

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

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MEMORANDUM

DATE: April 5, 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 March 5, 2012

The following actions were taken by the Planning Commission on March 5, 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: President Motzenbecker, Cohen, Huynh, Kronzer, Luepke-Pier, Mammen, Schiff, Tucker and Wielinski – 9

Committee Clerk: Lisa Baldwin (612) 673-3710

4. Zoning Code Map and Text Amendment (Ward: 12) ([Paul Mogush](#)).

A. Map Amendment: Amending the Minneapolis Code of Ordinances, Chapter 521, Zoning Districts and Maps Generally, affecting the primary and overlay zoning districts contained in Plates 34 and 40.

The purpose of the amendments is to consider rezoning of property within the study area of the Nokomis East Station Area Plan. The proposed rezoning affects primary and overlay zoning districts.

Action: The City Planning Commission recommended that the City Council find that obtaining consent signatures for the rezoning of properties from office-residential to commercial in the Nokomis East LRT Station Area Rezoning Study Area would be impractical and further recommends that the City Council adopt the findings and **approve** the zoning map amendment for the rezoning of parcels in the exhibits.

B. Text Amendment: Amending the Minneapolis Code of Ordinances, Chapter 551, Overlay Districts.

The purpose of the amendment is to add the 50th Street/Minnehaha Park and VA Medical Center station areas to the list of Pedestrian Oriented Overlay Districts in section 551.175 for which Transit Station Area provisions apply.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment, amending chapter 551.

Staff Mogush presented the staff report.

Commissioner Wielinski: I noticed in here that it says getting signatures from all the properties was a burden because there are so many, the strip between Minnehaha Ave and Hiawatha Lane where the west side parcel is all going to R5, right behind that you've got all R1, why aren't we stepping that down so that then the R1 is across Hiawatha Lane so we don't have folks who are going to come and say "you're building a five story building in my backyard."

Staff Mogush: If I'm understanding the question correctly, I think you're pointing at this block here so the question is why not have a more moderate district on this block. Assuming that some moderate district like R3 perhaps would lead to redevelopment on that block where you'd have a four or five story development on Minnehaha and two and a half story townhomes behind it and then go down to single family on the east side of Hiawatha Lane that would achieve that stepdown affect that you talk about. That's something that would probably achieve that. The plan doesn't specifically call for that. The plan specifically shows that side of the block of Hiawatha Lane that west side continuing as one to two story single family homes so that's the reason that the staff recommendation doesn't change the zoning there. The short answer is that would be a change of policy that isn't shown in the plan.

Commissioner Wielinski: I'm just looking at folks coming forward and wanting to develop the R5 which has got a 30% density bonus and then little or no parking restrictions and all I see is hoards of neighbors coming in to tell the Planning Commission "when you did this, you didn't tell us they were going to do that" and I want to know that these folks with single family homes know that there's that possibility of these really large developments behind them that have this density bonus and no parking.

Staff Mogush: Those property owners did receive notice of the rezoning study. It's been long enough now that they may or may not have participated in the original planning process for the plan that was adopted in 2007. It is true that development there does back up to the back yards of those property owners and we'll need to continue to work with those developers and those neighbors as development proposals come through to ensure that the impact is as low as possible.

Commissioner Schiff: I think I hear my fellow commissioner suggesting an alternative to forward on to the city council of potentially considering an upzoning of that block so that it would be R3 perhaps and would allow for people who don't want a single family home adjacent

from an alley with R5 to sell to a developer who would build something like stacked townhomes. I wouldn't make that as a full motion right now without talking to the neighborhood organization or council member, but it could be a suggestion that we forward attached with this. If I segway to a question we got from NENA about a property at 52nd St and Minnehaha. They were concerned about a small business that was currently zoned C2 proposed to become OR1 and I don't see it on your map. It's an existing commercial property, garden shop, talk to me about why we think it should become a nonconforming use.

Staff Mogush: The recommendation was based on the adopted policy in the plan which shows housing only on that site, this is that single, two family, two to three story multi family category so if we were following the letter of that map we would actually show R3 here. The staff proposal for OR1 is the thinking behind it is that with OR1 you have some nonresidential possibilities in the building as the land use transitions over the long term to multi family residential in that area. I think of it as a compromise proposal.

Commissioner Schiff: The commercial property owner today, if they sell it to a different commercial use it may require a change of nonconforming status application.

Staff Mogush: If they were to propose a different use, right.

Commissioner Schiff: But the residential market is going faster in this area than commercial so it's probably to their advantage economically to have it zoned for a potential future residential development.

Staff Mogush: I should point out that any of these districts do allow multi family residential.

Commissioner Kronzer: Can you talk about other station areas and the use of R3 in those other station areas? I'm assuming that if it's used it's used more on the west side of Hiawatha than the east side. Can you give us a little more background in the R3 use?

President Motzenbecker: I want to concur on that. That was my question and we did discuss it at Committee of the Whole. One of the concerns, which you even eluded to Paul, was that R3 is barely used. I think we could not come up with very many examples of it in the city and the discussion about is it even feasible for developers now to do these two and three story multi families so what can we do to encourage some development so maybe piggy back on that if some of those should be R4 or some other ideas there.

Staff Mogush: On the R3 district in general, it's not a very common district in the city. We ran into this during the Midtown Greenway rezoning study where there was a policy combination that was applied and a lot of the greenway frontage that called for townhome style development and looking at the zoning code we didn't see a zoning district that really achieved that. The R3 zoning district was written in such a way that townhome development wasn't really possible, there wasn't enough residential density allowed so we proposed to the Planning Commission and City Council along with some other changes to tweak the residential density allowed in the R3 district and increased it a little bit. Even with that, I think the point is well taken that this gets a little bit into trying to forecast the market, but I think it is probably true that the density allowed in the R3 district is not enough today or in the next few years that we're going to be seeing development proposals on these properties where a developer would have to assemble multiple homes and then not be able to develop very many residential units as allowed under the R3. The point is well

taken. As I will continue to reiterate, the staff recommendation is intended to be a reflection in the zoning map of what was adopted in the future land use map in the adopted plan.

President Motzenbecker: I think part of the trouble that we have a lot in town is that a lot of our plans and ordinances call for these transitions between high density and low density and I think, unfortunately, in many opportunities, there's no place to do that transition. I think here we actually have an opportunity with perhaps that R1, but even perhaps some of these recommended R3 areas. I know you're thinking that R3 could be the transition, but maybe pairing that with financial and developer feasibility that might be something to consider as we go along.

President Motzenbecker opened the public hearing.

President Motzenbecker closed the public hearing.

Commissioner Schiff moved approval (Huynh seconded).

Commissioner Tucker: I wanted to repeat what we said in Committee of the Whole that when this plan came through in the first place, a lot of us thought it was rather low density for station areas and should have been upped a little bit and I would recommend to the City Council as they look at these rezonings to raise the zoning particularly around the station area, the one at 50th, to R4 or more. I know that this was written in conformance with the adopted small area plan but I think that one is quite a few years ago, a long time between that plan and this rezoning recommendation and I don't think it reflects market realities and the likelihood of developing even medium density housing near these stations.

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.