

**Department of Community Planning and Economic Development – Planning
Division
Rezoning
BZZ-4921**

Date: September 7, 2010

Applicant: Sumba Properties, LLC, Attn: Susan Gonyea & Dale John, 6102 Olson Memorial Hwy, Golden Valley, MN 55422, (763)432-4504

Address of Property: 801 Logan Avenue North

Project Name: 801 Logan Avenue North

Contact Person and Phone: Sumba Properties, LLC, Attn: Susan Gonyea & Dale John, 6102 Olson Memorial Hwy, Golden Valley, MN 55422, (763)432-4504

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: August 4, 2010

End of 60-Day Decision Period: October 2, 2010

End of 120-Day Decision Period: On August 26, 2010, Staff sent a letter to the applicant extending the decision period to no later than November 30, 2010.

Ward: 5 Neighborhood Organization: Northside Residents Redevelopment Council (NRRC)

Existing Zoning: R2B (Two-family) District

Proposed Zoning: R4 (Multiple-family) District

Zoning Plate Number: 12

Lot area: 8,108 square feet or approximately .19 acres

Legal Description: Lot 14 and the south ½ of Lot 13, Block 23, Oak Park Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Reestablish a four-unit building.

Concurrent Review:

- Sumba Properties, LLC, has submitted a petition to rezone the subject property located at 801 Logan Avenue North from the R2B (Two-family) district to the R4 (Multiple-family) district in order to reestablish a four-unit residential building.

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

Background: The applicant proposes to rezone the property located at 801 Logan Avenue North from the R2B district to the R4 district in order to reestablish a four-unit residential building. The structure was originally constructed as a 4-unit building in 1915. According to City records, the

last year that the building had a rental license was 2005. The building was condemned, boarded and placed in the City's Vacant Building Registration (VBR) Program in 2007. It appears that the structure had been maintained as a 4-unit building until the rental license lapsed and before it was condemned and boarded. Once a building is condemned, the owner must prove that problems have been fixed before anyone can live in or use the building. Typically, the property must go through a code compliance process.

The purpose of the rezoning application at this time is to bring the zoning and the former/proposed use of the building legally into compliance with the Zoning Code. Prior to the rental license lapse as well as the condemnation and boarding of the structure, the building would have been classified as a non-conforming use. Due to the fact that the building has been vacant for over a period of one year, the property no longer has non-conforming rights to 4-units. In order to legally reestablish 4-units within the building, a rezoning to the R4 district is required. Under the current zoning classification of R2B, the building would only be allowed to have 2 dwelling units.

The existing configuration of the building has two units located on the first floor and two units located on the second floor with a common basement shared by all units. Each unit has two-bedrooms and 1 bathroom. As proposed, the applicant would add a bedroom and office space to each of the 4-units.

Staff has not received official correspondence from the Northside Residents Redevelopment Council prior to the printing of this report, however, neighborhood letters have been received and are attached for reference. Any further correspondence received after the printing of this report shall be forwarded on to the Planning Commission for further consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as an Urban Neighborhood which is described as follows: "Predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors." The site is not located along or within close proximity to any designated corridors, or any major land use features. The site is located approximately one block north of Olson Memorial Highway. According to *The Minneapolis Plan for Sustainable Growth*, the following policies and implementation steps apply to this proposal:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, "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."

Land Use Policy 1.8 of *The Minneapolis Plan for Sustainable Growth* states, "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.” This policy includes the following applicable implementation steps (1.8.1): “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features; and (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.”

Housing Policy 3.2 of *The Minneapolis Plan for Sustainable Growth* states, “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.”

Housing Policy 3.6 of *The Minneapolis Plan for Sustainable Growth* states, “Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.”

The proposal to rezone the parcel from the R2B district to the R4 district in order to allow for the reestablishment of a 4-unit residential building is both in conformance and not in conformance with the above noted policies and implementation steps of the comprehensive plan. While there are intermittent multi-family residential uses within the vicinity, the majority are single and two-family residential structures. Planning Staff recognizes that the building was constructed prior to the incorporation of Zoning in the City as a 4-unit structure, however, there is a lack of policy support to support the rezoning and the extent of renovations needed to bring the property to a livable state could result in the transformation of the structure into a compliant duplex.

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

A rezoning to the R4 district would be considered primarily in the interest of the property owner as it would allow the residential structure to be rehabbed and reestablished as a 4-unit residential building. Assuming the structure is worthy of rehabilitation, the amendment could be considered beneficial to the public interest insofar as it would allow for the re-establishment of the residential use instead of a vacant building or vacant property.

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 located within an area that is predominantly zoned R2B; however, there are properties that are zoned R4 and R6 to the northeast of the subject site, and one property zoned R5 to the northwest of the subject site. While there is an intermittent pattern of multi-family housing in the area, the majority of the homes are single and two-family residences. On the subject block, all residential uses on the west side of the alley are single-family. On the block face where the subject property is located (east side of the alley) the subject structure is the only structure that is not a duplex or single-family dwelling. As previously mentioned, the subject structure was originally constructed as a 4-unit building in 1915. Given the surrounding context and lack of policy support Staff concludes that R4 zoning is inappropriate in this location.

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.

One could argue that despite the fact that the building was constructed as a 4-unit building, rehabilitating the structure and converting it to a duplex would be a reasonable use under the existing R2B zoning classification and would be more compatible with surrounding land uses and the character of the neighborhood. 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. It is noteworthy to mention that if the rezoning were to be approved and the structure on the premises demolished, a new 6-unit building could be constructed on the premises provided it could comply with all applicable regulations in the R4 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.

Under the 1963 Zoning Code, the subject property and all surrounding properties to the north, south, east and west were zoned the same as they are zoned today. There has not been a significant change in the character and trend of development within the immediate area. As previously noted, the building was originally constructed in 1915, prior to the incorporation of zoning in the City, as a 4-unit building and operated as such until the rental license lapsed and until the building was eventually boarded and condemned.

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 rezoning petition to change the zoning classification of the property located at 801 Logan Avenue North from the R2B district to the R4 district.

Attachments:

1. Rezoning Matrix
2. Statement of use / description of the project
3. Correspondence
4. Zoning map
5. Plans – Site, floor plans,
6. Photos