

**Department of Community Planning and Economic Development – Planning
Division**

Rezoning and Conditional Use Permit

BZZ-2951

Date: May 22, 2006

Applicant: St. Mary's University of Minnesota, 2500 Park Avenue, Minneapolis, MN 55404-4403, (612) 728-5137

Addresses of Property: 2222 and 2226 Oakland Avenue

Project Name: St. Mary's University of Minnesota

Contact Person and Phone: Mod Feders, Buetow & Associates, Inc., 2345 Rice Street, Suite 210, St. Paul, MN 55113, (651)483-6701

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: March 31, 2006

End of 60-Day Decision Period: May 29, 2006

End of 120-Day Decision Period: On April 25, 2006, Staff sent the applicant a letter extending the decision period to no later than July 28, 2006.

Ward: 6 **Neighborhood Organization:** Phillips West

Existing Zoning: R6 (Multiple-family District) and R4 (Multiple-family District), NP (North Phillips) Overlay District

Proposed Zoning: OR3 (Institutional Office Residence District)

Zoning Plate Number: 20

Lot area: 24,800 square feet or .57 acres

Legal Description: See attachment.

Proposed Use: Utilize the surface parking lots for a college expansion.

Concurrent Review:

- Petition to rezone the subject properties from the R4 and R6 districts to the OR3 district.
- Conditional Use Permit for a college expansion.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments and Chapter 525, Article VII, Conditional Use Permits.

Background: The applicant proposes to utilize the existing Memorial Blood Center building located at 2304 Park Avenue for a college expansion as part of the St. Mary's University of Minnesota Twin Cities campus. This application was approved by the Planning Commission on May 8, 2006, however, the two associated surface parking lots located at 2222 and 2226 Oakland Avenue that were also proposed to be utilized for parking as part of the college expansion were continued until the May 22, 2006, Planning Commission meeting. The two surface parking lots would be subject to design and maintenance per Chapter 530. The parcels are proposed to be rezoned from the R6 and R4 districts to the OR3 district. The OR3 district allows colleges and universities upon approval of a conditional use permit. The properties are located in the NP Overlay District which was established to create additional housing, to promote home ownership and to allow a variety of housing types, costs and arrangements. The overlay district standards are not applicable for this proposal.

The Planning Commission recently approved a building addition and parking lot improvements for another property that is part of the St. Mary's campus located at 2436 Park Avenue.

Staff has not received correspondence from Phillips West Neighborhood Organization prior to the printing of this report.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

According to the *Minneapolis Plan*, the subject parcel is predominantly located in a multi-family and services – commercial area. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

9.7 *Minneapolis will work with institutional partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.*

9.23 *Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing buildings, and to maintain and improve compatibility with surrounding areas.*

The development proposal is in conformance with the above noted principles and policies of the comprehensive plan.

Further, the *Minneapolis Plan* also references principles and policies which would potentially not support the rezoning of the property that include:

9.15 *Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions.*

9.21 *Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulated structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.*

It is important to note that Staff has some concerns about the potential rezoning of the subject properties based on the above listed principles and policies of the comprehensive plan, however, not necessarily so much concern that Staff wouldn't recommend that the Planning Commission support the rezoning.

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

The amendment would allow the entire campus expansion to be categorized under one zone district classification. The OR3 district is in the public interest insofar as it would allow the expansion of a use that supports the other commercial and cultural uses in the area.

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 properties are currently zoned R6 and R4. There is a mixture of zoning classifications within the immediate area. The 2304 Park Avenue parcel is located across Oakland Avenue to the east from the 2222 and 2226 Oakland Avenue parcels. Generally, the parcels on the east side of Oakland Avenue in the immediate area are zoned either OR2 or OR3. The parcels on the west side of Oakland Avenue in the immediate area are predominately zoned R4, with the 2222 parcel being the only R6 zoned property in the immediate area. Adjacent uses include a mixture of commercial, institutional and residential uses. Staff has some concern about allowing the OR3 district as 6-story buildings would be permitted as of right. Additionally, the Transitional Parking (TP) Overlay District would be an option that would allow the 2222 and 2226 Oakland Avenue parcels to be used for parking for the college that could be deemed compatible with the surrounding area as the underlying zone districts of R6 and R4 would remain.

