

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition and Minor Subdivision
BZZ-3439 and MS-168

Date: March 26, 2007

Applicant: William McCrum

Address of Property: 4654 Russell Avenue N.

Contact Person and Phone: William McCrum, 651-690-2350

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

Date Application Deemed Complete: March 1, 2007

End of 60-Day Decision Period: April 30, 2007

End of 120-Day Decision Period: Not applicable on this application.

Ward: 4 **Neighborhood Organization:** Victory Neighborhood Association

Existing Zoning: I1 Industrial District and Shoreland Overlay District

Proposed Zoning: R1A Single-Family District

Zoning Plate Number: 1

Legal Description of Property to be Rezoned: Lots 29 & 30, Block 10, Sidle Park, Hennepin County, Minnesota, together with that part of the vacated street that accrued thereto by reason of the vacation thereof.

Proposed Use: Two Single-Family Dwellings

Concurrent Review:

Petition to rezone a property of 4654 Russell Avenue N from I1 to R1A.

Minor Subdivision to create two lots in compliance with R1A lot width and lot area requirements.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; and Chapter 598, Land Subdivision Regulations.

Background: The applicant is requesting to rezone a property at 4654 Russell Avenue N. from I1 Light Industrial District to R1A Single-Family District. The property is located within the Humboldt Employment District (see map) that was adopted in November 2006. It is contiguous with residential property to the south, and is adjacent to a railroad track to the north which also separates it from the nearest industrial district.

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Section 598.130 requires that lots created by subdivision shall have frontage on an existing public street that will not require the installation or extension of other public improvements or services. The applicant showed a site as two separate lots. However, due to a 14-foot wide easement located along its southerly lot line, the south lot will not meet the side yard setback requirements of the code. The applicant's option is to move its northerly lot line by 14 feet. A minor subdivision is required for such change in lot line. The north lot will have a total lot frontage of approximately 50 feet along Russell Avenue, and a lot area of 6,203 square feet. The south lot is 55 feet wide and a lot area of 6,951 square feet, including the public alley easement. Section 546.260 requires a minimum lot area of 5,000 square feet per dwelling unit. These lots are in compliance with that requirement.

The purpose of the rezoning is to relocate two single-family dwelling units from Penn-Lowry area into these lots. These houses were scheduled to be demolished, but the applicant bought them with the intention of selling them for homeownership after renovations. These one-story houses are approximately 1,200 square feet in floor area (see photos), stucco arts and craft style that will blend well with neighborhood character. Detached garages are proposed but will not be constructed at this time. The applicant will provide paved parking areas on each lot in compliance with Section 541.300 of the zoning code. Other requirements, including yard setbacks, maximum lot coverage, and impervious lot coverage, are in compliance of Chapter 546 of the zoning code.

A paved rear alley ends up to the lower half of the south lot and the rest are unpaved up to the vacated right-of-way to the north. No sidewalks exist on these lots. This application will be reviewed by Preliminary Development Review (PDR) and Capital Projects Task Force (CPTF) for recommendations regarding the unpaved portion of the rear alley. A separate administrative site plan review is also required for single and two-family dwellings and multiple-family dwelling having three or four dwelling units per Chapter 530 of the zoning code.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone a property located at 4654 Russell Avenue N from I1 to R1A.

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.

The property is located in the southern edge of the newly designated Humboldt Industrial Employment District (November 2006), and adjacent to an R1A single-family district to the south. The re-zoning request from I1 to R1A conforms to the Minneapolis Plan as outlined in Policies 9.5; 9.6; and 9.21 by blending with the surrounding single-family district. If the rezoning was approved, the existing railroad track will separate the industrial district from the residential district by a railroad track that is located just north of the subject property. Although the adopted employment district discourages re-zoning of parcels within its boundary, the subject property did not meet the boundary identification criteria for the industrial employment district. The criteria include that industrial lots are contiguous, significant in

area, and not contiguous with residential properties. The subject property is contiguous to residential property with an easement separation.

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

Because the property is located in the block that is designated as single-family district, it is more appropriate to bring the subject property consistent with the rest of the properties in the same block. The amendment is in the public interest and not solely in the interest of the property owner. Relocation of two single-family homes that blends with neighborhood character will further improve its stability.

