



**Request for City Council Committee Action from the Department of Community Planning
& Economic Development – Planning Division**

Date: April 27, 2010
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the April 26, 2010 City Planning Commission Meeting
Recommendation: See report from the City Planning Commission

Prepared by: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Presenter in Committee:

4. Hawthorne Neighborhood Council Offices, 2944 Emerson Ave N, Becca Farrar, Sr Planner, x3594
5. Kamals Restaurant and Food, 3025 5th Ave S, Kimberly Holien, City Planner, x2402
9. Zoning Code Text Amendment, Janelle Widmeier, Sr Planner, x3156
7. Golden Nest, 1918 19th Ave NE, Hilary Dvorak, Sr Planner, x2639

Community Impact (use any categories that apply)

Other: See staff report(s) from the City Planning Commission

Background/Supporting Information Attached

The attached report summarizes the actions taken at the City Planning Commission meeting held on April 26, 2010. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis**

The Minneapolis City Planning Commission, at its meeting on April 26, 2010 took action to **submit the attached comment** on the following items:

4. Hawthorne Neighborhood Council Offices (BZZ-4756, Ward: 3 and 5), 2944 Emerson Ave N (Becca Farrar).

A. Rezoning: Application by Hawthorne Neighborhood Council for a petition to rezone the property located at 2944 Emerson Ave N from the R2B (Two-family) district to the OR1 (Neighborhood Office Residence) district in order to allow neighborhood offices to continue to operate within the existing structure.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 2944 Emerson Ave N from the R2B district to the OR1 district.

**Department of Community Planning and Economic Development – Planning
Division
Rezoning
BZZ-4756**

Date: April 26, 2010

Applicant: Hawthorne Neighborhood Council, Attn: Jeff Skrenes, 2944 Emerson Avenue North, Minneapolis, MN 55411, (612)529-6033 x204

Address of Property: 2944 Emerson Avenue North

Project Name: Hawthorne Neighborhood Council Offices

Contact Person and Phone: Hawthorne Neighborhood Council, Attn: Jeff Skrenes, 2944 Emerson Avenue North, Minneapolis, MN 55411, (612)529-6033 x204

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

Date Application Deemed Complete: March 22, 2010

End of 60-Day Decision Period: May 20, 2010

End of 120-Day Decision Period: On April 13, 2010, Staff sent a letter to the applicant extending the decision period to no later than July 19, 2010.

Ward: 3 & 5

Neighborhood Organization: Hawthorne Neighborhood Council & Jordan Area Community Council

Existing Zoning: R2B (Two-family) District

Proposed Zoning: OR1 (Neighborhood Office Residence) District

Zoning Plate Number: 8

Lot area: 5,717 square feet or approximately .13 acres

Legal Description: Lot 25, Block 16, Silver Lake Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Continue to use the existing structure as an office.

Concurrent Review:

- Petition to rezone the property located at 2944 Emerson Avenue North from the R2B (Two-family) district to the OR1 (Neighborhood Office Residence) district in order to allow neighborhood offices to continue to operate within the existing structure.

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

Background: The applicant proposes to rezone the property located at 2944 Emerson Avenue North from the R2B district to the OR1 district in order to allow the Hawthorne Neighborhood Council offices to continue to operate within the existing residential structure. The Hawthorne Neighborhood Council has rented the subject property from the Bethel Lutheran Church and used the structure as the location of their offices for nearly twenty years. The purpose of the rezoning application at this time is to bring the zoning and the use of the building legally into compliance as the church intends to sell the site to the Hawthorne Neighborhood Council. Should the rezoning be approved, the building would be required to meet all applicable building codes as it pertains to the legal change in use. In 2008, the church and residential property consisted of two platted lots under one property identification number. In order to separate the two platted lots, and obtain individual property identification numbers for each lot, several variances were approved by the Board of Adjustment (BZZ-4243) in 2008.

Originally, the structure was a parsonage that was associated with the church located to the north of the site. According to information provided by the applicant, the structure was used as the pastor's residence until approximately 1958. From 1958 to approximately 1988, the structure was used for church activities such as Sunday school and/or church office space. The church rented out the structure for approximately two years prior to leasing the structure to the Hawthorne Neighborhood Council. The structure has not been used as a residence for over 50 years.

The first floor of the existing structure has three rooms that have been and are proposed to continue to be used as individual office space. The floor also has a larger room in the back portion of the structure that is used as a conference room. The living room has been utilized as a reception area with couches as well as the office administrator's workspace. The first floor also contains a kitchen and bathroom. Both the basement and second floor of the structure have primarily been utilized for storage and would continue in that capacity.

