

Community Planning and Economic Development -- Planning Division Report

Zoning Code Map Amendments Hiawatha LRT Neighborhood Station Area Rezoning Study *46th Street LRT Station Area*

Date: January 20, 2009

Initiator of Amendment: Councilmember Schiff

Date of Introduction at City Council: April 2, 2004

Ward: 12

Neighborhood Organizations: Standish-Ericsson Neighborhood Organization
Longfellow Community Council

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 46th and Hiawatha Station Area Master 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: 33 and 34

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.

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. 46th Street is the fourth 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 46th and Hiawatha Station Area Master Plan provides future land use guidance, as well as any land within one-half mile of the 46th Street LRT station that is also in the Pedestrian Oriented (PO) Overlay District.

46th 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 46th and Hiawatha Station Area Master Plan. Additional guidance and context came from the 46th and Hiawatha Transit Oriented Development Strategy, an implementation strategy currently underway and nearing completion.

The Minneapolis Plan

The Minneapolis Plan, the City's Comprehensive Plan, provides overarching land use policy guidance for the area. The 46th Street LRT station is designated as a Transit Station Area (TSA) in the Minneapolis Plan. Nearby Minnehaha Avenue is designated as a Community Corridor. In addition, the 2008 update to The Minneapolis Plan for Sustainable Growth (approved by the City Council and now under Metropolitan Council review) designates the 46th Street LRT Station Area as an Activity Center. Unlike the Transit Station Area designation, the Activity Center designation is accompanied by a geographic boundary in The Minneapolis Plan's future land use map (attached).

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

46th and Hiawatha Station Area Master Plan

The 46th and Hiawatha Station Area Master 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 December 28, 2001, the plan was developed with public participation and guidance from both community and technical advisory committees. 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.

46th and Hiawatha Transit Oriented Development Strategy

A follow-up implementation plan is nearing completion and is intended to align public infrastructure planning and redevelopment planning/phasing. This plan is consistent with the objectives, design guidelines and policies of the adopted small area plan while refining both public infrastructure and market-feasible development scenarios. This process included a citizen advisory community, technical advisory group, and public input at a series of public open houses. The updated consensus plan map from this process is attached.

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 December 1, 2008. A public open house on the draft changes was held at Hiawatha School Park on December 16, 2008.

Analysis of 46th Street Station Area Zoning:

For the purposes of analyzing zoning, this report divides the 46th Street Station Area into the following districts:

Activity Center: Parcels within the boundary of the Activity Center as defined in The Minneapolis Plan for Sustainable Growth.

Snelling Yards/Hiawatha Flats: The area bounded by the freight rail corridor, Snelling Avenue, 43rd Street, and 45th Street.

Transitional Industrial: The area of existing industrial uses and zoning along Hiawatha Avenue between 42nd Street and 45th Street, as well as the west side of Dight Avenue between 42nd and 43rd Street.

Activity Center

Current uses include: 46th Street LRT Station, several auto-oriented retail uses, Capp Industries, new residential/retail mixed-use development (Oaks Hiawatha Station)

Current zoning: R1A, R2B, C2, I1

Proposed zoning: OR2, C1, C2, C3A

LRT Station Site: The 46th and Hiawatha Station Area Master Plan envisions mixed-use development on the excess land east of the bus entrance with multifamily housing along the west side of the station. The site's location within a designated Activity Center suggests a commercial district allowing a range of retail uses as well as housing. Given the constraints of the site, development would likely not take advantage of the intensity allowed by the C3A Activity Center District. The C2 district carries the appropriate mix of allowed uses, residential density, and building bulk for this site. While the C2 district allows some auto-oriented uses that would be inconsistent with the master plan and Transit Station Area policies, the existing Pedestrian Oriented Overlay District prohibits such uses.

Town Square: This is the area currently occupied by Holiday, Burger King, the Parkway Plaza strip mall, Bridgeman's, Dairy Queen, Capp Industries, and a convenience store. The master plan calls for a mix of multifamily housing and retail, with 46th Street frontage as the primary focus for commercial uses. This is a large redevelopment area that will be developed in phases, requiring the flexibility that is provided by the C3A district. The property currently occupied by Walgreens at the northeast corner of 46th and Hiawatha is also in the designated Activity Center and is slated for C3A zoning.

46th and Minnehaha: This rezoning study proposed a small extension of existing C1 zoning to the west and north of the intersection to match the change area outlined in the master plan. Rezoning to a more intense zoning district is not necessary given the constraints of the potential development sites within the change area.

OR2 Transition: The existing mixed-use development on the northwest corner of 46th and Snelling (Oaks Hiawatha Station) is zoned OR2. This rezoning study proposes extending the OR2 zoning through the triangular property to the northwest and into the properties at the southeast corner of 45th and Hiawatha, allowing for primarily residential or office development with some neighborhood-serving retail.

Snelling Yards/Hiawatha Flats

Current uses include: Recently-developed multifamily housing (Hiawatha Flats), Snelling Yards (City of Minneapolis Public Works Facility)

Current zoning: R1A, I1, R5

Proposed zoning: R5

Property within the designated change area between the freight rail corridor, Snelling Avenue, 43rd Street, and 44th Street has been developed into high-density multi-family housing (called Hiawatha Flats). The area between 44th and 45th Streets is currently occupied by Snelling Yards, a City of Minneapolis Public Works facility that will be vacated upon completion of upgrades to the facility at 26th and Hiawatha. Redevelopment of the site will be multifamily housing with green space as envisioned in the master plan. Extending the existing R5 zoning from the Hiawatha Flats site south into the Snelling Yards site will accommodate this redevelopment.

Transitional Industrial

Current uses include: Reddy Rents, self storage, single family homes, several small industrial and automotive uses

Current zoning: I1

Proposed zoning: I1/ILOD

Property fronting the east side of Hiawatha Avenue between 42nd Street and 45th Street is designated as “Office/Convertible Space” in the 46th and Hiawatha Station Area Master Plan. Market studies indicate that there may be a market for office uses in the station area in the future, but not immediately. The plan also indicates support for flexible live/work space. Given the long-term and flexible vision for this area, this rezoning study proposes to leave the existing I1 zoning intact and to add the Industrial Living Overlay District (ILOD), which allows multiple family housing in addition to the existing uses allowed in I1.

The area slated for the addition of the ILOD includes properties along the west side of Dight Avenue between 42nd and 43rd Streets. While not in the change area identified in the master plan, this unique block currently has several nonconforming single-family homes nestled among light industrial and automotive uses. The addition of the ILOD makes those homes conforming, allowing homeowners to make improvements to their properties without appearing before the City Planning Commission to ask for an expansion of a nonconforming use.

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 46th Street. As part of this rezoning study, the Planning Division is proposing to extend the PO overlay to a few properties within the change area that were not included in the initial implementation of the

district. This includes a small piece of the LRT station site, properties near the intersection of 46th and Minnehaha, and properties at the intersection of Minnehaha and Nawadaha.

Contraction of the Pedestrian Oriented (PO) Overlay District

Fully implementing the transit-oriented development vision in the 46th Street LRT station area will require the relocation of several auto-oriented uses near 46th and Hiawatha. The property owners at these locations would need to choose redevelopment over continued operation of these successful businesses. Under existing zoning and land use policy, those businesses would have considerable difficulty finding another location that serves the same market area, even in areas not proximate to a transit station. The Minneapolis Plan for Sustainable Growth discourages auto-oriented uses near transit stations, in Activity Centers, along Community Corridors, and at Neighborhood Commercial nodes – all with the goal of preserving walkability and traditional urban form. Well-designed auto-oriented uses are consistent with policy in certain locations along Commercial Corridors, a land use feature that is not present near the 46th Street LRT station area.