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 property is located in the southern edge of Humboldt Industrial Employment District but also contiguous to properties zoned R1A in the same block. A 14-foot public alley located along the south lot line is an easement. As noted above, reclassification of this parcel will be consistent with other properties in the same block and compatible with existing uses of properties in the surrounding areas.

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 subject property is a vacant lot with a total area of 13,154 square feet. The lot area is not significant in size that would be viable for an industrial use when taking into account the interior circulation requirements of the zoning code. Planning staff believes that the rezoning request is reasonable and appropriate.

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 subject property was zoned as M1-2 Light Manufacturing District prior to the adoption of the 1999 zoning code. M1 was divided into four sub-districts based on lot area and bulk (FAR) control. It is unclear why the subject property was selected to differ with the residentially zone lots in the same city block, but staff believes it provided an area to buffer a more intense manufacturing use beyond the railroad tracks. When the zoning code was adopted in 1999, the site was zoned as I1 Light Industrial District consistent with previous zoning classification. The site has remained vacant for that duration. No other changes in zoning or in the type of development have occurred within this immediate area of Minneapolis since 1999 until the adoption of the Humboldt Industrial Employment District in November 2006, which included subject property within its boundary. Upon closer look at the employment district plan, the criteria for inclusion are not met in this instance.

MINOR SUBDIVISION: to create two lots for the purpose of relocating two existing dwelling units.

Required Findings:

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

The R1A District requires a minimum lot area of 5,000 square feet with 40 feet of frontage for single-family homes. The proposed subdivision is in conformance with the land subdivision regulations, the applicable regulations of R1A district including yard setbacks, maximum lot coverage, impervious surface coverage, and height restrictions within Shoreland Overlay District. The proposed relocation of two single-family dwelling units will also advance Policy 4.9 of the Minneapolis Plan.

- 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 proposed subdivision will create two lots that are suitable for single-family homes and also meet zoning code requirements in an R1A District. This proposal will complement the surrounding areas that are already single-family homes. No detriments to surrounding land uses, including congestion in the public street, are believed to result.

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

The two created lots can meet R1A district requirements for single-family dwelling units. Properties in the surrounding areas have residential units also built adjacent to the railroad tracks. Hazards mentioned above have not been known to occur in the neighborhood in the past. Staff believes that the proposed relocation of two single-family dwelling units will not be subjected to such hazards. The area is in a designated Shoreland Overlay District, but the site is flat in terrain and is not located within 50 feet of the ordinary high water mark as outlined in Section 551.470 of the zoning code.

- 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.**

Lots created of this subdivision are suitable for its proposed use with no significant alteration to grade lines and removal of vegetation. Basements will be excavated for each dwelling unit, but these will be made to comply with building and zoning codes. Driveway access for each unit will be provided through the rear alley and the public alley easement in compliance with Chapter 541 of the zoning code. This application is also reviewed by Preliminary Development Review (PDR) and the Capital Project Task Force (CPTF) to address the unpaved portion of the rear alley. Detached garages are not proposed and will not be constructed at this time. However, a hard surfaced parking area for each dwelling unit is required. The applicant will comply with this requirement by concreting the parking pads and driveway

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aprons of each lot. Staff will hold the minor subdivision resolution until the applicant provides proof that all CPTF recommendations are complied with and completed.

- 5. The subdivision makes adequate provision for storm or surface water 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 does not exceed the amount occurring prior to development.**

Existing utility and drainage provisions are adequate for the proposed dwelling units. The amount of stormwater runoff from these sites after development will not substantially exceed the amount occurring prior to development.

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 **approve** the petition to rezone the property of 4654 Russell Avenue N. from the I1 district to the R1A district.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision application for a property located at 4654 Russell Avenue N with the following conditions:

1. All driveway aprons and parking spaces shall be hard surfaced in compliance with Section 541.300 of the zoning code.
2. The city shall not release the minor subdivision resolution for recording and the lot shall not be split until recommendations from the Capital Projects Task Force (CPTF) are complied with and/or implemented by the applicant. The applicant has until March 26, 2008 to complete the CPTF recommendations and record the resolution or the minor subdivision approval will expire.
3. Staff review and approve final site plan prior to issuance of building permits.

Attachments:

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