Staff has not received correspondence from the adjacent neighborhood group, the Jordan Area Community Council prior to the printing of this report. Any correspondence received after the printing of this report shall be forwarded on to the Planning Commission for further consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located along Emerson Avenue North which is a designated Community Corridor in this location and within an area designated as urban neighborhood. Lowry Avenue which is approximately a block north of the site is also a Community Corridor; the intersection of Emerson Avenue North and Lowry Avenue North is a designated Neighborhood Commercial Node. According to *The Minneapolis Plan for Sustainable Growth*, the following policies and implementation steps apply to this proposal:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “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.”

Land Use Policy 1.6 of *The Minneapolis Plan for Sustainable Growth* states, “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. This policy includes the following applicable implementation step: (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.

Land Use Policy 1.9 of *The Minneapolis Plan for Sustainable Growth* states, “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.” This policy includes the following applicable implementation step: (1.9.1) “Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

The proposal to rezone the parcels from the R2B district to the OR1 district in order to allow an office is in conformance with the above noted policies and implementation steps of the comprehensive plan.

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

A rezoning to the OR1 district would be considered primarily in the interest of the property owner as it would allow the residential structure to continue to be utilized as an office in a legal capacity. The amendment could also be considered beneficial to the public interest insofar as it would allow for the continued occupation of the building with a use that is appropriate along a designated Community Corridor.

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 subject site and all properties to the north, east and south of the site are zoned R2B. The properties to the west of the site are zoned R4. There are no OR zoned properties within the general vicinity. The site is located along Emerson Avenue North which is a designated Community Corridor in this location and within an area designated as urban neighborhood. Adjacent uses are primarily residential. Given the surrounding context and the fact that the subject property is located along a Community Corridor, Staff believes that the OR1 zoning district would be appropriate and 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 current R2B zoning district. The structure was originally designed as a single-family residence and a residential use is a reasonable use based on the context of the surrounding area. It is also reasonable in this circumstance to allow the structure to legally operate as an office as it has for over the past 50 years. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

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 property and all surrounding properties to the north, south, east and west were zoned the same as they are zoned today. There has not been a significant change in the character and trend of development within the immediate area. However, with the adoption of the new comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, Emerson Avenue North became a newly designated Community Corridor. As a result, Staff believes that the rezoning request is reasonable and consistent with adopted policy.

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 classification of the property located at 2944 Emerson Avenue North from the R2B district to the OR1 district.

Attachments:

1. Rezoning Matrix
2. Statement of use / description of the project
3. Findings
4. Correspondence
5. Zoning map
6. Plans – Site, landscape, elevations, floor plans, shadow studies, etc.
7. Photos

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: April 27, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of April 26, 2010

The following actions were taken by the Planning Commission on April 26, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Bates, Bourn, Carter, Cohen, Gorecki, Huynh, Luepke-Pier, and Tucker – 9

Not present: Schiff

Committee Clerk: Lisa Baldwin (612) 673-3710

4. Hawthorne Neighborhood Council Offices (BZZ-4756, Ward: 3 and 5), 2944 Emerson Ave N ([Becca Farrar](#)).

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Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 2944 Emerson Ave N from the R2B district to the OR1 district.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

President Motzenbecker moved approval of the staff recommendation (Luepke-Pier seconded).

The motion carried 8-0.

5. Kamals Restaurant and Food (BZZ-4710, Ward: 8), 3025 5th Ave S ([Kimberly Holien](#)). This item was continued from the March 29 and April 12, 2010 meetings.

A. Rezoning: Application by Abdirahim Omar, on behalf of Bremer Bank, for a rezoning to apply the Transitional Parking (TP) Overlay District for property located at 3025 5th Ave S.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **approve** the petition to rezone the property of 3025 5th Ave S to add the TP Transitional Parking Overlay District to allow for an accessory parking lot, based on the following findings:

1. The application is consistent with Policy 1.8 of the comprehensive plan in that it would help to preserve the stability of the neighborhood. The application is also consistent with Policy 1.7 of the comprehensive plan as this is not a new commercial use.
2. The rezoning is in the public interest and not solely for the interest of the property owner but would support the surrounding area.
3. The project would not change the character of the neighborhood, but would enhance the character by making improvements to the subject parcel. There has not been a change in the character or trend of development in the general area of the property because the use has existed on the property for an extended period of time.
4. The residential uses allowed in the R2B District are not reasonable uses for the property, as it is unlikely for a residential use to be established due to the width of the lot and the height of the adjacent building.
5. The zoning would be compatible with the character of the surrounding area, particularly the adjacent C2 zoning.

B. Conditional Use Permit: Application by Abdirahim Omar, on behalf of Bremer Bank, for a conditional use permit to allow a parking lot for property located at 3025 5th Ave S.

Action: Notwithstanding staff recommendation, based on the findings in the rezoning, the City Planning Commission **approved** the application for a conditional use permit to allow a parking lot for the property located at 3025 5th Ave S in the R2B Two-Family District, **subject to** the following conditions:

1. Approve 8 parking spaces. Stalls 10 and 19 shall be partially removed to allow for more green space, a maneuvering area towards the alley, and parking spaces that are of at least a standard width.