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

Date: April 15, 2008

To: Council Member Gary Schiff, Chair of Zoning and Planning Committee

Referral to: Zoning and Planning Committee

Subject: Referral from the April 14, 2008 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:
7. Zoning Code Map Amendment, Paul Mogush, x2074

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 14, 2008. 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 14, 2008 took action to **submit the attached comment** on the following items:

7. Zoning Code Map Amendment (Ward: 9), (Paul Mogush).

A. Map Amendment: Amending Chapter 521, Zoning Districts and Maps, affecting the primary and overlay zoning districts contained in Plates 27 and 33.

The purpose of the amendment is to consider rezoning of property in the 38th Street LRT Station Area. The proposed rezoning affects primary zoning and assignment of the Pedestrian Oriented Overlay District.

Action: The City Planning Commission recommended that the City Council find that obtaining consent signatures for the rezoning of properties from residential to commercial in the 38th Street Transit Station Area would be impractical and further recommends that the City Council adopt the findings and **approve** the zoning map amendment for the rezoning of parcels in the attached exhibits.

Community Planning and Economic Development -- Planning Division Report

Zoning Code Map Amendments
Hiawatha LRT Neighborhood Station Area Rezoning Study
38th Street LRT Station Area

Date: April 14, 2008

Initiator of Amendment: Councilmember Schiff

Date of Introduction at City Council: August 17, 2007

Ward: 9

Neighborhood Organization: Standish-Ericsson Neighborhood Organization

Planning Staff and Phone: Paul Mogush, Principal City Planner, 612-673-2074

Intent of the Ordinance:
The intent of the ordinance is to implement Transit Station Area policies of The Minneapolis Plan as articulated in the adopted 38th Street Station Area Plan.

Appropriate Section(s) of the Zoning Code:
Chapter 521: Zoning Districts and Maps Generally

Existing Zoning: Various primary district designations and the Pedestrian Oriented-PO Overlay District.

Proposed Zoning for Map Amendment: See attached map and parcel listing

Zoning Plate Numbers: 27 and 33

Study Background:
State statute requires municipalities to develop consistency between zoning and its comprehensive plan. The City has amended its comprehensive plan, the Minneapolis Plan, to designate the areas around each of the six neighborhood stations of the Hiawatha LRT line as Transit Station Areas. Further, extensive public involvement has resulted in detailed plans for neighborhood station areas. On April 2nd, 2004, the City Council adopted a formal resolution directing the Planning Division to undertake a rezoning study to implement these plans. Councilmember Schiff introduced the subject matter of an ordinance relating to rezoning in the vicinity of the 38th Street LRT station on August 17, 2007.

Zoning amendments in the Hiawatha Corridor outside of downtown are occurring in two phases. The first phase established a Pedestrian Oriented (PO) Overlay zoning district within neighborhood LRT station areas. This was adopted by the Council on January 6th, 2005. This created additional regulations and incentives for development in these areas (such as the prohibition of expanding or establishing new

automobile service uses). The second phase is resulting in recommendations for changes to "primary" zoning districts, with some modifications to overlay districts. 38th Street is the third station area to be reviewed for changes to primary district zoning. The extent of the area analyzed for potential zoning changes is the area for which the 38th Street Station Area Plan provides future land use guidance, as well as any land within one-half mile of the 38th Street LRT station that is also in the Pedestrian Oriented (PO) Overlay District.

CPED-Planning is bringing forward recommendations for zoning changes in the 38th Street LRT Station Area west of Hiawatha Avenue only. Recommendations for changes east of Hiawatha Avenue are expected in 2009.

38th Street Station Area Planning and Public Process:
Parcels were evaluated against various city documents to determine whether or not current zoning is appropriate. Primary considerations were The Minneapolis Plan and the 38th Street Station Area Plan.

The Minneapolis Plan
The Minneapolis Plan, the City's Comprehensive Plan, provides overarching land use policy guidance for the area. The 38th Street LRT station is designated as a Transit Station Area (TSA) in the Minneapolis Plan. Other land use features in and near the study area are:

- 38th Street: Community Corridor
- Minnehaha Avenue: Community Corridor
- East 38th Street and 23rd Avenue South: Neighborhood Commercial Node
- East 38th Street and Minnehaha Avenue: Neighborhood Commercial Node

Detailed policies and implementation steps can be found in the required findings below.