However, given the mixture of surrounding zoning classifications and uses in the area Staff believes that the proposed OR3 zoning district would be compatible in this location.

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.

There are reasonable uses of the property permitted under the R6 and R4 zoning districts. Both the R6 and R4 zoning districts are multiple-family districts. Permitted uses in the R4 and R6 districts include, but are not limited to, the following:

- Residential uses
- Community residential facility
- Places of assembly

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.

Under the 1963 Zoning Code, the subject properties and the surrounding area were zoned R4, R6 and B1-3. The properties have supported parking for a blood center since the building was constructed in 1954. Due to the mixture of zoning classifications within the immediate area, Staff believes that the rezoning request is reasonable and appropriate and is consistent with the trend of development in the area.

CONDITIONAL USE PERMIT -

Findings as Required by the Minneapolis Zoning Code:

The Department of 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.

The use of the previously approved existing building located on the 2304 Park Avenue parcel for classrooms and educational offices as part of the St. Mary's University of Minnesota Twin Cities campus should not have negative impacts on the area nor endanger the public health, safety comfort or general welfare. The current St. Mary's campus is located just south of the subject site and occupies the west side of the blocks between Oakland and Park and 24th Street East to 26th Street East with the Lutheran Social Services, Zurhah Shrine Center and City Life

Center. The two surface parking lots located at 2222 and 2226 Oakland Avenue would provide adequate parking for the proposed college expansion.

- 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.**

The surrounding area is fully developed. A former medical facility located at 2304 Park Avenue has utilized the surface parking lots on this property in the past. Planning Staff would not expect that the proposed use of the properties as part of a college expansion would be injurious to the use and enjoyment of other property in the vicinity nor would it impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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

The utilities, access roads, and drainage are existing and adequate.

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

The associated building on the 2304 Park Avenue parcel is existing and has adequate off-street parking should the properties be rezoned as part of the college expansion. There are a total of 92 existing off-street parking spaces for the entire building.

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

See the above listed response to finding #1 in the rezoning application..

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.**

With the approval of the rezoning and conditional use permit this development would meet the requirements of the OR3 zoning district. Additionally, the conditional use application triggers the need for the properties to come into compliance with the landscaping and screening requirements per 531.110 and 541.360. As a condition of approval for the conditional use permit, the applicant would be required to submit a site plan showing compliance with those relevant sections of Chapter 530.

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 classifications of the properties located at 2222 and 2226 Oakland Avenue from the R6 and R4 districts to the OR3 district.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a college expansion for St. Mary’s University of Minnesota on the properties located at 2222 and 2226 Oakland Avenue subject to the following conditions:

1. Submission of a site plan for all properties as required by sections 531.110 and 541.360 of the zoning code, showing compliance with Chapter 530 requirements related to landscaping and screening of parking and loading areas

Attachments:

1. Legal description
2. Statement of use and description of project
3. Findings for the Conditional Use Permit
4. Correspondence
5. University Master Plan
6. Zoning map
7. Plans and photos

Legal Description:

(2304 Park Avenue)

Lots 7, 8, 15, 16 and the North half of Lot 9 and 14 and the south half of Lots 6 and 17, Block 002, Town of Minneapolis, Hennepin County, Minnesota

(PID: 35-029-24-22-0016)

(Torrens)

Department of Community Planning and Economic Development – Planning Division
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(Approximately .89 acres)

(2222 Oakland Avenue)

Lot 006, Block 003, Town of Minneapolis, Hennepin County, Minnesota

(PID: 35-029-24-22-0025)

(Abstract)

(Approximately .14 acres)

(2226 Oakland Avenue)

Lots 7, 8 and 9, Block 003, Town of Minneapolis, Hennepin County, Minnesota

(PID: 35-029-24-22-0026)

(Abstract and Torrens)

(Approximately .43 acres)