

**Department of Community Planning and Economic Development – Planning Division**  
**Rezoning Petition and Conditional Use Permit**  
**BZZ-3525**

**Date:** June 11, 2007

**Applicant:** Salle McDaniel

**Address of Property:** 3050 18<sup>th</sup> Avenue S

**Contact Person and Phone:** Salle McDaniel, 612-810-7064

**Planning Staff and Phone:** Michael Wee, (612) 673-5468

**Date Application Deemed Complete:** May 11, 2007

**End of 60-Day Decision Period:** July 10, 2007

**End of 120-Day Decision Period:** September 8, 2007. An extension letter was mailed on May 29, 2007.

**Ward:** 9      **Neighborhood Organization:** Powderhorn Park

**Existing Zoning:** R2B Two-Family District

**Proposed Zoning:** R4 Multiple-Family District

**Zoning Plate Number:** 26

**Legal Description of Property to be Rezoned:** Lots 7 & 8, Block 2, Goodrich Park Addition to Minneapolis, Hennepin County, Minnesota.

**Proposed Use:** Add a sixth unit to an existing five-unit Multiple-Family Dwelling

**Concurrent Review:**

**Petition to rezone** a property at 3050 18<sup>th</sup> Avenue S. from R2B to R4.

**Conditional Use Permit** to allow a sixth dwelling unit to an existing 5-unit building located in R2B District.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, Article VII Conditional Use Permits; Chapter 546, and Article VII R4 Multiple-Family District.

**Background:** The applicant purchased an existing 5-dwelling unit multiple-family building at 3050 18<sup>th</sup> Avenue South and made renovations to convert these units into condominiums. The property is zoned R2B Two-Family district but the building has 5 dwelling units, which makes the current use non-conforming. City records indicate that the property has been a 5-dwelling-unit building since 1910.

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Dwelling units cannot be added through an application for an expansion of a legal nonconforming use. The applicant is proposing to add a sixth dwelling unit and petition to rezone the property to R4 Multiple-Family district in order to make the property conforming for six dwelling units. The property is surrounded by R2B uses in all directions. The Pedestrian Oriented Overlay District on Lake Street is one block away to the north. The property is also located between two community corridors, namely Cedar Avenue and Bloomington Avenue. A couple of R4 and R5 uses can be found along the Cedar Avenue corridor.

The property has a total lot area of 9,225 square feet (75' x 123') and a building foundation area of 1,887 square feet, excluding a detached 4-car garage at the rear. Section 546.530 requires a minimum of lot area of 5,000 or 1,500 square feet per dwelling unit, whichever is greater in an R4 district. With the given lot area of the property, the applicant can have up to 6 dwelling units, if the rezoning is approved, and be in conformance with the code.

Multiple-family dwelling of 5 or more units requires a conditional use permits as specified in Table-546-1 of Chapter 546. The proposed sixth unit will be located in the basement with a total gross floor area of approximately 450 square feet. There would be no increase in existing foundation area. Maximum FAR in R4 district is 1.5 and the existing three-story building has an FAR of 0.61, including the sixth unit. No change to the existing structure is proposed except adding an egress window to the north wall as required by the building code. Lot coverage of the property is 34% and an impervious surface of 60 percent. The maximum permitted under Section 546.140 and 546.170 in an R4 District is 70% and 85%, respectively.

One parking space is required per dwelling unit as specified under Table 541-1 of Chapter 541. The site has an existing detached 4-car garage at the rear. The applicant is proposing to provide two additional surface-parking at the rear adjacent to the building. There is an alley access and also a driveway on 31<sup>st</sup> Street E. The parking surface is already hard-surfaced.

As of writing this staff report, a letter of support was received from the Powderhorn Park neighborhood group (copy attached). Staff will forward comments, if any more are received, at the City Planning Commission meeting.

**REZONING:** Petition to rezone a property located at 3050 18<sup>th</sup> Avenue S. from R2B to R4.

**Findings as required by the Minneapolis Zoning Code for the rezoning petition:**

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

*Policy 9.5: Minneapolis will support the development of residential dwellings of appropriate form and density.*

*Implementation Step: Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: growth centers, commercial corridors, community corridors and activity centers.*

*Policy 9.21: Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.*

*Implementation Step: Apply the form and density approach within the context of a neighborhood or a site and within the framework of The Minneapolis Plan and NRP Plans when evaluating the appropriateness of development proposals for specific sites.*

*Policy 9.22: Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.*

*Implementation Steps: Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased. Develop an approach to residential development which combines housing form and housing density.*

The proposed increase in housing density in a predominantly low density neighborhood is not consistent with the strategy to encourage growth in designated land use features adjacent to commercial and community corridors. The subject property is not located in or adjacent to these land use features.

