Department of Community Planning and Economic Development – Planning Division
Zoning Amendment (Rezoning), Conditional Use Permits
BZZ-2760

Date: March 27, 2006

Applicant: Eclipse Investments, LLC

Address of Property: 3216 25th Ave S & 2432 33rd St E

Project Name: 32nd & Hiawatha

Contact Person and Phone: Robert Lindahl, 690 S Cleveland Ave, St. Paul MN 55116, (651) 696-5601

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: December 23, 2005

End of 60-Day Decision Period: February 21, 2006

End of 120-Day Decision Period: The applicant requested an extension on February 16, 2006 to last until June 1, 2006.

Ward: 9 **Neighborhood Organization:** Corcoran Neighborhood Organization

Existing Zoning: R1A Single Family Residential

Proposed Zoning: R4 Multiple Family District

Zoning Plate Number: 27

Legal Description of Property Proposed for Rezoning: The land referred to is situated in the State of Minnesota, County of Hennepin, and is described as follows:

> 3216 25th Ave S
> Lots 14 through 20 including Block 2 including adjacent half of vacated street and all of adjacent vacated alley except highway.
> Block 002
> Parkers addition to Minneapolis
>
> 2432 33rd St E
> Lots 1 to 7 including also lots 1 to 9 including block 1 Cathy A Perkins addition except highway including adjacent half of vacated street.
> Block 003
> Parkers addition to Minneapolis.

Lot area: 75,384 square feet

Proposed Use: The addition of two detached community residential facility dwelling units (for a total of seven) in an existing cluster development.

Concurrent Review:

- Rezoning from a R1A to a R4 zoning district
- Conditional Use Permit to amend a cluster development
- Conditional Use Permit to allow a community residential facility serving 17 to 32 persons

Applicable zoning code provisions: Chapter 525: Article VI Zoning Amendments; Article VII Conditional Use Permits; Chapter 546: R4 Multiple-family District.

Background: The applicant, Eclipse Investments, LLC, has submitted multiple land use applications to add two new detached dwelling units to an existing five-unit cluster development. The original cluster development was approved in 1996 (C-1769). Changes to the Code since 1996 are such that the definition of the use has changed and is no longer permitted in the R1A district. The four-bedroom detached dwelling units serve as residences for individuals with Traumatic Brain Injuries. Support staff is at each dwelling unit 24 hours per day, although in shifts, so no staff member lives at the unit. The units are accessible and the two proposed additional dwellings are proposed to be identical to the original four buildings.

The use of the cluster development is defined as a Community Residential Facility (CRF). A CRF is defined as "a facility where one (1) or more persons reside on a twenty-four (24) hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services (DHS). Community residential facilities shall not include facilities that are also eligible for licensure by the Minnesota Department of Corrections (DOC)." Community Residential Facilities are prohibited in R1A districts, the number of persons proposed to be served (4 residents per dwelling with seven total dwellings is 28 persons) is first allowed by Conditional Use Permit (CUP) in the R4 district.

One of the existing dwelling units is separated from the others by a public alley and is not an obvious part of the cluster development. For this reason analysis will center mainly on the existing and proposed development east of the alley between 24th Ave S and Hiawatha. None of the remaining four existing units face a public street. One of the two proposed units would face a public street; 33rd St E.

Staff has received some written correspondence from Corcoran Neighborhood expressing concerns about the design of the units in the cluster development. These are attached to this report.

The concerns of the neighborhood address Chapter 530, specifically design standards for new single family dwellings. These standards are not applicable to dwellings in a cluster development, which have specific development standards in Chapter 536. However, if the property were subject to the design standards (530.280 and 530.290) of Chapter 530, it would have only 14 of the required 15 points for approval.

On February 16, 2006, the applicant requested an extension to determine if adding an additional unit to the project was feasible. The applicant has determined that an additional unit is not feasible, and the project is going forward at this time as originally designed.

ZONING AMENDMENT -

Required Findings for a zoning amendment:

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

The Hiawatha Corridor, which the project site is adjacent to, is designated by *The Minneapolis Plan* as being in a Major Housing Site. Two long-range planning documents have been adopted that affect this site: the Corcoran Midtown Revival Plan and the Hiawatha/Lake [LRT] Station Area Master Plan. Specific chapters of *The Minneapolis Plan* that pertain to this project are as follows:

The Minneapolis Plan, Chapter 4.11 states: "Minneapolis will improve the availability of housing options for its residents." One of the implementation plans for this section of the plan is to "promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time." Rezoning the property to R4 allows more flexibility to provide uses that encourage accessible housing that has many suitable uses in addition to the current residents' needs. Chapter 4.11's implementation plans also include promoting "accessible housing designs to support persons with disabilities." The current use as a Community Residential Facility for persons with traumatic brain injuries is a logical fit for accessible housing, but is not permitted in the existing district.

The Minneapolis Plan, Chapter 4.12 states: "Minneapolis will reasonably accommodate the housing needs of all of its citizens." One of the implementation plans for this section of the plan is that "permanent housing for people with disabilities shall not be excluded by the zoning ordinance or other land use regulations from the benefit of residential surroundings. Special housing shall be available as needed and appropriately dispersed throughout the city." The applicant has indicated that the reason for the desired expansion is because of the success of the location for its residents including its residential location and access to Light Rail Transit.

Based on the policies stated above staff maintains that the proposed project is in conformance with *The Minneapolis Plan*.

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

The rezoning is in the interest of the applicant as it will allow additional dwelling units on the site. However, the site's location along the Hiawatha Corridor and its proximity to an existing R4 District (the southeast corner of the site touches the northwest corner of an R4 District along Hiawatha Ave) indicate that the change would be appropriate for the community.

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.

With the exception of the R4 District described above, surrounding properties are zoned R1A. The fact that the majority of the site has no street frontage, and it is located in a Major Housing Site, indicates that denser residential zoning may be appropriate in this instance.

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.

The site is currently operating as a Community Residential Facility in an approved Cluster Development. The Community Residential Facility classification did not exist in the Code at the time of the original Cluster Development approval. That use is permitted in the R1A district, if the facility is serving 6 or fewer persons. At its current service capacity (20), the use is prohibited except in R4, R5, and R6 Districts. Its proposed capacity would also be prohibited in all but those three residential districts. The size and shape of the site keep it from being a desirable single-family site.

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 development of Light Rail Transit (LRT) along Hiawatha Ave has greatly impacted the existing and long-term environment along the corridor. Access to transit and increased development has encouraged higher density along the corridor.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to amend the existing Cluster Development:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

There is no evidence that adding two new dwelling units will adversely affect the public health, safety, comfort or general welfare. The site is of sufficient size to absorb the two new units without presenting a higher density than is generally found in the area.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The two additional houses would increase the number of residents and staff in the area. Again, the size of the site is such that the proposed increase should not have a negative impact on future development in the area.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

One of the new homes would be accessed from the alley between 24th Ave S and Hiawatha, as the existing four are. The other additional home would face 33rd St E and would be accessed from an existing curb cut. The applicant must work with the Public Works Department to ensure drainage and utilities are adequate by submitting a Preliminary Development Review (PDR) application. The applicant must also contact the Minnesota Department of Transportation (MNDoT) if any portion of the berm that supports the sound wall between the development and Hiawatha is disturbed.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

All parking is provided off street and no curb cuts would be added to the site. Each dwelling has an attached garage and driveway surface parking to accommodate accessible vehicle and staff vehicle needs. Staff does not anticipate that the proposed project would have a significant impact on traffic congestion in the public streets.

