

Department of Community Planning and Economic Development – Planning Division
Rezoning
BZZ-2206
Preliminary Plat
PL-167

Date: March 28, 2005

Applicant: Heritage Housing LLC

Address of Property: Area roughly bounded by Van White Memorial Boulevard, 10th Avenue North, 12th Avenue North, and Humboldt Avenue North

Project Name: Heritage Park, 2nd ownership phase

Contact Person and Phone: Gary Findell, (651) 587-4825

Planning Staff and Phone: Thomas Leighton, (612) 673-3853

Date Application Deemed Complete: February 4, 2005

End of 60-Day Decision Period: April 5, 2005

Ward: 5 Neighborhood Organization: Sumner Glenwood (no neighborhood organization) & Near North (Northside Residents Redevelopment Council)

Existing Zoning: R1A, R4, and I1

Proposed Zoning: R4

Zoning Plate Number: 12, 13

Plat Name: HERITAGE PARK HOUSING ADDITION 2

Legal Description: Outlot D, City of Minneapolis Heritage Park. Outlots A, B, C, D, E, Minneapolis Heritage Park Plat 2.

Proposed Use: Single family and multiple family housing

Concurrent Review

Rezoning: Rezoning from R1A and I1 to R4

Plats, RLS, Minor Subdivisions: Platting of outlots into lots for single family and twin home development

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Chapter 598, Land Subdivision Regulations.

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Background: The application was continued from the meeting of March 7, 2005. The subject area is part of the Heritage Park development. Streets were platted in a prior action. Areas defined by the platted streets were also platted as outlots. This application plats the outlots in the eastern half of the subject area into lots suitable for building predominantly single family homes, with a few twin homes. It replats the outlots in the western half of the subject area into new outlots suitable for a future townhouse development.

The property in this subdivision area is zoned R1A, R4, and I1. All property not now zoned R4 would remain R4. This rezoning request entails a triangular shaped area at the eastern end of the subject area that is currently zoned R1A, and about three acres of property at the west end of the property that is currently zoned I1.

Input on this application is expected next week from two neighborhood organizations representing the Near North and Harrison neighborhoods.

A. Analysis of Rezoning Application

Findings As Required By The Minneapolis Zoning Code:

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

The amendment is not in conflict with the applicable policies of the comprehensive plan. The rezoning from R1A to R4 would occur in an area that has been designated a housing opportunity area in The Minneapolis Plan. The area has been depicted as single family development in the “Near Northside Master Plan”, the relevant area plan document. The Near Northside Master Plan has not been adopted as an amendment to The Minneapolis Plan. The proposed R4 zoning permits single family development and two-family development, with minimum lot areas of 5000 square feet.

R4 would also permit multi-family residential development of a scale that would not be consistent with the Near Northside Master Plan. However, the proposed platting of the lots is suitable for single family and duplex development rather than medium density housing. Moreover, the master declaration for the overall homeowners association obligates property owners to get the approval of the association prior to redeveloping a property.

The rezoning from I1 to R4 would occur in an area that has also been depicted as single family development in the “Near Northside Master Plan”. The Near Northside Master Plan has not been adopted as an amendment to The Minneapolis Plan. In this instance, more recent scenarios have depicted this area as suitable for townhome style multi-family development. Both planning and development staff have supported the developer in pursuing this style of development for a couple of reasons. First, doing medium density housing development west of Fremont Avenue helps the Heritage Park development achieve the goal of creating the required 800 new housing units in the development. Second, this part of the Heritage Park development is located between an industrial business to the south and intensive multi-family development to the north. Medium density townhome development seems an appropriate neighbor to these uses.

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

If the R1A property were not rezoned and remained R1A, three of the proposed lots would have R4-R1A split zoning. Two would be zoned R1A in their entirety. It is in the public interest to avoid split zoning.

Because the rezoning is not inconsistent with the intent of The Minneapolis Plan, and furthers the intent and numerical goals in the “Near Northside Master Plan”, the rezoning of property furthers the public interest.

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 currently R1A-zoned land at the eastern end of the subject area is entirely surrounded by property that is zoned R4, although some of it has been developed as single family housing as part of a planned residential development. Development to the north and east is medium density housing. To the south and west it is or will be single family and twin home housing.

The currently I1-zoned land at the western end of the subject area borders R4-zoned land to the north and east, I1-zoned land to the south, and R2B-zoned land to the west across Humboldt Avenue. It is adjacent to a high density housing development to the north and east, an industrial business to the south, and single family housing across Humboldt Avenue 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.

