

7. Unity Place (BZZ-3930, Ward: 1), 2611 Central Ave NE ([Janelle Widmeier](#)).

A. Rezoning: Application by Vicky Frahm, on behalf of Ebulient Investments, LLC, for a petition to rezone from C1 Neighborhood Commercial District to C2 Neighborhood Corridor Commercial District for property located at 2611 Central Ave NE.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 2611 Central Ave NE from the C1 district to the C2 district.

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permit & Variance
BZZ – 3930

Date: March 17, 2008

Applicant: Ebulient Investments, LLC

Address of Property: 2611 Central Avenue Northeast

Project Name: Unity Place

Contact Person and Phone: Vicky Frahm, (763) 234-0594

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: January 24, 2008

End of 60-Day Decision Period: March 24, 2008

End of 120-Day Decision Period: On March 3, 2008, staff sent the applicant a letter extending the decision period no later than May 23, 2008.

Ward: 1 **Neighborhood Organization:** Audubon Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: C2 Neighborhood Corridor Commercial District

Zoning Plate Number: 10

Legal Description: Lots 16 and 17, Block 9, Menages Supplement to East Side Addition to Minneapolis

Proposed Use: Assisted living

Concurrent Review:

Petition to rezone the property of 2611 Central Avenue Northeast from C1 to C2.

Conditional use permit to allow assisted living with 33 residents.

Variance to reduce the minimum lot size to allow assisted living.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically section 525.520(2), “To vary the lot area or lot width requirements up to thirty percent....”

Background: The applicant proposes to establish assisted living in an existing residential building located at the property of 2611 Central Avenue Northeast. The building was previously used as a multiple-family dwelling with 41 rental units. The applicant has indicated that only 33 of the dwelling units will be used as residences. The other 8 units would be converted to offices for staff, rooms for assistance services, meeting rooms and storage. Tenants have begun to occupy the units. Unless the rezoning, conditional use permit and variance are approved, the use is not legal.

The site is currently zoned C1, which does not allow assisted living. The applicant is requesting the C2 zoning, where assisted living is a conditional use. The minimum lot size requirement for assisted living is 20,000 square feet. A variance is required to reduce the minimum requirement to 16,284 square feet.

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

REZONING: Petition to rezone from C1 to C2.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

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

The area around the Central Avenue and Lowry Avenue intersection is designated as a major housing site by *The Minneapolis Plan*. Central Avenue is also designated as a commercial corridor from 18th to 27th Avenue Northeast. According to the principles and polices outlined in the plan, the following apply to this proposal:

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Applicable Implementation Step

Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

4.17 Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.

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The draft *Central Avenue Plan Update* is currently in the 45-day public review period. The draft plan designates the proposed land use for the west half of the block where the subject site is located as “mixed use.”

Staff comment: The site is currently zoned C1. The C1 district is established to provide a shopping environment of small scale retail sales and commercial services. In addition to commercial uses, residential uses are also allowed. The C2 district would continue to allow the same commercial and residential uses and density on the site as well as additional types of commercial and congregate living uses. A wider range of commercial and residential uses can be supported on a commercial corridor. In the draft version of the *Minneapolis Plan for Sustainable Growth*, this section of Central Avenue is proposed to remain a commercial corridor. The site is located a little over one block from the Central Avenue and Lowry Avenue intersection. A major housing site designation provides direction to locate new housing development in an area. Maintaining a versatile housing stock would be in keeping with the intent of this policy. The amendment would be consistent with the comprehensive plan.

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

An amendment of the zoning district to C2 would allow for the establishment of a broader range of retail sales and services than are allowed in the C1 district. The C2 district allows automobile oriented uses, such as automobile service uses with a car wash or fuel pump; however, it would also allow more congregate living uses, including assisted living. Further, the amendment would allow for reuse of an existing building. The amendment is in the public interest and not solely in the interest of the property owner.

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.