38th Street Station Area Plan
The 38th Street Station Area Plan was part of a series of long-range plans completed for transit-oriented development (TOD) around Hiawatha LRT stations. Adopted by the City Council on October 20, 2006, the Plan was developed with public participation and guidance from both community and technical advisory committees. The area of study included the neighborhoods of Standish and Howe. It focused on land uses, urban design, public infrastructure, and amenities located within a 1/2-mile of the station. It serves as an amendment to and articulation of the City's Comprehensive Plan.

Recommendations regarding rezoning are the product of staff work applying the recommendations of the above documents. The recommended changes have been available for public review at the Minneapolis Development Review counter and on the City's web site since February 23, 2008. A public open house on the draft changes was held at the Lake Hiawatha Recreation Center on March 18, 2008.

Analysis of 38th Street Station Area Zoning:

23rd Avenue Node

Current uses include: Several small-scale commercial buildings, automobile service and convenience uses, and single-family homes

Current zoning: Primarily C1, with OR2 and R4

Proposed zoning: No changes proposed

The 38th Street Station Area Plan supports the continuation of the existing small-scale commercial feel of the 23rd Avenue Node, and identifies two sites for potential redevelopment. One is the large surface parking lot on the northeast corner of East 38th Street and 23rd Avenue South, where the City Council recently approved a rezoning to OR2 to allow a new senior housing development. The other identified redevelopment site is at the northeast corner of 38th Street and 24th Avenue South. The existing C1 zoning on this site would allow for the type of small-scale neighborhood mixed-use development envisioned in the plan. The remainder of the 23rd Avenue Node is identified for preservation of existing commercial buildings or adaptive reuse of single-family structures for commercial use. The existing C1 zoning allows for these uses. Therefore, no zoning changes are proposed for the 23rd Avenue Node.

38th Street Residential District

Current uses include: Single- and two-family homes, Hennepin-Overland Museum, auto repair, Greater Friendship Missionary Baptist Church, City Coin Laundry, Regal Pet Grooming

Current zoning: R1A, R2B, C1

Proposed zoning: R1A, R4, C1

The 38th Street Station Area Plan envisions the area between the 23rd Avenue Node and the LRT station as primarily a moderate-density residential district with townhomes/stacked flats. The proposed rezoning of several parcels to R4 allows for the redevelopment of identified opportunity sites into medium density housing and ensures that commercial activity will be focused to the east and west, as outlined in the Plan.

Station District

Current uses include: Single-family homes, LRT station, several commercial and mixed-use buildings, and auto repair

Current zoning: R1A, C1, C2

Proposed zoning: R5, C1, C2

The 38th Street Station Area Plan envisions redevelopment of several sites near the LRT station east of 28th Avenue into commercial/residential mixed-use buildings of approximately four stories. This type of redevelopment could happen under a number of zoning districts, including C1, C2, C3A, and OR2. Of these, the regulations of the C1 district best match the combination of residential density, retail mix, and building bulk envisioned in the Plan. Development of four-story buildings, as the Plan shows, would require a conditional use permit to increase the maximum height of a building.

The Plan envisions four-story townhomes/stacked flats on parcels between 29th Avenue South and the LRT station. Given its direct proximity to the station, a high density residential district would be appropriate at this location. Either the R5 or R6 zoning district would allow for high

density housing. The R5 district, with its maximum as-of-right height of four stories, is better aligned with the station area plan than the R6 district.

The station and accompanying bus transfer facility are proposed for C1 zoning to allow for mixed-use development in the event that joint development on the station site becomes a possibility in the long-term future.

Extension of the Pedestrian Oriented (PO) Overlay District

In 2005 the City Council applied the Pedestrian Oriented (PO) Overlay District in areas near most of the neighborhood LRT stations in the Hiawatha Corridor, including along 38th Street west of Hiawatha Avenue. As part of this rezoning study, the Planning Division is proposing to extend the PO overlay to areas proposed for a primary zoning change and that are not currently in the PO district. This will allow for new development on these parcels to take advantage of the increased density bonuses and reduced off-street parking requirements in the PO district, as well as prevent uses that detract from the envisioned transit- and pedestrian-oriented nature of the area from establishing on parcels proposed for commercial zoning.

Rezoning from Residential to Commercial

The Planning Division proposes rezoning seventeen parcels from a residential zone to a commercial zone. State statute requires that written consent be obtained from the owners of two-thirds of the properties within 100 feet of the any property being changed from residential to either commercial or industrial zoning unless the amendment is based on a 40-acre survey/planning study AND the Planning Commission determines that the number of properties affected by the proposed amendment(s) renders obtaining of such written consent impractical. The City Planning Commission, therefore, must make a formal finding of impracticality. If the finding is made by the City Planning Commission that obtaining consent signatures is impractical, the City Council voting requirement to approve the rezoning is two-thirds (with consent signatures obtained, the voting requirement is a majority).

