

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning & Subdivision  
BZZ – 5059 & MS – 210

**Date:** January 24, 2011

**Applicant:** U.S. Bank National Association

**Address of Property:** 2420 Hennepin Avenue & 2417-2421 Fremont Avenue South

**Project Name:** U.S. Bank Uptown

**Contact Person and Phone:** Carol Lansing, (612) 766-7005

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** December 27, 2010

**End of 60-Day Decision Period:** February 25, 2011

**End of 120-Day Decision Period:** On January 5, 2011, staff sent the applicant a letter extending the decision period no later than April 26, 2011.

**Ward:** 10     **Neighborhood Organization:** East Isles (adjacent to LHENA)

**Existing Zoning:** R4 Multiple-Family Residence District and C2 Neighborhood Corridor Commercial District

**Proposed Zoning:** R4 Multiple-Family Residence District and C2 Neighborhood Corridor Commercial District

**Zoning Plate Number:** 18

**Legal Description of Property to be Rezoned:** That part of Lots 6, and 7 of Block 1 of Channell's Addition to Minneapolis, which lies Southeasterly of the following described line:

Commencing at the Northwest corner of said Lot 7; thence due East on an assumed bearing along the North line of said Lot 7 a distance of 92.04 feet to the point of beginning of the line to be described; thence South 19 degrees 32 minutes 44 seconds West a distance of 108.02 feet, more or less, to the Southerly line of said Lot 6.

except the Southerly 15 feet of said Lot 6, which has been used in the opening of Fremont Avenue

all in Hennepin County, Minnesota.

**Proposed Use:** Bank

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**Concurrent Review:**

- **Petition to rezone** a portion of the properties of 2417-2421 Fremont Avenue South from R4 to C2.
- **Minor subdivision** for a common lot line adjustment.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments and Chapter 598, Land Subdivision Regulations.

**Background:** U.S. Bank National Association proposes to utilize the property of 2420 Hennepin Avenue, zoned C2, for a bank. A bank is a permitted use in the C2 district. The existing building was formerly occupied by Minneapolis Floral Company. The building also extends onto the property of 2417 Fremont Avenue South, which is zoned R4 and also occupied by a single-family dwelling. The part of the building that extends onto the residential property was an accessory garage. The driveway leading to the garage and a parking area also extend onto the property of 2421 Fremont Avenue South, which is zoned R4. The R4 district does not allow most nonresidential uses or accessory parking for nonresidential uses and the existing conditions are nonconforming. The existing commercial building was expanded over the years. The applicant proposes to demolish the greenhouse and garage additions, but retain the part of the building located at the corner of Hennepin and Fremont Avenues. Planning staff has determined that the additions can be demolished. A 15 space parking lot would be constructed north of the commercial building with access from Fremont Avenue. To provide driveway access to the new parking lot that complies with zoning requirements, the applicant is proposing to shift the common lot line between the properties of 2417-2421 Fremont Avenue South and 2420 Hennepin Avenue. A minor subdivision is required to move a lot line. Because the Fremont Avenue properties are residentially zoned and the Hennepin Avenue property is commercially zoned, the lot line cannot be moved unless part of the parcels are rezoned to prevent the creation of split zoning (creating split zoning is prohibited by the zoning code). To address this issue, the applicant is requesting to rezone the area between the existing lot line and proposed lot line locations to C2. Consent petitions have been provided to meet the statutory requirement to apply for the rezoning.

Other changes to the site have been reviewed administratively for compliance with the applicable zoning code requirements, including design and maintenance of the new parking lot and providing an off-street parking space for the single-family dwelling. The project has also been reviewed at a Preliminary Development Review meeting. To complete the review process, final site, landscaping, civil, floor, building elevation, and lighting plans addressing all CPED, Public Works, and other applicable City department requirements from the PDR meeting are required to be submitted before building permits can be obtained.

Correspondence from the neighborhood group, East Isles Residents Association, was received and attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**REZONING:** Petition to rezone a portion of the properties of 2417-2421 Fremont Avenue South from R4 to C2.

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

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

The proposed zoning would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Hennepin Avenue is designated as a commercial corridor. The future land use of 2420 Hennepin Avenue is designated as mixed use. According to the principles and polices outlined in the plan, the following apply to this proposal:

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

*Applicable Implementation Step*

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

*Applicable Implementation Step*

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

Policy 1.10: Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

*Applicable Implementation Step*

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

The site is also located within the boundaries of the *Uptown Small Area Plan*. The plan was adopted by the City Council in 2008. The plan indicates that neighborhood serving retail and medium density housing is appropriate along this part of the Hennepin Avenue commercial corridor. It also indicates that where Hennepin Avenue fronting properties extend to another neighborhood street, residential uses should be established on the neighborhood street and a mix of uses should be oriented to Hennepin Avenue.

*Staff comment:* The property of 2420 Hennepin Avenue is currently zoned C2. The C2 district allows a mix of uses, both commercial and residential. The proposed rezoning would not extend to Fremont Avenue. The extension of the commercial zoning as proposed should not significantly affect adjacent residential properties.

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

A commercial building and an un-striped parking area currently encroaches onto residentially zoned property with a single-family dwelling resulting in a nonconforming condition. The rezoning along with the subdivision will allow for a development to proceed that would remove the portion of the building extending onto the residential property to be replaced with driveway access leading to a new conforming parking lot for the commercial building. Also, the rezoning and subdivision would allow for adequate room to construct a detached single-car garage for the 2417 Fremont Avenue single-family dwelling. The amendment is in the public interest and not solely in the interest of the property owner.

**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.**

Hennepin Avenue is designated as a commercial corridor. Many of the properties along Hennepin Avenue in the immediate area are zoned C1 or C2. The existing zoning of 2420 Hennepin Avenue is C2. Properties adjacent to the site fronting on Fremont Avenue are residentially zoned. The proposed rezoning would extend commercial zoning further from the commercial corridor, but would not fully extend to the north/south part of Fremont Avenue. The part of the building that will be removed does not comply with yard requirements. The rezoning will allow the new parking lot to comply with yard requirements adjacent to the residential properties. The proposed zoning would be compatible with the surrounding uses and zoning classifications.

**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 area requested to be rezoned is currently zoned R4. The R4 district primarily allows residential uses and a limited number of nonresidential uses. A bank is not a permitted use in the R4 district. Both the comprehensive plan and the small area plan support a mix of uses adjacent to Hennepin Avenue, a commercial corridor, that are allowed in the C2 district. The rezoning would allow several nonconformities to be remedied and to clearly separate a commercial property from a residential property.

**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 properties of 2417 and 2421 Fremont Avenue South have been zoned R4 since 1977. Before then, they were zoned R2B. The property of 2420 Hennepin Avenue has been zoned B3S-3 (similar to the C2 district in the current zoning ordinance) since 1963. With the adoption of the 1999 zoning code, the zoning changed to C2. In the immediate area, the zoning and character of development

along Hennepin Avenue has consistently been mixed use, including medium to high density residential, with low to high density residential uses on neighboring streets.

### **MINOR SUBDIVISION**

#### **Findings Required by the Minneapolis Zoning Code for the Proposed Minor Subdivision:**

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

Both parcels will be in conformance with the applicable requirements of the zoning ordinance, comprehensive plan, and subdivision regulations. The subdivision would also allow for adequate room to construct a detached single-car garage for the 2417 Fremont Avenue single-family dwelling without requiring a variance.

- 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 adjust a common lot line to allow vehicle access from Fremont Avenue to a new parking lot located on the property of 2420 Hennepin Avenue. Vehicle access from this location is preferred over adding curb cut access directly to Hennepin Avenue because congestion is a problem on Hennepin Avenue. The subdivision would also allow for adequate room to construct a detached single-car garage for the 2417 Fremont Avenue single-family dwelling without requiring a variance. This subdivision will not be out of character with the area and will not add significant congestion to 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, soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The subject properties do 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.**

Changes to the grade would be minimal. Both lots would have driveway access to Fremont Avenue.

- 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 will not exceed the amount occurring prior to development.**

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Existing utility and drainage provisions are adequate. The proposed development would result in less stormwater runoff. The Public Works Department will review the project for appropriate drainage and stormwater management.

**RECOMMENDATIONS**

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

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 petition to rezone a portion of the properties of 2417-2421 Fremont Avenue South from R4 to C2.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a minor subdivision for the properties located at 2420 Hennepin Avenue and 2417-2421 Fremont Avenue South.

**Attachments:**

1. Applicant’s statement of use and findings
2. Correspondence
3. Zoning map
4. Plans
5. Photos
6. Rendering