenue South was zoned Commercial. The property was rezoned to B3S-2 Community Service District in 1963 with the adoption of the new zoning ordinance. The B3S District was designed to serve as the community retail district with a wide variety of necessary services and goods. The property was rezoned to C1 Neighborhood Commercial District in 1999 with the adoption of the new zoning ordinance.

Macedonia Baptist Church purchased the single-family dwelling located at 3809 1st Avenue South in 1995 and demolished the structure in 1999. They later purchased another single-family dwelling at 3813 1st Avenue South in 2005 and demolished the structure in 2006. The two properties are both zoned R1A Single-Family District and are presently vacant.

The present use of the property is a place of assembly, owned and operated by Macedonia Baptist Church. The church has been located in the existing building for approximately 30 years. The existing building was originally constructed for an office use and does not comply with current accessibility standards. Presently, there is one level, the first floor accessed from 1st Avenue, which is accessible. The applicants are proposing to construct an 885 sq. ft. addition to the south of the existing structure. The addition will include an elevator that will access all three floors of the existing structure. The parcel located at 3801 1st Avenue South is in the C1 District. The addition will be constructed over the property line onto 3809 1st Avenue South. This parcel and the adjacent parcel at 3813 1st Avenue South are zoned R1A Single-Family District. Although a place of assembly is a permitted use in both zoning districts, a structure cannot be built over an existing zoning boundary and therefore, the applicant is requesting to rezone all three parcels. Based on the existing and proposed floor area ratio, the applicants have requested to rezone all three parcels to OR2 High Density Office Residence District in order to avoid a variance. Because the proposed addition is less than 1,000 sq. ft. in area, a site plan review application is not required at this time.

The applicant is also proposing to add a new 1,200 sq. ft. entry patio along 1st Avenue South. The new entry patio is proposed to serve as a gathering place for congregants coming and going from church services. The minimum required yard in the OR2 District is 15 ft. The patio is proposed to be located between the existing building to the public sidewalk. Therefore, the applicant has requested a variance to reduce the minimum front yard along 1st Avenue South to allow for a new ground level patio.

Minneapolis City Planning Division Report
BZZ-5168

As of writing this staff report, staff has not received any correspondence from the Kingfield Neighborhood Association. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING

Findings As Required By the Minneapolis Zoning Code for the petition to rezone:

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

The subject properties' existing land use classification is cultural/entertainment and vacant and the properties are designated Urban Neighborhood on the future land use map. The property is also located along 38th Street East, a designated community corridor. Urban Neighborhood areas may include some 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. Development and revitalization of these corridors helps to strengthen surrounding urban neighborhoods. Design and development along Community Corridors is oriented towards the pedestrian experience and residential quality of life. These streets carry moderate volumes of traffic. These streets are important travel routes for both neighborhood residents and through traffic. In many cases, they are part of the Primary Transit Network that provides frequent, high quality transit service citywide.

a. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the rezoning:

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.

- 1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.
- 1.8.3 Direct uses that serve as neighborhood focal points, such as libraries, schools, and cultural institutions, to designated land use features.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.
- 1.9.3 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.

Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

Minneapolis City Planning Division Report
BZZ-5168

- 10.9.2 Promote building and site design that delineates between public and private spaces.
- 10.9.3 Provide safe, accessible, convenient, and lighted access and way finding to transit stops and transit stations along the Primary Transit Network bus and rail corridors.
- 10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Staff comment: Although a place of assembly is a permitted use in both zoning districts, the elevator addition cannot be built over an existing zoning boundary and therefore, the applicant is requesting to rezone all three parcels to OR2 High Density Office Residence District. The addition is needed to address the accessibility of the congregation. Staff believes that the proposed addition and new patio are in character with the existing architecture and neighborhood. Staff believes that the proposed rezoning is consistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

b. Consistency with plans:

This property is not located within a study area governed by additional small area or master plans.

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

The amendment is in the public interest and not solely that of the property owner. The proposed addition to the structure is to allow for an accessible entry to the building and all of the floors. The only location that will accommodate this entry is on the adjacent parcel, 3809 1st Avenue South, which is zoned R1A. The expansion of the building cannot occur over a zoning boundary; therefore, the applicant is required to rezone the property.

