

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

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**MEMORANDUM**

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DATE: August 22, 2013

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of July 29, 2013

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The following actions were taken by the Planning Commission on July 29, 2013. 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 Tucker, Brown, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Slack and Wielinski – 9

Not present: Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

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**1. Wood From The Hood (BZZ-6059 and PL-277, Ward: 2 and 9), 2620, 2644 and 2652 Minnehaha Ave (Janelle Widmeier).**

**A. Rezoning:** Application by Rick Siewert, on behalf of BW Development LLC, for a petition to rezone the property of 2620, 2644 and 2652 Minnehaha Ave from I1 Light Industrial District to I2 Medium Industrial District.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 2620, 2644 and 2652 Minnehaha Ave from I1 Light Industrial District to I2 Medium Industrial District.

**Aye:** Brown, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Slack and Wielinski

**Absent:** Schiff

**B. Variance:** Application by Rick Siewert, on behalf of BW Development LLC, for a variance of the screening requirements for outdoor storage for the property located at 2620, 2644 and 2652 Minnehaha Ave.

**Action:** The City Planning Commission **approved** the variance of the screening requirements for outdoor storage for the property located at 2620, 2644 and 2652 Minnehaha Ave, subject to the following conditions:

1. The applicant shall work with CPED staff to provide screening of the outdoor storage as practical.
2. Screening shall consist of plantings with a vertical emphasis. Plantings with year-round foliage, such as arborvitae, are preferred.
3. A 5-foot wide landscaped yard shall be provided for trees and shrubs. A narrower width can be considered in locations where the planting of trees and shrubs is not practical. The edge of the landscaped yard shall be defined to prevent the encroachment of the outdoor storage.
4. The installation and maintenance of landscaping shall comply with sections 530.200 and 530.210 of the zoning code.
5. Required screening improvements shall be installed by August 30, 2014.

**Aye:** Brown, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Slack and Wielinski

**Absent:** Schiff

**C. Plat:** Application by Rick Siewert, on behalf of BW Development LLC, for a plat for the property located at 2620, 2644 and 2652 Minnehaha Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the preliminary and final plat for the property located at 2644 and 2652 Minnehaha Ave, subject to the following condition:

1. A private access easement shall be provided for Lot 1 as required by section 535.200 of the zoning code.

**Aye:** Brown, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Slack and Wielinski

**Absent:** Schiff

**Staff Widmeier:** There is some additional information that became available since the staff report was written and this is pertaining to the landscaping and screening variance of the outdoor storage. The applicant, since the staff report went out, did look at trying to work with Met Council to get more landscaping on their property where the bike path is located. They wouldn't approve that proposal so we're left at looking at what can be done on the site to mitigate the impacts of the outdoor storage there. One of the other things that had been noted in the memo that I wrote up today is that an environmental assessment had been done and with that assessment there were a number of soil borings that were attempted to be taken, 16 total, and only eight of those were successful in going below six inches. At the southwest corner of the site, there is landscaping that is growing there that includes trees. There are some opportunities for landscaping to be planted but where the remains of the roundhouse are located below ground with the concrete, those areas are not going to be planted because the root systems won't be able to take hold. They are looking at a combination of perennials or vines that could work. What we ended up recommending is that we do approve the variance with a number of conditions that allow for flexibility of these certain site conditions but since we don't know exactly what's out there, we built in that flexibility so as we go we can come up with a reasonable plan that will work with these restrictions. We don't want to grant a complete variance to this because we did just recently work very hard in getting some screening for the Xcel Energy substation that's being constructed to the south of this. We do want to see an attempt here to provide some screening.

**Commissioner Wielinski:** The fence that's there, the chain link fence, who was that put up by?

**Staff Widmeier:** That was put up by the City. Federal dollars were used to put that fence up. We did look at possibly having that removed but then the City is going to have to pay back that money for putting up the

fence. Also, as noted in the report, a six foot high fence there isn't really going to screen too much of the outdoor storage there because the bike path goes up above six feet. What would be most beneficial there would be taller plantings such as arborvitae or evergreen trees or something where they can be planted.

**Commissioner Wielinski:** Ok, so there wasn't an option for them to replace the fence with something they could make out of wood that would have been more decorative?

**Staff Widmeier:** The city doesn't want to incur additional cost to have this fence removed. They could grow vines on it and that wouldn't require the fence to have to pay back the federal government the money that was granted for this.

**Commissioner Wielinski:** I was just thinking what better advertisement for their product than a gorgeous fence that they made, but that's just me.

