

Department of Community Planning and Economic Development
Rezoning
BZZ 6066

Date: August 12, 2013

Applicant: David Barnhart

Address of Property: 2827 Williams Avenue SE

Contact Person and Phone: David Barnhart, (612) 242-3442

CPED Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: May 10, 2013

End of 60-Day Decision Period: July 9, 2013

End of 120-Day Decision Period: September 7, 2013 (*Staff received an extension letter from the applicant June 17, 2013 extending the decision period to September 30, 2013*)

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

Existing Zoning: R4 Multiple Family District

Proposed Zoning: C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District

Zoning Plate Number: 22

Legal Description: Lot 027 Block 000 Auditor's Subd. No. 021 commencing on northeasterly line of Williams Avenue at a point 5 7/10 feet southeasterly from most westerly corner of Lot 27 thence southerly along the easterly line of Williams Avenue 56 1/10 feet thence northeasterly at right angles to intersection with the line dividing the property of Jeremiah Smith and Mattie H Smith thence northeasterly along said dividing line to a point distance 125 feet along said line from easterly line of Williams Avenue thence northwesterly along a line running toward a point in the northwesterly line of Lot 27 distance 125 feet northeasterly from most westerly corner thereof to a point distance 2 5/10 feet southeasterly at right angles from the northwesterly line of Lot 27 thence southwesterly to beginning

Proposed Use: Additional surface parking and children's play area serving commercial and office uses located at 2828 University Avenue SE.

Petition to rezone: to change the zoning classification of 2827 Williams Avenue SE from R4 Multiple-Family District to C2 Neighborhood Corridor Commercial District to allow for the expansion of an accessory parking lot serving the office building at 2828 University Avenue SE.

Zoning code section authorizing the requested rezoning: Chapter 525, Article VI Zoning Amendments, Chapter 541 Off-Street Parking and Loading, Chapter 546 Residence Districts, Chapter 548 Commercial Districts and Chapter 551 Overlay Districts.

Background: The subject property is an irregular shaped parcel, approximately 8,790 square feet in area. The previous use of the property was a single-family dwelling that was razed in 2012 by the applicant. The applicant owns the adjacent property at 2828 University Avenue SE. The existing building at 2828 University Avenue SE has three tenants, two of which are office uses and one is a child care center with up to 108 children. The property at 2828 University Avenue SE is zoned C2 Neighborhood Commercial Corridor District and PO Pedestrian Oriented Overlay District, because it is located within ¼ mile of the Prospect Park Transit Station for the Central Corridor Light Rail Transit Green Line. The minimum off-street parking for the existing uses in the building is 57 spaces. The parking requirement was reduced through the bicycle incentive (10% reduction) and the reduction authorized by the TSA-PO (75% of the minimum parking is required). This reduces the required minimum off-street parking for the existing property to 38 spaces. The applicant has an existing surface parking lot with 36 parking stalls and 10 parking stalls interior to the structure.

The applicant acquired the subject property at 2827 Williams Avenue SE in July 2012, to allow for the existing accessory parking lot expansion. The subject property is zoned R4 Multiple Family District. Accessory parking for commercial uses is prohibited in the R4 District. Therefore, the applicant has submitted a petition to rezone the subject property to C2 Neighborhood Corridor Commercial District. In addition, the applicant has submitted a petition to add the PO Pedestrian Oriented Overlay District to the subject property to maintain consistent zoning classifications on the zoning lot.

The applicant has been meeting with members of the Prospect Park/East River Road Improvement Association. This application was continued from the June 24, 2013, City Planning Commission meeting to allow the applicant to pursue an application to rezone the subject property to add the TP Transitional Parking Overlay District, in lieu of the C2 Neighborhood Corridor Commercial District, to allow for the extension of the parking lot. At this time, the applicant has not been able to obtain the consent signatures from 2/3 of the property owners within 100 feet. Therefore, the applicant is proposing to move forward with the petition to rezone the subject parcel to C2 and PO. The proposed parking lot expansion would be subject to Chapter 530, Site Plan Review for compliance with the landscaping and screening requirements.

REZONING: to change the zoning classification of 2827 Williams Avenue SE from R4 Multiple-Family District to C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District to allow for the expansion of an accessory parking lot serving commercial and office uses in an existing building at 2828 University Avenue SE.

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 subject property's existing land use classification is medium density and the property is designated Urban Neighborhood on the future land use map. The applicant is proposing to expand the existing accessory parking lot serving the commercial and office building at 2828 University Avenue SE. If the rezoning is approved, the subject property will be part of the same zoning lot as 2828 University Avenue SE. The property at 2828 University Avenue SE is designated as Mixed Use on the future land use map and University Avenue SE is a designated commercial corridor. The mixed use classification allows for mixed use development, including either a mix of retail, office or residential uses within a building or within a district. Urban

Neighborhood areas may include some small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. Traditional commercial corridors in the city serve as boundaries connecting a number of neighborhoods and serve as focal points for activity. Development and revitalization of these corridors helps to strengthen surrounding urban neighborhoods. The commercial corridors support all types of commercial uses, with some light industrial and high density residential uses as well. These corridors frequently carry large traffic volumes and must balance significant vehicular through-traffic capacity with automobile and pedestrian access to commercial property. Finally, the Prospect Park Transit Station along the Central Corridor is located just north of the subject site along 29th Avenue SE.

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

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.

Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.

1.6.2 In parts of the city outside of designated corridors, nodes, and centers, limit territorial expansions of commercial uses and districts.

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

1.13.2 Pursue opportunities to integrate existing and new development with transit stations through joint development.

1.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.

b. Consistency with plans:

The subject property is governed by the Stadium Village Station Area Plan, adopted by the city council August 31, 2012. This small area plan is incorporated into the city's comprehensive plan. The future land use map in the plan classifies the property as medium density, which is primarily smaller scale multi-family residential, between 20-50 units/acre. The existing R4 District and the proposed C2 District would allow for medium density. The subject parcel is approximately 8,800 square feet and medium density would allow between 4 and 10 units. This scale of development may be difficult to construct within the bulk and off-street parking requirements, considering the parcel size, location and lack of alley access. The applicant owns a commercial and office building on a through lot located at 2828 and 2900 University Avenue SE. If rezoned, the subject parcel would complete the last corner of the existing adjacent property.

In terms of transportation, the Stadium Village plan study area is a complex and interesting place. It combines high traffic through streets with heavily used bicycle and pedestrian routes. It has quiet neighborhood streets, and major truck route and interstate access. It has a tremendous in-migration of workers, students, customers, and visitors daily, which creates parking pressures throughout the area. But it also has well-used, high quality transit service – with the implementation of LRT. The applicant is seeking the rezoning to provide additional parking and an outdoor play area for a child care center within the existing building at 2828 University Avenue SE.

The plan identifies the subject property within the Prospect Park Station Area. The plan includes the following land use recommendations in this area:

- Support the redevelopment of this area with high density residential, mixed use, with retail primarily fronting on University Avenue
- Encourage a mix of uses that complements those in the Stadium Village commercial core and expands upon the options available.
- Continue to foster development of arts related businesses and destinations around the station area, as well as other destination- type facilities such as museums, libraries, conference facilities, and other institutional uses.
- Investigate the feasibility of establishing a district parking system to serve parking needs of various uses in a centralized location, while discouraging the development of remote park and rides.
- Support development of office/industrial uses in the adjacent SEMI area and Hubbard site. Ensure uses are appropriately buffered from nearby residential, but also designed with the intent to be connected and accessible from residential areas and the station platform.

- Support the development of the SEMI area to accommodate uses compatible with the vision of a biomedical research park, building on the proximity to University research laboratories.
- Work with St Paul to coordinate the vision and build-out around the Westgate station area. Encourage development of gateway features to mark this entrance to the city.

Staff comment: The applicant is seeking the rezoning of the subject parcel to allow additional off-street parking spaces and an outdoor children's play area. The applicant has indicated that the rezoning of the subject parcel is required to ensure the vitality of the uses within the existing commercial and office building at 2828 University Avenue SE, which is located on a commercial corridor. The subject property is designated as urban neighborhood and is not located on the commercial corridor. However, if rezoned, the parcel would be combined with 2828 University Avenue SE. The subject property is located within ¼ mile of the Prospect Park Transit Station, which discourages surface parking lots. Finally, the proposed rezoning would further extend the commercial zoning classification into the neighborhood. Staff finds that the proposed rezoning is generally inconsistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

The future land use map in the plan classifies the property as medium density, which is primarily smaller scale multi-family residential, between 20-50 units/acre. The existing R4 District and the proposed C2 District would both support medium density. The applicant owns a commercial and office building on a through lot located at 2828 and 2900 University Avenue SE. If rezoned, the subject parcel would complete the last corner of the existing adjacent property, which may allow for the future redevelopment of the property in a manner that is consistent with the aforementioned policies of the station area plan.

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

The expansion of the existing parking area would potentially alleviate short-term parking need in the immediate and nearby community. One of the uses within the building at 2828 University Avenue SE is a child care center that serves up to 108 children at one time. The property owner and tenants have found that parking is unavailable at peak times to allow for the pick-up and drop-off related to the daycare. Further, the proposed rezoning would allow for a larger, unified parcel that may encourage redevelopment of this site, consistent with the policies of the comprehensive plan and Stadium Village Station Area Plan. The applicant is also seeking to add the PO Pedestrian Oriented Overlay District to maintain consistency of the zoning on the parcel. The PO District exists on the adjacent parcels at 2828 and 2900 University due to the proximity to the Prospect Park LRT Station. If the rezoning of the property to the C2 District is approved, staff would recommend that the PO District accompany the rezoning. Therefore, staff finds that 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.

The surrounding area has a mix of zoning classifications. The adjacent properties with frontage along University Avenue SE are zoned C2 Neighborhood Corridor Commercial District. The immediate properties to the west on the same block and the east across Williams Avenue SE are

zoned R4 Multiple Family District. The applicant owns a commercial and office building on a through lot located at 2828 and 2900 University Avenue SE. If rezoned to the C2 and PO Districts, the subject parcel would complete the last corner of the existing adjacent property. Staff does have concerns with expanding the commercial zoning along Williams Avenue SE, which is predominately a residential street, east of 2828 University Avenue SE. However, with the proposed site plan improvements and open yards in the required setbacks, the rezoning to C2 and PO should 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.

The R4 District allows residential uses from low to medium density. The previous use of the property was a single-family dwelling without off-street parking. The applicant acquired the subject property at 2827 Williams Avenue SE in July 2012, to allow for the existing accessory parking lot expansion. The subject property is zoned R4 Multiple Family District. Accessory parking for commercial uses is prohibited in the R4 District. The future land use map in the plan classifies the property as medium density, which is primarily smaller scale multi-family residential, between 20-50 units/acre. The existing R4 District and the proposed C2 District would allow for medium density. The subject parcel is approximately 8,800 square feet and medium density would allow between 4 and 10 units. This scale of development may be difficult to construct within the bulk and off-street parking requirements, considering the parcel size, location and lack of alley access.

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.

On June 17, 2005, U Garden at 2725 University Avenue SE was rezoned from OR2 High-Density Office Residence District to C3A Community Activity Center District. On June 15, 2007, the City Council adopted the Pedestrian Oriented Overlay District in response to the future Central Corridor Transit Station at 29th Avenue SE. The overall trend in development in the Stadium Village area is increased residential densities and expanded facilities for the University of Minnesota, including TCF Bank Stadium.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council **deny** the application for the rezoning petition to change the zoning classification of 2827 Williams Avenue SE from R4 Multiple-Family District to C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District to allow for the expansion of an accessory parking lot serving the commercial and office building at 2828 University Avenue SE.

Department of Community Planning and Economic Development Report
BZZ-6066

Attachments:

1. PDR Report
2. Written descriptions and findings submitted by the applicant
3. Correspondence
4. Zoning map
5. Future land use map
6. Site plan
7. Photos