

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances
BZZ-1861

Date: August 9, 2004

Applicant: Keypointe LLC

Address of Property: 15 West 61st Street

Project Name: Nicollet Manor

Contact Person and Phone: Lynne Swalchick, 952/851-3194

Planning Staff and Phone: Fred Neet, 612/673-3242

Date Application Deemed Complete: July 9, 2004

End of 60-Day Decision Period: September 7, 2004

End of 120-Day Decision Period: November 6, 2004

Ward: 11 **Neighborhood Organization:** Windom Community Council

Existing Zoning: R5

Zoning Plate Number: 37

Proposed Use: 31-unit apartment building (add a basement unit to existing 30-unit building)

Concurrent Review: conditional use permit (CUP) to increase the number of residential units from 30 to 31; variance to reduce the required lot area from 900 (810 with existing CUP) to 782 square feet; variance to allow parking within 40 feet of a residential front yard.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX, Variances, specifically (2) and (1).

Background:

Nicollet Manor seeks to convert its “party room,” which is no longer used, to a 31st apartment. The “party room” is in the basement, and already has a complete bathroom, kitchen, air conditioning, and escape window. 31 parking spaces are required and provided, including 2 handicapped spaces. 4 bicycle racks are also provided. Landscaping along public streets will be enhanced to meet code requirements.

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The property was rezoned from B3S to R5 in 1968, with a lot area requirement reduced by 10% from 900 square feet per unit to 810. Constructed in 1969, the building has 12 two-bedroom, 15 one-bedroom, and 3 (to be increased to 4) efficiency units.

Nicollet Avenue is designated a Community Corridor which encourages medium-density residential, pedestrian-character, and transit use. Nicollet Avenue is also a transit corridor. A Neighborhood Commercial node is one block to the north. Medium- and low-density residential are south, east, west, and northwest. Commercial uses are north, and an industrial district is further to the west.

CONDITIONAL USE PERMIT

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

Converting underutilized space to an additional residential unit in the basement of an existing building should have no effect on these public values with the positive exception of provision for handicapped parking.

- 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.**

No discernible effect should result from the additional unit. Additional landscaping and screening will have a positive effect on the streetscape and surrounding uses.

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

Infrastructure and curbing is fully provided.

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

The curb cut remains the same, and both off-street parking and bicycle racks are provided.

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

- 4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.
- 4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.
- 4.9 Minneapolis will grow by increasing its supply of housing.
- 4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.
- 4.11 Minneapolis will improve the availability of housing options for its residents.
- 4.12 Minneapolis will reasonably accommodate the housing needs of all of its citizens.
- 4.14 Minneapolis will maintain the quality and unique character of the city's housing stock, thus maintaining the character of the vast majority of residential blocks in the city.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

Parking area requirements including landscaping, screening, and curbing will be met.

VARIANCES

Findings as Required by the Minneapolis Zoning Code for the Variance:

- A: reduce the lot area requirement from 900 square feet to 782;
- B: allow parking within 40 feet of a residential front yard.

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.

- A: 30 apartments is a reasonable use, as is 31 units. A requirement to maintain an unused space would be a hardship for a revenue-producing property.
- B: The existing parking area will not expand, and is required by the zoning code for the use permitted.

2. The circumstances are unique to the parcel of land for which the variances are 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 reverse corner imposes two front-yard requirements and was created by the City long before current ownership purchased the property in 2001.

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- 3. The granting of the variances 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.**

No alterations to the exterior of the structure, including entrances, are proposed, and no adverse effects will result.

- 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.**

Neither the additional basement unit nor continuation of the existing parking area will have any impact on congestion or public safety and will not increase the danger of fire.

RECOMMENDATIONS

CONDITIONAL USE PERMIT

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to increase the number of dwelling units from 30 to 31 at 15 West 61st Street.

VARIANCES

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the application to reduce the lot area requirement from 900 to 782 square feet per dwelling unit and to allow parking within 40 feet of a residential front yard.

Attachments:

1. Zoning map
2. Statements of use
3. Findings
4. Correspondence
6. Plans
7. Photos