**Commissioner Brown:** I understand that outlot is owned by the City. Is the applicant currently leasing that land from the City or what is the arrangement and how long is that arrangement for?

**Staff Widmeier:** There is not a current arrangement so that's why we were working together to change the ownership so they do have the rights to use the land.

President Tucker opened the public hearing.

**Rick Siewert (2640 Minnehaha Ave):** We will do what we can. There is a lot of buried concrete foundations. I know when they put that fence up, they put weeks putting it up to get through all the concrete. The bike path does go above the six foot level at about 140 feet from the north end of the property where it is actually at the same level as the bike path so you can look over it probably at 75 feet. A new six foot fence would basically do nothing because you're still looking over all the foliage that's already there. At the north end there could be plants put in and we've agreed to do that. We want to work with staff and put in whatever they deem necessary.

President Tucker closed the public hearing.

Commissioner Wielinski moved staff recommendation for A, B and C (Commissioner Luepke-Pier seconded).

**Aye:** Brown, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Slack and Wielinski

**Absent:** Schiff

### **3. Zoning Code Text Amendment (Ward: All), (Jason Wittenberg).**

**A. Text Amendment:** Amending Title 20 of the Minneapolis Code of Ordinances as follows:

Amending Chapter 520 related to Zoning Code: Introductory Provisions

Amending Chapter 527 related to Zoning Code: Planning Unit Development

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 551 related to Zoning Code: Overlay Districts

The purpose of the amendment is to revise residential density standards.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment, amending chapters 527, 546, 547, 548, and 551 with the following correction under 546.540. Purpose.:

~~and at least seven hundred (700) square feet of lot area per dwelling unit.~~

The City Planning Commission further recommended that Chapter 520 be **returned** to the author.

**Aye:** Brown, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Slack and Wielinski

**Absent:** Schiff

Staff Wittenberg presented the staff report.

**Staff Wittenberg:** President Tucker pointed out that there is a provision in 546.540 that was supposed to have some language with a strikethrough that was not stricken. Do you have that language in front of you that should be stricken?

**President Tucker:** It's 546. 540 under "purpose", the fourth line down and it's "at least 700 square feet of lot area per dwelling unit" should have a strikethrough as it does in the other similar provisions discussing R6.

**Staff Wittenberg:** Thank you for that.

**Commissioner Kronzer:** I think this is very much a good thing for the City. I noted that R3 and R4 were taken out of the minimum lot area change so I'm curious why that was or what the rationale was. As you presented, these other regulatory structures are still in place, the floor area ratio, the maximum height, etc. I'm curious on how this came to be.

**Staff Wittenberg:** Those changes are staff initiated suggestions. In discussing it internally amongst staff, there is a pretty strong consensus that we, at this time, don't want to open the door for the possibility of higher density developments in those medium density districts that might be in urban neighborhood designations in the comprehensive plan where we really don't want the higher density. Yes, you're correct, that the floor area ratio standards are in place in those districts, however, it's worth noting that we've historically limited the degree to which you can vary the minimum lot area standard. There has been a built in protection for how high of a density project you could ask for in any given residential zoning district. If we completely eliminate those standards, we will see requests for very high density projects in those districts where I would say that if we want to approve them we should upzone to those districts where we are making it clear that that kind of density is desired.

**President Tucker:** Commissioner Kronzer, I think we can also note that the variances that we've been granting over the last 24 months were in R5 and R6 rather than R3 or R4. That's where the problems seem to be.

**Staff Wittenberg:** We had a fair amount of discussion about the R4 district and there would be other options to consider. There is some concern about four story height allowance in R4 so we had some discussion about possibly bringing the height limitation down to three stories in R4 and we talked about lowering the maximum permitted floor area ratio in R4, but we essentially landed on just keeping that minimum lot area per dwelling unit standard in R4 in order to maintain that clear medium density district.

**Commissioner Kronzer:** Some of this comes back to parking and how we deal with cars. Can you remind us how parking is regulated in R4 and R3? Is it required to be enclosed? Is it surface parking with setbacks? Can you remind us of those?

**Staff Wittenberg:** In all of our residence districts, essentially there is a one space per unit requirement and when you build a new single family home you're required to build an enclosed garage with that, however, in the higher density districts that parking can be outdoors. You can have up to two vehicles outdoors per dwelling unit, but you do get a density bonus for enclosing your parking.

