

**Department of Community Planning and Economic Development—Planning Division
Conditional use permit for more than 5 units and parking variance (BZZ-2175)**

Hearing Date: 2/7/05

Applicant: Plymouth Church Neighborhood Foundation, 1 E. 19th St. #400, Minneapolis, MN 55403

Address of Property: 1501 Hawthorne Ave.

Project Name: Hawthorne Avenue Apartments

Contact Person and Phone: Margee Bracken, 1 E. 19th St. #400, Minneapolis, MN 55403, 612-871-0890, mbracken@plymouthfoundation.org

Staff Contact Person and Phone: J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us

Date Application Deemed Complete: 1/12/05

End of 60-Day Decision Period: 3/13/05

End of 120-Day Decision Period: N/A

Ward: 5 **Neighborhood Organization:** Citizens for a Loring Park Community

Existing Zoning: OR3, Institutional Office Residence District, DP (Downtown Parking) Overlay District

Zoning Plate Number: 18

Proposed Use: Application by the Plymouth Church Neighborhood Foundation to amend a deemed-approved Conditional Use Permit application to increase the allowable number of units in the apartment building at 1501 Hawthorne Ave. from 34 to 35 units, and to obtain a parking variance for the required stall for the additional unit.

Prior approvals: None

Concurrent Review / Applicable zoning code provisions:

1. Conditional use permit for more than 5 units per Table 548-1
2. Parking variance per 525.520 (7)

Background: The Plymouth Church Neighborhood Foundation is planning to purchase the building at 1501 Hawthorne Avenue and do moderate rehabilitation of the 35 units. Seventy-five percent of the units will be available on a “preference” basis for low-income working adults

**If you need more information or have special needs, please call the
Minneapolis Planning Department at 612-673-2597.**

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accepted into the nursing school at Minneapolis Community & Technical College. The units will remain affordable for thirty years.

The City's zoning records for this address include a deemed-approved Conditional Use Permit (CUP) for 34 units. The applicant asserts that for approximately 50 years the building has had 35 units. The current the rental license is for 35 units. At this address, zoned OR3, a building containing 35 units is a conditional use. The purpose of the proposed amendment to the CUP is to reconcile City permit records with actual conditions.

After a review of the Inspection Department records, the applicant asserts that believe a previous owner of the property increased the number of dwelling units from 34 to 35 probably in the 1960s by converting the original entrance to the building, which might have contained an entry lobby and/or office on 15th Street, to a dwelling unit (Unit 1A). At this time a stairway was added to the Hawthorne Avenue side to serve as the main entry door and the 15th Street entrance was bricked in. The Inspection Department records include building permits that were issued in the 1960s for plastering and plumbing work, which would fit with the reconfiguration of the building. The deemed Conditional Use Permit records show the original 34 units, but were never updated to add the 35th unit. It is not unusual for the City's permit records for a rental apartment building of this age to vary from actual conditions. When the rental license program was initiated in 1991, City records state that there were 35 "registered" dwellings at the address.

The 35th unit still meets the lot area requirements of the district. The existing yards for this six-sided parcel do not all meet the Zoning Code's requirements. Also the interior drive is 20 ft. wide instead of the required 22 ft. However, the Zoning Administrator has ruled that these existing conditions are "grandfathered" for this site.

Parking: There are currently 13 parking spaces associated with the building. Recently, two of the existing parking stalls were converted to one handicapped stall and, in order to comply with the Zoning Code, a permanent dumpster space replaced a parking stall. The Zoning Code requires 35 stalls for this 35-unit building, but the Zoning Administrator has concluded that 21 stalls are "grandfathered." Originally, the applicant applied for a variance application for the parking stall needed for the 35th unit. Since filing the application, the applicant has decided to eliminate the need for the parking stall and the variance by adding a bicycle rack for at least four bicycles on the property per 541.220 in the Zoning Code (not yet shown on the site plan). The applicant has withdrawn the variance application.

Neighborhood comment: The applicant notified the neighborhood group about the project on 1/12/05 however, staff have received no response from the neighborhood.

CONDITIONAL USE PERMIT TO ALLOW MORE THAN FIVE RESIDENTIAL UNITS

Findings as required by the Minneapolis Zoning Code for the Hawthorne Avenue Apartments project at 1501 Hawthorne Ave.:

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The 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.

Planning staff concur with the applicant’s response: “The amendment of the deemed Conditional Use Permit to acknowledge the additional unit in the building will not change any existing conditions and therefore will not have any impact on the general public. To our knowledge the building has had 35 units for at least forty years without detrimental or dangerous impacts.”

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.

Refer to the prior response and to the applicant’s response to this question: “The proposed use is an existing use that is consistent with current land use controls and guidelines and existing adjoining uses.”

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

Adequate access roads and drainage are already in place. The applicant’s statement: “The existing infrastructure is adequate and amending the CUP will not impose any additional burdens.”

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

Refer to the prior response and to the applicant’s response: “The existing use will not change and therefore will not affect existing traffic. Because the majority of the units in the building will be occupied by nursing students of Minneapolis Community Technical College, which is one block from 1501 Hawthorne, many of the residents may not need to own cars and those who do own cars will not need to use them during peak hours. Furthermore, bus access is available on nearby Hennepin Avenue.

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

The applicant’s statement: “The redevelopment of Hawthorne Avenue Apartments addresses several policies set forth in the Minneapolis Plan, such as: building a skilled and employable work force in living wage occupations, connecting residents with living wage jobs, increasing housing that is affordable to low and moderate income households, encouraging and supporting walking, bicycling, and transit use, building on the educational activities of technical schools.”

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a. **The City’s Goals (selected goals):**

Goal 1: Increase the City’s population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.

b. **The *Minneapolis Plan* (adopted by the City Council in 2000):**

Policy 4.11: Minneapolis will improve the availability of housing options for its residents.

Implementation Steps (selected):

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.
- Encourage the rehabilitation and sensitive reuse of older or historic buildings for housing including affordable housing units.

c. **Petition’s Consistency with City Plans and Policies:** The application to “legalize” the existing 35 units of affordable housing is consistent with the above City goal and policy. The Hawthorne Avenue Apartments provide affordable housing in a building that is appropriate for this area of the City.

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

With the approval of the subject parking variance, the site is in compliance with the other applicable regulations governing this district.

PARKING VARIANCE (Withdrawn. Refer to explanation in the Background section of this report.)

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department—Planning Division for the Conditional Use Permit for Five or More Dwelling Units:

The 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 allow 35 dwelling units at 1501 Hawthorne Ave.

Recommendation of the Community Planning and Economic Development Department—Planning Division for the Parking Variance:

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Since the applicant has withdrawn the application, the Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the findings, accept the withdrawal of the variance application for 1501 Hawthorne Avenue, and direct Planning staff to refund the appropriate portion of the fee consistent with 525.160 (d) (2).

ATTACHMENTS

1. Zoning and parcel map
2. Building summary page
3. Survey
4. Site plan, floor plans, and photographs
5. Aerial
6. Submissions from the applicant, statement of purpose, responses to required findings