



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

Date: May 27, 2004

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: Barbara Sporlein, Director, Planning

Subject: Moratorium Waiver.

Previous Directives: The Board of Adjustment granted lot size and lot width variances for this lot at its meeting of April 15, 2004.

Financial Impact: Not applicable

Community Impact:

Ward: 4

Neighborhood Notification: The Folwell Neighborhood Association was notified of the application by a letter dated May 7, 2004. As of the writing of this report, staff has not received any comments from the neighborhood group.
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City Goals: See staff report

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: Not applicable
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Other: Not applicable

Background/Supporting Information: Please see attached staff report.

CPED Planning Division Report

Waiver From Moratorium Application (BZZ - 1735)

Date: May 27, 2004

Applicant: Twin Cities Habitat for Humanity

Date Application Deemed Complete: May 7, 2004

End of 60 Day Decision Period: July 6, 2004

Address Of Property: 3446 Penn Avenue North

Contact Person And Phone: Julie Gugin – Habitat for Humanity 612-331-4090

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

Ward: 4 **Neighborhood Organization:** Folwell

Existing Zoning: R2B Two-family Residential District

Reason For Waiver: To allow the construction of a new single-family home at 3446 Penn 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.

Background: The City Council has introduced 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, except housing being developed in conjunction with the Community and Economic Development Department. A proposed interim ordinance (Chapter 578) is scheduled for public hearing before the Zoning and Planning Committee on June 10, 2004.

Twin Cities Habitat for Humanity plans to build a house on the vacant lot at 3446 Penn Avenue North. In preparation for this, they applied for and received lot width and lot area variances to bring the lot into conformance with the requirements of the zoning code. These variances were approved in April of 2004 (BZZ-1645). In addition, they applied for and received separate property identification numbers (PIDs) from Hennepin County shortly after the variances were granted.

Neighborhood Review: The Folwell Neighborhood Association was notified of the application by a letter dated May 7, 2004. As of the writing of this report, staff has not received any comments from the neighborhood group.

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: Twin Cities Habitat for Humanity plans to build a house on the vacant lot at 3446 Penn Avenue North. In preparation for this, they applied for and received lot width and lot area variances to bring the lot into conformance with the requirements of the zoning code. These variances were approved in April of 2004 (BZZ-1645). In addition, they applied for and received separate property identification numbers (PIDs) from Hennepin County shortly after the variances were granted.

Habitat for Humanity relies on volunteer groups and private sponsorship dollars for their construction projects. The volunteer groups are already scheduled for this project. If there is a delay in the schedule then these groups will have to be cancelled. Please see the attached letter from Habitat for Humanity for more detail.

Habitat for Humanity has been in the planning stage for several months, has complied with various City and County requirements, and has funding and volunteer time donated for this project. A delay at this point would constitute a substantial 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 houses on both sides of the 3400 block of Penn Avenue include a mix of housing types and styles. In general, they are single-family homes similar in roof pitch with detached garages

located at the rear of the property. Many of the houses have a front porch. (Please see the attached photos of the houses on this part of Penn Avenue). The proposed home has a roof pitch similar to the surrounding homes, has a front porch, and has a detached garage at the rear of the property. The building will have vinyl siding that is similar to the siding on other homes in the area. Therefore, the design of the proposed home is compatible with the character of the neighborhood and will not interfere with the purposes of the moratorium.

Recommendation of The CPED Planning Division:

The CPED Planning Division recommends that the City Council adopt the above findings and **approve** the waiver application for property located at 3446 Penn Avenue North.