

**Community Planning and Economic Development Department – Planning Division**  
Rezoning and two Variances  
BZZ-1617

**Date:** April 19, 2005

**Applicant:** Minneapolis Public Housing Authority (MPHA)

**Address of Property:** 828 Spring Street Northeast and a portion of 929 3<sup>rd</sup> Avenue Northeast

**Contact Person and Phone:** Timothy Keane on behalf of MPHA, (952) 896-3203

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** March 18, 2004

**End of 60-Day Decision Period:** May 17, 2004

**End of 120-Day Decision Period:** Not applicable

**Applicant has Waived 60 Day Requirement:** No

**Ward:** 1      **Neighborhood Organization:** St. Anthony East Neighborhood Association

**Existing Zoning:** R1A

**Proposed Zoning:** R5

**Proposed Use:** Multiple-family housing development

**Previous Actions:** None

**Concurrent Review:**

**Rezoning:** petition to change the zoning classification for a portion of the property located at 929 3<sup>rd</sup> Avenue Northeast from R1A to R5 in order to allow the continued use of the property as a multiple-family housing development.

**Variance:** to reduce the interior side yard setback from 43 feet to 5 feet to allow for a parking area.

**Variance:** to reduce the rear yard setback from 43 feet to 3 feet to allow for 16 parking spaces and to 0 feet for 6 parking spaces and a drive aisle.

**Background:** As part of a larger redevelopment effort on the block, the Minneapolis Public Housing Authority is trading a portion of their land for a portion of land that they will be getting from the Central Community Housing Trust. The portion of land that MPHA will be receiving is zoned R1A. The current zoning of the MPHA property is R5. In order to maintain similar zoning on the property MPHA is proposing to rezone the portion of land that they will be receiving to R5. In addition, as part of the larger redevelopment effort on the block a shared parking facility will be created. The proposed parking

area extends into the required interior side and rear yard setbacks. The applicant is proposing to vary the required setbacks.

**Neighborhood Review:** The applicant sent a letter to the St. Anthony East Neighborhood Association on January 20, 2004. Staff has not received a written response from the neighborhood association.

**Attachments:**

1. Variance findings
2. January 20, 2004 letter to CM Paul Ostrow and the St. Anthony East Neighborhood Association
3. Zoning Map
4. Site plans
5. Fence elevations
6. Photographs of the site and surrounding area

**REZONING**

**Zoning Plate Number: 15**

**Legal Description:** That part of vacated Jackson Street N.E. and Outlot B of St. Anthony East described as follows: Commencing at the intersection of the centerline of said vacated Jackson Street N.E. and the Northwesterly line of 3<sup>rd</sup> Avenue N.E.; thence S 62°00'00" W, along said Northwesterly line of 3<sup>rd</sup> Avenue N.E. and the Southeasterly line of said Outlot B, a distance of 129.43 feet; thence N 00°00'00" E a distance of 135.90 feet to the Northwesterly line of said Outlot B; thence N 62°00'00" E, along said Northwesterly line and its Northeasterly extension, a distance of 65.39 feet to the centerline of said vacated Jackson Street N.E.; thence S 28°07'00" E, along said centerline, a distance of 119.99 feet to the point of beginning. Said parcel contains 11,688 square feet.

**Findings as Required by the Minneapolis Zoning Code:**

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

The portion of land that is proposed to be rezoned is designated as unused land in the comprehensive plan. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Maintain and strengthen the character of the city's various residential areas.
- Encourage new development projects to incorporate open spaces and green spaces through land use regulations and other regulatory tools.

The area that is proposed to be rezoned will be converted from a surface parking area to an open green space area. The open green space area will be the central feature of the redevelopment site on the block and will be utilized by all three entities involved with the larger redevelopment effort.

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

The amendment will allow the property owner to remove the existing surface parking area and convert it to green space. Through the adopted policies of the comprehensive plan, City stakeholders have identified the desire to have more open green space throughout the city. Approving this rezoning supports the City’s decision to incorporate more green space throughout the city.