**Commissioner Cohen:** How will this impact vehicle use? Forty-three percent of all households in this community are going to be or are single person households. Do we have an idea of what the pattern of vehicular use is here? Will there be more bicycles? More use of transit? Less use of vehicles amongst people in this category? I'd like to get some idea of what this is going to do. Our goal is to have 50,000 people by 2025 – that's a lot of people that on the surface of it seems to be an awful lot of cars these people will have, but if 43% of our population is going to continue to be single person households, there may be a different pattern emerging here and I'd like to get some speculation on your part as to what this pattern is going to be so far as vehicles are concerned.

**Staff Wittenberg:** I've seen data specific to Minneapolis that demonstrates that multi-family housing units have a lower automobile ownership per capita per household than single and two family households. I have not seen specific data about that correlates household size with automobile ownership, but I think it's probably a safe bet to say that the smaller the household the more likely it is to have fewer vehicles in that household. I just saw a study that showed that, as a nation, it appears that both vehicle miles traveled and automobile ownership per capita did peak in about 2004.

**President Tucker:** I want to make sure that people understand that R1 and R2 are also excluded, as is R3 and R4 that we've been talking about today. These lower density neighborhoods are not being affected by this at all.

**Commissioner Wielinski:** Jason, when you were saying that one of the reasons for underground or enclosed parking was that they would now get a density bonus – so if we're leaving the door wide open here for an increase in density, does that work to be a disincentive to have enclosed parking?

**Staff Wittenberg:** You still will get a bonus to increase your allowed floor area. Essentially, our density bonuses will turn into floor area bonuses and with that increased floor area you could also fit in additional dwelling units. There still will be an incentive there; it's just a slightly different kind of incentive.

**Commissioner Wielinski:** I noticed this also includes the ILOD, like when we rezoned the Hiawatha corridor and we put ILODs over all of the industrial properties so now when these are built on the density will be able to be much higher.

**Staff Wittenberg:** That's correct.

President Tucker opened the public hearing.

**Gretchen Camp (15 S 1<sup>st</sup> St):** I work almost exclusively on multifamily housing projects in Minneapolis and a few in St Paul so I'm really happy to see this text amendment before you tonight. This has been a long discussion in the design community for many years and I think we're all very pleased to see this. I think this amendment will do a number of positive things. Number one, it will allow property owners and developers to build to market demand and not build to zoning math. That's important because households are smaller, people stay single longer, people want to live in smaller units and they want to live more sustainably. I think that by building units that people want rather than doing the math to build bigger units, it will really make

projects more successful. Buildings will be fully occupied and that just really creates the vibrancy of communities. What this amendment will do is allow developments to respond to the needs of communities. Just an example is we work a lot in Marcy Holmes and Stadium Village and they really advocate for smaller units for grad students. They have a lot of single population in these buildings and often what happens is you have a gross floor area that allows you to build a number of square feet which is beneficial to make a project feasible; however, you're building three and four bedroom units because the MOA is basically penalizing you to build smaller units. The discussions I've had with Marcy Holmes and Stadium Village is that they want smaller units. This amendment will really allow the mix of bedrooms. It will align both of our goals. Density is a great thing for Minneapolis. Sustainable way to build and a sustainable way to live. Bringing more residents to the city. I've worked in the North Loop for 13 years and the product, or just me being able to witness what density has done for the North Loop has just been transformative and fabulous. The improvements in amenities are because of people moving into Washington...into that whole area and I really encourage you to vote in support of this amendment. Thank you.

**Burt Coffin (ESG):** We believe that doing away with the MLA requirement is going to be a very good thing and will give many increased options for renters and buyers by allowing developers to develop smaller dwelling units. As you've probably seen, even New York City is getting in on this by developing micro units. Jason gave the example earlier of the 628 University project, which we worked on. Especially with City aims to increase the population in Minneapolis, smaller, well-designed, denser developments can increase the vitality of neighborhoods, spur the growth of small businesses that cater to denser neighborhoods and create leaner, more pedestrian and bicycle friendly city. Denser neighborhoods also seem to spur better mass transit options, which we're all for. Another thing that I think is worth mentioning is that a lot of the remaining sites here in the city are often these smaller sites that are in areas that are experiencing a lot of growth and they're a little tricky for developers because they can't quite make them work. Here is an opportunity for some of these gaps that are remaining to be filled and this text amendment will allow that to happen. I hope you support this amendment.