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

Planning Division believes that the proposed rezoning is not in the public interest, but rather for the sole interest of the applicant. The rezoning does not appear to be consistent with adopted City policies related to the appropriate locations for residential intensification. The property is currently non-conforming in an R2B district, and allowing a sixth unit in the district is clearly for the interest of the applicant.

**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 is located between two community corridors and one block away from a Pedestrian Oriented Overlay District. The surrounding uses of the site are predominantly one and two-family residential or low-density dwellings. The property is currently a non-conforming use in R2B district. Although it is helpful that the property is located on a corner lot rather than at mid-block, allowing a rezoning to increase the number of dwelling units would not be compatible with the zoning classification of property within 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.**

The property has 5 dwelling units, two being currently occupied, and the other three had remained vacant since these units were renovated in February, 2006. The proposal to rezone in order to add a sixth dwelling unit would increase the intensity of use in a predominantly low-density residential neighborhood. The property in question is non-conforming and can legally continue its current use. Other reasonable use of the property includes uses permitted in R2B district.

**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 property has been used as a 5 dwelling unit for many years, since before the 1999 adoption of the new zoning code. City building permit records confirms that the building had 5 dwelling units prior to 1940. Staff is not aware of any change in the character or trend of development in the general area. Adjacent properties are mix of single and two-family dwelling units, except one block east along Cedar Avenue where there are two properties zoned R4 and R5, which are also within the PO district.

**CONDITIONAL USE PERMIT:** to allow a sixth dwelling unit to an existing 5-unit building located for the property located at 3050 18<sup>th</sup> Avenue S.

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

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use to add one dwelling unit to an existing 5-unit multiple-family structure at 3050 18<sup>th</sup> Avenue S.:

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The addition of one dwelling unit to an existing 5-unit building will not necessarily be detrimental to or endanger the public health, safety, comfort or general welfare. However, the density of the property will not be in keeping with neighborhood character.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The surrounding area of the site is fully developed with low-density residential structures. The subject property is an existing non-conforming 5-unit multiple-family structure in an R2B district. A sixth unit will not essentially be injurious to the use and enjoyment of other property in the vicinity, but allowing it would be contrary to the intent of Policy 9.21 of the Minneapolis Plan.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Existing utilities, access roads, drainage and other facilities are adequate. No other utilities are required for this application.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

On-site parking is located at the rear of the property and can be accessed from either the adjacent public alley or a driveway through East 31<sup>st</sup> Street. A detached garage can accommodate 4 cars. Additional two spaces are needed as required by Chapter 541 of the zoning code, if the CUP is approved. The rear of the property has sufficient space for the required two additional parking spaces that can meet the

requirements of Table 541-1 of the zoning code.

**5. Is consistent with the applicable policies of the comprehensive plan.**

*Policy 4.9: Minneapolis will grow by increasing its supply of housing.*

*Implementation Steps: Support the development of new medium- and high-density in appropriate locations throughout the City.*

*Policy 4.11: Minneapolis will improve the availability of housing options for its residents.*

*Implementation Steps: Provide and maintain moderate and high-density areas. Provide and maintain areas that are predominantly developed with single and two-family structures.*

*Policy 9.5: Minneapolis will support the development of residential dwellings of appropriate form and density.*

*Implementation Step: Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: growth centers, commercial corridors, community corridors and activity centers.*

The Minneapolis Plan generally does not support an increase in residential density in a location that is not adjacent to or within a land use feature specified in Policy 9.5 of The Minneapolis Plan.

**6. And, in all other respects, conform to the applicable regulations of the district in which it is located.**

The proposal will conform to the applicable regulations of R4 district, if the rezoning petition is approved. The proposed development can meet all the requirements of Chapter 546 including lot coverage, impervious surface, height and FAR, except landscaping and screening of parking area. However, allowing a zoning change to R4 within a predominantly R2B district will not be consistent with the intent and purpose of the district in which it is located.

**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 petition to rezone the property of 3050 18<sup>th</sup> Avenue S. from the R2B district to R4 district.

**Recommendation of the Department of Community Planning and Economic Development– Planning Division for the conditional use permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit application for a property located at 3050 18<sup>th</sup> Avenue S.

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**Attachments:**

1. Statement of use
2. Findings
3. Zoning map
4. Plans
5. Photos