5. Is consistent with the applicable policies of the comprehensive plan.

The Hiawatha Corridor, which the project site is adjacent to, is designated by *The Minneapolis Plan* as being in a Major Housing Site. Two long-range planning documents have been adopted that affect this site: the Corcoran Midtown Revival Plan and the Hiawatha/Lake [LRT] Station Area Master Plan. Specific chapters of *The Minneapolis Plan* that pertain to this project are as follows:

The Minneapolis Plan, Chapter 4.17 states: "Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city." Implementation of this section includes concentrating "new housing developments in close proximity to amenities or in locations where value will be sustained over time." The long term goals of the area as expressed in the Corcoran Midtown Revival Plan and the Hiawatha/Lake Station Area Master Plan include greenspace and housing. The long term nature of LRT and the longstanding history of Corcoran being a residential neighborhood indicate that the proposed use would increase the number of residents that could take advantage of such amenities. Furthermore, implementation includes promoting "the development of new housing that is compatible with existing development in the area as well as to existing historic or older housing stock where appropriate." The project does not promote such implementation; this is further discussed in the following finding.

The Minneapolis Plan, Chapter 9.6 states: "Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the

physical environment." One of the implementation plans for this section of the plan is to "promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods." One of the proposed units would front a public street, 33rd St. E, but would address that street with its side. The single family home next to this part of the proposed development addresses 33rd St. E; orienting this specific unit of the cluster development to face the street would be more consistent with this part of the Plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

In addition to the Rezoning to R4 and the Conditional Use Permit for amending a cluster development, the proposal for 32nd and Hiawatha requires a Conditional Use Permit for the use of a Community Residential Facility serving 17 to 32 persons to be in compliance with the requirements of the proposed Multiple Family District (R4).

In addition to the findings above, there are eight specific development standards for cluster developments:

1. **Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.**

   See attachments for this information.

2. **All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

   The applicant has indicated that he will be submitting a subdivision application to replat the site in the near future. Staff recommends conditioning an approval of the conditional use permit to amend a cluster development that the applicant may not obtain a building permit until the applicant obtains approval of an appropriate replatting of the site.

3. **The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.**

   The minimum lot area requirement in the R4 District is 5,000 or 1,500 square feet per dwelling unit, whichever is greater. The proposed development would have six total units (the seventh unit, already existing, is across a public alley from the others and is not included in this calculation) thus 9,000 square feet of lot area is required. Over 75,000

square feet are provided. The parcel also meets the minimum lot width requirement of 40 feet.

4. **Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.**

   The minimum front yard setback along 33rd St E is 15 feet; the proposal shows the front-facing unit as approximately 22 feet from the front property line. The periphery of the development meets the required yard setbacks in the R4 District. All buildings are at least 10 feet apart.

5. **Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half of required common space shall consist of such parking facilities, driveways, and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.**

   41,859 square feet of the 75,384 square foot site (or 55%) is landscaping. 22,463 square feet of the landscaping on the site (or 30%) is grouped in a large open area adjacent to all six existing and proposed buildings. Currently this area of landscaped space is landscaped only with sod. Staff recommends recommending the applicant provides trees, shrubs, plantings, and other elements such as would be required by Chapter 530 if the proposal required Site Plan Review. Twenty percent of the net site (.20 x 41,859 square feet) is 8,371 square feet; that would result in a requirement of 9 canopy trees and 84 shrubs. Any existing canopy trees or shrubs may count toward that requirement.

6. **To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (5) units shall have a minimum width of twenty-two (22) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternatives meets the intent of the section.**

The two proposed units would be identical to the existing units in the cluster development. The one-story, vinyl-sided structures, without basements and with larger floor prints are not compatible with other buildings in the neighborhood however. Only one building in the proposal has street frontage. Staff recommends encouraging the applicant to make some changes to the exterior of the front facing unit (i.e., larger porch, different materials) to better relate to the neighborhood, without changing the overall similarities between all units of the cluster. Furthermore, staff recommends bringing the front of the dwelling that faces 33rd St E closer to the property line, up to the 15 foot required setback – such front setback would be more consistent with established front yards in the area and that it would move the dwelling farther from the LRT tracks. The applicant will have to relocate their AC unit so it won't encroach into the required front yard.