An automobile repair facility in the C1 district is located south of the site. A single-family house is located directly north of the site and is zoned C1. Properties north of the single-family house are occupied by nonresidential uses and are zoned C2, except for a surface parking lot located in the C1 district. The east half of the block is occupied by residential uses in the R2B Two-Family Residential zoning district. The site is separated from the east half of the block by an alley. Mostly nonresidential uses are located west of Central Avenue. The proposed zoning should be compatible with the surrounding uses and zoning classifications.

It should be noted that the C2 district allows fast food restaurants to only be located in existing storefront buildings unless a site is part of an area of at least 660 feet of continuous C2, C3S, C4 or industrial zoning fronting along the same side of the street as the fast food restaurant, without interruption by a residence, office residence, C1, C3A or Pedestrian Oriented Overlay District. The proposed rezoning would not result in 660 feet of continuous C2, C3S, C4 or industrial zoning. Future rezoning petitions that would allow a newly constructed fast food restaurant may not be compatible with the surrounding uses.

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.

Many retail sales and commercial services are allowed in the C1 district. Residential dwellings from low- to medium-density are also allowed. The amendment would allow a broader range of commercial uses and would allow more congregate living uses. The additional uses that are allowed can be supported on a commercial corridor.

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.

Prior to 1999, the site and other properties on the south half of the block west of the alley were zoned B3S (similar to a C2 District in today's zoning code). These properties are now zoned C1. The properties on the north half of the block and west of the alley were zoned B3C (similar to a C4 General Commercial District in today's zoning code). Those properties are now zoned C2. Within this immediate area of Minneapolis, there has not been recent change in the type of development.

CONDITIONAL USE PERMIT: to allow assisted living with 33 residents.

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.

Establishing an assisted living facility on the site should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards. The applicant has indicated that a staff member would be available 24-hours a day to maintain security and safety. Further, the applicant would carefully select residents to ensure compatibility with other residents in the building.

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 site is adjacent to an automobile repair facility and single- and multi-family residences. With proper program management, landscaping and site improvements, and site security the proposed use should not have negative impacts on surrounding properties.

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

Existing vehicle access from Central Avenue and the alley would remain. Utilities are existing and adequate.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The minimum parking requirement for assisted living is one space per three beds. Thirty-three residents would reside in the building; therefore 11 parking spaces are required. Seventeen parking spaces exist on the site. The applicant has indicated that most residents will use public transit, bike or walk as their main mode of transportation. A bike rack is proposed in the covered parking area near the dumpster. Staff encourages the applicant to provide at one secure bicycle parking space for each resident. The building was previously used as a multi-family dwelling with 41 units. The minimum parking requirement for a multi-family dwelling is one space per dwelling unit. The previous use was legally nonconforming to its parking requirement. The assisted living use should have little effect on congestion in the area.

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

In addition to the principles and policies discussed in the rezoning section of this staff report, the following apply:

4.11 Minneapolis will improve the availability of housing options for its residents.

Applicable Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Support the development of housing with supportive services that help households gain stability in areas such as employment, housing retention, parenting, mental health and substance challenges.

4.12 Minneapolis will reasonably accommodate the housing needs of all of its citizens.

Applicable Implementation Steps

Permanent housing for people with disabilities shall not be excluded by the zoning ordinance or other land use regulations from the benefit of residential surroundings. Special housing shall be available as needed and appropriately dispersed throughout the city.

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Applicable Implementation Step

Require the landscaping of parking lots.

Staff comment: The applicant has indicated that the rents would be affordable to the persons residing in the building. The facility would provide permanent housing and personalized services for disabled persons. Staff is recommending that additional landscaping and screening be provided in the parking area. With the adoption of the staff recommendations for site improvements, the use should be consistent with the policies of the comprehensive plan.

