

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: March 1, 2012

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Hilary Dvorak, Interim Planning Manager, Community Planning & Economic Development - Planning Division, Development Services

CC: Jason Wittenberg, Interim Planning Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of January 23, 2012

The following actions were taken by the Planning Commission on January 23, 2012. 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: Cohen, Huynh, Kronzer, Luepke-Pier, Mammen, Schiff, Tucker and Wielinski – 8

Not present: Carter and Motzenbecker (excused)

Committee Clerk: Diana Armstrong (612) 673-2615

4. Zoning Code Text Amendment (Ward: All), ([Aly Pennucci](#)).

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 530 related to Zoning Code: *Site Plan Review*

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

Amending Chapter 536 related to Zoning Code: *Specific Development Standards*

Amending Chapter 537 related to Zoning Code: *Accessory Uses and Structures*

Amending Chapter 541 related to Zoning Code: *Off-Street Parking and Loading*

Amending Chapter 543 related to Zoning Code: *On-Premise signs*

Amending Chapter 546 related to Zoning Code: *Residence Districts*

Amending Chapter 547 related to Zoning Code: *Office Residence Districts*

Amending Chapter 548 related to Zoning Code: *Commercial Districts*

Amending Chapter 549 related to Zoning Code: *Downtown Districts*

Amending Chapter 550 related to Zoning Code: *Industrial Districts*

The purpose of the amendment is to implement the policies of the Urban Agriculture Policy Plan.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment, amending chapters 520, 530, 535, 536, 537, 541, 543, 546, 547, 548, 549, and 550. The City Planning Commission further recommended that chapters 525, 527 and 551 be **returned** to author.

Staff Pennucci presented the staff report.

Commissioner Schiff: Aly, can you point to the language about the hoop houses that people had suggested to be altered?

Staff Pennucci: It is on page 11 of the text amendment.

Commissioner Schiff: What was the suggested change that we heard from the public feedback?

Staff Pennucci: What we heard was that people were really concerned about looking out their bedroom window and having the hoop houses located near their bedroom window because it would feel claustrophobic and it isn't a very sight. Based on that recommendation, staff added the language to require that the hoop houses located in the rear 50 feet of the lot, that it's 20 feet from any habitable building on an adjacent lot.

Commissioner Schiff: On the chicken suggestion, we already have rules Citywide on allowing chickens so why wouldn't those just stay in effect whether you're a market garden or a residential property, why wouldn't you just go through the same signature process checking with the neighbors to check if chickens are allowed?

Staff Pennucci: Currently, the regulations in the Animal Control, there's nothing in the Zoning Code, it's in the Animal Control section of the city ordinances and it doesn't specify land uses. Staff felt that by introducing a commercial element for the keeping of animals may lead to other potential problems such as nobody being around at night if they get loose, waste issues and runoff that we're not prepared to make a recommendation on as well as noise. There isn't currently a limitation on the number of chickens one can request with that permit and it's not something that would necessarily be found in the Zoning Code so staff is not comfortable with that activity.

Commissioner Schiff: I can see why having nobody on site presents a potential problem.

Commissioner Luepke-Pier: One of the letters that was sent in asked about bees. What is the policy concerning bees?

Staff Pennucci: Bees are similarly under Animal Control's ordinance and there are some very specific rules about where and how many you can have based on the lot. Staff made a recommendation to allow them as an accessory use to any use provided that you get the proper permits from Animal Control.

Commissioner Tucker opened the public hearing.

Kurt Schreck (1563 E River Terrace): I'm not a farmer. I know farmers and I work with farmers and I like farmers. Looking through this and being involved in it, urban agriculture isn't really new it's just being reborn and recast. Minneapolis competes for residents to make our economy grow and I think this is the kind of policy that will help us compete effectively for those people. This is a chance to show some policy leadership when the state and feds can't find common ground so I think it's important that these type of things move forward. It's a well thought out proposal that balances the needs and desires of Minneapolis residents so I encourage you to move it forward. Thank you.

Bev Dooley (2322 Oliver Ave S) [not on sign-in sheet]: I'm the co-chair of the food council of Minneapolis and I just wanted to reiterate our resolution. The Minneapolis Food Council herby encourages the city of Minneapolis mayor, City Council and Planning Commission to support and approve the urban agriculture text amendments as proposed by the city staff to move forward on the Home Grown Minneapolis goal of creating a health, sustainable, local food system for all Minneapolis residents. The passage of the amendments is essential for updating land use regulations to support the goal of Home Grown Minneapolis and expanding our community's ability to grown, process, distribute, eat and compost more healthy, sustainable, local foods. Adopting the amendments will help to put Minneapolis on par with Seattle, Portland, Kansas City and other cities, improving their local food systems to benefit public health, the economy and the environment and to strengthen our neighborhoods. Thank you.