**Kelly Doran (Doran Companies – 7803 Glenwood Rd, Bloomington):** I come in support of this text amendment change as well. I think one of the things that I would add to the discussion is the historical context of some of these things. Some of this revolves around the evolution of construction methodology as well. When some of these zoning codes were established years ago, the limitations on constructability of wood buildings was limited to three stories. Through the years that evolved to four stories and five stories and now today it's five stories over one level of concrete and now we're bumping up to the maximum height allowable under fire code of 75 feet for a wood frame building. As the evolution of construction has evolved, it has made some of these requirements really unnecessary. The primary justification for the MLA modification is that it's simply not necessary. There are enough other checks and balances in terms of density, setbacks, minimum sized apartment units, etc. to give the planning staff, planning commission and City Council control over the future of the development in these areas that will support these projects that are typically higher density. One of the other examples is on parking. If you put all of your parking in a structured environment you can get a density bonus, however, one of the advents that happening in our society is the use of shared vehicles. You can't put a shared vehicle in a private ramp. A shared vehicle has to be in a public accessible space so you either have to figure out a way to design that into your building which is very complicated and costly, or you have to have the ability to have a stall or two outside of your building in order to have a shared vehicle. That would then eliminate the ability currently under the technical versions of the code for you to get the density bonuses for having a structured parking under your building. There are a lot of little things evolving in the way we bring these projects to market and I think this is a good change and will help our business and will be one of many steps that you'll take in order to modify some of the other things that need to be modified in the zoning code.

President Tucker closed the public hearing.

Commissioner Huynh moved staff recommendation to approve the text amendment (Luepke-Pier seconded).

**Commissioner Huynh:** I would like to voice that I'm very happy to see that this text amendment is finally here. It's been a while in the making and I think it's a great direction for the city. It supports the Minneapolis Plan for Sustainable Growth. It allows flexibility in sizing of units, which we've seen demonstrated in multiple developments and applications that have come through the city. It allows for us to increase density without using a rezoning as an option. Rezoning is a last option. This allows for us to have some tools in place and increase it without rezoning. We still keep our tools so looking at building height and parking, those items are still addressed and still need to be addressed with every application. What I'm really happy about is that it allows for more affordability and sustainability while maintaining quality of each of these units. I'm very happy to see this go through and will be supporting it.

**Commissioner Kronzer:** I agree with everything Commissioner Huynh just said. I still am having a hard time wrapping my head around why not R3 and R4. If you look at an R3 building, that has the same number of units as bedrooms versus half the number of units with the same number of bedrooms. You're required to have the parking stalls on site versus requiring to have half of them on site. Some of the areas, like around Hiawatha light rail, where we just rezoned it to R3 last year...will removing the MLA in those areas help stir development? We're not seeing a lot of redevelopment in R3 and I don't know why that is. I'm curious if anyone has any thoughts on the R3 and R4 issue.

**Commissioner Cohen:** The response I have to Commissioner Kronzer is that the neighborhoods are different. I think it will be just a matter of time until this is reflected in R3 and R4. This is a first step.

**Commissioner Huynh:** I think some of my thoughts when we had that conversation on R3 and R4 is to maintain those zoning districts as a buffer from very high density to lower density without sacrificing a lot of the types of developments that we would see in R3 and R4. If density was perceived as fitting with the context, then perhaps the applicant would upzone to an R5 or R6 if more density was appropriate. I felt that maintaining lower midrise developments with the MLA seemed appropriate for that time as a first step.

**President Tucker:** This is a first step. One step at a time. Perhaps R3 and R4 should be looked a little differently, but we wanted to get something started right now and because the variances were mostly were for five and six that's where we'll start and we'll move from there. I'm sure we will re-examine many things as we understand demographic changes and what they mean for Minneapolis and how we get to a higher density but still keep a livable city. I'm delighted this is finally here. I know every time we've passed one of these variances in the past I never fail to say we ought to change the text because we keep allowing these variances because clearly the commission thought the minimum lot area, particularly in the higher density areas, didn't make much sense. I commend Jason for a very fine report. I hope the Zoning and Planning Committee will read it carefully as I did and same with the City Council. I particularly appreciated your comment about moving staff resources from researching variances to thinking more about the form and [tape ended]... One thing I notice is that it does put a little more emphasis on floor area ratio, which is something most of us don't think about very much. Now that will be a lot more important criteria for determining the bulk of a building so we'll have to emphasize that in staff reports and look at it carefully as commissioners. I support this amendment.

**Commissioner Wielinski:** I am just hopeful that now that we have given the people in the audience who have testified this wonderful tool to become creative, that they will become less needing of multitude of variances in

every other area so that when we do see these plans coming forward there will be less of that and more of a creative and interesting building. Thank you.

**Aye:** Brown, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Slack and Wielinski

**Absent:** Schiff