

Department of Community Planning and Economic Development
Rezoning and Conditional Use Permit
BZZ-5887

Date: August 12, 2013

Applicant: Urban Homeworks, Inc., Attn: Russ Barclay, 2015 Emerson Avenue North, Minneapolis, MN 55411, (612)808-6507

Address of Property: 2015 Emerson Avenue North (2009 Emerson Avenue North)

Project Name: Urban Homeworks

Contact Person and Phone: Urban Homeworks, Inc., Attn: Russ Barclay, 2015 Emerson Avenue North, Minneapolis, MN 55411, (612)808-6507

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

Date Application Deemed Complete: July 1, 2013

End of 60-Day Decision Period: August 30, 2013

End of 120-Day Decision Period: On July 23, 2013, Staff sent a letter to the applicant extending the decision period to no later than October 29, 2013.

Ward: 5 & 3 **Neighborhood Organization:** Jordan Area Community Council and Hawthorne Area Community Council

Existing Zoning: R5 (Multiple-family) District, C1 (Neighborhood Commercial) District and WB (West Broadway) Overlay District

Proposed Zoning: C1 (Neighborhood Commercial) District maintaining the WB (West Broadway) Overlay District

Zoning Plate Number: 8

Lot area: 14,130 square feet or approximately .32 acres

Legal Description: The south 40 feet of Lot 4, Block 34, Highland Park Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Legalize an existing contractor's office.

Concurrent Review:

- Petition to rezone the property located at 2015 Emerson Avenue North from the R5 (Multiple-family) District to the C1 (Neighborhood Commercial) District. The parcel is currently split-zoned.
- Conditional Use Permit to legalize an existing contractor's office.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments and Article VII, Conditional Use Permits.

Department of Community Planning and Economic Development
BZZ-5887

Background: The applicant proposes to rezone the property located at 2015 Emerson Avenue North (2009 Emerson Avenue North) from the R5 (Multiple-family) District to the C1 (Neighborhood Commercial) District. The property is composed of two separate parcels under one tax identification number; as a result the property is currently split-zoned. The rezoning is proposed in order to legalize the current use of the property as a contractor's office which is not an allowable use in the R5 District. A contractor's office is a conditional use in the C1 district, however.

The applicant proposes additional modifications to the site in addition to the above-listed applications that are required in order to legalize the current use of the property. The portion of the property that is currently zoned C1 but is vacant is proposed to be developed as a "FLOW Park" which would provide green space and a place for members of the community to gather and engage in interactive arts with their neighbors. The applicant also proposes to demolish the existing detached garage structure located behind the existing building located on the property and reconstruct a new attached garage that would provide for storage associated with Urban Homework's contractor office. In addition, the applicant proposes to expand the off-street parking that is provided for staff and visitors at the rear of the property within a 14 space surface parking lot. The proposed garage would be an administrative approval should the rezoning and conditional use permit be approved. The proposed parking lot would be subject to all provisions applicable under the design and maintenance provisions outlined in Section 530.170 of the Zoning Code.

Staff has not received official correspondence from the Jordan Area Community Council, Hawthorne Area Community Council or any neighborhood letters prior to the printing of this report. Any correspondence received after the printing of this report shall be forwarded on to the Planning Commission for consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is designated as urban neighborhood and located along Emerson Avenue North which is a designated Community Corridor. As previously noted, the property consists of two separately platted lots under one tax identification number this is split zoned. The portion of the parcel proposed to be rezoned is the northerly lot which is two parcels removed from West Broadway, a designated Commercial Corridor. Fremont Avenue South is located one block to the west of the subject property and is also a designated Community Corridor.

According to *The Minneapolis Plan for Sustainable Growth*, urban neighborhoods are a "predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers." Areas designated as urban neighborhoods are not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density. "Community Corridors support new residential development from low- to high-density in specified areas, as well as increased housing diversity in neighborhoods. Community Corridors support limited commercial uses that are frequently concentrated in Neighborhood Commercial Nodes. Proposed

Department of Community Planning and Economic Development
BZZ-5887

commercial uses are evaluated according to their impacts on residential character.” The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 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 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.”

Land Use Policy 1.2 states, “Ensure appropriate transitions between uses with different size, scale, and intensity.”

Land Use Policy 1.3 states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.”

Land Use Policy 1.6 states, “Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.” This policy includes the following applicable implementation steps: (1.6.1) “Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas; and (1.6.2) “In parts of the city outside of designated corridors, nodes, and centers, limit territorial expansions of commercial uses and districts.”

Policy 1.9 states, “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.”

It is Staff’s position that the proposal to rezone the subject property from the R5 to C1 district is supported by the above listed policies and implementation steps in this specific circumstance due to the fact that the property is split zoned and the use, albeit illegally, currently exists on the property. Further, the site’s location along a Community Corridor and within close proximity to an adjacent Community Corridor to the west and Commercial Corridor to the south indicate the convergence of several land use policies that would support the request given the context.

There is one additional plan that must be considered when evaluating the proposal which is the *West Broadway Alive! Plan*. This plan was adopted by the City Council in March of 2008. The future land use of the subject parcel was anticipated as urban neighborhood at an urban scale (consisting of a development intensity of a row house/townhouse, small apartment and apartment) and was further identified in the plan as a Development Opportunity (likely to attract redevelopment interest at some point in the future).

It is Staff’s position that the proposed development is in general conformance with the adopted *West Broadway Alive! Plan*.

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

Department of Community Planning and Economic Development
BZZ-5887

A rezoning to unify the zoning of the subject parcel to the C1 district would be considered primarily in the interest of the property owner as it would allow the site to legally accommodate the existing use of the site as a contractor's office. The amendment could also be considered in the public interest as it would allow uses supported by adopted policies specific to Community Corridors.

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 subject site is located within an area that has commercial zoning classifications lining both sides of West Broadway (C1 and C2). There are also R2B, R4, R5 and OR2 zoning classifications within the broader vicinity. The uses within the area are varied and include various commercial, institutional and residential uses. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff finds that unifying the zoning on the property to the C1 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 allowed under the existing R5 zoning classification; however, adopted City policies supports C1 zoning along Community Corridors. In addition, the parcel is currently split zoned and unifying the underlying zoning would allow the illegal use of the site to be legalized. Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the properties.

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 B3S-3 (Central Service) District and the majority of surrounding properties to the north, south, east and west were zoned B1-2 (Office Residence) District, R6 (General Residence) District and B3S-3. In 2009 as part of the West Broadway Alive! rezoning study, much of the area was rezoned in order to achieve the long range vision for West Broadway by adjusting the regulatory framework. The two subject parcels were zoned C2, (as were all properties on this half of the block with the exception being the lot to the north of the subject site which was zoned R6). The subject parcels were downzoned to their current zoning designation of C1 and R5 at that time. There have been some piecemeal changes along the corridor and within the neighborhood relative to the character and trend of development in the general area; most recently with the construction of the new Minneapolis Public Schools (MPS) Educational Service Center building located approximately one block to the west from the subject site. The amendment to alter the existing zoning classification on the property will not adversely impact the positive transitions occurring in the area.

CONDITIONAL USE PERMIT – to legalize an existing contractor's office.

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

Department of Community Planning and Economic Development
BZZ-5887

The Minneapolis Department of Community Planning and Development, 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.

There is an existing illegal contractor's office that occupies the existing building located on a portion of the premises. The applicant proposes to legalize the use by rezoning the property and receiving approval for a conditional use permit. The applicant proposes to demolish the existing detached garage located on the premises, construct an attached garage in order to store materials for the contractor's office and construct a new surface parking lot. Staff concludes that the proposal would not prove detrimental to public safety, comfort or general welfare given the context of the uses in the immediate vicinity.

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 existing building located on the premises is a two-story building (that was once a residential structure) with a commercial single-story addition located along Emerson Avenue North. The proposal to legalize the existing contractor's office that operates out of the building would prove compatible with the surrounding uses and should not impede or have any impact on the normal and orderly development of the area. The use has existed within the building on-site for many years, and complements the other commercial and institutional uses within the immediate vicinity.

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

The current configuration of the site has no curb cuts off of Emerson Avenue North or any public streets. The site is accessed via the public alley located at the rear of the site. The applicant proposes to utilize the public alley to access the proposed 14 space surface parking lot.

The Public Works Department has not reviewed the preliminary plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of CPED and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required via the Preliminary Development Review (PDR) process or by the Public Works Department.

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

The request to allow the legalization of the existing contractor's office on the property would have no adverse impact on the off-street parking requirement. The applicant proposes a total of 14 spaces; between the minimum of 3 spaces and maximum of 26 spaces for the 5,297 square foot contractor's office. Adequate measures have been provided to minimize traffic congestion in the public streets. Further, the site is in close proximity to several existing transit lines that run along Emerson Avenue North, Fremont Avenue North and West Broadway.

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

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified apply to the condition use permit application as well.

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 rezoning request, relevant variances, and site plan review.

If the rezoning and conditional use permit is approved, the proposal would appear to comply with all applicable provisions of the C1 District and no conflicts exist with the WB Overlay District.

In addition, new parking lots are subject to the landscaping and screening provisions outlined in Section 530.170 of the Zoning Code. According to the applicant's landscaping plan there is 3,200 square feet of landscaping on the site or approximately 26% percent of the site not occupied by the building. The applicant is proposing to plant 14 deciduous canopy trees, 122 shrubs, and grasses on the site.

A seven-foot wide landscaped yard and screening equal to 95% opacity is required between the parking area and the north and west sides of the property. The applicant is providing an approximate 8 foot, 10 inch wide landscaped yard along the west property line adjacent to the public alley. The submitted plans indicate but do not show the layout of the proposed screening. The final plans shall be modified to comply with the screening and general landscaping requirements in this location. On the north side of the site, no landscaped yard is provided as the driveway access to the parking lot and to the proposed attached garage would be located at the property line. The applicant has confirmed that the location of the attached garage will be modified to comply with the required 7 foot wide yard; as a result, there would be ample room to accommodate a 7 foot wide landscaped yard by shifting the driveway access to the south as well. The final plans shall be modified to comply with the screening and general landscaping requirements in this location.

In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. All spaces comply with the proximity to tree requirement. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. No tree islands are proposed at this time.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development 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 2015 Emerson Avenue North (2009 Emerson Avenue North) from the R5 (Multiple-family) District to the C1 (Neighborhood Commercial) District.

Department of Community Planning and Economic Development
BZZ-5887

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to legalize an existing contractor's office on the property the property located at 2015 Emerson Avenue North (2009 Emerson Avenue North) 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 two years of approval.
2. The final plans shall be in compliance with Section 530.170 of the Zoning Code, along the north and west property lines.
3. All applicable building permits shall be attained to legalize the use of the building.
4. Any changes to the site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the Zoning Code.
5. The final plans for the attached garage shall be modified to adhere to the required 7 foot setback requirement along the north property line.

Attachments:

1. Rezoning Matrix – R5 vs. C1
2. Statement of use / description of the project
3. Correspondence
4. Zoning map
5. Site plan
6. Photos