



CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #7
February 8, 2016

REZONING STUDY SUMMARY

<i>Project Name:</i>	Linden Hills Rezoning Study
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<i>Ward:</i>	13
<i>Neighborhoods:</i>	Linden Hills Neighborhood Council
<i>Existing Land Use Features:</i>	<i>Neighborhood Commercial Node:</i> 43 rd & Upton 44 th & Beard 44 th & France <i>Community Corridors:</i> 44 th Street W France Ave
<i>Zoning Plate Number:</i>	29

APPLICABLE SECTION(S) OF THE ZONING CODE

Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, revising the Linden Hills Overlay District and Pedestrian Oriented Overlay District and amending the zoning map as part of a rezoning study consistent with the guidance of the Linden Hills Small Area Plan:

1. Chapter 52I relating to Zoning Districts and Maps Generally.
2. Chapter 55I relating to Overlay Districts.

BACKGROUND

The *Linden Hills Small Area Plan* was approved by the City Council in 2013 and amended into *The Minneapolis Plan for Sustainable Growth* in 2015. It was produced by the Department of Community Planning & Economic Development (CPED) and the Linden Hills Neighborhood Council (LHiNC) to guide land use and development in portions of the Linden Hills neighborhood for the next 20 years. It articulates a vision for the neighborhood's commercial nodes and community corridors based on existing City policy and input from community stakeholders throughout the planning process. The City, public partners, and community organizations use the plan to guide their own decision-making processes, implementing incremental changes to realize the full vision.

CPED has conducted a rezoning study as a significant step in implementing the adopted plan. A rezoning study is a key tool that allows the City to implement land use policy adopted by the City Council. Studies usually take place shortly after the completion of a planning process and result in a recommendation to change the zoning of multiple parcels so that zoning is consistent with adopted future land use plans.

The goal of this rezoning study is to encourage the type of development envisioned in the *Linden Hills Small Area Plan* and prevent development that is inconsistent with the plan. The City also has a legal obligation to ensure that zoning reflects adopted land use goals.

PUBLIC PARTICIPATION

Linden Hills Small Area Plan (2013)

The Linden Hills Rezoning Study is intended to implement the policies and recommendations of the *Linden Hills Small Area Plan*. Understanding the public participation for the *Linden Hills Small Area Plan* creates a foundation and context the rezoning study.

The public engagement process for the Linden Hills Small Area Plan kicked off in February 2013 with a survey to gather feedback from the community on desires for the future of Linden Hills. The online survey was supplemented by hard copy surveys that were delivered to every household in Linden Hills. In total, over 400 responses were received. A summary of the survey results can be found on the project webpage or by clicking [here](#).

Following the survey in February 2013, a community workshop was held to discuss preliminary results of the survey and discuss issues and opportunities in the project area. A summary of the February workshop can be found on the project webpage, or by clicking [here](#).

In April 2013, two community workshops were held to work through ideas and alternatives for specific elements of the plan including Land Use, Building and Site Design, Public Realm, Connectivity and Parking, and Heritage Preservation. Over 100 people attended the workshops. A summary of the April workshops can be found on the project webpage, or by clicking [here](#).

In June 2013, in-person and online open houses were held to allow residents to review and comment on draft concepts that were created based on the input of the April community workshops. In total, over 100 people provided comments on the concepts presented in the open house. A summary of the June Open House can be found on the project webpage, or by clicking [here](#).

In September 2013 – one week after the draft plan was open for the 45-day public comment period – an open house was held to allow the public to review and discuss the plan's recommendations with the project team. Approximately 40 people attended the open house.

During the course of the 45-day public comment period, the City Planning Commission and CPED identified concerns over the ability of the draft plan's proposed height limit of three-stories to forward the policies of *The Minneapolis Plan for Sustainable Growth*. In response to this concern, the plan was changed to allow for a four-story building, but additional guidance limited the height of a four-story building to 44 feet (the Minneapolis Zoning Code defines a four-story building as 56 feet and a three-story building as 42 feet in height). To further reduce the perception of the fourth story, additional guidance was added that required a fourth story of a new development to be stepped back 10 feet from street-facing facades. The City Planning Commission forwarded its recommendation of approval of the plan with several conditions, one of which included the removal of the reference to limiting four-story buildings to 44 feet in height, while retaining the guidance in the plan to allow for four-story buildings. The Linden Hills Small Area Plan was adopted by the City Council in December 2013 with language allowing for building heights of three or four stories (see page 46 of the [Linden Hills Small Area Plan](#))

Linden Hills Rezoning Study (2015)

Public outreach for the Linden Hills Rezoning Study started with a presentation at the LHiNC Board Meeting on October 6, 2015, followed by a presentation at the Board of Directors meeting of the Linden Hills Business Association on October 8, 2015. The purpose of these meetings were to introduce the rezoning study, identify the scope of the project and discuss the timeline for the project. An additional introductory meeting was held at the General Members meeting of the Linden Hills Business Association on October 28, 2015.

