

**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