

**Department of Community Planning and Economic Development – Planning
Division
Rezoning and Variances
BZZ-4453
Preliminary and Final Plat
PL-236**

Date: July 27, 2009

Applicant: American Indian Community Development Corporation (AICDC), Attn: Jason Bresette, 1404 Franklin Avenue East, Minneapolis, MN 55404, (612) 813-1610

Addresses of Property: 1401 East 21st Street, 1408 East 22nd Street, 2111, 2115, 2117, 2119, and 2121 14th Avenue South

Project Name: Pokegama North

Contact Person and Phone: American Indian Community Development Corporation (AICDC), Attn: Jason Bresette, 1404 Franklin Avenue East, Minneapolis, MN 55404, (612) 813-1610

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

Date Application Deemed Complete: June 30, 2009

End of 60-Day Decision Period: August 28, 2009

End of 120-Day Decision Period: On July 14, 2009, Staff sent the applicant a letter extending the decision period to no later than October 27, 2009.

Ward: 6 **Neighborhood Organization:** Ventura Village

Existing Zoning: R2B (Two-family) district and R4 (Multiple-family) district, NP (North Phillips Overlay) District

Proposed Zoning: R4 (Multiple-family) district

Zoning Plate Number: 21

Lot area: 20,066 square feet or approximately .46 acres

Legal Description: 2121 14th Avenue South: Lot 6, Block 7 and the West 40 feet, Eliot's Addition to Minneapolis.

Proposed Use: Create three lots for future single-family home development.

Concurrent Review:

- Petition to rezone a portion of the subject property (2121 14th Avenue South) from the R2B (Two-family) district to the R4 (Multiple-family) district;
- Variance to reduce the minimum lot width requirement for Lot 1, proposed as part of the plat;
- Variance to reduce the required corner side yard setback along the west property line adjacent to 14th Avenue South from 8 feet to approximately 4 feet for a proposed single family home within Lot 1 of the proposed plat;
- Preliminary and Final Plat to create three lots for future single-family home development.

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

Background: The applicant proposes to replat the subject properties into three lots in order to construct three single-family homes. With the exception of the property located at 2121 14th Avenue South which is zoned R2B (Two-family district), the remaining properties are zoned R4 (Multiple-family district). All properties are located in the North Phillips (NP) Overlay District which was established to create additional housing, to promote home ownership and to allow a variety of housing types, costs and arrangements. Based on the proposed configuration of the newly created lots, a rezoning is necessary for the 2121 14th Avenue South parcel as Section 598.230(1)b states that a subdivision shall not result in more than one zoning classification on a single lot. Additionally, variances are required in order to develop Lot 1 of the proposed subdivision as the lot is unable to meet the minimum lot width requirement of 50 feet for a lot which does not abut an alley (Section 598.240(2)a). Further, plans submitted for the single-family homes indicate a need to vary the corner side yard setback for Lot 1 as the structure would encroach approximately 4 feet into the required yard. It is important to note that the proposed single-family homes will require a separate administrative site plan review prior to building permit issuance. A preliminary and final plat to create the three proposed lots for future single-family home development is also addressed within the staff report. As proposed, Lot 1 would be 5,130 square feet in size, Lot 2 would be 7,468 square feet in size and Lot 3 would be 7,468 square feet size.

The proposal consists of three single-family units of affordable housing for homebuyers at or less than 50-60 percent AMI. Each residential structure would include three bedrooms, a kitchen, dining room, living room, full basement and two bathrooms. Each structure would also have a front porch and detached garage.

The City Attorney's office has indicated that it appears that the required monuments have been placed and that the required affirmations are stated on the face of the plat. It is the opinion of the City Attorney's Office that the plat is satisfactory and meets statutory requirements. Public Works has also reviewed the plat and deemed it satisfactory. Please see the attachments.

A former proposal for the site that did not include the 2121 14th Avenue South property (BZZ-3241 and PL-206) was approved by the Planning Commission on November 13, 2006. The project received approvals for the following land use applications: (1) a rezoning of the subject parcels to the R4 district; (2) a conditional use permit for a cluster development consisting of six single-family units; (3) a conditional use permit to increase the maximum permitted height from 2.5 stories or 35 feet to 3 stories or 32 feet, 4 inches; (4) a variance of the front yard adjacent to along East 22nd Street; (5) a variance of the front yard along 14th Avenue South; (6) a variance of the front yard along East 21st Street; (7) interior side yard variances along the east property lines; (8) variance of the required maneuvering area adjacent to 14th Avenue South; (9) a preliminary and final plat; and (10) site plan review.

Staff has not received correspondence from Ventura Village or any neighborhood letters prior to the printing of this report.

REZONING – for 2121 14th Avenue South

Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:

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

The subject property, proposed to be rezoned in order to be consistent with the zoning of the other properties that the development is comprised of, is located approximately two blocks off of Bloomington Avenue which is a designated Community Corridor and two blocks off of Franklin Avenue which is a designated Commercial Corridor. The following policies are relevant to the proposed development.

4.9 Minneapolis will grow by increasing its supply of housing.

Implementation Steps:

- Support the development of infill housing on vacant lots.

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

Implementation Steps:

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

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

The project would result in the construction of three single-family homes within close proximity to a Community Corridor and a Commercial Corridor.

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

The amendment would be in the interest of both the property owner as well as in the public interest insofar as it would allow a substandard property just over 2,000 square feet in size to be rezoned and then replatted into a lot that meets City standards. As previously mentioned, this singular parcel is the only parcel proposed as part of the development that is not zoned R4, and in order to replat the property as proposed, all parcels must share the same zoning classification.

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 two blocks off of both Bloomington Avenue which is a designated Community Corridor, and Franklin Avenue which is a designated Commercial Corridor. There is a mixture of uses and zoning classifications within the immediate vicinity. The subject property is the only remaining parcel proposed to be included in the development and on this portion of the block that is zoned R2B. To the north of the site the properties are zoned R4 and R2B; to the west predominantly R4 zoning; to the east R2B zoning and to the south OR2 zoning. Given the surrounding zoning classifications and uses in the area, Staff believes that the R4 zoning district would be appropriate and compatible 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.

There are reasonable uses of the property permitted under the existing R2B zoning classification as either a single family or two-family dwelling unit. Single and two-family dwelling units are allowed under the R4 zoning classification as well. The purpose of the proposal in this specific circumstance is to rezone a singular property which is part of a larger development, to a zoning classification that is consistent with the remainder of the properties. Staff believes it is an appropriate and reasonable request. 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.

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 properties were zoned R2B. There has been an ongoing change in the character and trend of development within the general area. Staff believes that the rezoning request is reasonable, appropriate and is consistent with adopted policy.

VARIANCE – (1) Variance to reduce the minimum lot width requirement for Lot 1, proposed as part of the plat from 50 feet to 38.40 feet; (2) Variance to reduce the required corner side yard setback along the west property line adjacent to 14th Avenue South from 8 feet to approximately 4 feet for a proposed single family home within Lot 1 of the proposed plat.

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

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.

Variance of the minimum lot width requirement for Lot 1: The property could likely not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning code would cause undue hardship. Typically, the minimum lot width requirement for a single or two-family dwelling in the R4 district is 40 feet. Due to the fact that the proposed lots do not abut an alley, the minimum lot width must be increased by an additional 10 feet. Therefore all lots within the proposed subdivision require a minimum lot width of 50 feet. Two of the three lots comply with this requirement as Lots 2 and 3 are proposed to be 55.90 feet wide. However, Lot 1 is proposed to be 38.40 feet wide and therefore a variance is required. Staff believes that unless the variance is granted, there is likely no reasonable use or potential way to develop the proposed lot which is currently vacant. Further, prior to the property being replatted as part of the previous proposal as a cluster development, the proposed lot existed in nearly the same configuration and at one time a residential structure occupied the site.

Variance of the corner side yard for Lot 1: The property could likely be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning code would cause undue hardship. The proposed lot requiring the corner side yard setback variance is a narrow lot which has frontage on two public streets. The proposed structure is only 26 feet in width. In order for the proposed single-family dwelling to be compliant with the required corner side yard setback, the width of the structure would need to be reduced, and likely the 2-story architectural projection in the west building wall containing windows would need to be removed. The 2.5 story home

has been designed to complement existing structures in the area. The proposed setback reduction from 8 feet to approximately 4 feet would still maintain the character of the existing area and it is likely that due to the limitations of the parcel, that any proposed development on the site would require setback variances.

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.

Variance of the minimum lot width requirement for Lot 1: The circumstances could be considered unique to the parcel of land for which the variance is being sought as there are site limitations due to the fact that the overall site is irregularly shaped and is located along 3 frontages. Further, Staff believes that unless the variance is granted, there is likely no reasonable use or potential way to develop the proposed lot which is currently vacant. Additionally, the structure as proposed meets the minimum 22 foot width requirements but is modestly sized at 26 feet.

