

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variance
BZZ-5365

Date: October 31, 2011

Applicant: Pete Degan, 222 Melbourne Avenue SE, Minneapolis, MN 55414, (612) 990-0335

Address of Property: 1409 5th Street SE

Project Name: 1409 5th Street SE

Contact Person and Phone: Pete Degan, 222 Melbourne Avenue SE, Minneapolis, MN 55414, (612) 990-0335

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

Date Application Deemed Complete: September 29, 2011

End of 60-Day Decision Period: November 27, 2011

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

Ward: 3 **Neighborhood Organization:** Marcy Holmes Neighborhood Association

Existing Zoning: R5 (Multiple-family) District, and UA (University Area) Overlay District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 15

Lot area: 10,816 square feet or approximately .25 acres

Legal Description: Not applicable for this development

Proposed Use: 6 unit building with a total of 11 bedrooms.

Concurrent Review:

- Amend a conditional use permit to expand the existing 6-unit, multi-family residential building by constructing a new 968 square foot addition on the property located at 1409 5th Street SE. Currently, there are 10 bedrooms in a total of 6 units and as proposed there would be 12 bedrooms in a total of 6 units. The property is located in the R5 district (Multiple-family) district and the UA (University Area) Overlay District.
- Variance of the interior side yard setback from 9 feet to 5 feet to allow the proposed addition. The proposed addition would include a 3 stall garage at the ground level with additional living space above that would be linked to an existing unit in the building.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, and Chapter 525, Article IX, Variances.

Background: The site is currently occupied by a 6-unit multi-family residential building, with a total of 10 bedrooms on the property located at 1409 5th Street SE. The property is zoned R5 and is located in the UA Overlay District. The applicant proposes to construct an addition that includes a 3 stall garage at the ground level totaling 759 square feet (33 feet by 23 feet) with an additional 968 square feet of living space located above which would be linked to the existing efficiency unit located in the building. Garages are allowed to be a maximum of 676 square feet or 10% of the lot, whichever is greater. The expansion of the 6-unit multi-family structure requires a conditional use permit. Further, the applicant proposes to vary the interior side yard setback along the west property line from 9 feet to 5 feet for the proposed addition.

Essentially, the breakdown of the existing building is as follows: 2 (1) bedroom units, 2 (2) bedroom units, 1 (3) bedroom unit, and 1 efficiency unit. Overall, there are 6 units with a total of 10 bedrooms and currently the site accommodates 12 parking spaces.

As proposed the addition would result in the elimination of the efficiency unit as two bedrooms and a living room would be added to this unit resulting in another 3 bedroom unit within the building. Therefore, the overall breakdown of the building with the proposed addition would be as follows: 2 (1) bedroom units, 2 (2) bedroom units, 2 (3) bedroom units. Overall, the unit count remains unchanged at 6 units; however, there would be a total of 12 bedrooms.

The applicant has owned the structure for the past 18 years and has remodeled all units except the efficiency unit located in the building. The applicant has designed the addition to be somewhat of a carriage style design. The applicant has stated that quality materials/details would be included.

Staff has not received official correspondence from the Marcy Holmes Neighborhood Association prior to the printing of this report. All correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT – to allow an expansion of an existing 6 unit building

Findings as Required by the Minneapolis Zoning Code:

The Department of 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:

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

The Planning Division does not believe that allowing a building addition that encloses 3 parking spaces and results in expanding a small efficiency or 1 bedroom unit to a 3 bedroom unit would be detrimental to or endanger the public health, safety, comfort or general welfare. There are currently 6 dwelling units located on the premises; there would be no change in the number of units. The surrounding area includes many multiple-family buildings as well as offices uses, a variety of commercial establishments and residential developments of varying densities. The proposed expansion will not adversely affect the existing uses in the area.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not believe that an expansion allowing two additional bedrooms but no additional units would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or

orderly development and improvement of surrounding property. The proposed addition would complement the existing uses that surround the site both in form and function.

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

The applicant will continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

As for vehicular access, there is a single curb cut located off of 5th Street SE. The curb cut would be maintained with the proposed development and access would remain unchanged.

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

Typically, the R5 zoning district the zoning code requires 1 parking space per dwelling unit; however, the site is located in the University Area (UA) Overlay District. In the UA, the minimum off-street parking requirement for residential uses shall be 1/2 parking space per bedroom but not less than 1 space per dwelling unit. Based on the proposal of 6 units with 12 bedrooms, a minimum of 7 parking spaces would be required for the residential component. The breakdown is as follows: 2 (1) bedroom units, 2 parking spaces required; 2 (3) bedroom units, 3 parking spaces required; 2 (2) bedroom units, 2 parking spaces required.

While the submitted site plan shows 11 parking spaces, a total of 8 would be conforming with a slight reconfiguration of the site. Currently the parking spaces shown adjacent to the residential structure or on the south side of the site interferes with the proposed ingress/egress from the proposed garage stalls. This will not be permitted. The 4 surface stalls closest to the garage on the south side of the site will need to be adjusted to 1 space that is perpendicular to those shown. The perpendicular space must maintain a separation of 6 feet from the dwelling unit. Of the 8 conforming spaces, a total of 3 spaces would be located in the ground level of the garage, and 5 other spaces would be located in the surface parking lot. The proposal meets the minimum off-street parking requirement. Typically, the bicycle parking requirement for multiple-family dwellings with 5 units or more is one space per two dwelling units; however, the UA requires 1 bicycle parking space per bedroom. A total of 12 bicycle parking spaces shall be provided on the premises for the residents. All bicycle parking spaces shall meet the standards for long-term bicycle parking.

