

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variance
BZZ-3421

Date: March 26, 2007

Applicant: Diversified Equities Corporation

Address of Property: 114 5th Street SE.

Project Name: Additional four dwelling units to an existing 50-unit structure

Contact Person and Phone: Jon Dickerson, 612-378-1085

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

Date Application Deemed Complete: February 28, 2007

End of 60-Day Decision Period: April 29, 2007

End of 120-Day Decision Period: Not applicable

Ward: 3 **Neighborhood Organization:** Marcy Holmes, and Nicollet Island East Bank

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 14

Legal Description: Not applicable for this application.

Proposed Use: Not applicable for this application.

Appropriate Section(s) of the Zoning Code: Chapter 548 Article II – Neighborhood Corridor Commercial District; and Chapter 551 Article II – Pedestrian Oriented Overlay District. Section 548.280 Lot Dimension Requirements.

Background: Diversified Equities Corporation, represented by Jon Dickerson, owns a six-story multiple-family structure with fifty affordable dwelling units for senior citizens located at 114 5th Street SE. Four new dwelling units on the ground floor (3,044 square feet total in floor area) are proposed to replace the space occupied by a commercial, community room, and an office on the ground floor. The new dwelling units (3 one-bedrooms and 1 two-bedroom) will be rented out at market rates. Three units will face the interior lot and one unit will face Central Avenue. They will use the same entrance as the rest of the existing residential units as well as from the second entrance used to access an office used by the applicant. The building of 50 dwelling units was approved as a mixed use with commercial and

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office units in 1982 (V-1729), including a total of 62 parking spaces, 26 being in the basement level, when it was zoned as B3C-4. The property was re-classified as C2 District after the 1999 zoning code adoption. The property is also in a PO Overlay District. Without the commercial and an office space in the building, it allows the allocated parking spaces to become available for use by future tenants and caregivers who provide services in the building. There are 6 parking spaces for bicycles provided. C2 District allows up to 4 stories or 56 feet in height, whichever is less; but the height of an existing six-story structure is deemed to have a conditional use permit. Existing FAR of 1.47 is below the maximum allowable of 1.7 in C2 District. Using Table 548-5 Residential Lot Dimension Requirements of the C2 District at 900 square feet per dwelling unit for minimum lot area, a lot area of 48,600 square feet is required for 54 dwelling units. The site is only 39,456 square feet in area. Thus, the applicant is also requesting a lot area variance of 9,144 square feet or approximately 19 percent reduction. No expansion to existing structure is proposed, but new windows will be added to accommodate the new units. A four foot decorative fence of less than 60% opacity will be installed on the southeast corner of the property between the building and the ramp.

At the time of writing this staff report, no comments were received from the neighborhood associations. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE: to allow the addition of four dwelling unit to an existing 50-unit multi-family structure located at 114 5th Street SE.

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 four (4) dwelling units to an existing 50-unit multiple-family structure at 114 5th Street SE:

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

Multiple-family dwelling of 5 or more units will require a conditional use permit in C2 district. The four dwelling units proposed on the ground floor of an existing residential structure will not endanger the public health, safety, comfort or general welfare of the surroundings, provided it meets all building code requirements. Appropriate windows will be added to its east elevation to accommodate the new four dwelling units. Some portions of existing window and door will be enclosed to match window patterns. No major change in or expansion of the existing structure is proposed, except all window bays will be replaced with new energy-efficient windows with compatible exterior cladding.

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 is fully developed with high-density residential units to the east and businesses to the north, south and across Central Avenue to the west. There is no evidence that

the proposed addition will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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

The site is served by existing infrastructure, and deemed adequate even with the addition of four new dwelling units. The facility has 62 parking spaces (26 basement and 36 surface) available for its residents and employees to the applicant. At one parking space per dwelling unit required by code, the facility exceeded the required 54 parking spaces. The facility is occupied mostly by elderly and disabled senior citizens, who depend on caretakers to come to them to provide services, and may not have vehicles themselves.

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

Adequate surface and basement parking are provided. The access to the basement parking is through 5th Street SE which is mostly residential traffic, while the surface parking is accessed both from Central Avenue and 5th Street SE. An alley connecting the surface parking to the west and the property to the south will be maintained and kept open. The four new dwelling units may generate traffic, but this can not be significant as to impact the main corridor. Central Avenue is a designated Community Corridor which can carry a range of traffic volume up to 15,000 average annual daily traffic (AADT).

