

Department of Community Planning and Economic Development – Planning Division
Rezoning and Variance
BZZ-4523

Date: September 14, 2009

Applicant: Shree Investments, LLC

Address of Property: 2912 Pleasant Avenue South

Project Name: 2912 Pleasant Avenue South

Contact Person and Phone: Ashish Aggarwal, (612) 710-3004

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

Date Application Deemed Complete: August 12, 2009

End of 60-Day Decision Period: October 11, 2009

End of 120-Day Decision Period: On August 31, 2009, staff sent the applicant a letter extending the decision period no later than December 10, 2009.

Ward: 6 **Neighborhood Organization:** Whittier

Existing Zoning: I2 Medium Industrial District

Proposed Zoning: R5 Multiple-family Dwelling District

Zoning Plate Number: 25

Legal Description: Lot 4, Block 5, Excelsior Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: multiple-family dwelling with four units

Concurrent Review:

Rezoning: Petition to rezone from I2 to R5.

Variance: Variance to reduce the minimum lot area requirement from 5,000 square feet to 4,936 square feet, or 1.3 percent, to allow a four-unit dwelling.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article IX Variances, specifically Section 525.520(2) “to vary the lot area...requirements up to 30 percent....”

Background: The applicant is proposing to reestablish four dwelling units in the existing structure located at the property of 1912 Pleasant Avenue South. The existing residential structure was built in

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1908. In 2006, the building was condemned and boarded. Before the building was condemned, four units existed in the building. In the I2 district, a multiple-family dwelling with four units is not permitted. The dwelling was established when the use was allowed, so it retained nonconforming rights as it was in continuous use. However, the building has now been vacant for more than a year and lost its nonconforming rights. To establish the proposed use, a rezoning is required. The applicant is proposing to rezone to the R5 district, which allows the use. The minimum lot size requirement in the R5 district is 700 square feet per dwelling unit or 5,000 square feet, whichever is greater. The lot size is only 4,936 square feet. A variance is required.

In addition to meeting the above zoning code requirements, the property will need to be brought into compliance with other City ordinances before it can again be occupied. The Regulatory Services Department has generated a Building Code Compliance report covering violations that must be addressed, including rehabilitating the interior and exterior of the building.

A rezoning study, the Midtown Greenway Rezoning Study, is currently underway to implement policies of several adopted small area plans. The subject site is located within the boundaries of the rezoning study. Preliminary staff recommendations have been made for public review. For this site, the staff recommendation is to rezone it to the R5 district. All of the other properties on the block, except two adjacent to Lake Street, are proposed to be rezoned to R5 as well. The rezoning study will likely be before the Planning Commission at its September 28th meeting. The applicant needs to meet a restoration agreement deadline established by the Regulatory Services Department, therefore he is requesting the rezoning and variance before the rezoning study is considered by the Planning Commission.

A zoning issue that was not addressed in the code compliance report is repair and maintenance of the fence in front of the building. The fence is a wood picket fence. Several pickets are missing or broken that need to be replaced. Section 535.410 of the zoning code requires that all fences are kept in good repair in keeping with the type of fence.

REZONING: Petition to rezone from I2 to R5.

Findings as required by the Minneapolis Zoning Code:

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

The site is not located in any land use designations of *The Minneapolis Plan*. Lake Street, which is designated as a commercial corridor, is located at the south end of the block. (In the update of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, the future land use of the site is urban neighborhood and Lake Street will remain designated as a commercial corridor.) According to the principles and polices outlined in the plan, the following apply to this proposal:

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Step

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

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

Applicable Implementation Step

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

The *Midtown Greenway Land Use and Development Plan*, adopted by the City Council in 2007, calls for high density housing (40-120 units per acre) on this site. It defines appropriate development for this site as urban-oriented, including townhouses, small apartments (contains 4 to 16 dwelling units with surface parking), and apartments.

Staff comment: The R5 zoning would be consistent with the above policies of the comprehensive plan and the *Midtown Greenway Land Use and Development 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 from I2 to R5 would allow for the establishment of high density housing. The small area plan adopted by the City Council identifies high-density residential development as a more appropriate use of the land than an industrial use. 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.

Surrounding properties are zoned I2 and are occupied by industrial uses. The site is within 200 feet of the Midtown Greenway. The greenway is a recreational amenity. The adopted small area plan identifies high-density residential development as a more appropriate use of the land than an industrial use because of its proximity to the greenway and Lake Street. The proposed zoning should be compatible with future land uses and density called for in the small area plan.

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.

Conversion of the property to an industrial use is unlikely because of the small lot size and existing residential structure. Because of the sites proximity to the Midtown Greenway and Lake Street, medium- to high-density residential development is more appropriate use of the land than an industrial use.

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- 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.**

After the Midtown Greenway was converted from a railroad to a recreational by-way, more mixed-use and higher density residential development is occurring along the greenway. If the staff recommendations are adopted for the upcoming rezoning study, most of the industrial zoning in the immediate area will be eliminated and changed to residential districts allowing high density.

VARIANCE: to reduce the minimum lot size requirement from 5,000 square feet to 4,936 square feet (1.3 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.**

The applicant is requesting a reduction of the minimum lot size requirement from 5,000 square feet to 4,936 square feet. The development would be medium density, which is appropriately located between the Midtown Greenway and Lake Street. Before the building was condemned and boarded, four dwelling units occupied the building with the current lot size. 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 *Midtown Greenway Land Use and Development Plan*, adopted by the City Council in 2007, calls for high density housing (40-120 units per acre) on this site. Before the building was condemned and boarded, four dwelling units occupied the building with the current lot size. These circumstances were not 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. Establishing medium density on this site meets the intent of the ordinance to provide adequate lot area. Surrounding uses are nonresidential. Reducing the lot size requirement should have little impact on surrounding properties.

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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 is 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 2912 Pleasant Avenue South from the I2 district to the R5 district.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum lot size requirement from 5,000 square feet to 4,936 square feet (1.3 percent) to allow four dwelling units at the property of 2912 Pleasant Avenue South.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos