

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning and Preliminary and Final Subdivision Application  
BZZ-4527 & PL-238

**Date:** September 14, 2009

**Applicant:** Minneapolis Department of Community Planning and Economic Development

**Address of Property:** 1813 3<sup>rd</sup> Street South

**Plat Name:** Cedar Riverside 2<sup>nd</sup> Addition

**Contact Person and Phone:** Judy Cedar – CPED 612-673-5025

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** August 17, 2009

**End of 60-Day Decision Period:** October 16, 2009

**Date Extension Letter Sent:** August 18, 2009

**End of 120-Day Decision Period:** December 15, 2009

**Ward:** 2      **Neighborhood Organization:** Cedar Riverside - West Bank Community Coalition

**Existing Zoning:** C3A Community Activity Center District & PO Pedestrian Oriented Overlay District

**Proposed Zoning:** From C3A Community Activity Center District to C2 Neighborhood Corridor Commercial District for the proposed Lot 1. The PO Pedestrian Oriented Overlay District will remain.

**Zoning Plate Number:** 21

**Legal Description:** The westerly 24.00 feet of the most northerly 114.00 feet of Outlot A and the westerly 4.70 feet of the southerly 2.20 feet of the most northerly 116.20 feet of said Outlot A, Cedar Riverside Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

**Existing Use:** Outdoor sales display and surface pay parking lot.

**Concurrent Review:**

**Rezoning:** From C3A Community Activity Center District to the C2 Neighborhood Corridor Commercial District for proposed Lot 1.

**Preliminary and Final Plat Subdivision:** To replat one lot into two lots.

**Applicable Code Provisions:** Chapter 525, Article VI, Zoning Amendments and Chapter 598

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Subdivisions.

**Development Plan:** Please see attached survey. The site will remain as a city-owned parking lot, outdoor sales display for Midwest Mountaineering, and accessory parking for a building to the west.

**Background:** The City of Minneapolis owns the subject property which contains a public parking lot and a small area at the northwest corner that is leased to Midwest Mountaineering for outdoor sales display and accessory parking for an adjacent building. The larger overall parking lot is planned for future mixed-use development with a public parking component. The City Council approved a land sale of the area leased for outdoor sales display and accessory parking to Midwest Mountaineering. The proposed subdivision will create a Lot 1 for sale and a Lot 2 for the remaining parking facility. Lot 1 will be combined with adjacent property under one tax parcel identification number, so it is proposed to be rezoned to the C2 Neighborhood Corridor Commercial District to match the existing zoning of the parcels that will be under common ownership. The PO Pedestrian Oriented Overlay District will remain on the entire site.

As part of the land sale, and as required by the zoning code, the fencing and parking areas of the property to be sold shall be brought into compliance with the requirements of the zoning ordinance, including removal of barb wire and the provision of parking lot surfacing and screening.

The City Attorney has reviewed and approved final plat title documents.

As of the writing of this report, staff has not received any correspondence for the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

**REZONING (from C3A Community Activity Center to C2 Neighborhood Corridor Commercial)**

**Findings As Required By The Minneapolis Zoning Code:**

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

*The Minneapolis Plan* designates the area around the intersection of Cedar Avenue and Riverside Avenue as an Activity Center. *The Minneapolis Plan* defines Activity Centers as follows:

- Activity Centers generally have a diversity of uses that draw traffic from citywide and regional destinations, but do not generally support automobile uses.
- Activity Centers are complimented by medium and high density residential uses, and also accommodate retail and commercial services, entertainment uses, educational campuses, or other large-scale cultural or public facilities.
- Activity Centers have a traditional urban form (building siting and massing).
- Activity Centers have a significant pedestrian and transit orientation, as service and features of these areas are already good.
- Activity Centers have uses that are active all day long and into the evening.
- A mix of uses occurs within structures and within the larger boundaries of Activity Centers.
- Activity Centers have a unique urban character that distinguishes them from other commercial areas because of the mix and complementary type of uses as well as the traffic the area generates.

Activity Centers are destinations that attract large numbers of visitors, workers, and residents. They

include a concentration of activities throughout the day and into the evening including high pedestrian, automobile, and transit traffic, and a mix of uses located that result in a well-defined sense of place.

*The Minneapolis Plan* has the following goal and relevant implementation steps for Activity Centers:

**4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.**

**Implementation Steps**

Ensure that land use regulations support diverse commercial and residential development types which generate activity all day long and into the evening.

Promote the incorporation of residential uses within the same structure as other commercial uses.

Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established.

Discourage automobile services and drive-through facilities from locating in these designated areas.

Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.

Ensure that regulations balance the transition between high traffic land uses and adjoining residential areas.

Require that buildings in Activity Center districts incorporate a pedestrian orientation at the street edge.

Apply street design criteria that incorporates a pedestrian orientation and accommodates a variety of traffic (pedestrian, cyclist, transit, automobile).

*The Minneapolis Plan for Sustainable Growth* (pending final City approval) designates this site as part of an Activity Center.

The *Cedar Riverside Small Area Plan* was approved by the City Council on April 18, 2008. The plan states that this area is appropriate for commercial and mixed-use development (Map 6.1).

C2 Commercial zoning is an appropriate district in an Activity Center and will allow mixed-use development.

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

The rezoning is necessary to match the district boundaries to parcel lines. While creating the lots is in the interest of the property owners it is also in the interest of the public to have clear and orderly development of land. The subdivision ordinance does not allow split zoning on parcels, so it is necessary to rezone the proposed Lot 1 from C3A to C2 commercial to allow it to be placed under the same tax parcel identification number as adjacent property zoned C2 Commercial. Therefore, the rezoning is also in the interest of the public.

- 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 property adjacent to the proposed Lot 1 is zoned C2 and the purchaser will place it under the same tax parcel as the adjacent property zoned C2. The rezoning is only for this proposed Lot 1. The proposed Lot 2 will remain zoned C3A. The area around the site is zoned C2 and C3A Commercial and contains commercial uses. The University of Minnesota campus is adjacent to the site to the east.

- 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 C3A Community Activity Center District allows a wide range of commercial, office, and residential uses; however, split zoning is not allowed to be created on a parcel. The proposed Lot 1 will be added to adjacent property zoned C2.

- 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.**

There has not been a significant change in the pattern of development in the area and it has historically been a commercial corridor. The purpose of the rezoning is to match the zoning districts of the new Lot 1 with the adjacent property to which it will be attached as one tax parcel.

### **PRELIMINARY and FINAL PLAT SUBDIVISION**

#### **Required Findings:**

- 1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be 5 feet wide on interior side lot lines and 10 feet on rear lot lines. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior and rear lot lines. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

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598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

This site is fully developed and has fencing and parking in areas where the drainage easements would be required. This would be a hardship. Granting this variance would not be detrimental to other property in the area.

Lot 1 will be in conformance with the requirements of the zoning code with the approval of the rezoning application. Lot 2 is in conformance with the zoning ordinance.

Both lots will be in conformance with the comprehensive plan (see finding number 1 of the rezoning section of this report).

**2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed subdivision will create two lots out of one lot. No new development is proposed at this time. This will have no effect on surrounding property owners or congestion in the public streets.

**3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.**

The site does not present the above noted hazards.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

No change to the grading is proposed at this time and access is existing.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

Existing utility and drainage provisions are adequate for site.

**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 application from the C3A Community Activity Center District to the C2 Neighborhood Corridor Commercial District for part of the property located at 1813 3<sup>rd</sup> Street South.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the preliminary and final plat subdivision:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat subdivision application for property located at 1813 3<sup>rd</sup> Street South.

**Attachments:**

- 1) Zoning map.
- 2) Preliminary and final plat.
- 3) Photos.