The Pedestrian Oriented (PO) Overlay District that was applied in 2005 currently covers most of the change area identified in the 46th Street Station Area Master Plan, with a one-block gap between the 38th and 46th Street LRT station areas. This gap is between 41st and 42nd Streets, and is currently home to a fast food restaurant with a drive through and a multi-tenant retail/office building. This rezoning study proposes to extend that gap one block to the south, between 42nd and 43rd streets, into the outskirts of the 46th Street station area. Removing the PO district on this block would once again allow auto-oriented uses such as gas stations and drive throughs, providing a potential location for such businesses wanting to relocate from 46th and Hiawatha or other places where a land use transition from auto- to transit-oriented development is envisioned. Any new auto-oriented development is subject to the design standards of the Urban Design chapter of the Minneapolis Plan for Sustainable Growth as well as the site plan review standards in chapter 530 of the zoning code.

Rezoning from Residential to Commercial

The Planning Division proposes rezoning eight 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 residential to commercial:

Property ID #	Address
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0702823430076	3910 46TH ST E
0702823340135	4544 36TH AVE S
0702823430153	4553 MINNEHAHA AVE
0702823430195	4555 SNELLING AVE
0702823340056	4558 HIAWATHA AVE
0702823430194	4559 SNELLING AVE
0702823430154	4561 MINNEHAHA AVE
1802823120047	4612 MINNEHAHA AVE

Obtaining consent from the owners of properties within 100 feet of the above properties would involve staff approaching the owners of 42 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 46th 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

4.18 / 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.

The above policies are from the 2000 comprehensive plan, The Minneapolis Plan. The City is currently in a transition period between that plan and the 2008 update, entitled The Minneapolis Plan for Sustainable Growth. The update was approved by the City Council in July 2008 and is currently under review by the Metropolitan Council. The 2008 update includes the following relevant policies and implementation steps:

Policy 1.7: Limit new and expanded auto-oriented uses in the city so impacts on the form and character of commercial areas and neighborhoods can be minimized.

- 1.7.1 Discourage new and expanded high traffic, auto-oriented uses in neighborhood commercial nodes.
- 1.7.2 Direct auto-oriented uses to locations on Commercial Corridors that are not at the intersection of two designated corridors, where more traditional urban form would be appropriate.
- 1.7.3 Auto-oriented uses should be designed with aspects of traditional urban form, to minimize the impact on the pedestrian realm.

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

- 1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.
- 1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.
- 1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.
- 1.12.4 Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.
- 1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.
- 1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

- 1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.
- 1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.
- 1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.
- 1.12.10 Encourage developments to incorporate climate sensitive site and building design practices.

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

- 1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.
- 1.13.2 Pursue opportunities to integrate existing and new development with transit stations through joint development.
- 1.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.
- 1.13.4 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station.
- 1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.
- 1.13.6 Encourage investment and place making around transit stations through infrastructure changes and the planning and installation of streetscape, public art, and other public amenities.

Policy 2.4: Make transit a more attractive option for both new and existing riders.

- 2.4.1 Collaborate with regional partners to prioritize transit service and capital improvements along a network of corridors where standards for speed, frequency, reliability, and quality of passenger facilities are maintained.
- 2.4.2 Concentrate transit resources in a manner that improves overall service and reliability, including service for seniors, people with disabilities, and disadvantaged populations.
- 2.4.3 Encourage higher intensity and transit-oriented development to locate in areas well served by transit.

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 49 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 and Activity Center 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 46th and Hiawatha Station Area Master 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 46th 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
- 46th and Hiawatha Station Area Master Plan excerpt
- 2001 Consensus Plan from 46th and Hiawatha Station Area Master Plan
- 2008 Consensus Plan from Transit-Oriented Development Strategy
- Map of Comprehensive Plan Designations
- Public comments received
- Proposed ordinance language