

Department of Community Planning and Economic Development
Rezoning
BZZ-6277

Date: November 12, 2013

Address of Property: 1936 Fremont Avenue South

Project Name: 1936 Fremont Avenue South

Applicant: Shree Investments LLC

Contact Person and Phone: Ashish Aggarwal, (612) 710-3004

CPED Staff and Phone: Janelle Widmeier, Senior City Planner, (612) 673-3156

Date Application Deemed Complete: October 3, 2013

End of 60-Day Decision Period: December 2, 2013

End of 120-Day Decision Period: On October 31, 2013, staff sent a letter to the applicant extending the decision period to no later than January 31, 2014.

Ward: 7 **Neighborhood Organization:** Lowry Hill Neighborhood

Existing Zoning: R2B Two-family District

Proposed Zoning: R3 Multiple-family District

Zoning Plate Number: 18

Lot area: 6,075 square feet

Legal Description: South 41.87 feet of Lot 11 and North 3.75 feet of Lot 12, Block 2, Walker's Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Convert an existing duplex into a triplex.

Concurrent Review: Petition to rezone the property located at 1936 Fremont Avenue South from the R2B Two-family District to the R3 Multiple-family District in order to allow for the conversion of an existing duplex into a triplex.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments.

Background: The applicant proposes to rezone the property located at 1936 Fremont Avenue South from the R2B Two-family District to the R3 Multiple-family District. The subject property is approximately 6,075 square feet in size and the existing 2 ½ story building located on the property was originally constructed as a top-down duplex in 1920. The applicant purchased the property in 2009. Currently, there is an existing illegal dwelling unit that occupies the 3rd floor of the dwelling.

Compliance with applicable building codes and obtaining a building permit is required in addition to needing to rezone the property.

With the proposed conversion of the building to a triplex, at least three parking spaces must be provided on the property. Currently, there is an existing parking pad located at the rear of the site that is accessed from Franklin Avenue West through a shared driveway on the adjacent property. The rear parking area can accommodate up to 4 parking spaces.

Staff has not received correspondence from the neighborhood group prior to the printing of this report. Other correspondence has been received and is attached. 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 future land use of the site is designated as urban neighborhood. Hennepin Avenue, a designated Commercial Corridor, is located approximately 3 ½ blocks east of the site. Franklin Avenue is one property south of the subject property, but is not a designated land use feature in this location as the Community Corridor designation terminates where Franklin Avenue intersects with Hennepin Avenue. 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.

Land Use Policy 1.8 states: “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.” This policy includes the following applicable implementation step (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

As the site is not located in or adjacent to any land use features, the comprehensive plan does not support higher residential density at this location and rezoning the subject property from R2B to R3 would not be consistent with the comprehensive plan.

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

Rezoning to the R3 District would be in the interest of the property owner as it would allow the existing building on the site to be converted from an existing duplex into a triplex.

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.

Zoning districts in the immediate area include R1, R2, R2B and R4. The R4 zoning is located across the street from the subject property. Although zoned R2B, the properties directly to the north and south of the subject property are triplexes. There is a variety of residential uses in the immediate area including single-family dwellings and 26-unit multiple family dwellings. The proposed zoning would likely be compatible with the surrounding zoning classifications and uses of property.

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 R2B zoning classification, including the existing legal use of the structure as a duplex. Staff has included an attachment to the staff report which further details regarding the differences between the existing and proposed zoning classifications for the property.

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.

The zoning on the block where the subject property is located has not changed since 1963. In 1977, several properties in the nearby area were down-zoned from the R4 Multiple-family District to the R2B Two-family District. Since then, there haven't been significant changes relative to the character and trend of the development in this specific area.

The property located at 1917 Fremont Avenue South, zoned R2B, is a legal duplex. The City previously cited the property for an illegal third unit. It was converted back to a legal duplex in 2011. In May of this year, the City Council denied a petition to rezone the property of 1915 Fremont Avenue South from R2B to R3 to legalize a third nonconforming dwelling unit.

RECOMMENDATION:

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 **deny** the rezoning petition to change the zoning classification of the property located at 1936 Fremont Avenue South from the R2B Two-family District to the R3 Multiple-family District in order to allow for the conversion of an existing duplex into a triplex.

Attachments:

- Applicant's statement of use / description of the project and responses to findings
- Correspondence
- Rezoning Matrix – R2B vs. R3
- Zoning map
- Site plan and floor plans
- Photos