

Department of Community Planning and Economic Development - Planning Division
Rezoning, Variance, and Registered Land Survey
BZZ-4935 & RLS-61

Date: September 20, 2010

Applicant: Riverside Plaza Limited Partnership

Address of Property: 1511, 1525, 1601 and 1615 4th Street South; 1530 and 1600 6th Street South; and 412 Cedar Avenue South, for the Registered Land Survey; and 1511 4th Street South for the rezoning.

Project Name: Riverside Plaza

Contact Person and Phone: Anne Stephenson – Sherman Associates 612-604-0868

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

Date Application Deemed Complete: August 24, 2010

End of 60 Day Decision Period: October 23, 2010

Date Extension Letter Sent: September 13, 2010

End of 120 Day Decision Period: December 22, 2010

Ward: 2 Neighborhood Organization: Cedar Riverside/West Bank

Existing Zoning: R6 Multiple-family District, I1 Light Industrial District, PO Pedestrian Oriented Overlay District and UA University Area Overlay District.

Proposed Zoning: R6 Multiple-family District (for Lot 10, 1511 4th Street South only).

Zoning Plate Number: 21

Legal Description: Lot 10, Block 4, Atwaters Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota. Rezoning is for 1511 4th Street only.

Proposed Use: Bakery/shopping center.

Concurrent Review:

Rezoning: From the I1 Light Industrial District to the R6 Multiple-family District for Lot 10 (1511 4th Street South).

Variance: Of the PO Pedestrian Oriented Overlay District standards to allow parking that is not located to the rear or interior of the site.

Registered Land Survey. To combine several lots, parcels, and vacated right-of-way into one ownership tract.

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Applicable zoning code provisions: Chapter 525, Administration and Enforcement, Article VI, Zoning Amendments; Article IX, Variances, Specifically Section 525.520(20) “to vary the standards of any overlay district...; and Chapter 598 Subdivisions.

Background: Riverside Plaza was first approved by the City in 1968 as an Urban Renewal Plan. The Planned Unit Development (C-149) was approved in 1970-1971. There have been numerous amendments to the proposed design boundaries of the originally approved Planned Unit Development.

The US Department of Housing and Urban Development (HUD) acquired Riverside Plaza through foreclosure in 1986, and then sold the property to the Minneapolis Community Development Agency (MCDA) in February of 1988. The MCDA transferred the project to Riverside Plaza Limited Partnership (Riverside Plaza, LP) in December of 1988. Access and infrastructure easement problems surfaced during the HUD foreclosure process, and MCDA assumed responsibility for these problems in the acquisition from HUD and conveyance of the buildings to Riverside Plaza, LP. The easement issues have been litigated since the 1990s. In 2009, the easement litigation was finally resolved when the Minnesota Supreme Court refused to hear further appeals.

As a part of the litigation process Riverside Plaza lost access from 15th Avenue South to the loading dock and parking for Building E. There will also be some lost parking spaces (to be determined). The new proposed access to 4th Street South and the associated parking spaces will replace the lost access and parking. The City Council has approved an indemnification to reimburse costs related to the construction of this drive and parking.

The proposed access drive is allowed under the existing I1 Light Industrial District, the existing PO Pedestrian Oriented Overlay District, and the proposed R6 Multiple-family Residential District. The PO Pedestrian Oriented Overlay District requires that parking be located to the interior of the site. All of the existing buildings are located to the interior of the site, so a variance is necessary for the proposed parking (but not the access drive) to be located between the building and the street.

In addition, the applicant is requesting approval of a Registered Land Survey to combine all of the separate lots, parcels, and vacated right-of-way into one ownership tract. This is not required for the access drive or parking, but is proposed to simplify the legal description. It will also bring the site into conformance with the current Planned Unit Development regulations. The lot where the access drive and parking will be located is zoned I1 Light Industrial, but the remainder of the Riverside Plaza site is zoned R6 Multiple-family Residential. The subdivision ordinance does not allow split zoning, so a rezoning is requested to eliminate the split zoning. The rezoning is not required to allow the access drive or parking.

As of the writing of this staff report, staff has not received comments from the neighborhood group, but will forward comments, if any, to the City Planning Commission.

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REZONING (from I1 Light Industrial to R6 Multi-family Residential)

Findings As Required By The Minneapolis Zoning Code:

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

The existing Riverside Plaza site is zoned R6 Multiple-family Residential. Lot 10 that is proposed to be added to the site for a new access at 1511 4th Street South is zoned I1 Light Industrial. The proposed access and parking is allowed in the I1 Light Industrial District; however, the subdivision and zoning ordinances do not allow split zoning on a lot, tract, or parcel. The applicant proposes to combine all of the commonly owned property for Riverside Plaza, including Lot 10, into one tract. The rezoning is necessary to eliminate the split zoning.

The Minneapolis Plan for Sustainable Growth designates the Riverside Plaza site as part of the Urban Neighborhood land use category. In addition, it designates Cedar Avenue South as a Commercial Corridor. Further the site is part of a Transit Station Area and is adjacent to an Activity Center.

The plan states that the Urban Neighborhood land use category is “predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors.”