On November 4, 2015, the City hosted an open house at the Linden Hills Park Building to review and discuss the draft staff recommendations for the rezoning. Property owners within 350 feet of properties with proposed zoning changes received a mailed notice. Additionally, the notice of the meeting was publicized by the Ward 13 office and the Linden Hills Neighborhood Council. The November 4, 2015 open house kicked off the 45-day public comment period for the rezoning.

On December 1, 2015, City staff attended the LHiNC board meeting to provide clarity on and answer questions about the draft staff recommendations.

The public comment period on the draft staff recommendations ran from November 4, 2015 through December 30, 2015. Initially, the public comment period was scheduled to end on December 19, 2015, however due to City wide website and server migrations many of the documents linked on the project's webpage were unavailable for two different periods of time. As a result, CPED extended the comment period to December 30, 2015. In total, 153 comments were received on the draft staff recommendations for the rezoning study. See more information on the public comments in the "Public Comment" section of this staff report.

ANALYSIS – CONSIDERATIONS AND ISSUES

The adopted *Linden Hills Small Area Plan* policies set up evaluation of the following topics related to the zoning code:

- A. Rezone underlying base property zoning
- B. Study and refine the existing Linden Hills Overlay Zoning District to reflect the guidance of the Small Area Plan, including the amount and location of parking and allowed uses
 - o Explore the expansion of the Linden Hills/Pedestrian Oriented Overlay to the 44th and France Neighborhood Commercial Node
 - o Implement building design guidance

A. Rezone underlying base property zoning

The Future Land Use Map in the *Linden Hills Small Area Plan* (LHSAP) (page 41 of LHSAP) identifies Land Use Refinements. These are numbered 1 through 6. The following corresponds to this graphic.

1. Expansion of Neighborhood Commercial Node at 44th & France

The boundary of the Neighborhood Commercial Node has been amended to *The Minneapolis Plan for Sustainable Growth*. There is no action in the rezoning study required to implement this expansion. The existing commercial zoning is consistent with policy and not recommended for change.

While no rezoning action is required to implement the expansion of the node, there is currently a property with spilt zoning, 4531 France Avenue South. It is currently zoned C2 Neighborhood Corridor Commercial District and R1A Single Family District. The zoning boundary splits the parcel through its parking lot. CPED recommends that this parcel be fully zoned C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District.

2. Redefine as Medium Density Residential along France Avenue between commercial node and 46th Street

All but two of the parcels in this area were rezoned to R5 Multiple Family District in 2013 during the development of the Linden Hills Small Area Plan for a developer-initiated development project, which has now been constructed and is open. These R5 zoned properties are not proposed for any zoning change. The remaining two parcels contain two multiple family dwellings and are currently zoned R2B. CPED recommends that these two parcels be rezoned R4 Multiple Family District and PO Pedestrian Oriented Overlay District.

3. Redefine as Medium Density Residential along 44th Street between the 44th and France neighborhood commercial node and Drew Ave South

There are two parcels located in this area. One parcel contains townhomes that are zoned R4 Multiple Family District and the other is a childcare facility zoned R1A Single Family District. CPED recommends that the R1A parcel be rezoned to R4 Multiple Family District and PO Pedestrian Oriented Overlay District.

4. New Neighborhood Commercial Node at 44th & Beard

The boundary of the Neighborhood Commercial Node identified in the LHSAP has been amended to *The Minneapolis Plan for Sustainable Growth*. With the exception of one property, owned by the City of Minneapolis, the existing commercial zoning is consistent with adopted policy and not recommended for change. The City of Minneapolis owned property is currently used as a parking lot serving the commercial businesses in the area. The property is currently zoned R1A. CPED recommends that the parcel be rezoned to C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District.

5. Redefine as Medium Density Residential along 44th Street between Xerxes Avenue South and St. John the Apostle

This area includes six parcels that are currently zoned R1A Single Family District. Five of these parcels contain multiple family dwellings. CPED recommends that the parcels be rezoned to R4 Multiple Family District and PO Pedestrian Oriented Overlay District.

