

**Excerpt from the  
CITY PLANNING COMMISSION MINUTES  
Minneapolis Community Planning & Economic Development (CPED)  
Planning Division**

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**MEMORANDUM**

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DATE: September 9, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of September 7, 2010

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The following actions were taken by the Planning Commission on September 7, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Cohen, Gorecki, Huynh, Luepke-Pier and Tucker – 6

Not present: Bates (excused), Bourn, Carter (excused) and Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

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**2. University of MN (Vac-1571, Ward: 2), Part of Beacon St SE between Ontario St SE and University Ave SE ([Jim Voll](#)).**

**A. Vacation:** Application by The University of Minnesota to vacate all of Beacon St SE between Ontario St SE and University Ave SE.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the street vacation of Beacon Street SE between Ontario St SE and University Ave SE subject to the reservation of easements for Xcel Energy and the City of Minneapolis.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the staff recommendation (Huynh seconded).

The motion carried 5-0.

#### **7. 801 Logan Ave N (BZZ-4921, Ward: 5), 801 Logan Ave N ([Becca Farrar](#)).**

**A. Rezoning:** Application by Sumba Properties, LLC, for a petition to rezone the property located at 801 Logan Ave N from the R2B (Two-family) district to the R4 (Multiple-family) district in order to reestablish a four-unit residential building.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **deny** the rezoning petition to change the zoning classification of the property located at 801 Logan Ave N from the R2B district to the R4 district.

Staff Farrar presented the staff report.

**Commissioner Tucker:** If this were rezoned to R4 could they potentially add two units to this existing building if they met their parking requirement?

**Staff Farrar:** I doubt there'd be any way they could meet their parking requirements, they would have to process a variance and there's no space. They'd have to come back to the Board of Adjustment and try to get a variance and variances now are a bit troublesome, but in theory, if they were able to meet all the other standards they could convert this to a six unit.

**Commissioner Tucker:** If this building were in better repair would your recommendation be different or do you suppose it would just never come up?

**Staff Farrar:** We did rely on the guidance as provided within the Comprehensive Plan for this. There's both sides to every issue and I tried to outline that within the standards. You could look at it as being in the public interest, you could also look at it as being in the private interest and re-establishing this use on the property. I did try to segment that but really our reliance in this situation for the rezoning is to use to guidance in the Comprehensive Plan and we just didn't have it.

**Commissioner Tucker:** If the rezoning is not granted, the owner could use the existing building for two units upstairs with many bedrooms and two units downstairs with many bedrooms.

**Staff Farrar:** Right. It'd likely be a four bedroom, two bath unit.

**Commissioner Tucker:** Or they could demolish it and build something within the...

**Staff Farrar:** Potentially. I will let them address that issue.

**Commissioner Gorecki:** If we were to grant the R4 change, can we restrict the number of bedrooms per unit?

**Staff Farrar:** The only issue with rezonings is that we're not allowed to condition the rezonings. While you could make a recommendation and encourage the applicant not to do that, we don't because it's a legislative action.

President Motzenbecker opened the public hearing.