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 subject property is located on a community corridor and across the street for a neighborhood commercial node. Many of the properties located inside of the node and along Nicollet Avenue are zoned C1 Neighborhood Commercial District and C2 Neighborhood Corridor Commercial District. The properties further north and south along 1st Avenue South are zoned R1A Single-Family District. There are a mix of uses in the area, including single and two-family uses along 1st Avenue South and commercial and medium-density residential uses along Nicollet Avenue. Given the surrounding uses, land use features and zoning classifications, the amendment of this zoning classification to the OR2 District is compatible with the immediate area and would act as a transition between the commercial node and the adjacent residential 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 use of the property located at 3801 1st Avenue South has historically been office in nature and the OR2 District allows for these types of uses. In addition to office uses, the OR2 District allows for residential, institutional and public uses. The subject properties' land use classification is designated Urban Neighborhood on the future land use map. Urban Neighborhood areas may include some semi-public uses, including religious institutions, scattered throughout. The property is also located on 38th Street East, a designated community corridor. There are a mix of uses in the area, including single and two-family uses along 1st Avenue South and commercial and medium-density residential uses along Nicollet Avenue. Staff believes that the proposed zoning classification will allow for reasonable use of this 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.

Properties along Nicollet Avenue and 38th Street were zoned for commercial and properties off of those corridors were zoned for Residence from 1924 to 1963. The character of Nicollet Avenue and 38th Street East has been a center for neighborhood commercial uses. The structure on the subject property was originally constructed for an office use in 1908 and continued to be used as an office until around 1980. The present use of the property is a place of assembly, owned and operated by Macedonia Baptist Church. The church has been located in the existing building for approximately 30 years. Staff believes that the character and trend in of development in the area supports the applicants request to rezone the properties to OR2. In addition, staff believes that the proposed amendment will be in character and consistent within the surrounding area.

Findings Required by the Minneapolis Zoning Code for a variance:

1. The property owner proposes to use the property in a reasonable manner.

The applicant is seeking a variance to reduce the required front yard along 1st Avenue South to allow for a new 1,200 sq. ft. ground level patio. The area between the structure and the public sidewalk is presently landscaped area. The purpose of the new gathering space is to provide a safe, accessible, convenient, and lighted access for pedestrians coming and going from the site. A design and location of the gathering area is consistent with most places of assembly. Staff believes that the applicant is proposing to use the property in a reasonable manner.

2. Practical difficulties exist due to 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.

There are circumstances are unique to the parcel that are creating practical difficulties with complying with the zoning ordinance. The subject property is required to be rezoned to allow for an accessible entry. The minimum required yard in the OR2 District is 15 ft. The area between the structure and the public sidewalk is presently landscaped area. The purpose of the new gathering space is to provide a safe, accessible, convenient, and lighted access for pedestrians coming and

Minneapolis City Planning Division Report
BZZ-5168

going from the site. A design and location of the gathering area is consistent with most places of assembly. The proposed ground level patio will be located over 50 ft. to the adjacent property along 1st Avenue South. These circumstances have not been created by any persons presently having an interest in the property.

3. If granted, the variance will be in keeping with the spirit and intent of the ordinance and the comprehensive plan and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The proposed ground level patio will be located over 50 ft. to the adjacent property along 1st Avenue South. The proposed patio will be poured concrete and two new trees will be planted in the new patio area. The applicant is considering using stamped or colored concrete to delineate the public and private space. Granting the variance for the patio will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity. Staff believes that the proposed patio is in scale with the existing building and will not significantly impact the character of the area.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Granting the variance to allow for the patio in the required front yard would likely not result in a substantial increase in the congestion of the public streets, danger of fire or be detrimental to the public welfare.

RECOMMENDATION

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification from C1 Neighborhood Commercial District to OR2 High-Density Office-Residence District for the property located at 3801 1st Avenue South to allow for a place of assembly.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification from R1A Single-Family District to OR2 High-Density Office-Residence District for the properties located at 3809 and 3813 1st Avenue South to allow for a place of assembly.

Minneapolis City Planning Division Report
BZZ-5168

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the variance to reduce the required front yard along 1st Avenue South to allow for a new ground level patio accessory to a place of assembly located at 3801-3813 1st Avenue South, subject to the following condition of approval:

1. CPED-Planning and all other applicable City departments review and approve the final plans.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copies of letters sent to the neighborhood organizations and council office
- 3) Zoning map
- 4) Existing Land Use map
- 5) Future Land Use map
- 6) Rezoning matrix
- 7) Site plan
- 8) Floor plan
- 9) Elevations
- 10) Photos