



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

Date: October 16, 2009
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the October 13, 2009 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:

6. Zoning Code Text Amendment, Shanna Sether, Senior Planner, x2307

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 October 13, 2009. 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 October 13, 2009 took action to **submit the attached comment** on the following items:

6. Zoning Code Text Amendment (Ward: All), ([Shanna Sether](#)).

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 520 related to Zoning Code: Introductory Provisions

Amending Chapter 535 related to Zoning Code: Regulations of General Applicability

Amending Chapter 536 related to Zoning Code: Specific Development Standards

Amending Chapter 546 related to Zoning Code: Residence Districts

The purpose of the amendment is to revise zoning code provisions to require outdoor children's play areas accessory to certain multiple-family residential uses.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment, amending chapters 536 and 546, including the following changes to the staff recommendation for chapter 536: the amendment applies only to sites located in the R5 and R6 Districts and to sites located at least 1,500 feet from a public park. Staff further recommends that chapters 520 and 535 be **returned** to author.

Community Planning and Economic Development Planning Division Report
Zoning Code Text Amendment

Date: October 13, 2009

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: May 16, 2008

Specific Site: Citywide

Ward: Citywide **Neighborhood Organization:** Citywide

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Intent of the Ordinance: To revise zoning code provisions to require outdoor children's play areas accessory to certain multiple-family residential uses.

Appropriate Section(s) of the Zoning Code: Chapter 536, Specific Development Standards and Chapter 546, Residence Districts.

Background: On May 16 2008, an ordinance amendment was introduced at the City Council to amend Chapter 520 Introductory Provisions, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards and Chapter 546 Residence Districts of the Zoning Code to require children's play space in certain multi-family districts. The purpose of the amendment is to revise zoning code provisions to require outdoor children's play areas accessory to certain multiple-family residential uses. Upon researching these uses, staff has determined that amendments to Chapter 520 Introductory Provisions and Chapter 535 Regulations of General Applicability are not required at this time.

Outdoor children's play areas are not required in any of the zoning districts. A recent adoption of a text amendment of Chapter 527 Planned Unit Development (PUD) has authorized an amenity and five points to PUDs that provide an active, outdoor children's play area that complies with the following provision:

An active, outdoor children's play area with a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms but not less than five hundred (500) square feet of play area to a maximum required area of five thousand (5,000) square feet. The play area shall be secure, shall be separated from parking and maneuvering areas, and shall be designed to facilitate adult supervision. The play area shall include play equipment, installed to the manufacturer's specifications, or natural features suitable for children in both preschool and elementary school. Play equipment shall not be located in a required yard and not more than twenty five (25) percent of the required square footage of the play area may be located in a required yard. Play areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.

The proposed text amendment would add a specific development standard to multiple-family dwellings with a lot area of at least 20,000 square feet and at least five dwelling units in the R4, R5 and R6 Multiple Family Districts that would require outdoor, children's play area accessory to residential developments that are intended for families with children. Specifically, each dwelling with three or more bedrooms would provide a minimum of fifty (50) square feet of outdoor play area intended for children; the minimum area required would be three-hundred (300) square feet and the maximum required area would be two-thousand (2,000) square feet. The ordinance would exempt projects within the UA University Area Overlay District from this specific development standard. The recently adopted UA Overlay District encompasses the neighborhoods in and around the University of Minnesota, where the majority of new developments have multiple bedrooms that are often inhabited with students. This ordinance is not intended to discourage developers from providing outdoor children's play space in the UA Overlay; however it would not be mandated.

Purpose for the Amendment:

What is the reason for the amendment?

What problem is the Amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The purpose of the amendment is to require outdoor, children's play area accessory to multiple family dwellings intended for children. The proposed text amendment would add a specific development standard to multiple-family dwellings of five units or more in the R4, R5 and R6 Multiple Family Districts. These districts allow multiple-family dwellings as conditional uses. The proposed amendment would require outdoor play area in these zoning districts citywide.

The City is concerned that multi-family residential development intended for families with children, would not provide sufficient open space or play area for children. This amendment would add a specific development standard to multiple-family dwellings with at least 20,000 square feet of lot area and at least five dwelling units in the R4, R5 and R6 Multiple Family Districts that would require outdoor, children's play area accessory to residential developments that are typically intended for families with children. Specifically, each dwelling with three or more bedrooms would provide a minimum of fifty (50) square feet of outdoor play area intended for children; the minimum area required would be three-hundred (300) square feet and the maximum required area would be two-thousand (2,000) square feet. This amendment would be applied citywide.