**Sue Gonyea (owner) [not on sign-in sheet]:** We're hoping to get this rezoned to R4. A couple of things we looked through in regards to this, the building was originally constructed as a four unit building and I would imagine that people understand that single family houses are built as single family houses, their best use is to continue that way. Duplexes would be very difficult to convert to a single family house. I believe with this four unit building, it's about 2800 square feet per floor so you would have two 2800 square foot units and I believe that even if you are going to have four bedrooms in each unit, often times buildings that are not used in their original form have a tendency to not be managed very well. Experienced landlords like to buy and manage buildings that are in their appropriate form. Usually lesser experienced landlords are the ones that are buying the converted buildings. I feel strongly that if this is converted to a duplex, five years from now you're going to talk to the police department and I believe the management of it will not be managed as well as a traditional four unit building. I do have a couple areas to point out under rezoning number one. It talks as though this site is not located along or within the close proximity to any designated corridors. My question is, when you look here, I don't know what corridor we aren't as close to as the other R4 up the block from us. We seem to be closer to Olson Memorial Highway than they are. We may not be closer to Elwood here but Olson Memorial Highway we're closer to so it seems as though we are closer than that parcel to some of the designated corridors where there's better transportation. At the end of area number one, it says there is a lack of policy support to support the rezoning and the extent of renovations needed to bring the property to a livable state and could result in the transformation of the structure into a compliant duplex. In that property there is plumbing that's needed, heat, cosmetics, roof repairs. I believe the property was just rehabbed in 2004 so the windows are new. There may be some issues in the bedrooms making sure there are egress windows now because that policy has changed in the past year or year and a half. In regard to a couple of letters that were submitted by some area residents, they had some concerns. The first red flag I found was when I was Googling Sumba properties. The information they had was incorrect. Sumba properties has...they're right on the fact that we've been in business together for a year and a half. This is a list of the properties that between Sumba properties and Ghana properties, which has been in business since about 20 years rehabbing properties in Minneapolis since about 2000. We have 25 that are completed in Minneapolis, five that are currently in progress and then 801 Logan that we're currently looking at seeing what our possibilities are going to be with it. There are plenty of other properties, like 30 of them, that are in areas outside Minneapolis. We've got quite a few rental properties in the area. We don't have rental issues. We rehabbed another fourplex at 2809 Dupont Ave S about two years ago and that was in worse shape than this and not as conforming

of a building. That building is rented out and we don't have issues. If there are issues they get taken care of. I disagree highly with the question of our ability to take on this project, both financially and from a management standpoint. They talked in their report that the other buildings on the block are single family or duplexes. If you drive down that block, they were built that way. This was originally built as a fourplex and we had talked about trying to get people out there to take a look at it and were recommended that we didn't need to do that. I believe that if you went out there to see the building, you can't imagine it as a duplex. The only decent use is a fourplex. We have called the community liaison officer and have not heard back to find out if there's any sort of information within the Police department as to how it is to manage a building that is either conforming or nonconforming from the way the building was built, not from a zoning standpoint and have not received phone calls back. I understand that from a paper standpoint it looks like everything you want to be zoned R2. In this instance, it's important to look at it from a practical standpoint and what's going to be the best use of that building. Our intention, if we do get denied on the rezoning and have to go with a duplex, is to rehabilitate that particular building on that site and...as a fourplex we're going to get it back up to its condition as a fourplex. We don't have intentions to tear it down or to put six units in it.

**Dale John:** Quite frankly, I don't think you would be able to do that because you wouldn't have the room for the parking spaces.

**Sue Gonyea:** I'm sure you've had a chance to look at the pictures that we have included. I realize the building has been vacant for quite some time and I understand from a neighborhood standpoint that they're fed up with it. If it was rezoned to a fourplex we would sign a restoration agreement. We've paid for the second code compliance and a restoration agreement. The property has to be rehabilitated within six months or you incur significant fines. From a neighborhood standpoint, the building is going to get rehabbed a lot sooner getting rezoned as a fourplex rather than dealing with it as a duplex.

**President Motzenbecker:** When is your six months of rehab up?

**Sue Gonyea:** We can't sign a restoration agreement until we get a decision.

**President Motzenbecker:** It depends on when this goes and then it's six months from then.

**Sue Gonyea:** From the day we sign it's six months until we have to have it rehabbed or it's a \$300 fine every day you're not completed with it. The financial constraints are not worth it.

**Commissioner Luepke-Pier:** I notice that you want to add a third bedroom to each of these units. Do you envision families living in these units?

**Sue Gonyea:** I would envision families.

**Dale John:** Yes, probably a family with a couple of kids.

**Commissioner Luepke-Pier:** I have a concern about the proposed parking. You're already pretty strapped for yard space in that lot, it looks like you have about nine and a half feet between the garage and the house. Where you proposed the parking it seems to be eating up the bulk of the yard so I guess I have a concern where 12 bedrooms worth of people will be hanging out or playing where they won't be in traffic. What are your thoughts on that?

**Dale John:** There's some additional space on the north side of the building that is quite significant. You could put a playground back there. I feel like it's quite a bit of room back there for kids to run around.

**Commissioner Luepke-Pier:** So the 13 feet is where the kids would play?

**Sue Gonyea:** I think you got 13 feet there and then some area in between the back of the building. If the city proposed that the two extra spaces were someplace else on this site, I don't think we're set on having them there. It seemed like the best use of space to put the four parking spaces.

