

Department of Community Planning and Economic Development – Planning Division
Rezoning, Variance
BZZ-5243

Date: August 29, 2011

Applicant: Madison Avenue Homes, LLC

Address of Property: 2828 Blaisdell Avenue

Project Name: 2828 Blaisdell Avenue Rezoning

Contact Person and Phone: My Truong, (612) 245-9281

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: August 3, 2011

End of 60-Day Decision Period: October 2, 2011

Ward: 6 **Neighborhood Organization:** Whittier

Existing Zoning: R2B, Two-family District

Proposed Zoning: R4, Multiple-family District

Zoning Plate Number: 25

Legal Description: The east 60 feet of Lot 7, Block 2, Lindley and Lingenfelter Addition to Minneapolis, Hennepin County, Minnesota, and; The east 60 feet of Lot 8, Block 2, Lindley and Lingenfelter Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: To reestablish four dwelling units in an existing structure.

Concurrent Review:

- Petition to rezone the property located at 2828 Blaisdell Avenue from the R2B Two-family, District to the R4, Multiple-family District in order to reestablish four dwelling units within the structure.
- Variance to reduce the off-street parking requirement.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article IX, Variances.

Background: The applicant proposes to rezone the property located at 2828 Blaisdell Avenue from the R2B Two-family, District to the R4, Multiple-family District in order to reestablish four dwelling units within the existing structure. The structure is two stories and the applicant is proposing two dwelling units on the first floor and two on the second floor. The property is 5,400 square feet in area. The site

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does not have any off-street parking and a variance to the minimum vehicle parking requirement has also been requested.

The structure was originally constructed as a four-unit building in 1916 and was converted to a three-unit building in 1994. The structure most recently contained three dwelling units. The maximum number of dwelling units allowed under the current R2B zoning is two. The structure has been vacant for a period exceeding one year and therefore has lost any non-conforming rights to have more than two dwelling units in the building. The R4 District requires 1,250 square feet of lot area per dwelling unit. The site has 5,400 square feet of lot area which would allow for up to four dwelling units under the proposed R4 zoning.

The zoning code requires one parking space for each dwelling unit. The site has non-conforming rights to three parking stalls based on the most recent use of the building because it was constructed prior to 1963. At this time, parking is only required for the one additional dwelling unit. No off-street parking exists and none is proposed. Therefore, the applicant is requesting a variance to reduce the off-street vehicle parking requirement from four spaces to three spaces where three are grandfathered.

Staff had not received any correspondence from the Whittier Alliance as of the writing of this report. Any correspondence, if received, will be forwarded to the Commission for consideration.

Findings As Required By the Minneapolis Zoning Code:

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

The site is designated as urban neighborhood on the future land use map in the *Minneapolis Plan for Sustainable Growth*. The urban neighborhood designation refers to areas that are predominantly residential with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. These areas may include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout.

The following policies and implementation steps of the comprehensive plan apply to this site:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

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- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.
- 1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.

Policy 3.1: Grow by increasing the supply of housing.

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

Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.

- 3.6.2 Promote housing development in all communities that meets the needs of households of different sizes and income levels.
- 3.6.4 Provide and maintain moderate and high-density residential areas, as well as areas that are predominantly developed with single and two family structures.

The site is also within the study area of the *Midtown Greenway Land Use and Redevelopment Plan*. The future land use map in this small area plan recommends high density housing of 40-120 dwelling units per acre on this site. The parcels surrounding the subject site are also recommended for high density housing.

The proposed R4 District allows low to medium density residential development. The site has 5,400 square feet of lot area. The R4 District would allow a maximum of four dwelling units on the site. Four dwelling units on a parcel with 5,400 square feet of lot area would result in a density of 32 dwelling units per acre, or medium density development. The site is one-half block north of the Midtown Greenway and is surrounded by a mix of residential densities and non-residential uses. Rezoning the property to accommodate medium density development within this existing building would be compatible with nearby properties and the recommendations of the small area plan. The proposed rezoning would further diversify the housing types and residential densities available in the area and provide additional housing options, consistent with the policies of the Comprehensive Plan.