The purpose of the residence districts is to preserve and enhance quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the comprehensive plan, and to ensure adequate light, air, privacy and open space. Providing additional open space for children's play area may be appropriate for multiple family dwellings, intended for families in the R4, R5 and R6 Districts, which would increase the desirability and range of populations within the City of Minneapolis. Given the limited number of multiple family dwellings of five units or more with three or more bedrooms in the R3 District, staff does not believe it would be appropriate to require outdoor, children's play area in the R3 District at this time.

CPED Planning Division Report
Zoning Code Text Amendment

In some cases, developers have voluntarily provided on-site play space accessory to new development. However, staff is concerned that the proposed amendment is similar in purpose and scope to the newly adopted regulations requiring a park dedication for projects that increase the net number of dwelling units on a site and will impose an additional practical and financial burden on residential development. The park dedication is required of any developer of land within the city that will result in a net increase in the number of development employees and/or a net increase in the number of residential dwelling units. Developers will have to either pay a fee or convey or dedicate to the public a reasonable portion of the land for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space. The effective date of the ordinance for the park dedication fee, if approved by the Minneapolis Park & Recreation Board, is January 1, 2011.

On relatively small lots, staff anticipates that there may be challenges associated with providing play space, the required landscaping, and the required number of off-street parking spaces. Thus, staff recommends that the amendment be limited to development projects on sites greater than 20,000 square feet in area. In addition, in some cases a development with five or more dwelling units, including units with three or more bedrooms, may not be intended for families with young children. However, the zoning code authorizes a variance to the specific development standards of Chapter 536, where strict adherence would cause undue hardship because of conditions or circumstances unique to an individual property.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendment is timely given that it supports the goals of the *Minneapolis Plan for Sustainable Growth*, which states that development and design of new open spaces should respond to the changing demographics and an ever-changing built environment. This amendment is part of the continual process of updating the zoning ordinance, as well.

Staff performed a code search to obtain information on how other area cities address on-site children's play area. The City of Vancouver, British Columbia has a series of standards for locating multiple-family dwellings intended for families within proximity to schools with play equipment, day care centers, after school facilities, community centers, grocery stores, playgrounds and public transit. Further, they have specific guidelines for children in different age groups including pre-school, elementary, pre-teens, and teenagers. The State of MN has standards for outdoor play space accessory to child care facilities requiring outdoor play space of at least 50 square feet per child in attendance, adjacent to the residence, for regular use, or a park, playground, or play space within 1,500 feet of the residence. Finally, Lincoln, NE has design standards for recreational facilities that regulate equipment types, safety standards and lighting.

Staff reviewed existing developments within the City of Minneapolis that have provided outdoor, children's play area accessory to multi-family residential structures. In addition, staff reviewed three

CPED Planning Division Report
Zoning Code Text Amendment

projects that have been recently reviewed and approved that would meet the criteria established in the proposed amendment.

- 1) Groveland Terrace (48, 50 and 52 Groveland Terrace)
3 dwelling units with 3 or more bedrooms; under the proposed ordinance, 300 square feet of outdoor, children's play area would be required.
- 2) Karmel Village (2848 Pleasant Avenue and 2825 Grand Avenue)
51 dwelling units with 3 or more bedrooms; under the proposed ordinance, 2,000 square feet of outdoor, children's play area would be required.
- 3) Lake Calhoun City Apartments (3046 West Lake Street)
10 dwelling units with 3 or more bedrooms; under the proposed ordinance, 500 square feet of outdoor, children's play area would be required.

If the proposed amendment is denied, outdoor, children's play area would not be mandated in the R4, R5 and R6 Districts, limiting the attractiveness of multiple family dwellings intended for families and increase the relative burden upon existing park resources. This may limit opportunities for the City to attract families that support the city's goals.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following policies of the *Minneapolis Plan* apply:

- 9.18 Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.

The following general land use policies of the *Minneapolis Plan for Sustainable Growth* apply:

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.

CPED Planning Division Report
Zoning Code Text Amendment

- Policy 3.6: Foster complete communities by preserving and increasing high quality housing opportunities suitable for all ages and household types.
- 3.6.1 Promote the development of housing suitable for people and households of all life stages that can be adapted to accommodate changing housing needs over time.
- Policy 7.1: Promote the physical and mental health of residents and visitors by recognizing that safe outdoor amenities and spaces support exercise, play, relaxation and socializing.
- 7.1.1 Ensure that adjacent land uses contribute to the safety and ambiance of parks and open spaces.
 - 7.1.2 Ensure safety in open spaces by encouraging Crime Prevention through Environmental Design strategies.
 - 7.1.4 Ensure open spaces provide peaceful, meditative, and relaxing areas as well as social, recreational, and exercise opportunities.
 - 7.1.5 Provide equipment, programming, and other resources when possible that promote the physical and mental health of citizens.
- Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.
- 10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

Providing new types of outdoor amenities will allow the city to continue to transform into a sustainable and functional environment. The development and design of new open spaces should respond to the changing demographics and an ever-changing built environment. Future possibilities exist to give the city the equivalent of a central square; provide green infrastructure such as green roofs, bioswales, and rain gardens; develop high quality open space as part of new developments; and to better preserve the city's existing open spaces.

Recommendation of the Community Planning and Economic Development--Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending chapters 536 and 546. Staff further recommends that chapters 520 and 535 be returned to author.

Attachments

1. Ordinance amending Chapter 536 Specific Development Standards, adding standards for outdoor, children's play area to *Multiple-family dwellings, five (5) units or more.*

CPED Planning Division Report
Zoning Code Text Amendment

2. Ordinance amending Chapter 546 Residence Districts, adding specific development standards to Table 546-1 for *Multiple-family dwellings, five (5) units or more*.
3. Photographs of existing outdoor, children's play area in the City of Minneapolis.

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

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Minneapolis, MN 55415-1385
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MEMORANDUM

DATE: October 20, 2009

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 October 13, 2009

The following actions were taken by the Planning Commission on October 13, 2009. 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, Cohen, Huynh, Luepke-Pier, Schiff and Tucker – 6

Not present: Bates (excused), Gorecki (excused) and Nordyke

Committee Clerk: Lisa Baldwin (612) 673-3710

6. Zoning Code Text Amendment (Ward: All), ([Shanna Sether](#)).

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

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The purpose of the amendment is to revise zoning code provisions to require outdoor children's play areas accessory to certain multiple-family residential uses.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment, amending chapters 536 and 546, including the following changes to the staff recommendation for chapter 536: the amendment applies only to sites located in the R5 and R6 Districts and to sites located at least 1,500 feet from a public park. Staff further recommends that chapters 520 and 535 be **returned** to author.

Staff Sether presented the staff report.

President Motzenbecker: I understand the language that you were just mentioning about the minimum 50 square feet, 300, 2000...I understand the intent but I had to read it like six times to get it so there may be some way to clarify that language-wise as this goes forward before it goes to council. It was just unclear. It was difficult for me to understand it. I finally got it, but there may be a way to help that. I was going to ask about the distance of those three from parks but I had ended up doing it myself so I was pretty close.

Commissioner Schiff: When I first introduced this, I was amazed that there wasn't something already in the code and we heard so often from neighbors that were concerned that large apartment buildings were being built without playground space for kids. What did you find in your research from other cities around the country? Is this a standard requirement?

Staff Sether: One of the cities that we looked was Vancouver, British Columbia, and they actually take a look at locating their multiple family dwellings within a certain distance of provided amenities including parks, elementary schools, preschools, churches and then a certain distance to retail sales and services. That's one example somewhat similar that works kind of conversely. So, in order to encourage multiple family dwellings that are intended for families, they should be located within a certain distance of those amenities. Here we're saying based on the type of development, if there isn't park land within a certain distance they should be providing it on site for residents and children of those residents as well.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Schiff: I move approval and thank staff for their excellent work. I think it's a great example of hearing an ongoing complaint from neighborhoods as large apartment buildings are proposed in the city and seeing what we can do to get more outdoor play space for kids in our city (Cohen seconded).

Staff Wittenberg: It's not clear that you received an updated version that included an exemption from the requirement if a site is located within 660 feet of a park so if you could just clarify that that's the version that you intend to move forward with the recommendation to City Council.

Commissioner Schiff: Yes, it is.

President Motzenbecker: The park thing made a lot of sense to me because I was thinking we want to encourage people to use our parks, we don't want people not using them because then they fall into disrepair so I appreciate that exemption. My question was do we think the standard that's in place for Minnesota, the 1500 feet, should be something that's considered or is there some driving desire to make it 660 feet?

Commissioner Schiff: Your question is on the proximity to a park for an exemption to the ordinance?

President Motzenbecker: Right, because the three examples that were given were all within the 1500 feet, some closer, but all of them within 1500 feet. I just thought if it's already in a Minnesota standard as 1500, if there could be some consistency otherwise 660 is obviously fine.

Commissioner Schiff: I'm interested in other people's thoughts. I don't have a strong feeling on what the exact amount should be.

Commissioner Luepke-Pier: I guess I personally would prefer the closer number. For younger children it's easier for parents, especially multifamily households with multiple children to keep track of them the closer they are. My own personal bias, the younger the kid the easier to get them outside if it's closer. I would be more inclined to support the 660 than the 1500.

Commissioner Huynh: If you look at the 660 feet, that's approximately two widths of a street block. That's really not that far away from any kind of open civic space. I understand the concerns of parents and having small children being able to walk two blocks, but I also understand that we live in an area where we want to encourage physical activity. I'm fine with the 1500 and I would like the consistency with that, but I'm also not a parent.

Commissioner Tucker: I do like the idea of encouraging the use of our parks and would support the 1500 limit that is the state standard anyway. What I would do is propose an amendment that that 660 feet be changed to 1500 feet, that's my motion (Huynh seconded).

President Motzenbecker: Moved and seconded. All those in favor of amending from 660 to 1500? Opposed?

The motion carried 2-1, Schiff and Cohen abstained.

President Motzenbecker: My other question is looking at this and given the Park's desire and given that we don't have a lot of control over a lot of the design of these and there could be a lot of chain link and really poorly designed even though they have the play space. I'm thinking visual clutter. I was wondering if it could be just in R5 and R6 zones because those have the ability to have those bigger units with the 20,000 square feet that is included in the amendment and still have the room for the required green space that we need in site plan review and all that stuff. In the R4 I think the lot sizes and the ability to squeeze them in, you may lose some of that and may start seeing a lot of variances.

Commissioner Schiff: I would ask out staff from the examples they pulled what were the base zoning districts. Were those buildings in R4, R5 or R6?

Staff Sether: Two of the three examples were in R5, the other was in R6. There were no examples found in the R4 district.

Commissioner Tucker: I like the idea of eliminating R4 from the text amendment so I will move that it apply just to R5 and R6 (Huynh seconded).

The motion carried 5-0.

President Motzenbecker: We have a text amendment with two amendments changing the distance exemption to 1500 feet and removing R4 from the categories that this would apply to. With that, all those in favor? Opposed?

The motion carried 5-0.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Schiff

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by adding thereto the following specific development standard in alphabetical sequence to read as follows:

536.20. Specific Development Standards. The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Multiple family dwelling, five units or more:

- (1) All multiple family dwellings of five (5) or more units that include at least one (1) dwelling with three (3) or more bedrooms shall provide an outdoor children's play area to serve residents of the development on sites meeting the following criteria:
 - a. At least twenty thousand (20,000) square feet of lot area.
 - b. Located in the R5 or R6 Multiple Family Districts.
 - c. Located at least one thousand five hundred (1,500) feet from a public park.
 - d. Located outside the UA University Area Overlay District.

- (2) All required outdoor children's play areas shall be subject to the following requirements:
 - a. An active, outdoor children's play area shall be a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms, but not less than three hundred (300) square feet of play area to a maximum required area of two thousand (2,000) square feet.
 - b. The play area shall be secure, shall be separated from parking and maneuvering areas, and shall be designed to facilitate adult supervision.
 - c. Play equipment shall be effectively screened from any adjacent residential use located in a residence or office residence district or from a ground floor

permitted or conditional residential use, as specified in Chapter 530, Site Plan Review.

- d. The play area shall include play equipment, or natural features suitable for children in both preschool and elementary school. If pre-fabricated, play equipment shall be installed to manufacturer's specifications.
- e. Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.
- f. Play equipment shall not be located in a required yard and not more than twenty five (25) percent of the required square footage of the play area may be located in a required yard.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Schiff

Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Table 546-1 the above-entitled ordinance be amended to read as follows:

Table 546-1 Principal Uses in Residence Districts

| Use | R1 | R1A | R2 | R2B | R3 | R4 | R5 | R6 | Specific Development Standards |
|--|----|-----|----|-----|----|----|----|----|--------------------------------|
| Multiple-family dwelling, five (5) units or more | | | | | C | C | C | C | <u>✓</u> |