6. Expansion of Neighborhood Commercial Node at 43rd & Upton

The boundary of the Neighborhood Commercial Node has been amended to *The Minneapolis Plan for Sustainable Growth*. There is no action in the rezoning study required to implement this expansion. Current commercial zoning in this node is consistent with policy and not recommended for change.

One property currently has split zoning (commercial and residential). CPED recommends that this parcel be fully zoned C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District.

Rezoning Areas Identified as Medium Density Residential

As noted above, there are three areas where the future land use map of the *Linden Hills Small Area Plan* specifically calls for medium density residential, which is defined in the Plan as allowing between 20 and 50 dwelling units per acre.

CPED recommends rezoning these areas to R4 Multiple Family District. The Minneapolis Zoning Code has two residential zoning districts that accommodate medium density: The R3 Multiple Family Residential District and the R4 Multiple Family Residential District.

As of right Maximums	R3 District	R4 District
Dwelling units per acre	29	35
Height	2.5 stories, not to exceed 35 feet	4 stories, not to exceed 56 feet
Floor Area Ratio (FAR)	1	1.5
Required Front Yard	20 feet	15 feet

The *Linden Hills Small Area Plan* states that “a maximum height of three or four stories is allowed for multifamily residential & mixed use buildings within the three neighborhood commercial nodes and along the community corridors of 44th Street West (from Upton to France Avenues) and France Avenue (Glendale to 46th Street W) where the future land use is identified as medium or high density.”

The LHSAP further states “due to the existing character and development patterns of 43rd & Upton, 44th & Beard, 44th & France and along the 44th Street and France Community Corridors allowing 3 or 4-story buildings while encouraging shorter overall building heights, expressed in feet, is considered the most respectful of existing character. The intent is to allow the[sic] for the achievable densities called for in the City policies while encouraging compatible design through lower maximum foot height of building heights than allowed in the current Zoning Ordinance.”

The LHSAP states that three or four stories is allowed and that through the application of all the policies and recommendations of the LHSAP that three or four-story buildings are respectful to the existing surrounding character in the three areas proposed to be rezoned to accommodate medium density. Due to its maximum height of 2.5 stories or 35 feet, the R3 District does not allow for either three or four story-buildings to be achieved as of right; the R4 District, allows three and four-stories as of right, which is consistent with the policy language of allowing three or four-story buildings.

The *Linden Hills Small Area Plan* also states the following about building site and design “the fourth story of any building in the three neighborhood commercial nodes and along the community corridors shall be stepped back from the street facing façade(s) of the building by at least 10 feet.” The LHSAP further states that “when a new three or four story building is adjacent to single- or two-family structures, the top floor shall be setback an additional 10 feet

from the required rear and side yards of the property. Adjacent structures are defined as properties that share a side or rear property line or an alley with the subject property.”

Additionally, the LHSAP states that “the Neighborhood Commercial Nodes and Community Corridors are valued for their eclectic diversity of buildings and their scale. New development should reflect the character of the area through articulation, such as massing intervals and varied setbacks. This should be achieved through more than just a change in building materials.”

To ensure compliance with the building design guidance of the *Linden Hills Small Area Plan*, these areas are also proposed to be included in the new Linden Hills area portion of the Pedestrian Oriented Overlay District and would be subject to the zoning requirements of that district, including:

- The fourth story of any commercial building or multiple-family dwelling shall be stepped back ten feet from any building wall that faces a public street. This implements the building design guidance of the Small Area Plan.
- The top floor of a building of three (3) or more stories shall be set back not less than ten feet from the applicable interior side or rear yard setback required from an abutting R1, R1A, R2 or R2B zoned property. This implements the building design guidance of the Small Area Plan.

Residential to Commercial

CPED proposes rezoning three parcels from a residence to a commercial zoning district. These properties have been previously identified in this staff report. Two of these properties fix split zoning where the properties have both residential and commercial zoning. State statute requires that written consent be obtained from the owners of two-thirds of the properties within 100 feet of any property being changed from residential to either commercial or industrial zoning unless the amendment is based on a 40-acre survey/planning study AND the Planning Commission determines that the number of properties affected by the proposed amendment(s) renders obtaining of such written consent impractical.

The City Planning Commission, therefore, must make a formal finding of impracticality. If the finding is made by the City Planning Commission that obtaining consent signatures is impractical, the City Council voting requirement to approve the rezoning is two-thirds (with consent signatures obtained, the voting requirement is a majority).

Obtaining consent from the owners of properties within 100 feet of the three properties would involve staff approaching the owners of over 50 properties. Reaching these owners and obtaining signatures would require a substantial amount of staff time. In addition, there is a level of impracticality of contacting these property owners when the zoning changes are intended in part to comply with another part of state statute requiring consistency between adopted land use policy and zoning. In effect, obtaining consent for implementing a plan that was developed with public input and previously adopted by the City.

B. The Linden Hills Overlay District and the Proposed Linden Hills Area Pedestrian Oriented Overlay District.

The *Linden Hills Small Area Plan* provides direction to “study and refine the existing Linden Hills Overlay Zoning District to reflect the guidance in the Small Area Plan, including the amount and location of parking and allowed uses.” During the course of the work on the rezoning study, guided by the LHSAP, CPED determined that many elements of the Linden Hills Overlay District are redundant, less restrictive, or inconsistent with other elements of the Minneapolis Zoning Code.

The Linden Hills Overlay was adopted in 1997 prior to the creation of the Pedestrian Oriented Overlay District. The Pedestrian Oriented Overlay District is currently applied to a variety of areas within Minneapolis. While these include areas such as Dinkytown, Uptown, West Broadway and Transit Stations along the LRT lines, it is also applied to five Neighborhood Commercial Nodes in Minneapolis: 44th & Penn Ave North, 54th & Lyndale Ave South, 58th & Lyndale Ave South, 38th & Chicago Ave South, and 48th & Chicago Ave South.

The existing Pedestrian Oriented Overlay District shares much of the same guidance as the existing Linden Hills Overlay District related to building design. Where the requirements in the Linden Hills Overlay District are not covered by requirements in the Pedestrian Oriented Overlay, the requirements from Chapter 530 Site Plan Review of the Zoning Code provides similar or more restrictive requirements.

In reviewing approaches to implementing the policies of the *Linden Hills Small Area Plan*, it was determined that the extent of changes necessary to implement the LHSAP policy guidance around parking, location of parking and allowed uses as well as making changes necessary to the existing Linden Hills Overlay District to correct the inconsistencies and redundancies outlined in the paragraph below would result in very similar guidance to that offered in the existing Pedestrian Oriented Overlay District. As a result, CPED recommends removing the existing Linden Hills Overlay and moving applicable portions of the Linden Hills Overlay into a newly created Linden Hills area portion of the Pedestrian Oriented Overlay District.

The existing Linden Hills Overlay District contains language that prohibits certain uses, has higher parking requirements for certain uses than anywhere else in the City and guidance related to screening and setbacks that is currently less restrictive than the guidance offered in Chapter 530 Site Plan Review of the Minneapolis Zoning Code. A highlighted summary of those existing Linden Hills Overlay District elements that are redundant, less restrictive, or inconsistent with other elements of the code is below.

- The Linden Hills Overlay prohibits bike and inline skate rental, no other portions of the Zoning Code prohibit this use.
- The Linden Hills Overlay has a parking requirement that is based on the number of seats within a restaurant and coffee shop, which includes outdoor seating. Chapter 541 of the Zoning Code, defines parking based on Gross Floor Area of the use—a different way of calculating parking than by number of seats. No other portion of the Zoning Code, and thus no other portion of the City, uses number of seats in determining parking requirements nor does any other portion of the Zoning Code—and thus no other portion of the City counts outdoor seating in the parking requirements. While calculations vary based on the layout of each specific establishment, the examples staff tested show that under the Linden Hills Overlay these businesses have a larger parking requirement than they would in any other part of the City under the Zoning Code.
- The Linden Hills Overlay has a parking requirement for grocery stores and banks that is higher than other areas of the City subject to Chapter 541 of the Zoning Code. Under the existing Linden Hills Overlay, the parking requirement for these uses is higher than in any other portion of the City.
- The Linden Hills Overlay allows backlit canopy signs, while the Pedestrian Oriented Overlay District prohibits this type of signage.

