

**Department of Community Planning and Economic Development**  
Rezoning Petition  
BZZ – 5885

**Date:** March 4, 2013

**Applicant:** BBS Family LLC

**Address of Property:** 5953 Penn Avenue South

**Project Name:** 5953 Penn Avenue South Triplex

**Contact Person and Phone:** Lindsey Middlecamp, Lindquist & Venum LLP (612) 371-3516

**CPED Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** February 4, 2013

**End of 60-Day Decision Period:** April 6, 2013

**End of 120-Day Decision Period:** On February 20, 2013, staff sent the applicant a letter extending the decision period to no later than June 5, 2013.

**Ward:** 13    **Neighborhood Organization:** Armatage

**Existing Zoning:** R1 Single-Family Residence District

**Proposed Zoning:** R3 Multiple-Family Residence District

**Zoning Plate Number:** 35

**Legal Description:** Lot 14, Block 2, McDonald-Hickey Realty Addition to Minneapolis, Hennepin County, Minnesota

**Proposed Use:** Multi-family dwelling with three units.

**Concurrent Review:** Petition to rezone the property of 5953 Penn Avenue South from R1 to R3.

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

**Background:** The applicant proposes to legalize a third dwelling unit at the property of 5953 Penn Avenue South. A single-family dwelling is a permitted use in the R1 district. There are nonconforming rights for two units. The City doesn't have any records to show that the third unit, located in the basement, was legally established. To legalize the unit, the applicant is petitioning to rezone the subject property from R1 to R3. The property is approximately 6,804 square feet in area. In the R3 district, a three-unit dwelling on a zoning lot with 5,000 square feet or more of lot area is a permitted use. One parking space for each dwelling unit is required. A two-car garage exists on the site. The applicant would provide a third parking space in the existing driveway. As of writing this

staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**REZONING:** Petition to rezone the property of 5953 Penn Avenue South from R1 to R3.

**Findings as required by the Minneapolis Zoning Code for the rezoning petition:**

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

The proposed rezoning is consistent with the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. In the plan, the future land use designation of the site is urban neighborhood. Penn Avenue is designated as a community corridor. The subject property abuts the north boundary of the Penn Avenue South and 60<sup>th</sup> Street West neighborhood commercial node. According to the principles and polices outlined in the plan, the following apply to this proposal:

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.

1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

Land Use Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

1.11.6 Encourage the development of medium-density housing immediately adjacent to Neighborhood Commercial Nodes to serve as a transition to surrounding low-density residential areas.

Housing Policy 3.1: Grow by increasing the supply of housing.

3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

Housing Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

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

The subject site is located on a community corridor and adjacent to a neighborhood commercial node where medium density residential uses are appropriately located. The rezoning would allow the city to increase its supply of housing. The amendment is in the public interest and not solely 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.**

Commercial uses, zoned C1, are located on three of the four corners of the Penn Avenue South and 60<sup>th</sup> Street West intersection. One of the commercial properties is located directly south of the subject site. In the immediate area, most of the residences are single-family and are located in the R1 district. Further south on Penn Avenue, two-family dwellings become more common where the residential zoning changes to the R2B district. Because of the proximity to the neighborhood commercial node, the proposed zoning would be compatible with the surrounding uses and zoning classifications.

- 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.**

In the R1 district, a single-family dwelling is allowed. The R3 district could allow up to 4 dwellings on the site without a lot area variance.

- 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.**

There has been little, if any, change in development trends in the immediate area since the subject property was placed in the R1 district in 1963.

## **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 **approve** the petition to rezone the property of 5953 Penn Avenue South from the R1A district to the R3 district.

#### **Attachments:**

1. Statement of use
2. Zoning map
3. Zoning district comparisons
4. Plans
5. Photos