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

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MEMORANDUM

DATE: July 23, 2008

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 July 21, 2008

The following actions were taken by the Planning Commission on July 21, 2008. 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, Gorecki, Huynh, LaShomb, Nordyke, Norkus-Crampton, Schiff, and Tucker – 8

Commissioners not present: Luepke-Pier (excused) and Williams

Committee Clerk: Lisa Baldwin (612) 673-3710

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3. Zoning Code Text Amendment (Ward: All), (Brian Schaffer).

A. Text Amendment: Amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances related to the Zoning Code: Nonconforming Uses and Structures.
The purpose of the amendment is to extend the length of time a legal nonconforming single or two family structure containing a conforming use that is damaged or destroyed has to apply for a building permit before the nonconforming rights are lost.

Action: The City Planning Commission recommends that the City Council adopt the findings and **approve** the zoning code text amendment, amending section 531.40.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the staff recommendation (Huynh seconded).

The motion carried 7-0.

4. Zoning Code Text Amendment (Ward: All), (Erik Nilsson).

A. Text Amendment: Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances related to the Zoning Code: Introductory Provisions and Title 20, Chapter 525 of the Minneapolis Code of Ordinances related to the Zoning Code: Administration and Enforcement.

The purpose of the amendment is to provide a codified process for making a request for an exception from generally-applicable zoning requirements based on a claim that the request is a "reasonable accommodation" under federal law.

Action: The City Planning Commission recommends that the City Council adopt the findings and **approve** the zoning code text amendment, noting that the words "immediately adjacent" should be used in place of "immediately abutting."

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Staff Wittenberg: Commissioner Norkus-Crampton pointed out that in 525.620 we use different terms to say the same thing in two different places. In one part we say "immediately adjacent" and in another we say "immediately abutting." I would recommend that you create consistency there by making them both "immediately adjacent."

Commissioner Norkus-Crampton: I just want to make sure, "immediately adjacent" means properties all around the front, back and either side, can you define exactly what that means? I know abutting would mean directly physically touching the property, how would that compare to the definition of "immediately adjacent"?

Staff Wittenberg: Our typical practice when we use the term "adjacent" in the zoning code is also to refer to properties that are literally touching and sharing a property line with the property in question.

Commissioner Norkus-Crampton: So this would not include properties behind the given property? In some cities "abutting" and "adjacent" have slightly different definitions.

Staff Wittenberg: It would include the property behind if it's not separated by a public alley, but a separation of a public right-of-way would eliminate that adjacency based on our historic interpretation of that.

Commissioner Norkus-Crampton: On other projects where we're notifying or considering the immediate neighbors, I thought that sometimes that we do include people across the alley behind a property, is that not correct?

Staff Wittenberg: Typical noticing standards are within 350 feet of the property in question so a simple radius for a notice of a public hearing that you have for this meeting for example.

Commissioner Norkus-Crampton: Just so I'm clear, are you saying we're going to handle that differently on this particular ordinance?

Staff Wittenberg: That's correct.

Commissioner Norkus-Crampton: What would the reasoning be for that?

Staff Wittenberg: The reasoning is that we're not talking about a public hearing item, we're talking about an issue that may be of interest to the immediate adjacent property owners when speaking to a matter of federal law.

Commissioner Norkus-Crampton: So it's more like the physicality of any additions would immediately affect the immediate neighbors actually touching the property as opposed to across the alley, is that what we're talking?

Staff Wittenberg: Right.

Commissioner Norkus-Crampton: And that wouldn't affect like the height and massing of the building or anything like that?

Staff Wittenberg: Essentially, somebody could request accommodation for many regulations in the zoning ordinance. Typically we've seen it in the form of a spacing requirement or an occupancy standard for example. I can't recall a situation where we've seen it from a bulk requirement, but certainly it's possible that somebody could make a request for an exception from that type of standard.

Commissioner Norkus-Crampton: That's the only problem I can see possibly with not including things around it because if it's just structures, that just affects the immediate neighbors. If it's more bulking that could possibly affect the people across the alley.

President Motzenbecker: I think the reasonable accommodation looks like it refers more to the Federal Housing Act so I don't think the bulk piece is necessarily a piece of that in a general sense.

Commissioner Tucker: I move approval of staff recommendation, replacing "abutting" with "adjacent". (Huynh seconded).

The motion carried 7-0.