

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning  
BZZ-5284

**Date:** October 3, 2011

**Applicant:** Urban Homeworks, Inc.

**Address of Property:** 2129 Emerson Avenue North

**Project Name:** 2129 Emerson Avenue North

**Contact Person and Phone:** Russ Barclay, (612) 226-7530

**Planning Staff and Phone:** Brad Ellis, (612) 673-3239

**Date Application Deemed Complete:** August 22, 2011

**End of 60-Day Decision Period:** October 21, 2011

**End of 120-Day Decision Period:** December 20, 2011 (*Extension letter sent September 19, 2011*)

**Ward:** 05      **Neighborhood Organization:** Jordan Area Community Council

**Existing Zoning:** R2B Two-Family District

**Proposed Zoning:** R3 Multiple Family District

**Zoning Plate Number:** 8

**Legal Description:** Lot 1 and N 12 62/100 ft of Lot 2, Block 033, Highland Park Addition to Minneapolis, Hennepin County, Minnesota

**Proposed Use:** A four unit multiple family dwelling

**Concurrent Review:**

- Rezoning Petition: Change the zoning classification from the R2B Two-Family District to the R3 Multiple Family District to reestablish a four unit dwelling that lost nonconforming rights.
- A variance from twenty (20) feet to eight (8) feet to the reverse corner front yard to allow for a parking area

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, Chapter 546 Residence Districts

**Background and Analysis:** The subject property is approximately 59.6 feet by 157 feet, (9,263 square feet). The existing building was originally constructed in 1905 as a four-unit building. The property

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was rezoned to R3 in 1963, with the four-unit dwelling remaining a conforming use. In 1991, the property was downzoned to R2B as part of the Citywide R3 rezoning study, becoming nonconforming. The property continued to operate as a lawfully established four unit dwelling until becoming officially vacant on July 8, 2008. It has remained vacant since, losing nonconforming rights to four dwelling units. Under the existing zoning requirements the property can only be used as a single family home or a duplex; a duplex would still require a variance to lot area in order to be established.

The applicant is petitioning to rezone the property from R2B Two-Family District to R3 Multiple Family District to allow for the reestablishment of a four-unit multiple family dwelling, as well as applying for a variance to locate the parking in a required reverse corner front yard. The subject property exceeds the minimum lot area required to allow a four-unit dwelling in the R3 District and would meet the minimum off-street parking requirement of four parking spaces if the variance to parking location is granted. There is an existing parking area in the required front yard, but is in poor repair and does not meet current parking and loading standards. If the petition to rezone the property is approved, the applicant will be required to obtain building permits to rehabilitate the building to meet all current applicable building code requirements.

On March 8, 2011, the Jordan Area Community Council wrote a letter supporting the applications. On September 9, 2011, the Hawthorne Neighborhood Council (the adjacent neighborhood organization) wrote a letter of support for the rezoning of this property, but said nothing regarding the variance to the setback. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

## **REZONING**

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

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

The subject property is located along a community corridor, with an existing land use classification as medium density housing, which is classified as residential dwellings with between 20 and 50 dwelling units/acre. At 18 dwelling units per acre, the proposed use is under the future land use designation. The property is designated *Community Corridor* on the future land use map of the comprehensive plan. The community corridor classification is primarily medium density residential with intermittent commercial uses clustered at intersections in nodes.

**a. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the rezoning:**

**Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.**

3.6.4 Provide and maintain moderate and high-density residential areas, as well as areas that are predominantly developed with single and two family structures.

**Policy 1.8: 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.**

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.

**Policy 8.8: Preserve neighborhood character by preserving the quality of the built environment.**

8.8.1 Preserve and maintain the character and quality of residential neighborhoods with regulatory tools such as the zoning code and housing maintenance code.

*Staff comment:* The surrounding area has a range of residential densities from single-family to other multiple-family dwellings and commercial buildings a block away. The proposed use will be within the existing structure. The applicant is intending to remodel the existing structure to allow for the reestablishment of a four-unit dwelling. The proposed rezoning is consistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

**b. Consistency with plans:**

The West Broadway Alive! plan has this property called out for a “Neighborhood Scale” intensity of development, which calls for single-family, two-family, and small apartments. Per the plan, the “Small Apartment” building type contains 4 to 16 dwelling units with surface parking. The proposed use is consistent with the West Broadway Alive! small area plan.

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

The amendment is primarily in the interest of the property owner. However, the surrounding area has a range of residential densities from single-family dwellings to multiple family dwellings and commercial properties a block away. The proposed use will occur within the existing structure. The applicant will remodel the existing structure to meet current building code requirements. Further, the proposed use was the use of this property for over 100 years. If the R3 District is approved, the property owner could demolish or remodel the existing structure and build up to six dwelling units based on the density allowed in the R3 District of 1,500 square feet of lot area per dwelling unit.

**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.**

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There are a wide variety of zoning districts in the general area. The R2B zoning district begins on this block, and is the main zoning district from here northward. One block to the west is the OR2 zoning district, and one block to the south are the R5 and C2 districts. There are a mix uses in the area, including single and two-family uses, medium-density residential uses, and commercial uses. A medium-density district on this property would serve as a transition between the community corridor and the lower-density residential uses and R2B district to the north.

**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.**

The structure is currently vacant after having been used as a four-unit dwelling for over 100 years. The property owner acknowledges that the nonconforming rights were lost prior to acquiring the property.

The R3 Multiple-Family District is established to provide for an environment of predominantly single and two-family dwellings, cluster developments and smaller multiple-family dwellings on lots with a minimum of 5,000 sqft and at least 1,500 sqft of lot area per dwelling unit. The proposed use of four dwellings will be located on a lot of 9,263 square feet and the density is 2,316 square feet of lot area per dwelling. There is a mix of uses in the area, including single- and two-family uses, medium-density residential uses, and commercial uses. The proposed use will occur within the existing structure. The applicant intends to remodel the existing structure to allow meet all current building code requirements. While staff believes that the property could be used as a single-family dwelling, it would be more difficult to convert the building to a single family dwelling than to rehabilitate the building, with the likely outcome that the building would have to sit vacant before being torn down for a future single-family home or duplex.

**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.**

From 1924, the first year the City of Minneapolis had a codified zoning ordinance, to 1963, the property was zoned Commercial District. Single-, two-, and multiple-family dwellings were all allowed in the zoning district, as were most commercial uses. The property was rezoned to R3 Multiple-Family District in 1963 with the adoption of the new zoning ordinance. The property was rezoned to R2B Two-Family district in 1991 due to the R3 Rezoning study.

As noted earlier, the surrounding area has a mix of residential uses, including single and two-family uses and medium-density residential uses, as well as commercial uses to the south along West Broadway. The character or trend in development of the area has not changed significantly for decades. The proposed use will occur within the existing structure. Staff believes that the proposed amendment will be in character and consistent within the surrounding area.

**VARIANCE** from twenty (20) feet to eight (8) feet to the reverse corner front yard to allow for a parking area.

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the variance is requested are unique to the parcel due to the configuration of the existing site. The parking lot will essentially remain in its existing location, but will be deepened toward the house, away from the neighbor. In addition, the proposed plan incorporates eight feet of additional landscaping along 22<sup>nd</sup> Avenue North as well new plantings. Staff believes that the proposed area is in scale with the site and will not significantly impact the character of the area.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicant is seeking a variance to allow for the proposed parking area to be located in the required reverse corner front yard. The existing parking lot location was legally established but is not currently in compliance with the requirements in Chapter 530 Site Plan Review. Strict adherence to the regulations would prohibit one of the proposed parking spaces and would force the applicant to apply for a variance to the parking requirements. Staff believes that the proposed parking area is a reasonable use of the property.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Granting the variances for the proposed parking area will not alter the essential character of the surrounding neighborhood and will not be injurious to the use or enjoyment of other property in the vicinity. The parking lot will remain in its existing location. In addition, the proposed plan incorporates additional landscaping and screening requirements that will beautify the site and mitigate stormwater runoff. Staff believes that the parking area will not be detrimental to the health, safety, or welfare of the general public.

## **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 City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification for the property located at 2129 Emerson Avenue North from the R2B Two-Family District to the R3 Multiple Family District to allow for the reestablishment of a four-unit multiple family dwelling.

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

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 variance from twenty (20) feet to eight (8) feet to the reverse corner front yard to allow for a parking area for the property located at 2129 Emerson Avenue North, subject to the following condition:

1. CPED Planning staff review and approval of the final site and landscaping plans.

### **Attachments:**

- 1) Written description and findings submitted by the applicant
- 2) Petition and affidavit for rezoning submitted by the applicant
- 3) Copies of letters sent to the neighborhood organization and council office
- 4) Letters of support from the Jordan Area Community Council and the Hawthorne Neighborhood Council
- 5) Zoning map
- 6) Rezoning matrix
- 7) Site plans
- 8) Floor plans
- 9) Photos