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

The proposed additional units will increase housing availability in the neighborhood. This increase is consistent with Policy 4.9 as outlined in *The Minneapolis Plan*. Central Avenue is also a designated Community Corridor in the Land Use Policy Map, which supports residential uses with intermittent commercial uses that serve the immediate neighborhood. Further, the property is located within the boundary of an established Activity Center which promotes medium and high density residential uses to support the mix of uses within the larger boundaries of an activity center. The additional dwelling units as proposed increase housing availability and support the goals of Marcy-Holmes Neighborhood Master Plan approved in December, 2003.

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.

The conditional use permit allowing 4 additional dwelling units to an existing 50-unit structure at 114 5th Street SE conforms to applicable regulations of C2 District, except for minimum lot area requirement. The applicant is requesting a variance for this deficiency. In a C2 district, structure height is restricted to 4 stories or 56 feet, whichever is less. The existing structure, granted approval in 1982 as a six-story mixed-use, is deemed to have conditional use permit under the 1963 zoning code. Existing parking area abutting the property line along 5th Street SE triggers on-site landscaping requirement under Design and Maintenance of Chapter 541 and the parking and loading landscaping and screening standards of Chapter 530. This surface parking is paved right up to the lot line along 5th Street SE, and there is a 5-foot green space between this lot line and the public sidewalk. Staff feels that it is not practical to remove parking spaces to comply with landscaping requirements of Section 530.170 when reasonable amount of landscaping and screening can be accommodated within the green spaces. Therefore, as a

condition of approval, staff recommends additional shrubs/hedge within the green spaces enough in height to screen the parking area, or the installation of a decorative fence that could meet the 95 percent opacity requirement for screening of the code along both Central Avenue and 5th Street SE. A new 4 foot wrought iron fence will be installed in the southeast corner of the structure to where the ramp is located for added privacy.

VARIANCE: for minimum lot area requirement stipulated in Table 548-5 Residential Lot Dimension Requirements in the C2 District.

Findings Required by the Minneapolis Zoning Code:

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.**
The property is an existing 50-unit multi-family structure in a 39,456 square foot lot in a C2 district. Under the C2 district regulation, a 54 unit building will require a minimum lot area of 48,600 square feet. Thus, a variance of 9,144 square feet reduction (about 19%) is requested. The new four units proposed will replace the spaced that was occupied as commercial, office and a community room. The applicant bases hardship on spaces that have remained vacant and unoccupied for many years. Conversion of this space for additional dwelling units will provide more housing opportunity advanced by the Minneapolis Plan. Staff believes that the variance request is reasonable and within the conditions of Section 525.520(2) of the zoning code.
2. **The circumstances are unique to the parcel of land for which the variance is 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 property was re-classified from B3C-4 into C2 designation after the zoning code was adopted in 1999. Under current zoning designation, the structure will not meet the minimum lot area and maximum height requirements. The applicant did not create this circumstance and is unique to the property for which the variance is sought. Staff believes the variance request is reasonable.
3. **The granting of the variance 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.**
The requested minimum lot area variance of 9,144 square feet (19% reduction from the required 48,600 square feet) is under the permissible 30% as stipulated in Section 525.520 of the zoning code. There are no changes to the structure and parking configurations. New additions will be confined within an existing structure in the areas occupied by commercial, community room, and office. Staff believes the variance request, if approved, will be in keeping with the spirit and intent of the C2 district and will not alter the essential character of the surrounding area. The result of this conversion may include reduction of traffic volume that was previously generated by a commercial and office use.

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.**

Staff believes that the proposed variance will not pose any danger or hazards stated above. Adequate parking is provided and the area is well served by public transportation and commercial services.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow the addition of four dwelling units on the ground floor of an existing 50-unit multiple-family structure located at 114 5th Street SE subject to the following conditions:

1. Landscaping and screening as required by section 530.170 of the zoning code shall be provided between the parking lot and the public sidewalks along 5th Street SE. Existing green spaces may be utilized to provide landscaping and screening not less than five feet in width along 5th Street SE. Landscaping and screening is also required in a space not less than seven feet in width along Central Avenue.
2. Staff review and approval of site plan prior to issuance of building permits.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area from 48,600 square feet to 39,456 square feet (approximately 19% reduction) for the property at 114 5th Street SE.

Attachments:

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