The currently R1A-zoned property could be used as zoned, and in fact the intent is to develop the area as single family housing and twin homes. However, this would result in a small isolated island of R1A zoning in an area surrounded by R4 zoning.

It is not clear whether an industrial use would be viable on the currently I1-zoned property.

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 R1A-zoned property is within the Heritage Park project boundaries. The construction of multi-family and single family residences is in progress and will include areas adjacent to the subject properties.

B. Analysis of Subdivision Application

Required Findings:

1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

All proposed lots have frontage on public streets, as well as alley access. If the companion rezoning application is approved, no lot in the proposed subdivision will have more than one zoning classification.

Streets were platted as part of an earlier subdivision application. The subject subdivision application would dedicate alleys in two blocks. The alleys meet the dimensional requirements of the land subdivision ordinance.

Neither of the blocks conform to the dimensional requirements of the land subdivision ordinance. However, a variance for this as provided in the ordinance is justifiable, as discussed below.

The width and area of all proposed lots conform to the requirements of the land subdivision ordinance. No proposed lot has more than five sides. No reverse frontage lots are proposed.

The variance for block dimensions may be granted if the planning commission makes the following findings.

1. There are special circumstances or conditions affecting the specific property such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.

The street layout was determined by the predecessor plats to this plat. The street layout determines the size of these blocks.

Blocks are required to be at least 600 feet in length. In this instance, the southern block platted for single family development is only 334 feet long. The northern of the two blocks platted for single family development is around 500 feet long. These dimensions can be justified because of the special circumstances related to the location of Van White Memorial Boulevard and other existing uses.

The southern block is constrained by existing Emerson Avenue on the east. If the block extended further west the slope of the street (Fremont Avenue) between 10th and 11th Avenues would be too extreme. The northern block is constrained by Van White Memorial Boulevard on the east and existing development on the west.

2. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

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The street configuration is appropriate and necessary for supporting the development of this area. Because the proposed development meets city goals and conforms with the city's comprehensive plan and the approved Near Northside Master Plan, variance of this provision of the land subdivision regulations presents no injurious impact to the public welfare or other property in the vicinity.

2. Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The subject subdivision supports single family and twin home development, which is supportive of the surrounding housing development and existing development.

The plat application is a step in the implementation of the approved Near Northside Master Plan. The proposed north-south boulevard will be an area amenity, making a connection with the Parade area on its south end. The boulevard median will include water features, a pedestrian trail, and extensive landscaping. It will also serve a stormwater treatment function. Stormwater from adjacent streets, development blocks, and a larger watershed area would be directed through grit chambers and other cleansing devices, through the boulevard median's filtration basins, or "rain gardens", and then flow into a series of high quality ponds in the median and in Sumner Field Park, acting as an amenity for the neighborhood prior to being directed to the Mississippi River via the Bassett Creek tunnel. No adverse impacts on existing development are anticipated.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

Previous housing on the site suffered from soil instability due to the wetland history of the site. Considerable geotechnical investigation has informed the proposed design of the site. The proposed street grid and residential development concentrate streets and open space where the soils are most problematic for housing, and concentrate the housing on the soils most usable for building construction.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

All single family and duplex residential lots have access to both street and alley. Driveway access or off-street parking areas are readily accessible from townhouse lots, as is the public sidewalk along the street.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with

rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

The proposed subdivision has been reviewed by Minneapolis Public Works staff relative to format, alley provisions, and other technical characteristics of the plan document. This review found that the preliminary plat is acceptable in most respects. However, it does not correctly identify all of the drainage and utility easements that have been established for the platted property. This must be corrected prior to approval of the final plat.

The proposed subdivision has not been reviewed by Public Works stormwater staff for the ability of the future developed land to adequately accommodate, detain and direct stormwater runoff. Demonstration of adequate stormwater provisions is required prior to approval of the final plat.

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 recommend **approval** of the request to rezone the identified property from I1 and R1A to R4.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary plat:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the proposed preliminary plat subject to the following conditions:

1. The applicant demonstrates to the city that adequate provision is being made to accommodate and properly handle stormwater runoff.
2. That the applicant either illustrate all existing drainage and utility easements, or go through the process to have those that are not represented on the proposed plat vacated.

Attachments:

1. Correspondence
2. Proposed plat
3. Proposed development plan with zoning