Nate Waters (3406 Garfield Ave S) [not on sign-in sheet]: Myself and six other farmers run an urban farm that is growing food here in Minneapolis and in St. Paul. We wanted to bring up a few points. First, community gardens are already allowed and we feel that urban agriculture, market gardens and urban farms have a lot of the same attributes of community gardens. They beautify, put green spaces in our city, they build community. In addition, urban agriculture can offer green jobs and can inject dollars into the local economy. I can't tell you how many times I go to the hardware store every week during the season. It would improve upon what is already allowed in zoning recommendations. The city has already done a study and shown that there is space for development and urban farming in Minneapolis. As a side note, St. Paul is doing this very thing right really and finding ways to get urban agriculture blooming and we'd like to see Minneapolis follow in the same footsteps. There are a few limitations that we would like to see. The hoop houses and market days, we'd like to see more days and more hoop houses but I guess that goes without saying. On top of that, we'd also like to encourage the city to continue to work on compost and allowing more compost because this is really important to us, not only for the health of our soil but for our business. I'd like to thank everyone for their work on this.

Starr Carpenter (3026 Chicago Ave): My comments are about the economics of what we're looking at here. I think there's two schools of thought here. We're talking about wanting to allow

people who are more interested in growing their own food and want to grow food for their own family to do that in their own yards. We're also looking at time where creation of jobs is important. All across the country we're seeing that urban agriculture, growing local foods can really add to the economy of an area. Given the fact that there has been a lot of study here done and the work that's been done on this has been truly amazing. We have some models to follow and in the packet here there's a list of like ten cities and whether or not they allow on sale sites and almost all of them do. There's some experience there. We're talking other cities and the residents of Minneapolis aren't that much different than other cities. Perhaps we could loosen it up a little bit or at least have the idea that maybe not right now, but what would the next step be or how would we work toward that. On hoop houses, as a grower myself, if you've never covered a hoop house, it's a lot of work and expense to cover and uncover a hoop house. The whole idea of the season extension is that you're growing during a time when the weather is colder. If we're limiting it to six months, that means that either you're putting it up or taking it down when it's cold and we all know what plastic does when it's cold. If we're looking making this economically viable for people, we know there's not a lot of money in growing food so if we're adding extra costs on to that through regulations that may or may not be necessary, then we're just putting up a stumbling block in the way of people that would really want to do this as a paying vocation. Thank you.

Jeremy McAdams (3441 18th Ave S) [not on sign-in sheet]: Thanks to Aly for her work on this. I hope you'll pass these amendments as they stand, in particular I think market gardening and gardening as a home occupation should be allowed in residential areas. The greatest concerns that I've heard about market gardens and gardening as a home occupation in residential areas is about the appearance of the gardens and how these sites will be used and that they might not fit in with the residential character of the neighborhood. I really believe that Aly and the Zoning Department have addressed these concerns through restrictions on market gardens and through the home occupation standards. If you think this is taking a risk to allow to these gardens in spite of the new guidelines, I'd say it's really a risk worth taking. One of my next door neighbors was growing tomatoes that he sold to restaurants and the only thing that really set him apart from my other neighbors is that he had more at stake in his harvest. He spent more time outside looking after his tomatoes and so he was the first one who called me when someone dumped trash behind my back fence. He was the one who was out there every spring putting speed bumps in to slow people down. I really think home occupation and market gardeners make good neighbors and we need a zoning code that really makes it easier for them to do their work. Thank you.

Commissioner Schiff: Your neighbor who sold tomatoes to restaurants, do the restaurants come to his house to buy the tomatoes or did he deliver them?

Jeremy McAdams: He delivered them.

Warren Burgess (302 W 61st St) [not on sign-in sheet]: I represent Traditional Foods Minnesota. My interests are particularly with produce and crafts. We recently applied for a license and it's going reasonably good. When I looked at this ordinance, because I write software for a day job, I'm rather exact on what is written. Part of the definition for produce and craft market was outdoors or another place. When I go back what was passed last year in the Municode write-up, in section 200.50 (5), it says "outdoors or indoors". I'd like those words so there's no debate about what "another place" means. My other point I'm interested in is the number of days per year that we're allowed to open. I'm a bit amazed that the email that I sent to Aly wasn't referenced in the list of comments. I specifically wrote about the 75 days. I have

questioned that because, obviously, a business needs to be open more than 75 days a year to sustain itself. The other part of this is that the people under the pickle [tape unclear] want to be able to sell their products somewhere for more than 75 days in the year. When I questioned how the 75 days came about, I was given the explanation that it was 365 days, about half a year, say three days a week and that works out to be 210. What I would ask for would be double that because we work winter as well as summer. Thank you.