Variance of the corner side yard for Lot 1: The circumstances could be considered unique as the property has frontage on two public streets and is therefore subject to a front yard setback as well as a corner side yard setback requirement. Further, the overall configuration of the site is unique and the proposed configuration of the lots is likely the ideal arrangement. The proposed lot requiring the corner side yard setback variance is a narrow lot which has frontage on two public streets. The proposed structure is only 26 feet in width. In order for the proposed single-family dwelling to be compliant with the required corner side yard setback, the width of the structure would need to be reduced, and likely the 2-story architectural projection in the west building wall containing windows would need to be removed. The 2.5 story home has been designed to complement existing structures in the area. The proposed setback reduction would still maintain the character of the existing area and it is likely that due to the limitations of the parcel, it is likely that any proposed development on the site would require setback variances. Additionally, the structure as proposed meets the minimum 22 foot width requirement but is modestly sized at 26 feet.

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.

Variance of the minimum lot width requirement for Lot 1: The granting of a variance to allow a reduction in the minimum lot width requirement for one of the lots within the proposed subdivision would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Staff believes that unless the variance is granted, there is likely no reasonable use or potential way to develop the proposed lot which is currently vacant. Further, prior to the property being

replatted as part of the previous proposal as a cluster development, the proposed lot existed in nearly the same configuration and at one time a residential structure occupied the site.

Variance of the corner side yard for Lot 1: Granting a corner side yard setback variance for one of the lots within the proposed subdivision would likely be in keeping with the spirit and the intent of the ordinance. Further, granting the corner side yard setback variance for a new single-family home would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed setback reduction would still maintain the character of the existing area and it is likely that due to the limitations of the parcel, that any proposed development on the site would require setback variances.

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.

Variance of the minimum lot width requirement for Lot 1: The proposed variance to allow a decrease in the minimum lot width requirement for a single lot within the proposed 3 lot subdivision would likely have no impact on the congestion of public streets, increased danger of fire, be detrimental to the public welfare or endanger the public safety.

Variance of the corner side yard for Lot 1: Staff believes that the granting of the corner side yard variance would likely have no impact on the congestion of public streets, increased danger of fire, be detrimental to the public welfare or endanger the public safety.

PRELIMINARY AND FINAL PLAT –

Required Findings:

1. Subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230(5), which requires utility easements to be 5 feet wide on side lot lines and 10 feet wide on rear lot lines, where no alley is provided and Section 598.240(2)a, which requires that lot width be increased by 10 feet when an alley is not provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230(5) and 598.240(2) is required. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The site would be a fully developed property with three new single-family homes should the land use applications be approved. Based on the design of the subdivision and the fact that the location of the existing drainage and utilities would not match the required easement locations and are not necessary, Staff recommends granting the variance.

The purpose of the lot width requirement is to provide room for driveways on lots where there is no alley access. Lot widths are required to be increased to allow for a driveway on the side of a proposed house. Based on the configuration of the lot, and the fact that the property has frontage on two public streets, with access to the subject parcel off of the corner side yard, it is unnecessary to require the 10 additional feet. Further, it would be a hardship to require strict adherence to this standard and the granting of the lot width variance should have little if any affect on the surrounding properties.

ZONING CODE

With the approval of the rezoning, variances, preliminary and final plat as well as approval for the proposed single-family homes via administrative site plan review, this development would meet the applicable requirements of the R4 zoning district.

THE MINNEAPOLIS PLAN

See the above listed response to finding #1 in the rezoning application.

2. 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 plat will create three lots for future single-family home development. Staff does not believe that the proposed plat for three single-family lots would be injurious to the use and enjoyment of surrounding property nor be detrimental to present and potential surrounding land uses, nor add any congestion in the public streets.

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

The site is predominately flat and does not present the above hazards.

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.

The lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

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 will not exceed the amount occurring prior to development.

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

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 rezoning petition to change the zoning classification of the property located at 2121 14th Avenue South from the R2B district to the R4 district.

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 application for a variance to reduce the minimum lot width requirement for Lot 1, proposed as part of the subdivision for the properties located at 1401 East 21st Street, 1408 East 22nd Street, 2111, 2115, 2117, 2119, and 2121 14th Avenue South.

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 application for a variance to reduce the required corner side yard setback along the west property line adjacent to 14th Avenue South from 8 feet to approximately 4 feet for a proposed single family home within Lot 1 of the proposed subdivision for the properties located at 1401 East 21st Street, 1408 East 22nd Street, 2111, 2115, 2117, 2119, and 2121 14th Avenue South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary and final plat:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat application, including variances of the drainage and utility easements and minimum lot width, for the properties located at 1401 East 21st Street, 1408 East 22nd Street, 2111, 2115, 2117, 2119, and 2121 14th Avenue South.

Attachments:

1. Rezoning Matrix
2. Statement of use / description of the project
3. Findings –variances
4. Correspondence
5. Zoning map
6. Plans – Preliminary and final plat, site plan, elevations, floor plans
7. Photos
8. Aerial photo