



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

**Date:** November 3, 2010  
**To:** Council Member Gary Schiff, Chair of Zoning and Planning Committee  
**Referral to:** Zoning and Planning Committee  
**Subject:** Referral from the November 1, 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:**

1. Probation House Rezoning, BZZ-4918, 2539 Irving Ave N, Kimberly Holien, City Planner, x2402

**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 November 1, 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**

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The Minneapolis City Planning Commission, at its meeting on November 1, 2010 took action to **submit the attached comment** on the following items:

**1. Probation House Rezoning (BZZ-4918, Ward: 5), 2539 Irving Ave N ([Kimberly Holien](#)). This item was continued from the September 7, September 20, October 4 and October 18, 2010 meetings.**

**A. Rezoning:** Application by The Jordan Area Community Council for a rezoning from R1A to OR1 to accommodate an existing office at 2539 Irving Ave N.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **deny** the application for rezoning from R1A to OR1 for the property at 2539 Irving Ave N.

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning  
BZZ-4918

**Date:** November 1, 2010

**Applicant:** Jordan Area Community Council

**Address of Property:** 2539 Irving Avenue N

**Project Name:** Probation House Rezoning

**Contact Person and Phone:** Dennis Wagner, (612) 522-3196

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

**Date Application Deemed Complete:** August 12, 2010

**End of 60-Day Decision Period:** October 11, 2010

**End of 120-Day Decision Period:** On August 26, 2010, staff sent a letter to the applicant extending the decision period to no later than December 10, 2010.

**Ward: 5      Neighborhood Organization:** Jordan Area Community Council (JACC)

**Existing Zoning:** R1A

**Proposed Zoning:** OR1, Neighborhood Office Residence, district

**Zoning Plate Number:** 7

**Legal Description:** Lot 1, Block 2, Forest Heights Addition to Minneapolis

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

**Concurrent Review:**

- Petition to rezone the property located at 2539 Irving Avenue North from the R1A, Single Family, district to the OR1, Neighborhood Office Residence, district in order to allow for an office use to continue operating within the existing structure.

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

**Background:** The applicant proposes to rezone the property located at 2539 Irving Avenue North from the R1A district to the OR1 district in order to allow a probation office to continue to operate within the existing residential structure. In 2004, the Jordan Area Community Council (JACC) cooperated with Hennepin County to establish a probation house, an outreach probation safe house to serve Hennepin

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County Corrections clients within their neighborhood, within the residential structure. The probation office has been operating in this location since 2004. The purpose of the rezoning application at this time is to bring the zoning and the use of the building legally into compliance. Office uses are first permitted in the OR1 district. 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.

The first floor of the existing structure has two rooms that are used as office and meeting space, and a kitchen. The second floor contains a bathroom and three rooms.

The Jordan Area Community Council is the neighborhood group and the applicant.

**Findings As Required By the Minneapolis Zoning Code:**

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

The site is designated as urban neighborhood on the future land use map in the *Minneapolis Plan for Sustainable Growth*. The urban neighborhood designation refers to areas that are predominantly residential with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. These areas may include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers.

The site is not located near any nodes, corridors or other land use features. The closest community corridor is three blocks east, along Fremont Avenue. The following policies of the comprehensive plan apply to this site:

**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.**

- 1.1.5 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.

**Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.**

**Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

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- 1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.
- 1.8.3 Direct uses that serve as neighborhood focal points, such as libraries, schools, and cultural institutions, to designated land use features.

While the site is currently occupied by a non-residential use, this use was not legally established. Retaining the existing residential zoning would be most compatible with the character of the surrounding area and help to preserve the stability of the neighborhood.

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

The rezoning to OR1 is requested to allow a probation office use to continue operating in the existing building. The statement submitted by the applicant states that the location of the facility is important to help alleviate transportation costs and transportation burdens for clients as they re-enter society. The probation office is also used as an outreach office for the neighborhood. The Hennepin County website contains additional information about the use and states, "Probation officers and parole officers from Adult Field Services (Adult Probation) and Juvenile Probation routinely assemble at these sites with law enforcement officials, social service employees, neighborhood groups, and local agencies to collaborate on solutions to chronic social problems." While the existing use serves a public need, an amendment to rezone the property to the OR1 District would not serve the long-term public interest. In the event that the probation office was to relocate elsewhere, other office uses and a variety of social, cultural, charitable and recreational uses would be allowed under the proposed rezoning.

**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 property is currently being used as an office, which is a permitted use in the proposed OR1 zoning district. The office use is not allowed under the current R1A zoning. In terms of compatibility, the surrounding area is predominantly low-density residential. The closest property with OR1 zoning is two blocks to the east, along 26<sup>th</sup> Avenue N. The closest commercially zoned property is two blocks to the west. While the OR1 District is intended to be a low-intensity district that allows a limited number of commercial uses, there are no other parcels with non-residential zoning in the immediate area. As such, the proposed OR1 zoning would not be compatible 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.**

There are reasonable uses of the property permitted under the current R1A zoning district. The structure was originally designed as a single-family residence and a residential use is a reasonable use based on

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the context of the surrounding area. 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 for low density residential purposes. The *Minneapolis Plan* adopted in 2000 identified this area as single-family residential. The *Minneapolis Plan for Sustainable Growth* similarly designates this area as urban neighborhood on the future land use map. There has not been a significant change in the character and trend of development within the immediate area.

**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 application for rezoning from R1A to OR1 for the property at 2539 Irving Avenue N.

**Attachments:**

1. Zoning code information sheet
2. Statement of proposed use and description of the project
4. Correspondence
5. Zoning map
6. Site plan and floor plans
7. Photos