

**Department of Community Planning and Economic Development – Planning Division**  
West Broadway Rezoning Study  
Zoning Map Amendments  
Zoning Code Text Amendment

**Date:** July 13, 2009

**Initiator of Amendment:** Council Member Samuels

**Date of Introduction at City Council:** March 6, 2009

**Ward:** 3, 4, 5

**Neighborhood Organizations:** Jordan Area Community Council, Hawthorne Neighborhood Council, Northside Residents Redevelopment Council

**Planning Staff and Phone:** Thomas Leighton, (612) 673-3853 and Kimberly Holien (612) 673-2402

**Intent of the Ordinance:** The intent of the proposed map change is to rezone property in the West Broadway corridor area consistent with its proposed future development as described in the recently approved West Broadway Alive Plan. The intent of the text amendment is to establish regulations that ensure a scale of development that furthers the development objectives articulated in the West Broadway Alive plan, and to establish conditions under which new drive through facilities are allowed in the West Broadway corridor.

**Appropriate Section(s) of the Zoning Code:** Chapter 521: Zoning Districts and Maps Generally; Chapter 551: Overlay Districts

**Existing Zoning:** Various, as illustrated in map attachment

**Proposed Zoning for Map Amendment:** Various, as illustrated in map attachment

**Zoning Plate Numbers:** 7, 8, 12, 13

**Background**

In March, 2008, the Minneapolis City Council adopted *West Broadway Alive*, a small area plan that articulates a development vision and action agenda for the West Broadway corridor in North Minneapolis. The West Broadway rezoning study was initiated later in 2008 with the intent of modifying the zoning of property and the text of the zoning code to reinforce and support the development objectives in the *West Broadway Alive* plan.

## Objectives and Principles

Two hundred thirty nine parcels are recommended for zoning changes, either to their base zoning or with regard to their addition or removal from an overlay district. These proposed changes are detailed in a spreadsheet attachment, and the rationale for each of these changes is provided in a map and table at the end of this report. The overarching objective of the proposed zoning is to promote development that is consistent with the guidance of both *The Minneapolis Plan for Sustainable Growth*, and the *West Broadway Alive* plan.

*The Minneapolis Plan for Sustainable Growth* has been provisionally approved by the Minneapolis City Council for Metropolitan Council review. It designates West Broadway a Commercial Corridor from the Mississippi River to 26<sup>th</sup> Avenue North, and a Community Corridor from 26<sup>th</sup> Avenue to the City Limits. It designates the West Broadway and Lyndale area a Major Retail Center, and the Penn Broadway area a neighborhood commercial node.

The guidance in the *West Broadway Alive* plan for the West Broadway corridor is more detailed, with parcel-specific land use and development intensity guidance for all parcels fronting on West Broadway. In general, the plan calls for:

- Consolidation of commercial businesses to recognizable, walk-able, marketable business districts.
- Intensification of development—commercial, residential, and mixed use—along all parts of West Broadway except for at the westernmost end.

Geographic guidance for the district invites:

- Highest intensity development centered on West Broadway and Lyndale Avenues to include a mix of destination and neighborhood-focused retail including medium- and big-box retail with offices or housing above.
- Highest intensity development between Washington Avenue and the Mississippi River to focus on office development with industrial production behind the buildings that front on West Broadway.
- Medium to high density commercial and mixed-use development centered on the Hawthorn Crossings area to emphasize a main street style, neighborhood serving retail mix on the ground floor of mixed use buildings.
- Medium to high density housing development along the West Broadway curve.
- Medium to high density mixed use development at the West Broadway and Penn Avenue business node.

This report recommends map changes to the zoning of property that are intended to be consistent with and further these land use and development objectives.

The achievement of these objectives is also facilitated through the recommended Zoning Code text amendments. These further the development vision in the aforementioned plans by establishing minimum density provisions for new and infill development along West Broadway, and by supporting the strengthening of the retail district in West Broadway's "Commercial Core" by

allowing banks and drug stores with drive through facilities to be located in that part of West Broadway.

### **Public Process**

A variety of approaches were taken to solicit community and stakeholder review of the draft zoning and text modifications. The rezoning study was one of the topics highlighted at the West Broadway Community Development Expo—a public open house scheduled on Saturday, February 7. The meeting was advertised through neighborhood e-mail lists and posters in 20+ West Broadway business windows. In addition to this public outreach all property owners whose properties would be affected by the draft zoning changes received letters stating this and announcing the public meeting. Around 150 people attended the open house, and the rezoning display was one of the areas that experienced a high level of interest from property and business owners, as well as from neighborhood residents.

The formal 45 day public comment period began on March 13, 2009, and ended on April 27, 2009. During this time, the rezoning proposal was presented and discussed at the Board meetings of the Jordan Area Community Council, the Hawthorn Neighborhood Council, and the Old Highland Neighborhood Association. It was also discussed at the Planning, Zoning and Development Committee of the West Broadway Coalition. While the overall tenor of each of these community conversations was supportive, and a few suggestions were made and taken into consideration, none of these organizations took an official action on the amendments.

Subsequent to scheduling this project for the May 18 CPC agenda, staff determined that additional consideration of the proposed text amendments was necessary in order to finalize the staff recommendation. In particular, further discussions occurred relative to the proposed two floor minimum height for development that fronts on West Broadway. Additional public meetings involved community dialog in three different venues, and a number of public comments were received relevant to this issue.

A letter from the West Broadway Coalition (WBC) is also anticipated. WBC staff have informed city staff that they will be submitting a letter in support of the proposed zoning changes with one exception. They recommend that the proposed provision that would allow banks and drug stores to have a drive through facility under certain conditions be extended to include fast food restaurants as well.

### **Proposed Zoning Map Amendments**

#### **Parcels Proposed for Base Zoning Changes**

Two hundred twenty-four (224) parcels are recommended for a change in base zoning. The primary objectives behind the proposed changes are noted above. Proposed changes to base zoning are detailed parcel by parcel in the attached table entitled “Proposed Zoning Changes”. More detailed rationale for specific proposed changes is offered in the attached table entitled “Rezoning Rationale”. The information in this table is keyed to a map of parcels through utilizing a corresponding letter on both map and table.

**Rezoning from Residential to Commercial**

Three parcels are recommended to change from a residential base zoning district to a commercial base zoning district. The three are 800 West Broadway, 1912 4<sup>th</sup> Street, and 2329 West Broadway. These properties are each currently in multiple zoning districts, with part of the property in a residential district and part in a commercial district. The proposed zoning would put them entirely into a single commercial zoning district as follows.

PID	Address	Existing Zoning District	Proposed Zoning District	Existing WB Overlay	Proposed WB Overlay	Existing PO Overlay	Proposed PO Overlay	Existing IL Overlay	Proposed IL Overlay	Existing TP Overlay	Proposed TP Overlay
1702924110210	2329 WEST BROADWAY	C1 & OR2	C1	No	No	Yes	Yes	No	No	Yes	No
1502924230175	1912 4TH ST	C2 & R4	C3S	No	No	No	Yes	No	No	No	No
1602924140090	800 WEST BROADWAY	C2 & OR1	C3S	No	Yes	No	No	No	No	No	No

The recommended zoning district for currently multiply zoned parcels is guided by the same considerations as for any other property, supporting the land use policy guidance in approved plans.

Pursuant to state law, amendment to the zoning district classification of a property may be made by a majority vote of the City Council, except that a two-thirds majority vote is required to amend a residential classification to either a commercial or industrial classification where that amendment is based upon a planning study (“40 acre survey”) and for which obtaining consent signatures was found to be impractical.

Reaching the owners of these properties and obtaining signatures of consent from most of the 34 additional property owners within a hundred feet of these property boundaries would constitute a great deal of staff time. In addition, there is a level of impracticality of contacting these property owners when the zoning changes are based on planning process that has already involved a great amount of community participation and represents a community vision and city policy.

**Parcels Proposed for the Pedestrian-Oriented Overlay District and West Broadway Overlay District**

With the adoption of these zoning changes, all commercial and industrial zoned properties along West Broadway would be in either the Pedestrian Oriented (PO) Overlay District, or in the new West Broadway (WB) Overlay District. Thirty-three properties would be added to the PO Overlay District, and forty-one properties would be in the WB Overlay District. Both of these overlay districts prohibit automobile oriented uses (although many such existing uses would be grandfathered). And they establish design standards related to such development elements as location of buildings and parking areas, minimum window areas, etc.

Beyond this, the proposed Zoning Code text amendments would establish that, for West Broadway properties in the PO and WB Overlay Districts, new development would be required to meet

minimum density standards. The minimum floor area ratio would be 1.0, and the minimum height of any new building fronting on West Broadway would be two floors.

The two districts differ in the way they treat drive through facilities. Drive through facilities are prohibited in the PO Overlay District, but they would be permitted for banks and drug stores in the WB Overlay District if they are located in multiple use buildings of two or more floors and meet other design-related conditions. (The proposed WB Overlay District was designed specifically to allow this additional flexibility for drive through facilities, with properties in West Broadway's designated "commercial core" assigned to the WB Overlay District.)

The attached Proposed Zoning map shows the properties that are proposed to be in the PO and WB Overlay Districts by outlining them in green and blue respectively. The table entitled Proposed Zoning Changes calls out overlay district changes on a parcel by parcel basis.

### **Parcels Proposed for the Industrial Living Overlay District**

Eight parcels not currently in the Industrial Living (IL) Overlay District are proposed to be included in the IL Overlay District. They are in two areas. One parcel, 2300-1/2 1<sup>st</sup> Street North, is situated in an area just north of West Broadway between West River Road and the north-south railroad spur between 1<sup>st</sup> and 2<sup>nd</sup> Streets. All of the surrounding parcels are zoned industrial with the IL Overlay District. Adding the IL District to this parcel would make it consistent with the surrounding parcels.

The other seven parcels are located in the vicinity of the Kemps manufacturing plant at 412 West Broadway. This future land use intent of this area, as indicated in the Future Land Use map of the West Broadway Alive plan is commercial-residential mixed use along West Broadway, and residential to the rear of the street frontage. The addition of the IL Overlay District to these properties makes residential redevelopment possible without making the existing industrial businesses in this area nonconforming.

### **Parcels Proposed for the Transitional Parking Overlay District**

Seven parcels not currently in the Transitional Parking (TP) Overlay District are proposed to be included in the TP Overlay District. Two parcels currently in the TP Overlay District are proposed to be removed from it. All of the parcels to be added to the TP Overlay District are at the rear of storefront buildings fronting on West Broadway between Bryant and Girard Avenues. This is an area that has been identified in the West Broadway Alive plan as needful of accessory parking to support the storefront businesses.

One of the properties to be removed from the TP District is the first property beyond a recently established accessory parking lot in the aforementioned storefront district. The second property to be removed was mentioned above as a property that had multiple zoning classifications. Since this condition is proposed to be reconciled in favor of commercial zoning for the entire property the TP Overlay district on the currently residential part of the parcel would no longer be needed.

**Non-Conforming Properties**

In certain instances the proposed zoning changes create new nonconforming land uses. The majority of these are a) gas stations, b) fast food restaurants, and c) a concentration of properties from Girard to James Avenue where the zoning is proposed to change from largely commercial zoning to OR2.

Because state law affords property and business owners generous nonconforming rights, going so far as to allow the entire replacement of a structure that houses a nonconforming use, the overriding consideration for each recommended zoning change is how to guide development in instances of complete site redevelopment. In the next couple of decades, most of the four gas stations are likely to remain, as well as most of the existing fast food restaurants. But significant redevelopment is also anticipated, and it may well replace a handful of existing nonconforming businesses such as these. (Over the last five years, both a gas station property and a fast food restaurant have been demolished, laying the foundation for redevelopment of those key parcels.) With redevelopment, the proposed zoning would guide the land use and density of new development in ways that are intended to be consistent with the vision and policies of the West Broadway Alive plan.

In the Girard to James section of West Broadway, the existing land use mix includes commercial retail and services, offices, industrial uses, large institutions, and residential developments—as well as vacant properties. The West Broadway Alive plan calls for a transition away from commercial retail so as to not dilute the attractiveness and marketability of West Broadway’s business districts. The proposed zoning for this part of West Broadway is thus largely OR2, which allows offices, some institutional uses and commercial services, and residential development.

The tables below show the specific parcels where existing uses would become non-conforming given the proposed zoning changes. Several properties on West Broadway are already non-conforming, and would remain non-conforming after the rezoning. But because these are existing conditions, and would not be newly nonconforming as a consequence of this proposed rezoning, they are not listed here. The table identifies which properties would become nonconforming as a result of a change to the base zoning, and which would become nonconforming with the addition of an overlay district.

<b>PID</b>	<b>Address</b>	<b>Land Use</b>	<b>Change that causes Nonconformity</b>	<b>Nonconformity</b>
1502924240019	116 West Broadway	Paints	Changing Base Zoning to I1	Paint manufacturing
1502924320173	409 West Broadway	Wendy's	Adding PO Overlay	Fast food restaurant, drive through facility, building location
1502924230182	417 West Broadway	Taco Bell	Adding PO Overlay	Fast food restaurant, drive through facility, building location
1502924230131	2010 4th Street	Electrical Motors	Changing Base Zoning to I1	Electric Motor Manufacturing
1502924230174	626 West Broadway	Gas Station	Adding WB Overlay	Automobile services uses, location of building
1602924140074, 1602924140075	2018, 2022 Aldrich	Contractor's Office	Changing Base Zoning to OR2	Contractor's office

## CPED Planning Division Report

1602924140238	818 West Broadway	Burger King	Adding WB Overlay	Fast food restaurant, drive through facility, building location
1602924140240	904 West Broadway	McDonalds	Adding WB Overlay	Fast food restaurant, drive through facility for business not meeting design criteria, building location
1602924130157	1000 West Broadway	US Bank	Adding WB Overlay	Drive through facility for business not meeting design criteria, building location
1602924420120	1800 Emerson	Office/Daycare	Changing Base Zoning to R4	Office
1602924130027	2019 Emerson	Locksmith	Changing Base Zoning to R5	Retail use
1602924130084	1120 West Broadway	Gas Station	Adding PO Overlay	Automobile services uses, location of building
1602924130096	1127 West Broadway	Fast food restaurant Offices, Restaurant, Commercial kitchen,	Adding PO Overlay	Fast food restaurant
1602924130104	1200 West Broadway	Reception/ Meeting Hall	Changing Base Zoning to C1	Reception/Meeting Hall
1602924130129	1301 West Broadway	Kentucky Fried Chicken	Changing Base Zoning to OR2	Fast food restaurant, drive through facility, building location
1602924240135	1500 West Broadway	Bakery, dwelling units	Changing Base Zoning to OR2	Bakery not on "Neighborhood serving retail sales and services" list
1602924240172	1501 West Broadway	Contractor's Office	Changing Base Zoning to OR2	Contractor's office
1602924240134	1502 West Broadway	Laundromat, dry cleaning	Changing Base Zoning to OR2	Dry cleaning not on "Neighborhood serving retail sales and services" list
1602924240133	1506 West Broadway	Retail, mixed	Changing Base Zoning to OR2	Retail businesses not on "Neighborhood serving retail sales and services" list
1602924240210	2002 James	Car wash	Changing Base Zoning to OR2	Car wash
1602924240198	1600 West Broadway	Retail, mixed	Changing Base Zoning to OR2	Retail not on "Neighborhood serving retail sales and services" list
1602924240149	1604 West Broadway	Gas station, fast food restaurant	Changing Base Zoning to OR2	Gas station, fast food restaurant
1602924240166	1625 West Broadway	Retail: Auto Parts	Changing Base Zoning to OR2	Auto parts not on "Neighborhood serving retail sales and services" list
0802924430065	2600 West Broadway	Gas station	Changing Base Zoning to OR2	Gas station
0802924430102	2715 West Broadway	Restaurant	Changing Base Zoning to OR2	Restaurant not in a mixed use building
0802924420057	2727 West Broadway	Veterinary Clinic	Changing Base Zoning to OR2	Veterinary Clinic not on "Neighborhood serving retail sales and services" list
0802924420147	2800 West Broadway	Offices, Contractor's Office	Changing Base Zoning to OR2	Contractor's office

As has been referenced above, these non-conforming uses would be able to continue operation indefinitely even under the new zoning. They could transfer ownership and continue operation.

They could change the type of business within the zoning code land use category. They could remove and reconstruct up to 100% of the value of the building, making improvements to the building's functionality and appearance. They would also be able to apply for a change in land use to a different non-conforming use, or to expand the building or business. These changes could be granted if the legal findings for such application were deemed to be satisfied by the City Planning Commission—or on appeal, the City Council.

### **Findings as required by the Minneapolis Zoning Code**

By state statute and city code, the following findings are to be considered in the adoption of zoning map changes.

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

As noted in the Background section of this report, the recommended map changes are consistent with, and further the policies of, the City's draft comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Map changes support the Commercial Corridor, Community Corridor and Retail Center designations—concentrating commercial land uses in these areas. They establish zoning that is supportive of growth throughout most of the West Broadway area.

The City's soon-to-be-superseded existing comprehensive plan, *The Minneapolis Plan*, designates West Broadway a Commercial Corridor from the Mississippi River to 26<sup>th</sup> Avenue, and a Community Corridor from 26<sup>th</sup> Avenue to the City Limits. It designates the West Broadway & Lyndale area an Auto Oriented Shopping Center, and the West Broadway and Penn business district a Neighborhood Commercial Node. The proposed changes are reasonably consistent with these designations as well, although the change to the comprehensive plan designation of the West Broadway and Lyndale area from Auto Oriented Shopping Center to Retail Center is not accidental. Rather, it was informed by the findings of the *West Broadway Alive* plan and offers a more accurate geographic policy basis for that part of West Broadway.

The proposed zoning is consistent with the following policies from The Minneapolis Plan.

- 4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.
- 4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

#### Implementation Steps:

- Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

## CPED Planning Division Report

- Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.
- 4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.
- Implementation Step:
- Provide for a range of commercial districts that provide the services required by the residents and businesses.
- 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.
  - 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.
- 4.9 Minneapolis will grow by increasing its supply of housing.
- Implementation Step:
- Support the development of new medium- and high-density housing in appropriate locations throughout the City.
- 9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.
- 9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

The proposed zoning is consistent with the following policies from *The Minneapolis Plan for Sustainable Development*.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

## CPED Planning Division Report

- 1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.
  - 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.
- Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.**
- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.
- Policy 1.10: Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.**
- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.
  - 1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.
  - 1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.
  - 1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.
  - 1.10.5 Encourage the development of high-density housing on Commercial Corridors.
- Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.**
- 1.11.3 Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities.
  - 1.11.4 Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.
  - 1.11.5 Encourage the development of medium- to high-density housing where appropriate within the boundaries of Neighborhood Commercial Nodes, preferably in mixed use buildings with commercial uses on the ground floor.
  - 1.11.6 Encourage the development of medium-density housing immediately adjacent to Neighborhood Commercial Nodes to serve as a transition to surrounding low-density residential areas.

## CPED Planning Division Report

Policy 1.16: Support a limited number of Major Retail Centers, while promoting their compatibility with the surrounding area and their accessibility to transit, bicycle and foot traffic

1.16.2 Incorporate principles of traditional urban design in new and phased development, including buildings that reinforce the street wall, have windows that provide “eyes on the street”, and principal entrances that face the public sidewalks.

1.16.4 Ensure the provision of high quality transit, bicycle and pedestrian access to Major Retail Centers.

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Policy conformance with the *West Broadway Alive* plan has already been noted—and in particular with its Future Land Use and Development Intensity maps. Policy conformance with other provisions of the West Broadway Alive plan could be highlighted, but the preceding is judged sufficient to establish consistency between the proposed zoning map changes and City policy as represented by the City’s comprehensive plan.

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

The proposed map changes implement long-range planning efforts that are intended to benefit residents in the communities that front on West Broadway, area property and business owners, and the City as a whole. The West Broadway Alive plan established a vision for a revitalized West Broadway that is implemented in part by this rezoning. The vision in the plan was based on extensive public involvement. It is in the public interest to establish and revise regulation that supports development activity that is consistent with city-adopted goals and objectives in small area plans such as West Broadway Alive.

### **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 existing uses of property and zoning classifications with the general area are compatible with the proposed zoning because this is an existing commercial area. Proposed zoning reinforces and refines that character, creating clearer distinctions within that general character in terms of land use, development intensity, and other characteristics.

**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 in most cases reasonable uses of property permitted under the existing zoning. However, the proposed rezoning will allow the area to develop in a way that is more consistent with approved city development goals and objectives related to improving the vitality of the West Broadway corridor.

**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.**

Some of the existing zoning of property in this corridor is relatively recent, dating back to a 2003 rezoning study that covered part of West Broadway or the 1999 city-wide rezoning that resulted in new zoning for every commercial and industrial property in the city of Minneapolis. Other existing zoning, and particularly that of non-commercial properties, was established as far back as 1963.

There is no single observable trend in character or development that characterizes these years and decades. Disinvestment is occurring for some properties, while in recent years some key properties have been rehabbed or redeveloped.

**Proposed Zoning Code Text Amendments**

The proposed text amendments are of two kinds in terms of substance. First, they establish minimum standards for the density of new development, utilizing two mechanisms—a 1.0 minimum floor area ratio, and a two floor minimum height for buildings that front on West Broadway. Secondly, they provide some flexibility in terms of allowing certain businesses with drive through facilities to be established where they otherwise would not be allowed. The specific proposed language is as follows:

**1. Minimum floor area.** New development in Commercial, OR2 and OR3, and Industrial districts shall be subject to a minimum floor area ratio of one (1.0). Individual phases of a phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section.

**2. Minimum number of floors.** Buildings that front on West Broadway shall be two (2) or more floors for the length of the West Broadway frontage.

**3. Drive-through facilities.** Drive-through facilities shall be prohibited except where they are accessory to a drug store, or a bank or financial institution, subject to all other applicable regulations of this zoning ordinance and the following conditions:

## CPED Planning Division Report

- (a) Drive-through facilities shall be accessory to a drug store, or a bank or financial institution occupying at least three thousand (3,000) square feet of floor area, in a multiple use building of two (2) or more floors.
- (b) Drive-through facilities shall be located so as to minimize their visibility from West Broadway, and not impede pedestrian access to building entrances.
- (c) No more than one (1) drive-through lane for drug stores and no more than two (2) drive-through lanes for banks or financial institutions shall be permitted.

Bear in mind that the drive-through facility provision is established to provide flexibility in comparison to the standard language in the Pedestrian Oriented Overlay District, which reads as follows.

**Prohibited uses.** The following uses shall be prohibited in the PO Overlay District:

- (a) Drive-through facilities.

While these provisions are relatively straightforward in terms of their policy intent, their integration into the Zoning Code involves some complex structural modifications to the Code. A West Broadway subsection of the PO Overlay District is proposed, which would include Provisions #1 and #2 above related to minimum floor area and minimum number of floors. This subsection would pertain to any properties along West Broadway in the PO Overlay District. In addition to this, the proposed West Broadway Overlay District represents an entirely new overlay district. Properties in the proposed West Broadway Overlay District would be subject to the provisions of the new district and not those of the PO Overlay District. However, the provisions of the WB Overlay District mirror those in the PO District with a single exception—that is, the use of provision #3 above as opposed to the outright prohibition on drive through facilities in the PO District. No properties in the study area are proposed to be in both the PO and the WB Overlay District. The WB Overlay District is centered on the commercial core of West Broadway, as illustrated in the attached Proposed Zoning map. The PO Overlay District is utilized for other commercial and industrial properties along West Broadway.

The complete proposed zoning code text amendment is attached to this staff report.

### **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 proposed provisions related to minimum floor area and minimum number of floors are intended to further the policies of the City of Minneapolis related to intensifying development along commercial corridors in general and in the West Broadway corridor specifically. Increased density in commercial corridors is understood to have positive effects related to improving the market for business districts, deterring criminal and nuisance behavior and justifying improvements to the quality of transit service.

Minneapolis comprehensive plan policies in support of these objectives have been noted above. The West Broadway Alive plan is also clear in its support for intensification of development along

## CPED Planning Division Report

the corridor. A Development Intensity section of the plan starts with the statement, “Additional and intensified development along West Broadway is critical to its vitality.” Recommendations related to this objective include the following:

- “Capture the site specific density guidance of the Development Intensity map when rezoning property in the West Broadway corridor.
- Encourage new development fronting W Broadway to be a minimum of two stories in height with increased building to land ratio.”

The proposed provision related to drive-through facilities reflects the importance of fostering an enriched retail environment in the West Broadway “commercial core”. The commercial core, as described in the *West Broadway Alive* plan is a section of West Broadway that includes the two major strip malls, the Cub Foods store, and the storefront commercial properties between Interstate 94 and around Fremont Avenue. The *West Broadway Alive* plan asserts that this area contains the foundations of a destination retail district, and that there is an opportunity to build on that foundation to create a much more robust mix of retail offerings including additional medium- and big-box businesses. This is, however, to be pursued in a higher density development format that would include upper story offices or residences.

Pursuit of this objective in today’s market means appreciating the importance of banks and drug stores as potential anchors in a new development. But at this point in time these businesses will rarely participate in new development without being able to augment their market through making provisions for drive through customers. The proposed drive through amendment allows this accommodation to support the retail objectives of the *West Broadway Alive* plan, while also supporting the density related development objectives of the plan.

The recommended amendments establish high standards for new development, and from that perspective they support the development objectives of the *West Broadway Alive* plan. The risk in setting standards such as these in regulation is that development proposals consistent with these standards may not emerge in the near future. This concern was discussed at length internally and in community venues before a decision was made to proceed with the recommendation. Public input for the most part reflected a willingness to forgo immediate development that is inconsistent with the objectives of the *West Broadway Alive* plan if need be in the hopes that more consistent development could be achieved in the future.

### **Timeliness:**

Is the amendment timely?

Is the amendment consistent with practices in the surrounding areas?

Are there consequences in denying this amendment?

The amendments are timely in that their adoption would be synchronized with zoning map changes to which they closely relate. The *West Broadway Alive* plan was adopted in March, 2008. The adoption of zoning map and ordinance changes is an important implementation step to that plan. The consequences of denying this amendment are that development may be proposed that are not consistent with the long-range vision for West Broadway Avenue as articulated in the *West Broadway Alive* plan.

## CPED Planning Division Report

### **Comprehensive Plan:**

How will this amendment implement the Comprehensive Plan?

The consistency of the proposed amendments with the city's comprehensive plan has been described above. In general it will implement the comprehensive plan and the *West Broadway Alive* plan by promoting a more dense, walkable environment with appropriate density and mix of retail goods and services.

### **Recommendation of the Department of Community Planning and Economic Development- Planning Division:**

**Recommended Motion:** The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council find that obtaining consent signatures for the rezoning of 800 West Broadway, 2329 West Broadway, and 1912 4<sup>th</sup> Street would be impractical; and further recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning map changes as illustrated in the “Proposed Zoning” map and detailed in the “Proposed Zoning Changes” table, and the zoning code text amendments as in the attached documents, amending Chapters 521 and 551 of the City’s Zoning Code.

#### Attachments:

- Map: Existing Zoning
- Map: Proposed Zoning
- Table: Proposed Zoning Changes
- Map: New Nonconforming Properties
- Map and Table: West Broadway Rezoning—Policy Basis
- Documents: Zoning Code Text Modifications
- Correspondence