Mary Britton Clouse (2023 Lowry Ave N): My husband and I own a small home based business and we also run an animal rescue called Chicken Run Rescue. In 2001, we began a partnership with Minneapolis Animal Care and Control as an approved rescue group to foster and placed domestic fowl and other farm animals who are surrendered, seized or picked up as strays. We've held a Minneapolis small animal permit since 2002. In 2007, we became rescue partners with the Animal Humane Society to provide the same support for animals brought to their shelters. These were all animals that were all typically associated with food production. We know a lot and we've seen a lot. As a matter of fact, we've been asked to come and give assistance to neighborhood associations in Oakland California and in Denver Colorado where both of those cities are considering issues regarding urban farm animal production. I just wanted to call your attention to that we keep very careful records of each and every animal, it's very important to us that each and every animal, their history, where they came from, what kind of condition they were in. Chicken Run Rescue is the only urban farm animal rescue organization in the country. We did send comments to Aly. In those comments there are two charts, one is a chart that illustrates the increased demand on Chicken Run Rescue for placement for urban farm animals. It has increased exponentially since 2009 so we really understand the issues surrounding this and the ramifications. The other chart, we were trying to think of another way to quantify what we have observed in the condition of the birds we have taken in to our rescue organization. Because we have to track our expenses very carefully, there is a chart tracking our veterinary expenses for our urban rescues as an indicator of poor care, the problems that can arise with inexperienced or inattentive... to make a long story short, this is a terrific plan when it comes to vegetation production, but the issues when they involve animals really bring a whole other host of issues. I did make some recommendations with the wording of the draft ordinance, recommending that Chapter 70, which is the animal control regulations for small animal permits, needs to be updated. In general, we support it as written, but there are a few concerns in regard to... I'm delighted to know that the recommendations are going to prohibit animals in commercial urban farming situations.

Aaron Reser (2904 34th Ave S): In the past I have worked as an urban farmer, both here and in New York City and I am very supportive of the urban agriculture text amendment. I also wanted to speak in response to what Warren said. I was closely involved recently with the edits to the public market ordinance and the farmer's market community's motivation behind those ordinance changes was to ensure that ordinance language supports the integrity of markets and the purpose of direct farmer or producer connection to consumers. Quoting the produce and craft market definition in 201.1, "they are organized for the purpose of selling directly to the public." As a farmer's market manager, I believe that 75 days for a temporary use permit is adequate and that to increase the number of days may run the risk of undermining the risk of undermining the direct producer to consumer connection. I do, of course, think there's a place for local businesses that represent or resell local products but I would encourage the market ...I would encourage markets to maintain that direct producer to consumer connection.

Alison Rotel (5517 Pillsbury Ave S): I'm here as a resident as well as a representative of Blue Cross and Blue Shield of MN. You have a letter in your packet from our chief prevention officer

so I won't read it to you, but I just wanted to reiterate that we're very supportive of all this work that's being done around urban agriculture. We'd like to thank Aly, the Health Department and others that have been involved in the Home Grown Minneapolis initiative. This is very important work to help make fruits and vegetables more available to our residents.

Anna Cioffi (2121 Harriet Ave S): I work for the Land Stewardship Project. I also wanted to reiterate that our organization supports passing these text amendments as staff recommends. It's been a really inclusive process and we want to thank Aly and Robin again for helping us understand everything and being inclusive as we went through the process. Though we do support the plan as recommended, there's even things that we would have gone further on and I think they've been brought up a few times, but to clarify a couple of reasons why, especially the hoop house restrictions being restricted to 180 days. We would like to see that go up to 260 days to more accurately represent the growing season to make sure that farmers have a chance to really compete in the market, the threat of frost is hard on new and small farmers who might not be as experienced as ...or who might want to use hoop houses to extend the growing season. We also want to speak to the chicken thing. We are encouraging folks to look at the animal ordinance and make sure that there are better conditions for animals in the animal control bylaws and things like that. Chickens would not be on urban farms necessarily for slaughter, they are great for integrated pest management, they make great fertilizer and their eggs are delicious. We will tell folks to look at that as well and consider chickens to be a part of a really vital and living ecosystem on a farm. I also wanted to state that we are super supportive of on-site market sales for market gardens. I think having more access to local fresh food, especially in low income neighborhoods that have a lot of empty lots that could be utilized for urban farms, they could create jobs. I'm really great that on-site sale days are being included in the draft language. It would create a great bolster for the community. We also would even go a step further and hope that in the future on site sales would be allowed for home occupations as well. It would be great to walk out your door and go to your neighbor's house and buy fresh produce and close the loop between what is being grown and how far it has to travel. It would cut down on transportation costs, packaging and needing to market more broadly.