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

The amendment is in the public interest and not solely for the interest of the property owner. Rezoning the property to R4 would allow the existing building to be used as it was originally constructed. This would provide additional housing options in the area and allow for the reestablishment of dwelling units in a vacant building. Rezoning to allow residents to occupy a building that is currently vacant would be in the public interest.

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.

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The proposed R4 zoning would be compatible with the character of the surrounding area and the existing uses. The area contains a mix of uses and zoning categories. The intersection of Blaisdell Avenue and 29th Street contains two parcels that are zoned R2B, one parcel that is zoned I1, Light Industrial and one parcel that is zoned C3A, Community Activity Center district. The site is bordered by a 24 unit residential building to the north which is zoned R5, a duplex to the west, a large commercial parcel to the east and a single family home and a duplex to the south. The structure on the subject site was originally constructed as a 4-unit building in 1916 and was converted to a 3-unit building in 1994. Allowing the building to be rezoned and converted back to its original layout would be compatible with the general 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.

In the R2B district, a single-family dwelling or a two-family dwelling is allowed. The structure on the property was originally constructed as a four unit building in 1916 and was converted to a triplex in 1994. The building is approximately 2,350 square feet in area. Requiring the existing building to be further modified in a manner consistent with the existing R2B zoning would not allow reasonable use of the property. The subject 5,400 square foot lot could accommodate a maximum of four dwelling units in the R4 district without a lot area variance. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the 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.

Under the 1963 Zoning Code, the subject property and the property was zoned R2B. As part of the Midtown Greenway Rezoning Study, which went before the City Council in April of 2010, staff had recommended that the subject site and adjacent parcels be rezoned from R2B to R5. This recommendation was based in part on the policies of the *Midtown Greenway Land Use and Development Plan*, which recommended high density housing of 40-120 dwelling units per acre for the subject site. However, that recommendation was not adopted and the site remained R2B. Since the parcel was placed in its present R2B zoning classification the development of the Midtown Greenway and development adjacent to the Greenway has changed the character and trend of development in the general area. City policies adopted since the property was placed in its current zoning district also reflect a change in the trend of development in the area.

VARIANCE: (to reduce the vehicle parking requirement from four spaces to three spaces where three are grandfathered.)

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The zoning code requires one parking space for each dwelling unit. The site has non-conforming rights to three parking stalls based on the most recent use of the building because it was constructed prior to 1963. At this time, parking is only required for the one additional dwelling unit. No off-street parking exists and none is proposed. Therefore, the applicant is requesting a variance to reduce the off-street vehicle parking requirement from four spaces to three spaces where three are grandfathered.

The subject site does not have off-street parking or an existing curb cut. Due to its location at the corner of Blaisdell Avenue and 29th Street, any curb cuts into the property may present traffic conflicts near the intersection and could result in the reduction of one on-street parking space. A curb cut from Blaisdell Avenue would conflict with the existing bike lane and may impact an existing boulevard tree. These circumstances present practical difficulties that have not been created by the property owner.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Allowing the applicant to reestablish four units in a building that was originally constructed as such without providing any parking is reasonable. The subject site has historically not provided any off-street parking for the dwelling units. Converting the building back to four dwelling units without providing an off-street parking space would also be in keeping with the spirit and intent of the ordinance. In general, parking regulations are established to recognize the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking spaces. The parking regulations promote flexibility and recognize that excessive off-street parking conflicts with City policies. The site is one-half block away from the Midtown Greenway and on-street parking is available. The only location available for off-street parking is on the north side of the lot. This would require a curb cut from Blaisdell Avenue and vehicle parking in this location may have a detrimental impact on the existing structure to the north.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The granting of the variance to allow a reduction to the vehicle parking requirement would likely not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. As stated above, the structure was originally constructed as a four unit building and the site has historically not provided parking for the use. Allowing the applicant to convert the building back to its original configuration without providing parking would have little impact on the health, safety or welfare of the general public.

RECOMMENDATIONS

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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 application for rezoning from R2B, Two-family district to R4, Multiple-family district for the property at 2828 Blaisdell Avenue.

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

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 variance to reduce the vehicle parking requirement from four spaces to three spaces where three are grandfathered for the property at 2828 Blaisdell Avenue.

Attachments:

1. Zoning code information sheet
2. Statement of proposed use and description of the project
3. Zoning map
4. Site plan and floor plans
5. Photos