

**Department of Community Planning and Economic Development – Planning  
Division  
Rezoning Application  
BZZ-2163**

**Date:** January 24, 2005

**Applicant:** Mr. Walid El-Hindi, Room Inc., 4706 Nicollet Avenue South, Minneapolis, MN 55419

**Address of Property:** 3228 Garfield Avenue South

**Project Name:** 3228 Garfield

**Contact Person and Phone:** Mr. Walid El-Hindi, Room Inc., 4706 Nicollet Avenue South, Minneapolis, MN 55419, (612) 203-9824

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** December 30, 2004

**End of 60-Day Decision Period:** February 28, 2005

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

**Ward:** 10      **Neighborhood Organization:** Lyndale Neighborhood Association

**Existing Zoning:** R2B (Two-family) District

**Proposed Zoning:** R4 (Multiple Family) District

**Zoning Plate Number:** 24

**Lot area:** 7,610 square feet or .17 acres

**Legal Description:** Motor Line Addition to Mpls, Block 12, Lot 8 and South ½ of Lot 7

**Proposed Use:** Petition to rezone in order to construct a four-story, six unit owner-occupied condominium development.

**Concurrent Review:**

- Petition to rezone the subject parcel from the R2B (Two-family) district to the R4 (Multiple-family) district.

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

**Background:** The applicant, Room Inc, recently submitted several land use applications that were heard by the Planning Commission on November 8, 2004. The Planning Commission unanimously recommended that the City Council approve a petition to rezone the property to the R5 district, and unanimously approved a conditional use permit, variances and major site plan review with conditions. The former applications were not appealed during the 10 day appeal period. The Zoning and Planning Committee initially heard the rezoning petition proposal on December 6, 2004, however, the application was continued to the December 16, 2004 meeting in order for Staff to attempt to locate the applicable Calhoun Isles 40-acre study, which in effect had rezoned the subject parcel from the R5 district to the R2B district in 1977. The study was destroyed at some point and the only remaining document from that 40-acre study was a draft environmental impact statement on potential high density residential development within 1000 feet of lakes Cedar, Isles and Calhoun from 1976. The subject parcel is not located within 1000 feet of any of those lakes and as such was not specifically referenced within the document. At the December 16, 2004 Zoning and Planning Committee meeting, the Committee concurred with the recommendation of the Planning Commission in a 5-1 vote to support the petition to rezone the property to the R5 district. At the full City Council meeting on December 23, 2004, the Council voted to deny the petition to the R5 district and instructed that should the applicant reapply for the R4 zoning classification, the applicable fees be waived. The applicant has since decided to apply to rezone the property to the R4 district.

The applicant initially proposed to construct a 4-story, 6-unit, owner-occupied condominium development with four levels of housing located above the partially underground parking garage. The garage was designed to accommodate parking for all proposed units. The site is zoned R2B which permits single family and two family residential. The applicant is applying to rezone the property to the R4 district which allows multi-family residential. A conditional use permit and major site plan review were previously applied for as residential developments consisting of 5 or more units require both applications. The applicant also requested variances of the interior side yards in order to accommodate a driveway into the proposed partially underground parking garage on the north side of the property as well as a private entrance/exit into one of the residential units on the south side of the property. All associated applications were approved by the Planning Commission at the November 8, 2004 public hearing and were not appealed during the 10-day appeal period.

The previous applications were brought before the Lyndale Neighborhood Development Corporation (LNDC) Housing Committee, Board of Directors and the General Membership meeting. A letter from LNDC has been attached for reference summarizing those meetings.

Staff has yet to receive a formal letter from the LNDC stating their position on the latest proposal to rezone the property to the R4 district.

**Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:**

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

The property is located a block off of Lyndale Avenue which is a Community Corridor. The following policies are relevant to the proposed development.

*Relevant Policy: 9.6* Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

*Relevant Implementation Steps:*

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

The project would be compatible with area properties.

*Relevant policy: 9.5.* Minneapolis will support the development of residential dwellings of appropriate form and density.

*Relevant Implementation Steps:*

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

The project would incorporate moderate density adjacent to a Community Corridor.

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

The amendment is clearly in the interest of the property owner. It would allow the applicant to construct a 6 unit condominium development, instead of the allowable single family or two-family dwelling permitted under the existing zoning classification of R2B.

**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 property is located a block off of Lyndale Avenue. The majority of properties located on this specific block along Lyndale Avenue are zoned R5,

however, all properties located along Garfield Avenue on the opposite side of the block, across the alley, are zoned R2B. The zoning classification for properties located on this block does not seem appropriate for the existing uses. The majority of the existing buildings are multi-family residential buildings with a few single-family and two-family dwellings interspersed. The existing multi-family residential buildings located on either side of Garfield Avenue are non-conforming according to their underlying zoning, as are the other multi-family residential buildings on the block.

While Staff is aware that no R4 zoning is located on the block face in question, as previously mentioned, there is R5 zoning located on the back side of the parcel along Lyndale Avenue. Thus the zoning classification could be deemed compatible with the surrounding zoning. Based on the existing proliferation of multi-family buildings in the area, Staff believes that the proposed use would be compatible with the proposed uses in the area.

**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.**

While there are reasonable uses of the property permitted under the existing R2B zoning classification as either a single family or a two-family dwelling unit, a two-family dwelling would require a variance to reduce the minimum required lot area.

**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 majority of the existing multi-family residential buildings in the area are older buildings. Under the 1963 Zoning Code, the subject property and the surrounding area was zoned differently that it is today. According to City records, the majority of the surrounding area was zoned R5. In the last year, new construction has taken place in the neighborhood as two new side-by-side duplexes have been constructed. There is a mix of residential uses in the neighborhood and a duplex or single-family, although unlikely, could be constructed on the property. However, construction of a multi-family residential building would not be out of character with the neighborhood.

**RECOMMENDATION:**

**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 change the zoning classification of the property located at 3228 Garfield Avenue South from the R2B district to the R4 district.

**Attachments:**

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos