

Department of Community Planning and Economic Development – Planning Division
Rezoning
BZZ-4952

Date: October 4, 2010

Applicant: Olga Stavrakis

Address of Property: 2706-08 Pleasant Avenue

Project Name: 2706-08 Pleasant Avenue Rezoning

Contact Person and Phone: Anne Skenzich, (612) 925-9299

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

Date Application Deemed Complete: September 7, 2010

End of 60-Day Decision Period: November 6, 2010

Ward: 6 **Neighborhood Organization:** Whittier

Existing Zoning: R2B, Two-family District

Proposed Zoning: R3, Multiple-family District

Zoning Plate Number: 26

Legal Description: The south 39.75 feet of Lot 2, Block 1, Menages 3rd Addition to Minneapolis

Proposed Use: To legalize a third dwelling unit in the attic.

Concurrent Review:

- Petition to rezone the property located at 2706-08 Pleasant Avenue from the R2B Two-family, District to the R3, Multiple-family District in order to legalize an existing third dwelling unit within the structure.

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

Background: The applicant proposes to rezone the property located at 2706-08 Pleasant Avenue from the R2B Two-family, District to the R3, Multiple-family District in order to legalize an existing third dwelling unit within the structure. The property owner was cited by Regulatory Services- Housing in May 2010 for occupancy in a third dwelling unit in the attic that was not legally established. The purpose of the rezoning application is to bring the zoning and the use of the building into compliance with the zoning regulations. In order to provide the required amount of lot area per dwelling unit, the

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applicant has requested rezoning to the R3 District. The R3 District requires 1,500 square feet of lot area per dwelling unit. The site has 5,150 square feet of lot area.

The property was constructed as a single family home on or around 1887. It was first converted to a duplex in 1915. The statement submitted by the applicant asserts that the attic, or half-story, has been utilized as a third dwelling unit since approximately 1985. However, that unit was not legally established. The attic unit has proper means of egress and is 395 square feet in area. Approximately 70 percent of the total floor area in the unit has ceilings greater than 7 feet in height. The site plan submitted by the applicant shows four surface parking stalls in the rear yard of the property. According to the site plan, the total amount of impervious surface on the site is approximately 82.2 percent. The maximum amount of impervious surface allowed in the R1-R3 Districts is 65 percent. However, this is an existing condition and the site has non-conforming rights to the amount of impervious surface.

Staff received a letter from the Whittier Alliance dated September 2, 2010. The letter summarized the action taken by the Whittier Alliance Board of Directors to deny the request for rezoning based on concerns with adding additional density to a densely populated neighborhood. Said letter has been included as an attachment to this report for reference.

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 density in these areas varies, but is generally low density (8-20 du/acre) and not intended to accommodate significant new growth or density.

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 proposed R3 District allows low to medium density residential development. The site has 5,150 square feet of lot area. The R3 District would allow a maximum of three units on the site. Three dwelling units on a parcel with 5,150 square feet of lot area would result in a density of 27 dwelling units per acre. A lot with 27 dwelling units per acre is considered medium density. The property has legal rights to a duplex. Converting it to a triplex would not be consistent with the above policies of the comprehensive plan, as the area is predominantly developed with single and two family structures.

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

The proposed amendment would be solely for the interest of the property owner. Rezoning to The R3 District would allow three dwelling units on a block face that is primarily single and two-family homes. The center of the block currently serves as the primary dividing line between the high density and low density zoning designations in this area. Rezoning to R3 for one property that is directly adjacent to two-family homes on all four sides would not serve 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.

The subject site is surrounded by two family homes on all four sides. The majority of the east side of the block, including the subject site, is zoned R2B with the exception of two R5 parcels on the south side of the block. The site is bordered by duplexes to the north, south and west. The property directly east of the site, across Pleasant Avenue, is zoned R2B and contains a duplex. The block face that includes the subject site contains two single-family homes and several duplexes on the R2B parcels and an 18-unit building and an 8-unit building on the R5 parcels. The west side of the block is zoned R5, with the center of the block serving as the dividing line between the low density and medium or high

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density housing types. Allowing one lot of R3 zoning on a block face that is primarily zoned R2B may not be compatible with the immediate 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. A single or two-family dwelling would be a reasonable use of the property. The subject 5,150 square foot lot could accommodate a maximum of three dwelling units in the R3 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 properties directly north and south of the site were zoned R2B. The west side of the subject block was zoned R5 at that time and the block face directly east of the site was a mix of R5 and R2B zoning. The zoning designations of the surrounding area have not changed since 1963. The *Minneapolis Plan* adopted in 2000 identified this property as two-family residential and the surrounding area as a mix of two-family and multi-family residential. The *Minneapolis Plan for Sustainable Growth* similarly designates this area as urban neighborhood on the future land use map. There has not been a significant change in the character and trend of development within the immediate area.

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 **deny** the application for rezoning from R2B to R3 for the property at 2706-08 Pleasant Avenue.

Attachments:

1. Zoning code information sheet
2. Statement of proposed use and description of the project
4. Letter from Whittier Alliance
5. Zoning map
6. Site plan and floor plans
7. Photos

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