The comprehensive plan has the following relevant policy for Transit Station Areas:

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

1.13.2 Pursue opportunities to integrate existing and new development with transit stations through joint development.

1.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.

1.13.4 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station.

1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

1.13.6 Encourage investment and place making around transit stations through infrastructure changes and the planning and installation of streetscape, public art, and other public amenities.

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The plan has the following relevant policy for Commercial Corridors:

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.

1.10.6 Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors.

The plan has the following relevant policy for Activity Centers:

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.

The comprehensive plan also states that “in addition to the future land use map, the comprehensive plan incorporates by reference land use recommendations from a number of small area plans that cover various sub-sectors of the city. These plans should be consulted for applicable areas when making development decisions, as they provide more detailed guidance.”

The *Cedar Riverside Small Area Plan* was adopted by the City Council on April 18, 2008. The plan designates this site as high-density residential (please see attached map).

The comprehensive plan defines high-density residential as 50-120 dwelling units per acre. The R6 Multiple-family Residential District allows high-density residential (up to 109 dwelling units per acre before bonuses). All of the parcels on the superblock are in the R6 district, with the exception of the commercial parcels along Cedar Avenue South and the subject site. The proposed rezoning of this lot to match the surrounding area is in conformance with the above noted policies of the comprehensive plan and the adopted small area plan.

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

The rezoning will bring the lot into conformance with the designated land use plan of the *Cedar Riverside Small Area Plan*. This is in the public interest.

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- 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 surrounding area is a mix of residential, including the Riverside Plaza campus, and commercial along Cedar Avenue South and to the west (Mixed Blood Theater). The parcel is surrounded by the R6 District on all sides not fronting the street. The proposed rezoning will be compatible with the surrounding 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.**

The existing I1 District allows a range of industrial and commercial uses.

- 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.**

This lot was in the M2 Light Manufacturing District since at least 1975 and this was changed to the I1 Light Industrial District in 1999, with the adoption of the 1999 zoning code and associated remapping of the City. The area has changed significantly since 1968 when the Riverside Plaza development was first approved by the City. While there are commercial uses along Cedar Avenue south and to the west, the majority of the area is residential.

VARIANCE (of the PO standard to allow the parking between the buildings and the front lot line)

Findings Required by the Minneapolis Zoning Code:

- 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 PO Overlay District limits parking lots to the rear or interior of sites. Riverside Plaza occupies the entire superblock block between 4th Street South and 6th Street South with the exception of the properties on the east and west side of the development mainly fronting on 15th Avenue South and Cedar Avenue South. It is not possible to locate parking lot to the rear or interior of the site. This is a hardship.

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- 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 PO Overlay District limits parking lots to the rear or interior of sites. Riverside Plaza occupies the entire superblock block between 4th Street South and 6th Street South with the exception of the properties on the east and west side of the development mainly fronting on 15th Avenue South and Cedar Avenue South. It is not possible to locate parking lot to the rear or interior of the site. This is a hardship. This is not generally applicable to other properties in the PO 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.**

The intent of the ordinance is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. The proposed access drive is necessary and can be built without a variance, so the addition of a relatively small amount of parking should not circumvent the intent of the ordinance.

- 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.**

The variance will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

REGISTERED LAND SURVEY

Required Findings:

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

This RLS will combine several lots, parcels, and vacated right-of-way into one tract. The configuration of the tract is in conformance with the requirements of the subdivision ordinance. Normally, more than one residential structure is not allowed on one tract or lot, except for Planned Unit Developments. When this Planned Unit Development was approved it was not platted as one lot, which is now required for Planned Unit Developments. The RLS will bring the site into conformance with the current regulations. With the approval of the rezoning of the Lot 10 from the I1 Light Industrial District to the R6 Multi-family Residential District the proposed tract will be in conformance with the regulations of the zoning code. The RLS is in conformance with the comprehensive plan (please see finding number one of the rezoning section of this staff report).

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- 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 purpose of the RLS is to combine several lots, parcels, and vacated right-of-way, which are under common ownership, into one tract. This will bring the site into conformance with the current Planned Unit Development regulations regarding platting and shall have no impact on surrounding properties.

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

The site does not pose the above 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.**

The site is fully developed. Access, with the proposed drive modifications listed in the attached PDR report, is adequate.

- 5. The subdivision makes adequate provision for stormwater 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.**

The applicable erosion and drainage approvals will be reviewed and approved before any new construction may commence. The creation of ownership tract will not effect erosion or stormwater management.

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 findings above and **approve** the rezoning from the I1 Light Industrial District to the R6 Multiple-family Residential District for property located at 1511 4th Street South.

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Recommendation of the Community Planning and Economic Development Department - Planning Division for the parking location variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow parking between a principal structure and the front lot line for property located at 1511 4th Street South.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the Registered Land Survey:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the Registered Land Survey for property located at 1511, 1525, 1601 and 1615 4th Street South; 1530 and 1600 6th Street South; and 412 Cedar Avenue South.

Attachments:

1. PDR Report.
2. Statement from applicant.
3. Zoning map.
4. Site plans.
5. RLS.
6. Photos.