David Nicholson (4031 Wentworth Ave S) [not on sign-in sheet]: I support the passage of the text amendments as written. In particular, I'm interested in maintaining the 75 day limitation upon farmer's markets. It might be worth pointing out that I was involved with the Home Grown process and later became a member of the task force. I was also on the Urban Agriculture Topical Plan steering committee. I helped coordinate the recent revisions to the farmer's market ordinances and at no time over those several years of meetings and hearings and opportunity for public comment was there a question or concern raised about the current 75 day limitation. In fact, my recollection is that farmer's market stakeholders were broadly supportive of the idea of maintaining that 75 day limitation. I hope the commission will similarly maintain that 75 days as it is. Thank you.

Chad Ebert (302 W 61st): I run a business called The Urban Farm Project. It's a year-round production facility and I'd like to speak about the 75 days. As a producer, it gets kind of tough if the market is only limited to 75 days. There are all these tools in place to extend the growing season. I'd also like to see the market season extended as well to maybe 180 days or so. Thank you.

Jenny Skorupa (3239 Bryant Ave N) [not on sign-in sheet]: I work in my community running a community supported agriculture program. I want to speak to the staff recommendations concerning livestock on market gardens and urban farms. I agree with those staff

recommendations at this time. I don't know if it's in the scope of this commission to recommend to the City Council that there be monitored trials in keeping livestock for long-term viability of urban agriculture, animals will need to be a part of what we're doing, but I don't think that there is enough information or best practices in place at this time.

Commissioner Tucker closed the public hearing.

Commissioner Schiff: I have questions for staff on some of the hoops that we're making people jump through for these food uses. I see Tim and I see other people from our Environmental Health Division here. This gets down to the question on page 16 of a permitted use versus a conditional use. My question is, what other permits are going to be required for a market garden with a planting area either 10,000 square feet or less or greater than 10,000 square feet?

Staff Pennucci: Aside from the conditional use permit, my understanding is that there would not be any additional permits required or approval from other departments in the city or the Department of Agriculture for just the growing of food and selling food that you grow yourself that isn't processed would not require a business license.

Commissioner Schiff: So everything will happen here, there will be no other permits that people need to pay or apply for?

Staff Pennucci: Correct.

Commissioner Cohen: I will move staff recommendation as listed in the agenda (Mammen seconded). I'd like to add some of the comments have been made here and thank the staff and community for working together on this. I think this is a commendable program. I certainly had not been aware of all the economic benefits that it can bring to the city in terms of jobs and economic impact and I'm glad to hear about these.

Commissioner Huynh: There are a lot of comments and I agree wholeheartedly with this text amendment. It's definitely going to be a benefit to the city. It'd be worthwhile for the city to evaluate moving ahead, especially with City Council staff, with considerations with chapter 70 as Mary mentioned from the Chicken Run Rescue looking at some language on specific space, shelter and care requirements. That issue is a pretty major issue as far as how we control and care and maintain less cruelty with animals and livestock on our properties, especially in Minneapolis if that's going to go ahead. I support the amendment as we have it today.

Commissioner Mammen: I also want to speak in support of staff recommendation. This has been emerging over a number of years. As a representative of an organization that feeds 33,000 young people two meals a day, this opens up great opportunities for us in this community. I think it's great progress.

Commissioner Schiff: I'm going to abstain today just to give us time. I know the author, Council Member Gordon, has requested a postponement before this goes before the City Council. At the Zoning and Planning Committee meeting, he has asked me as chair to postpone it before taking it up because of some amendments. I know consideration of some of the feedback tonight, some people offered really good feedback, some diametrically opposed to one another, so we have to sort through that and get feedback from staff. I'm going to request that staff summarize all the feedback that the Planning Commission received tonight to provide to the Zoning and Planning Committee meeting just to let everyone know that we do have a request from the author

to postpone this before...not today, but at the Zoning and Planning Committee level for one more cycle for more consideration of amendments. I'm going to abstain in order to work with my colleagues on that process.

Commissioner Luepke-Pier: I'm very excited about this. I think the thing I like about this the most is that it is really all encompassing for the entire city whether you intend to grow something on your piece of land or whether your neighbor does. I think it sets a good balance between the rights of each property owner living adjacent to each other so one isn't infringing on the enjoyment of the other. I think that it's a wonderful addition to the city and I think that any amendments to be made have to be made with that in mind. I'm excited to see it move forward.

Commissioner Tucker: We have a motion to approve the staff recommendation. All those in favor? Opposed?

The motion carried 6-0 (Schiff abstained).