

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning Petition  
BZZ – 4617

**Date:** January 11, 2010

**Applicant:** Robert Zak

**Address of Property:** 846 22<sup>nd</sup> Avenue SE

**Project Name:** 846 22<sup>nd</sup> Avenue Rezone

**Contact Person and Phone:** Robert Zak (763) 785-1495

**Planning Staff and Phone:** Kimberly Holien, (612) 673-2402

**Date Application Deemed Complete:** December 9, 2009

**End of 60-Day Decision Period:** February 7, 2010

**Ward: 2      Neighborhood Organization:** Southeast Como Improvement Association

**Existing Zoning:** R1A, Single-family District; UA, University Area Overlay District

**Proposed Zoning:** R4, Multiple-family District; UA, University Area Overlay District

**Zoning Plate Number:** 16

**Legal Description:** Lot 21, Block 16, Coles and Weeks Addition to Minneapolis

**Proposed Use:** Single family dwelling

**Concurrent Review:**

**Petition to rezone** the property of 846 22<sup>nd</sup> Avenue SE from R1A to R4.

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

**Background:** Robert Zak has applied for rezoning from R1A to R4 for an existing single family dwelling at 846 22<sup>nd</sup> Avenue SE. The property is also within the boundaries of the University Area Overlay District. The purpose of the rezoning request is to increase the maximum occupancy to allow one family and up to four unrelated persons to reside in the existing dwelling. The property was recently cited for illegal occupancy for having six unrelated people living in one dwelling unit. The R1A District allows one family plus up to two unrelated persons living together as a permanent household, provided that the family plus the unrelated persons shall not exceed a total of five persons. No physical changes are proposed to the existing single family home.

**REZONING:** Petition to rezone from R1A to R4.

**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 Minneapolis Plan for Sustainable Growth designates the property as urban neighborhood on the future land use map. The urban neighborhood land use category is defined as a predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. The subject site is not on near a node and is two blocks south of the closest Community Corridor. As such, the higher density allowed in the R4 zoning district would not be appropriate in this location.

The following policies of the comprehensive plan also apply to this request:

**Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.**

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

The site is within the boundaries of the University Area Overlay District. This overlay district was the result of a year-long moratorium in the University area due to an interest in protecting the livability of the study area by examining issues such as parking, density, and whether the existing pattern of zoning districts within the study area is consistent with the policies of the comprehensive plan. The UA University Area Overlay District was established to ensure high quality residential development through site design and off-street parking regulations that acknowledge the unique demands placed on land uses near a major center of educational employment and enrollment. Rezoning the property to allow increased occupancy in a single family dwelling would not be consistent with the intent of the new Overlay District. During the rezoning study, it was determined that the existing base zoning in the area is appropriate and consistent with adopted policy guidance.

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

An amendment of the zoning district to R4 would be solely to accommodate the existing tenants in the single family home. The amendment is not in public interest and is 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 existing single family home is a permitted use in the R4 District. The applicant has stated the single family home on the property would not be altered, but that the rezoning request is to allow up to five unrelated persons to reside in the dwelling.

The property directly north of the subject site is zoned R1A and contains a non-conforming duplex. The property directly south of the site is also zoned R1A and contains a single family dwelling. The property to the east of the site, across the alley, is zoned R2B and contains a duplex. The properties to the west across 22<sup>nd</sup> Avenue SE are zoned R1A and contain single family dwellings. In general, the surrounding area is a mix of single and two-family dwellings. There are no properties in the general area that are zoned to allow for multiple-family dwellings of more than two units. There are no structures in immediate area that contain more than two dwelling units. As such, the proposed R4 zoning classification, which would allow multi-family development up to four stories in height, is not consistent with the character of the surrounding area.

**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 property contains a single family dwelling. This structure is a permitted use under the existing zoning classification. The existing zoning classification allows occupancy equal to one family plus up to two unrelated persons living together as a permanent household. Reasonable use of the property exists under the current zoning.

**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.**

The west half of the block on which the property is located on is zoned R1A, as are the three blocks to the west of the site. The east half of this block is zoned R2B. Most of the residences in the area are single- and two-family dwellings. In 1987, the subject property, and other property in the immediate area, was down-zoned from R2B to R1A as part of a 40-acre study of the Como area. Higher density development has not occurred in the area since the rezoning study. The recent study associated with the moratorium in the University area found that the existing pattern of zoning districts within the study area is consistent with the policies of the comprehensive plan and no changes were proposed.

**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 **deny** the petition to rezone the property of 846 22<sup>nd</sup> Avenue SE from the R1A, Single-family District to the R4, Multiple-family District.

**Attachments:**

1. Statement of use
2. Zoning Matrix
3. Zoning map
4. Correspondence
5. Site Plan and Floor Plans
6. Photos