The current proposal is not in compliance with the principal entrance and window requirements of Chapter 535, Regulations of General Applicability. Staff recommends requiring the applicant to alter the design of the unit that has public street frontage to provide a principle entrance facing 33rd St. E. Staff further recommends requiring the applicant to provide the 15% required windows facing 33rd St. E (currently only 7% is provided). The requirement of 5% windows on side and rear elevations is met by the current proposal.

7. **An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.**

   Five of the proposed total of six units are separated from adjacent uses by a public alley. The one adjacent property to the development is separated from the cluster's units by landscaping and a driveway.

8. **Any cluster development which includes a manufactured home park shall be first allowed in the R2 District.**

   The proposed cluster development does not include a manufactured home park.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit for the use of a Community Residential Facility Serving Seventeen (17) to Thirty-two (32) persons:

1. **Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

   The residents of the cluster development suffer from traumatic brain injuries and are wheelchair bound. There is no indication that the use has been or will be detrimental or endanger the public.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

No police incidents have occurred on the property and the site is large enough to comfortably accommodate six single family homes. The fact that the site is bound on two of its three sides by a high privacy wall facing Hiawatha Ave and an alley it should not have any significant impact on surrounding properties or development.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

One of the new homes would be accessed from the alley between 24th Ave S and Hiawatha, as the existing four are. The other additional home would face 33rd St E and would be accessed from an existing curb cut. The applicant must work with the Public Works Department to ensure drainage and utilities are adequate by submitting a Preliminary Development Review (PDR) application. The applicant must also contact the Minnesota Department of Transportation (MNDoT) if any portion of the berm that supports the sound wall between the development and Hiawatha is disturbed.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

All parking is provided off street and no curb cuts would be added to the site. Each dwelling has an attached garage and driveway surface parking to accommodate accessible vehicle and staff vehicle needs. Staff does not anticipate that the proposed project would have a significant impact on traffic congestion in the public streets.

5. Is consistent with the applicable policies of the comprehensive plan.

See finding #5 in the Conditional Use Permit for amending a cluster development.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

There are five specific development standards for a Community Residential Facility, as follows:

1. The use shall be located at least one-fourth (1/4) mile from all existing community residential facilities.

This standard is met by the proposal.

2. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

This standard is met by the proposal.

3. **To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.**

   This standard is addressed in finding #6 in the Conditional Use Permit to amend a Cluster Development.

4. **An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.**

   This standard is met by the proposal.

5. **The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.**

   This standard must be met before receiving approval for final plans from the planning division.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the zoning amendment change from R1A zoning to R4 zoning district:

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 application for a zoning amendment from R1A district to the R4 zoning district.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to amend a cluster development:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to amend a cluster development at 3216 25th Ave S and 2432 33rd St E, subject to the following conditions:

1. Open space on the east portion of the site is provided with trees, shrubs, and other outdoor amenities. A minimum of a total of 9 trees and 84 shrubs will be provided on the site.

2. The proposed unit facing 33rd St E shall be designed to provide a principal entrance and not less than 15% windows facing the public street.

3. Building permits shall not be issued until a subdivision application replatting the two lots in question into one is approved.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit for a Community Residential Facility serving seventeen (17) to thirty-two (32) persons:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit for a Community Residential Facility serving seventeen (17) to thirty-two (32) persons at 3216 25th Ave S and 2432 33rd St E., subject to the following conditions:

1. The development shall comply with the Specific Development Standards for community residential facilities as required by Chapter 536 of the zoning code.

Attachments:
1. Statement of use
2. Findings
3. Correspondence
4. Site Plan, Floor Plans, Elevations, & Zoning map
5. Photos