**Dale John:** There's also some space in the front of the building. Not much, but about 22 feet.

President Motzenbecker closed the public hearing.

**Commissioner Tucker:** I will move the staff recommendation to deny (Luepke-Pier seconded).

**Commissioner Gorecki:** I don't disagree with the applicant's analysis that this is a fourplex and, unfortunately, it never got zoned appropriately and so we're faced with a difficult decision. My issues is, not only is it a fourplex, but it's a two bedroom fourplex and the adding of additional bedrooms is where I start to have problems with this. We start putting 12, 16 bedrooms in these buildings and whatever sense it made to make it a fourplex, it no longer makes sense to me. I could see overturning the denial but I guess I'm looking for some assurances and quite honestly we can't get them that this building would be operated as a two bedroom, 1 bath four unit building and not crammed with another bedroom in each of the units, thus making it really making it nonsensical for the neighborhood, it doesn't really work with the family type of situation as my colleague pointed out about where the kids play, it just doesn't work for the neighborhood as a whole and that would be my consideration.

**Commissioner Huynh:** I think for all the reasons we've heard from other commissioners, this is a very difficult project. I think for the reasons that I will be supporting staff's recommendation to deny the proposal for this site to be an R4 district. I think staff made a very clear presentation as far as the policy support and also with having a site plan with single family dwellings and duplexes around the vicinity. I feel that an R4, even though it's been nonconforming or out of use for the last four years, would not be consistent with the uses that are currently within that district. There aren't any corridors or anything that would support a higher density would also therefore not allow for an R4 potentially six dwelling units whatever it may be to take place on this site so I am speaking against the proposal.

**President Motzenbecker:** I agree with Commissioner Gorecki, I can see both sides of the coin. If you did a duplex with four bedrooms and you really packed people into the bedrooms, you could probably hit the same number that you would if it's a fourplex with three bedrooms a unit. It's a toss up. I tend towards a little bit in the opposite direction in that it's been that way since 1915 and understanding that the need to rehab it or tear it down, again we don't have guarantees but the applicant said they don't want or intend to tear it down, they want to rehab the space into a fourplex. I can see it both ways. I would almost lean towards approving it but I'm eager to hear some more from commissioners.

**Commissioner Luepke-Pier:** It is a tough one. Architecturally it's a fourplex and I'm hesitant to change things from what they are which is what you were talking about earlier. In this instance, it's been a fourplex since 1915 but it sounds like it's been a problem for a long time as well. It's maybe an issue, but adding four more bedrooms to this unit seems to me a little too dense for what the corner's already having a tough time dealing with. It seems that the threshold for approving this rezoning is just a little too high, especially given the limited space that will be left over in the free space remaining. For the sanity of your neighbors, giving the kids a chance to play in the backyard and in the front yard when they're trying to have company just seems inappropriate.

**President Motzenbecker:** If that bedroom wasn't going to be added, we can't place conditions on rezonings, but that seems to be one of the concerns from the commission is adding that extra bedroom. If it was just being rehabbed as is I think there might be ways to think differently about it, but I don't see that as happening right now.

**Dale John:** One of the reasons why we proposed to use that front room, there's two small rooms up there and we proposed one bedroom and an office area is because the rooms are huge. I've been in many buildings, these are huge areas. We have no problem in rehabbing it as two bedroom units at all, we have none, we just thought it would be more efficient to put a bedroom up front there.

**President Motzenbecker:** Any other discussion commissioners? The motion on the floor is staff recommendation for denial. All those in favor? Opposed?

The motion carried 4-1.

**8. 2017 Grand Ave S Multi-family Dwelling (BZZ-4895, Ward: 6), 2017 Grand Ave S ([Janelle Widmeier](#)).**

**A. Rezoning:** Application by Gerald and Cora Rygh to rezone the property of 2017 Grand Ave S from R2B to R3 for the purpose of legalizing a fourth dwelling unit.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 2017 Grand Ave S from the R2B district to the R3 district.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the staff recommendation (Huynh seconded).

The motion carried 5-0.