

Minneapolis City Planning Department Report

Zoning Amendment (Rezoning), Variance BZZ – 1215

Date: August 18, 2003

Date Application Deemed Complete: June 11, 2003

End of 60 Day Decision Period: August 10, 2003

End of 120 Day Decision Period: The Planning Department sent a letter to the applicant extending the decision period to no later than September 9, 2003. However, immediately after sending the extension letter, staff received a letter from the applicant waiving their decision to a decision within 60 days.

Applicant: ADDD Investments, LLC

Address of Property: 1707 Glenwood Ave.

Contact Person and Phone: Brian Alton, 651-290-0301

Planning Staff and Phone: Jason Wittenberg, 673-2297

Ward: 5 **Neighborhood Organization:** Harrison Neighborhood Association

Existing Zoning: R2B

Proposed Zoning: R5

Zoning Plate Number: 12

Legal Description of Property Proposed for Rezoning: Lot 17, Auditor's Subdivision Number 26, except the South 16 feet thereof, measured by right angles to the South line thereof, Hennepin County, Minnesota.

Proposed Use: Make the existing 26-residential building a conforming use.

Project Name: Glenwood Apartments

Proposed Variance: Variance to reduce the minimum lot area from 23,400 square feet to 18,800 square feet, a variance of 19.7 percent)

Zoning Code Section Authorizing Proposed Variances: 525.520 (2)

Previous Actions: N/A

Concurrent Review: Rezoning and variance as noted above.

Minneapolis City Planning Department Report
BZZ – 1215

Background: The application was continued from the meetings of July 7th and August 4th.

The applicant owns an existing 26-unit residential building that is legally nonconforming in the existing R2B District. The applicant's stated intent is to make the existing multi-family residential building conforming by rezoning to R5 and by filing a variance to reduce the minimum amount of lot area per dwelling unit.

The proposed R5 District requires at least 900 square feet of lot area per dwelling unit. Thus, an applicant would need 23,400 square feet of lot area to construct a new 26-unit building in the R5 District. The property in question has 18,800 square feet. With 26 units, the project has 723 square feet of lot area per dwelling unit. The applicant has requested a variance to reduce the minimum required lot area by approximately 20 percent.

Note that the property currently has a fence that is taller than allowed in the front yard setback area. This violation must be corrected. Further, the property is subject to landscaping and screening standards as required by section 531.110 of the zoning ordinance.

Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:

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

Glenwood Avenue is designated as a Community Corridor. Community Corridors are characterized by the following features.

- Streets connect more than 2 neighborhoods
- Corridors have a land use pattern that is primarily residential with intermittent commercial uses clustered at intersections in a pattern of nodes.
- Streets are generally minor arterials by the City's street classification system, with some exceptions.
- Streets carry a range of traffic volumes, a minimum of 4,000 average annual daily traffic (AADT) up to 15,000 AADT and greater.
- Streets carry a heavy volume of traffic but are not necessarily the principal travel routes for a specific part of the city.
- Corridors do not support automobile oriented shopping centers.
- Corridor land use and building form exhibit traditional commercial and residential form and massing. (See discussion of traditional urban form in Chapter 9.)
- Commercial uses on community corridors are generally small scale retail sales and services serving the immediate neighborhood.

Planning staff has identified the following goals and policies of the Minneapolis Plan as being relevant to the request to rezone the property from R2B to R5.

Minneapolis City Planning Department Report
BZZ – 1215

Relevant policy: **4.2** Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on the streets.

Relevant Implementation Steps:

- Promote more intensive residential development along these corridors where appropriate.

Staff comment: If redevelopment of the site were to take place, the R5 District would allow more intensive residential redevelopment than the existing R2B District.

Relevant policy: **4.9** Minneapolis will grow by increasing its supply of housing.

Relevant Implementation Steps:

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

Staff comment: The existing mixed use nature of the immediate area and the fact that are parcels are developed to a variety of densities appears to make the particular location appropriate for high density residential uses.

Relevant Policy: **9.5** Minneapolis will support the development of residential dwellings of appropriate form and density.

Relevant Implementation Steps: Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

Staff comment: The R5 District is a high density district that is appropriate in some locations on Community Corridors.

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

Although the rezoning may be primarily in the interest of the property owner, some public benefit may be accrued to insofar as making the existing structure a conforming use could encourage investment in the property. If the site is redeveloped under the proposed R5 District, the additional dwelling units that would be allowed would be generally consistent with the policies of the Minneapolis Plan related to Community Corridors and would be generally consistent with the existing mix of uses and zoning districts in the vicinity.

- 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 particular stretch of Glenwood Avenue features a mix of commercial uses and residential uses at a variety of densities. Multi-family residential building coexist with single- and two-family dwellings in the immediate vicinity. The neighboring property to the east is zoned R5, which is the zoning district requested by the applicant.

- 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 for the property under the existing zoning classification. The property in question could continue to operate as a legal nonconforming use. However, redevelopment of the property would entail substantially reducing the number of dwelling units on the property to only a single- or two-family dwelling.

- 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.**

The most recent redevelopment to take place in the immediate vicinity is a mixed use development located to at the intersection to the west of the site. That development, located at 1720 Glenwood Avenue, is moderate to high density, with 770 square feet of lot area per unit. By comparison, the applicant's project has 723 square feet of lot area per dwelling unit.

Findings Required by the Minneapolis Zoning Code for the Proposed 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.**

The existing 26-unit residential building could remain as a legal nonconforming use.

- 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 26-unit building was constructed in 1962, one year prior to adoption of a new zoning ordinance that made the use nonconforming. The particular circumstances are that the building is existing and that the applicant is not starting with a "clean slate" where it would be more

Minneapolis City Planning Department Report
BZZ – 1215

reasonable to expect that the site should be developed within the lot area limitations of the 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.**

Allowing the existing building to attain conforming status in terms of the minimum lot area would meet the spirit and intent of the zoning ordinance since the property would not be more intensively developed than has been the case for over 40 years.

- 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.**

Granting the proposed variance would 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 since it would simply validate the existing lot area per dwelling unit that exists on the site. The variance in question applies to the applicant's particular plan and would not apply should the applicant choose to redevelop the site.

Recommendation Of The City Planning Department for the Rezoning Application:

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone the property at 1707 Glenwood Avenue from R2B to R5.

Recommendation of the City Planning Department for the Variance Application:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the minimum required lot area from 23,400 square feet to 18,800 square feet to make the existing building conforming as the minimum lot area.