**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 portion of land that is proposed to be rezoned will be re-platted as part of an existing parcel of land that is currently zoned R5. Given this the proposed R5 zoning is compatible with the surrounding 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.**

There are reasonable uses of the property permitted under the R1A zoning district. However, the subdivision regulations do not allow newly created parcels of land to have more than one zoning classification. In this situation, the portion of land that is proposed to be rezoned will be re-platted as part of an existing parcel of land that is currently zoned R5.

**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.**

Under the 1963 Zoning Code, the subject property and the surrounding area was zoned similarly as it is today. As part of the larger redevelopment effort on the block eight new for-sale townhomes and a supportive housing facility serving 31 people will be constructed.

**VARIANCE** - to reduce the interior side yard setback from 43 feet to 5 feet to allow for a parking area

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

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

**Interior side yard setback:** The applicant is seeking a variance to reduce the interior side yard setback from 43 feet to 5 feet to allow for a parking area. The applicant has indicated that the required setback of 43 feet would make it impossible to incorporate any sort of parking area on the site given that it is being reconfigured as part of the larger redevelopment effort on the block. The applicant has also indicated that the parking lot is currently located within 5 feet of the interior property line and that with the reconfiguration of the parking area there will be a landscaped buffer between the subject property and the adjacent property to the east that does not currently exist.

**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.**

**Interior side yard setback:** The required setback of 43 feet and the fact that the existing parking lot is currently located within 5 feet of the interior property line are unique circumstances that are not generally applicable to other properties in the R5 zoning district.

**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.**

**Interior side yard setback:** The granting of the setback variance to 5 feet would not significantly affect the essential character of the area given that the existing parking area is located within 5 feet of the interior property line and that after the reconfiguration of the parking area a landscaped buffer will be located between the subject property and the property to the east.

**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.**

**Interior side yard setback:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**VARIANCE** - to reduce the rear yard setback from 43 feet to 3 feet to allow for 16 parking spaces and to 0 feet for 6 parking spaces and a drive aisle

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

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

**Rear yard setback:** The applicant is seeking a variance to reduce the rear yard setback from 43 feet to 3 feet to allow for 16 parking spaces and to 0 feet for 6 parking spaces and a drive aisle. The applicant has indicated that as part of the redevelopment effort on the block a shared parking area is being constructed. Because the parking area is shared between two individual property owners providing a 43-foot setback from the rear property line would make it impossible to incorporate any sort of parking area on the site.

**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.**

**Rear yard setback:** The required setback of 43 feet and the fact that the parking area will be shared between two individual property owners are unique circumstances that are not generally applicable to other properties in the R5 zoning district.

**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.**

**Rear yard setback:** The granting of the setback variance would not significantly affect the essential character of the area given that the parking area will be shared between two individual property owners. And although the rear yard setback is being varied there is a landscaped area between the two properties that helps buffer one property from the other.

**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.**

**Rear yard setback:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

### **RECOMMENDATIONS**

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

The Community Planning and Economic Development Department – 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 for a portion of the property located at 929 3<sup>rd</sup> Avenue Northeast from R1A to R5 in order to allow the continued use of the property as a multiple-family housing development.

#### **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 findings above and **approve** the variance to reduce the interior side yard setback from 43 feet to 5 feet to allow for a parking area for the property located at 828 Spring Street Northeast subject to the following conditions:

1. The proposed fence to be located along the interior property line shall be the same type of fence that currently is located along the interior property line.

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

Community Planning and Economic Development Department – Planning Division  
BZZ-1617

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the rear yard setback from 43 feet to 3 feet to allow for 16 parking spaces and to 0 feet for 6 parking spaces and a drive aisle for the property located at 828 Spring Street Northeast.

The **ZONING & PLANNING** Committee submitted the following reports: