

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning  
BZZ-5283

**Date:** October 3, 2011

**Applicant:** Urban Homeworks, Inc.

**Address of Property:** 2701 Lyndale Ave North

**Project Name:** 2701 Lyndale Ave 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:** 03      **Neighborhood Organization:** Hawthorne Neighborhood Council

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

**Proposed Zoning:** R3 Multiple Family District

**Zoning Plate Number:** 8

**Legal Description:** Lot 7 and S ½ of Lot 6, Block 002, Fairmont Park Addition to Minneapolis, Hennepin County, Minnesota

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

**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.

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

**Background and Analysis:** The subject property is approximately 62.5 feet by 126 feet, (7,866 square feet). The existing building was originally constructed in 1915 as a four-unit building. The property was rezoned to R3 in 1963, and the four-unit dwelling became nonconforming as to lot area. In 1991, the property was downzoned to R2B as part of the Citywide R3 rezoning study, becoming nonconforming as to use. The property continued to operate as a lawfully established four unit dwelling

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until becoming officially vacant on October 4, 2007. 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. 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 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 September 9, 2011, the Hawthorne Neighborhood Council wrote a letter of support for the rezoning of this property. 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. The proposed use is consistent with this future land use designation at 22 dwelling units per acre. 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.

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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 a public park. 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:**

This property is not located within a study area governed by additional small area or master plans.

**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. 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 92 years. If the R3 District is approved, the property owner could demolish or remodel the existing structure and build up to five 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.**

The only zoning district for blocks is the R2B zoning district, and this has been the case since the R3 rezoning study in 1991 which eliminated all of the R3 zoning classifications in this area. There are a mix uses in the area, including single and two-family uses and nonconforming medium-density residential 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 west.

**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.**

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The structure is currently vacant after having been used as a four-unit dwelling for 92 years. The property owner acknowledges that the nonconforming rights were lost prior to purchase.

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 7,866 square feet and the density is 1,966 square feet of lot area per dwelling. There is a mix of uses in the area, including single- and two-family uses, and medium-density residential 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 Multiple District. Single-, two-, and multiple-family dwellings were all allowed in the zoning district. 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. 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.

**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 the change the zoning classification for the property located at 2701 Lyndale 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, subject to the following condition:

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

**Attachments:**

- 1) Written description 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) Letter of support from the Hawthorne Neighborhood Council
- 5) Zoning map
- 6) Rezoning matrix
- 7) Site plans
- 8) Floor plans
- 9) Photos