Following is a list of properties proposed for rezoning from R1A to C1:

Property ID #	Address
0102824440055	3748 29TH AVE S
0102824440056	3752 29TH AVE S
0102824440060	3749 28TH AVE S
0102824440072	3725 29TH AVE S
0102824440073	2922 38TH ST E
0102824440075	3757 29TH AVE S
0102824440076	3753 29TH AVE S
0102824440077	3749 29TH AVE S
0102824440084	3752 HIAWATHA AVE
1202824110033	3805 29TH AVE S
1202824110034	3809 29TH AVE S
1202824110074	3800 29TH AVE S
1202824110075	3804 29TH AVE S

1202824110076	3808 29TH AVE S
1202824110116	3808 30TH AVE S
1202824110183	3801 30TH AVE S
1202824110184	3809 30TH AVE S

Obtaining consent from the owners of properties within 100 feet of the above properties would involve staff approaching the owners of 58 properties. Reaching these owners and obtaining signatures would require a substantial amount of staff time. In addition, there is a level of impracticality of contacting these property owners when the zoning changes are based on a planning process that has already involved a great amount of community participation, that represents a community vision and adopted city policy, and that has had numerous formal opportunities for public comment.

Findings as required by the Minneapolis Zoning Code:

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

The purpose of the proposed changes to primary and overlay district zoning in the 38th Street Transit Station Area is to implement the adopted plan for the area and achieve consistency with the City's comprehensive plan. They address the following Minneapolis Plan policies and implementation steps relevant to zoning:

Minneapolis Plan Policies and Implementation Steps

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Implementation Steps

Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

Promote more intensive residential development along these corridors where appropriate.

Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed-use residential dwelling units in commercial buildings where appropriate.

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

Ensure that commercial uses do not negatively impact nearby residential areas.

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Implementation Steps

Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.

Direct other uses that act as neighborhood focal points (institutional, cultural or social) to locate at Neighborhood Commercial Nodes.

Restrict auto-oriented, industrial or manufacturing activities that generate significant vehicular traffic, noise or air-borne impacts on residential neighbors.

Promote medium density residential development around Neighborhood Commercial Nodes (see also Community Corridors policy in this chapter).

Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.

Ensure that commercial uses do not negatively impact nearby residential areas.

Facilitate the redevelopment of underutilized commercial areas and promote their reuse as infill development, such as office or housing, while maintaining neighborhood compatibility.

Promote traditional urban form in terms of building siting and massing when undertaking new development in Neighborhood Commercial Nodes. (See discussion of traditional urban form in Chapter 9.)

Preserve traditional commercial storefronts at Neighborhood Commercial Nodes wherever possible.

4.18 / 9.36 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Implementation Steps

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

4.19 / 9.37 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)

Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form*.)

Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

8.6 Minneapolis will follow a policy of "Transit First" in order to build a more balanced transportation system than the current one.

Implementation Steps

Focus transit services and development growth along transit corridors.

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

The proposed map amendments reflect considerable long-range planning efforts related to light rail transit over the last several years, which have included significant public involvement. They address Minneapolis Plan policies and implementation steps, including those articulated in adopted plans. The proposed new districts would apply to 33 parcels of land.

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 proposed changes to primary and overlay zoning designations are guided primarily by the adopted station area plan as well as Transit Station Area, Community Corridor, and Neighborhood Commercial Node policies of The Minneapolis Plan. These plans and policies consider the growth and evolution of the entire area, including integration with and transition between surrounding land uses.

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 proposed zoning identifies reasonable changes to fulfill long-term land use objectives of adopted city plans. In some cases, uses become legally non-conforming so that future uses are consistent with the plans. In most cases, zoning changes increase development potential to realize the density and/or use objectives of the plans.

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 advent of light rail transit changes the policy context as well as market potential of property in around LRT station areas. The proposed changes address policy and plan objectives as expressed in The Minneapolis Plan, and the 38th Street Station Area Plan.

RECOMMENDATION OF THE DEPARTMENT OF COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT, PLANNING DIVISION:

The Planning Division of the Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council find that obtaining consent signatures for the rezoning of properties from residential to commercial in the 38th Street Transit Station Area would be impractical and further recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning map amendment for the rezoning of parcels in the attached exhibits.

Attachments:

- List of parcels proposed for rezoning
- Proposed Zoning Map
  - Primary Zoning Districts
  - Overlay Zoning Districts
- 38th Street Station Area Plan excerpt
- Public comments received
- Proposed ordinance language