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 parking area does not comply with all of the design and maintenance requirements of Ch. 541, particularly the area north of the parking area. A 7-foot wide landscaped yard is required between the parking area and the residential property to the north. Screening that is 95 percent opaque and six feet tall is also required between the parking and trash storage area and the adjacent residence. Continuous 6-inch by 6-inch concrete curbing is required to prevent stormwater runoff onto the adjacent property. The curbing can be discontinuous if it is designed to allow for on-site retention and filtration of stormwater. The existing drive aisle for the parking area is a little over 27 feet in width measured from the support beams of the building. The minimum width required for a drive aisle is 22 feet. Although a 7-foot landscaped yard cannot be provided without making the drive aisle nonconforming, 5 feet of landscaping can be provided. There is also sufficient room to provide the required screening and curbing. Staff recommends that these regulations of Ch. 541 are met as discussed. An illustration is attached to this report showing how the site can comply with these landscaping, screening and curbing requirements. These changes to the parking area will require Preliminary Development Review.

Assisted living facilities are subject to the following development standards:

- (1) On-site services shall be for residents of the facility only.
- (2) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
- (3) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (4) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

The applicant has indicated that the services provided would only be available to the on-site residents. No changes are proposed to the site that would be incompatible with the surrounding area. If the site improvements recommended by staff are implemented, appropriate transition areas would be provided.

The use will conform to the applicable regulations of the district in which it is located upon the

approval of the rezoning, conditional use permit with the conditions staff has recommended, and the lot size variance.

VARIANCE: to reduce the minimum lot size requirement from 20,000 square feet to 16,284 square feet (18.6 percent).

Findings as required by the Minneapolis Zoning Code:

- 1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Assisted living requires a minimum lot size of 20,000 square feet. The applicant is applying for a variance to reduce the minimum lot size requirement to 16,284 square feet, or 18.6 percent. The building was previously used as a multi-family dwelling with 41 units. In both the C1 and C2 districts, the minimum lot area requirement for a multi-family dwelling is 900 square feet per unit, or 36,900 square feet for 41 units. Although the previous use was nonconforming as to the lot size requirement, the change of use requires the variance. The applicant is proposing to use only 33 of the dwelling units for residences with one person per unit. The impact of the proposed assisted living facility should be less than the previous use on the surrounding area. Granting of the variance would allow for the reuse of an existing residential building on a commercial corridor. The proposed lot area would be reasonable.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The building exists and was previously occupied by 41 dwelling units with a larger lot size requirement than the proposed assisted living use. The circumstances are unique and have not been created by the property owner.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Lot area requirements are established to ensure compatibility with surrounding uses. The building was previously used as a multi-family dwelling with 41 units. In both the C1 and C2 districts, the minimum lot area requirement for a multi-family dwelling is 900 square feet per unit, or 36,900 square feet for 41 units. The impact of the proposed assisted living facility should be less than the previous use on the surrounding area.

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- 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.**

The proposed variance should not increase the danger of fire or endanger public safety. Adequate parking facilities are provided on-site.

RECOMMENDATIONS

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 petition to rezone the property of 2611 Central Avenue Northeast from the C1 district to the C2 district.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow assisted living with 33 residents located at the property of 2611 Central Avenue Northeast, subject to the following conditions:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) Adoption of the rezoning amendment by the City Council.
- 3) The applicant is encouraged to provide one secure bicycle parking space for each resident.
- 4) The site shall be brought into compliance with the zoning code provision of section 541.360(a), Landscaping, screening and curbing, on the north side of the parking area as recommended by staff. Community Planning and Economic Development Department – Planning Division staff shall review and approve the final site and landscape plans.
- 5) All site improvements shall be completed by April 18, 2009, or the permit may be revoked for non-compliance.
- 6) Compliance of the specific development standards for assisted living as required by Chapter 536 Specific Development Standards of the zoning code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot size requirement by 18.6 percent to allow assisted living at the property of 2611 Central Avenue Northeast, subject to the following condition:

- 1) Adoption of the rezoning amendment by the City Council.

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Attachments:

1. Statement of use
2. Applicant findings
3. Zoning map
4. Plans
5. Photos