

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning  
BZZ-2148

**Date:** January 10, 2005

**Applicant:** John Sadusky

**Address of Property:** 524 Huron Boulevard Southeast

**Project Name:** Not applicable

**Contact Person and Phone:** John Sadusky, (612) 702-7243

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** December 15, 2004

**End of 60-Day Decision Period:** February 13, 2005

**End of 120-Day Decision Period:** Not applicable

**Ward: 2      Neighborhood Organization:** Prospect Park / East River Road Improvement Association

**Existing Zoning:** R5, Multiple-family District

**Proposed Zoning:** R6, Multiple-family District

**Zoning Plate Number:** 22

**Legal Description:** Lot 10, Block 31, Regents Addition, Hennepin County, Minnesota.

**Proposed Use:** 12 dwelling units

**Concurrent Review:**

**Rezoning:** petition to change the zoning classification for the subject property from R5 to R6, in order to legalize all 12 of the existing dwelling units within the building.

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

**Background:** In 1903 a single-family dwelling was constructed on the site located at 524 Huron Boulevard Southeast. In August of 1972 the property owner applied for and received approval of a variance to reduce the front yard setback along Fulton Street Southeast and also a variance of the open yard requirement in order to construct a new eleven-unit residential building on the site. In December of 1972 the single-family dwelling was demolished. In March of 1973 the property owner pulled a

building permit to construct an eleven-unit residential building. In July of 1973 a permit was pulled to install twelve electrical meters and in December of 1973 a permit was pulled to install eleven ranges.

Under the 1963 zoning code regulations, a dwelling unit in the R5 zoning district was required to have a minimum of 900 square feet of lot area. Given the size of the lot the most units that could have been constructed on this property in 1963 was eleven units. It is unclear to staff as to when or how the twelfth unit was added to the building.

**REZONING** - petition to change the zoning classification for the subject property from R5 to R6, in order to legalize all 12 of the existing dwelling units within the building

**Findings as Required by the Minneapolis Zoning Code:**

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

The property is designated as multi-family in the comprehensive plan and is located within the designated University of Minnesota Growth Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote moderate to high density housing of a variety of affordability levels and supporting commercial uses adjacent to the University of Minnesota.

Although the site is located within a designated Growth Center, the Planning Division does not believe that it would be appropriate to rezone this property to R6 as it is not compatible with the surrounding area. The majority of the properties surrounding the site are zoned R5. The new residential development located across Huron Boulevard Southeast from the site is zoned industrial and is also located in the Industrial Living (IL) Overlay District. The density within the IL Overlay is the same as the R5 density (900 square feet of lot area per dwelling). In addition, the R6 zoning district allows a much higher density (400 square feet of lot area per dwelling) that would not be appropriate for this location. Changing the zoning classification of this property to R6 would make it difficult to not support a rezoning to R6 if one of the adjacent property owners requested it.

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

Given the density requirement of the R5 zoning district, no more than eleven dwelling units can be located on this site. In order to legalize the existing twelfth dwelling unit this property needs to be rezoned to R6. This application is in the interest of the property owner.

**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 Planning Division does not believe that it would be appropriate to rezone this property to R6 as it is not compatible with the surrounding area. The site is bordered by R5 zoning to the north, south and west and I1 zoning to the east. Surrounding uses include a mixture of single and two-family dwellings, multiple-family dwellings, industrial uses and a daycare.

**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 R5 zoning district. The R5 zoning district is a multiple-family district. Permitted uses in the R5 district include, but are not limited to, the following:

- Multiple-family dwelling, three (3) and four (4) units.
- Community residential facility serving six (6) or fewer persons.
- Place of assembly.

**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.**

Within the immediate area there has not been a change in zoning. However, a new multiple-family residential development was constructed across Huron Boulevard Southeast from the site. Although there are many dwelling units located within the development it was built using the R5 density.

**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 the City Council adopt the above findings and **deny** the rezoning petition to change the zoning classification for the subject property from R5 to R6, in order to legalize all 12 of the existing dwelling units within the building for the property located at 524 Huron Boulevard Southeast

Department of Community Planning and Economic Development – Planning Division  
BZZ-2148

**Attachments:**

1. Statement of proposed use
2. September 21, 2004 notice of code violation from the Minneapolis Fire Prevention Bureau
3. Letter and purchase agreement from the previous property owner
4. Building permit history
5. Previous variance approval
6. Surrounding property information
7. December 7, 2004 letter to CM Paul Zerby
8. Zoning Map
9. Site plan and floor plans
10. Photographs of the site and surrounding area