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

The site is located along 5th Street SE in an area designated as urban neighborhood just outside of the Dinkytown Activity Center and approximately 1 block off of 4th Street SE which is a designated Community Corridor in this location. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Department of Community Planning and Economic Development – Planning Division
BZZ-5365

Land Use Policy 1.2 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Urban Design Policy 10.4 of *The Minneapolis Plan for Sustainable Growth* states, “Support the development of residential dwellings that are of high quality design and compatible with surrounding development.” This policy includes the following applicable implementation steps: (10.4.1) “Maintain and strengthen the architectural character of the city's various residential neighborhoods.

Housing Policy 3.2 of *The Minneapolis Plan for Sustainable Growth* states, “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities. This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Housing Policy 3.6 of *The Minneapolis Plan for Sustainable Growth* states, “Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.”

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

There is one additional plan that must be considered when evaluating the proposal. The *Marcy Holmes Neighborhood Master Plan* was approved in 2003. The plan designates the site as multi-family on the future land use map. The subject site is located in the 15th Avenue redevelopment area that recommends converting lower quality residential to multi-family residential with a focus on student housing. The plan also recommends that any redevelopment meet the height limitations noted in the Zoning Code. The plan further recommends that housing demand should be focused to acceptable areas on the edges of the neighborhood. This is reinforced by the following policy: “Land to the river side of 4th Street SE and the blocks between 14th and 15th Avenues from Dinkytown to the railroad tracks may be considered for higher density multi-family housing development.

It is Planning Staff’s position that the proposal is in conformance with the adopted *Marcy Holmes Neighborhood Master Plan*.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

If all land use/zoning applications are approved, including the conditional use permit and variance, the proposal would appear to comply with all applicable provisions of the R5 District and the UA Overlay district standards. There are opportunities to provide some additional landscaping on site. The area west of the proposed addition should be sodded and shrub and tree plantings would appear practical in this location. Additionally, adjacent to the west property line where the dumpster is located and the north property line there is an opportunity for perimeter landscaping to be incorporated. Planning Staff will work directly with the applicant to accommodate the additional screening and greening on the property as appropriate.

VARIANCE – (1) of the interior side yard setback from 9 feet to 5 feet to allow the proposed addition.

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The proposed 2.5 story addition is subject to an interior side yard setback requirement of 9 feet (5+2x) along the west property line. The proposed addition abuts a surface parking lot located on the adjacent lot to the west. The adjacent building wall on the property to the west is located 10 feet from the property line, but as previously mentioned, the addition would abut the surface parking lot, not the building on site. The applicant is attempting to accommodate as much off-street parking as possible on the premises; shifting the structure to the east to comply with the required setback would impact the remaining surface parking stalls located on the premises. The other option of reducing the size of the garage would impact the functionality of the lower level of the garage as the current width is approximately 23 feet wide. Planning Staff believes that there are practical difficulties that exist in complying with the ordinance in this specific circumstance.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The proposal to reduce the interior side yard setback from 9 feet to 5 feet to allow an addition to the existing building that accommodates enclosed parking for 3 vehicles and also allows for the expansion of an existing dwelling unit in the building is reasonable and would be in keeping with the spirit and the intent of the ordinance and comprehensive plan.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The proposal to reduce the required setback from 9 feet to 5 feet in order to allow a 2.5 story addition would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal is contextually appropriate and is consistent with adopted city policies. The exterior materials on the proposed addition would consist of hardiboard lap siding and cedar shake siding is proposed in the gabled portion of the structure. Further, the applicant will work with Planning Staff to accommodate landscaping on the west and north sides of the property as appropriate.

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 application to expand the existing 6-unit, multi-family residential building by constructing a new 968 square foot addition on the property located at 1409 5th Street SE subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Department of Community Planning and Economic Development – Planning Division
BZZ-5365

2. A total of 12 bicycle parking spaces shall be provided on the premises that meet the standards for long term bicycle parking as outlined in Section 541.180 of the Zoning Code.
3. The dumpster shall be screened per Section 535.80 of the Zoning Code.
4. The parking lot shall be striped to meet the standards and provisions outlined in Chapter 541 of the Zoning Code as described above.
5. The proposed addition shall be composed of hardiboard lap siding and cedar shake siding materials.
6. The applicant shall sod the area between the proposed addition and the west property line. Shrubs and/or trees shall be incorporated into this area. Perimeter landscaping shall be provided along the west and north property lines.

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 application to reduce the interior side yard setback from 9 feet to 5 feet to allow the proposed addition on the property located at 1409 5th Street SE.

Attachments:

1. Statement of proposed use and description of the project
2. Findings
3. Correspondence
4. Zoning Map
5. Site plan, floor plans and elevations
6. Photographs of the site