

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning  
BZZ-5196

**Date:** August 1, 2011

**Applicant:** Eric Utne

**Address of Property:** 4259 Linden Hills Boulevard

**Project Name:** 4259 Linden Hills Boulevard Rezoning

**Contact Person and Phone:** Eric Utne, (612) 922-2211

**Planning Staff and Phone:** Aly Pennucci, (612) 673-5342

**Date Application Deemed Complete:** June 13, 2011

**End of 60-Day Decision Period:** August 11, 2011

**End of 120-Day Decision Period:** October 10, 2011 (*Extension letter sent July 19, 2011*)

**Ward:** 13      **Neighborhood Organization:** Linden Hills Neighborhood Council

**Existing Zoning:** R1 Single Family District, SH Shoreland Overlay District

**Proposed Zoning:** R3 Multiple Family District, SH Shoreland Overlay District

**Zoning Plate Number:** 29

**Legal Description:** FIRST DIVISION OF REMINGTON PARK, THAT PART OF LOT 18 AND OF THE SWLY 5 FT OF LOT 19 LYING NWLY OF THE SELY 45 FT THEREOF LOTS 18 AND 19

**Proposed Use:** A three-unit, multiple-family dwelling

**Rezoning Petition:** change the zoning classification from R1 Single Family District to R3 Multiple Family District to allow for the legal conversion of a two-family dwelling to a three-unit, multiple-family dwelling.

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, Chapter 546 Residence Districts

**Background and Analysis:** The subject property is a corner lot and is approximately 7,060 sq. ft. The first building permit on the property was to allow for a 37 ft. by 45 ft. two-family dwelling in 1908. In 1987, a permit was issued to install a bathroom, bar sink and insulate the third floor of the existing

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structure. The description of the work to be done specifies that the third floor is “existing living space – used as part of 2<sup>nd</sup> floor dwelling w/2 existing stairways.” The building inspector noted the following after the final inspection for that permit: “3<sup>rd</sup> floor is used by 2<sup>nd</sup> floor tenants but is designed for an easy change to 3<sup>rd</sup> unit! as per plan.” [sic]

From 1924, the first year the City of Minneapolis had a codified zoning ordinance, to 1963, the property was zoned Residence District. A two-family dwelling was a permitted use at the time of the building’s construction in 1908 through 1963 but was nonconforming to the minimum lot area requirement specified in the 1924 zoning ordinance. A three-unit multiple-family dwelling was a prohibited use. The property was rezoned to R1 Single-Family Residence District in 1963 with the adoption of the new zoning ordinance, making the existing two-family dwelling a legal, non-conforming use. The property has been continuously zoned R1 Single-Family District since 1963. A three-unit multiple-family dwelling is a prohibited use in the R1 District.

The present use of the property is a three-unit, multiple-family dwelling. City records indicate that the legal use of the property is a two-family dwelling. The applicant is petitioning to rezone the property from R1 Single-Family District to R3 Multiple Family District to allow for the legal conversion of a two-family dwelling to a three-unit, multiple family dwelling. The subject property exceeds the minimum lot area required to allow for the conversion from a two-family dwelling to a three-unit dwelling in the R3 District and meets the minimum off-street parking requirement of three parking spaces. If the petition to rezone the property is approved, the applicant will be required to obtain building permits to legally convert the use from a two-family to a three-unit, multiple-family dwelling and meet current applicable codes.

Staff has received a letter of support from the Linden Hills Neighborhood Council and a letter of support from neighboring property owners. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

## **REZONING**

### **Findings as Required By the Minneapolis Zoning Code:**

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

The subject property’s existing land use classification is low-density housing, which is classified as residential dwellings with less than 20 dwelling units/acre. The proposed use is consistent at eighteen dwelling units per acre. The property is designated *Urban Neighborhood* on the future land use map of the comprehensive plan.

The 43rd St W & Sheridan/Upton Ave S (Linden Hills) neighborhood commercial node is approximately 1.5 blocks southwest (approximately 300 feet) from the subject property. The urban neighborhood classification is predominately a residential area with a range of densities; the neighborhood commercial designation allows for a mix of uses and high density (50-120 du/acre), transitioning down to medium density in surrounding areas.

- a. **According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the rezoning:**

**Policy 1.8: 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.**

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.
- 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.

**Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.**

- 1.11.6 Encourage the development of medium-density housing immediately adjacent to Neighborhood Commercial

**Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.**

- 3.6.4 Provide and maintain moderate and high-density residential areas, as well as areas that are predominantly developed with single and two family structures.

*Staff comment:* The surrounding area has a range of residential densities from single-family to multiple-family with 32 dwelling units. Several properties in the surrounding R1 district are legal, nonconforming two- and three-family dwellings. Properties across the street (south of the subject site), are zoned R4 Multiple-family district. The proposed use will occur within the existing structure. The applicant is not intending to demolish, remodel or add on to the existing structure to allow for the legalization of one additional dwelling unit. The proposed rezoning is consistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

**b. Consistency with plans:**

This property is not located within a study area governed by additional small area or master plans.

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

The amendment is primarily in the interest of the property owner. However, the surrounding area has a range of residential densities from single-family dwellings to multiple family dwellings, up to 32 dwelling units. The proposed use will occur within the existing structure. The applicant is not intending to demolish, remodel or add on to the existing structure. Further, the applicant has stated that the additional dwelling unit existed as the maid's quarters in the building since the building was

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constructed; staff could not find records of this. In addition, the subject property is located within the SH Shoreland Overlay District, which restricts the maximum height to two and a one-half stories or thirty five feet (35), whichever is less. If the R3 District is approved, the property owner could demolish the existing structure and build up to four dwelling units, based on the density allowed in the R3 District of 1,500 square feet of lot area per dwelling.

- 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.**

There is a range of zoning classifications in the area. The properties nearest Lake Harriet and north of the subject site are zoned R1 Single-Family District. The zoning classifications increase in residential density moving southwest to R2 Two-Family District, then to R4, R5 and R6 Multiple Family District and finally to commercial and high-density office residence at the center of the neighborhood commercial node. There are a mix of uses in the area, including single-family dwellings with a mix of legally nonconforming two and three-family dwellings in the R1 district, medium and high-density residential uses and commercial uses. A medium-density district on this property would serve as a transition between the high density district to the south and the low density districts to the north. If the R3 District is approved, the property owner could demolish the existing structure and build up to four dwelling units, based on the density allowed in the R3 District of 1,500 square feet of lot area per dwelling.

- 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 structure is currently being used as a three-unit, multiple-family dwelling, although the legal use of the property is a two-family dwelling. The R3 Multiple-Family District is established to provide for an environment of predominantly single and two-family dwellings, cluster developments and smaller multiple-family dwellings on lots with a minimum lot area of 5,000 sq. ft. and at least 1,500 sq. ft. of lot area per dwelling unit. The proposed use of three dwelling units will be located on a lot of 7,060 sq. ft. and the density is 2,353 sq. ft. of lot area per dwelling. There are a mix of uses in the area, including single and two-family uses, medium and high-density residential and commercial uses. The proposed use will occur within the existing structure. The applicant is not intending to demolish, remodel or add on to the existing structure to allow for the one additional dwelling unit. Staff feels as though there is reasonable use of this property as either a two- or three-unit dwelling permitted by the proposed zoning classification.

- 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.**

From 1924, the first year the City of Minneapolis had a codified zoning ordinance, to 1963, the property was zoned Residence District. Single- and two-family dwellings were the only permitted

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residential uses in this district. The property was rezoned to R1 Single-Family District in 1963 with the adoption of the new zoning ordinance. The property has been continuously zoned R1 Single-Family District since 1963. Single-family dwellings are the only permitted residential use in this district.

The surrounding area has a mix uses, including single and two-family uses, medium and high-density residential and commercial uses. The character or trend in development of the area has not changed significantly since the property was placed in the R1 District. The proposed use will occur within the existing structure. Due to the proximity to the neighborhood commercial node and the mix of densities in the surrounding area staff believes that the proposed amendment will be in character and consistent within the surrounding area.

## **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 the change the zoning classification for the property located at 4259 Linden Hills Boulevard from R1 Single-Family District to R3 Multiple Family District to allow for the conversion from a two-family dwelling to a three-unit multiple family dwelling.

### **Attachments:**

- 1) Statement of use
- 2) Correspondence
- 3) Zoning map
- 4) Rezoning matrix
- 5) Plans
- 6) Photos