- The Linden Hills Overlay requires that parking areas fronting public streets and sidewalks have at least a 5 foot setback containing evergreen or deciduous shrubs that form a continuous screen of 3 feet in height. Chapter 530 requires a landscaped yard that is at least 7 feet wide as well as screening that is 3 feet in height and not less than 60 percent opaque. Chapter 530 requires a larger landscaped setback. This is an example where the Site Plan Review requirements of Chapter 530 are more restrictive than the Linden Hills Overlay. It is also an example where the guidance is inconsistent with how it is administered throughout the City. It also an example of being redundant since another section of the Zoning Code covers this provision.
- The Linden Hills Overlay requires that parking areas abutting or across an alley from a residence district or office residence district have at least a 5 foot setback containing either evergreen or deciduous shrubs that form a continuous screen of 3 feet in height OR a six foot tall decorative fence. Chapter 530 requires a landscaped yard at least 7-9 feet wide AND screening that is 6 feet in height and not less than 60 percent opaque. This is another case where the Site Plan Review requirements of Chapter 530 of the Zoning Code are more restrictive than the Linden Hills Overlay. It is also an example where the guidance is inconsistent with how it is administered throughout the City. It also an example of being redundant since another section of the Zoning Code covers this provision.
- The trigger for Site Plan Review is higher in the Linden Hills Overlay than it is in Chapter 530 of the Zoning Code. Chapter 530 of the Zoning Code requires Site Plan Review for additions of 1,000 square feet or more, while the Linden Hills Overlay District requires it for additions of 3,000 square feet or more. This is another case where the Site Plan Review requirements of Chapter 530 of the Zoning Code are more restrictive than the Linden Hills Overlay.

Four additional requirements are recommended for inclusion into the proposed Linden Hills area portion of the Pedestrian Oriented Overlay District to implement the adopted policy of the *Linden Hills Small Area Plan* regarding the location of parking, building design and transitions between multiple family and commercial development and low-scale residential development.

- Off-site, off-street parking serving nonresidential uses in the Linden Hills area may be located in any commercial district and may be located in the residence and office residence districts. In the residence and office residence districts, the off-site parking area shall be accessory to an institutional or public use.
- The Zoning Code currently prohibits off-site, off-street parking for commercial uses in residentially zoned areas. The institutional uses in Linden Hills have accessory parking that could potentially be used for parking to support commercial areas, but currently under the Zoning Code, this is prohibited. This new provision allows for the institutional uses to enter into arrangements with nearby commercial uses to utilize their accessory parking. This implements the guidance of the Small Area Plan which looks to manage and maximize the existing overall supply of parking resources.
- The fourth story of any commercial building or multiple-family dwelling shall be stepped back ten feet from any building wall that faces a public street. This implements the building design guidance of the Small Area Plan which states that “the fourth story of any building in the three neighborhood commercial nodes and along the community corridors shall be stepped back from the street facing façade(s) of the building by at least 10 feet.

- The top floor of a building of three (3) or more stories shall be set back not less than ten feet from the applicable interior side or rear yard setback required from an abutting R1, R1A, R2 or R2B zoned property. This implements the building design guidance of the Small Area Plan which states that, “when a new three or four story building is adjacent to single- or two-family structures, the top floor shall be setback an additional 10 feet from the required rear and side yards of the property.”
- A continuous screen not less than three (3) feet or more than six (6) feet in height shall be provided between any commercial building or multiple-family dwelling and abutting R1, R1A, R2 or R2B zoned property. Required screening shall be at least ninety-five (95) percent opaque throughout the year and shall be satisfied by a hedge, decorative fence, or masonry wall. This implements building design guidance in the Small Area Plan which states, “encourage site designs that use vegetative buffers to reduce the visual impact of higher density development on adjacent lower density development.” Additionally, this is very similar to an element of the Linden Hills Overlay District that is not covered by the Pedestrian Oriented Overlay District or other applicable portions of the Minneapolis Zoning Ordinance.

Under CPED’s recommendation, there are three elements of the existing Linden Hills Overlay District that are not proposed for inclusion in the proposed Linden Hills area portion of the Pedestrian Oriented Overlay District and not covered by other portions of the Zoning Ordinance.

- The Linden Hills Overlay District encourages (it does not require) commercial delivery and shipment of products, merchandise or supplies in straight trucks or smaller vehicles. This type of regulation is not addressed in other sections of the Zoning Code. It is also only stated as an encouragement and not a requirement. The Linden Hills Overlay cannot be used to require the use of straight trucks or smaller vehicles for commercial delivery and shipment. Regulations that address commercial delivery vehicles are found in the Traffic Code.
- The Linden Hills Overlay District allows for a shared loading facility between two uses to be provided in lieu of 1 required automobile parking space. Shared loading facilities are allowed Chapter 54I of the Zoning Code, however, outside the Linden Hills Overlay shared loading cannot be provided in lieu of 1 required parking space.
- The Linden Hills Overlay District sets the maximum width of driveways for parking areas at 20 feet. Chapter 54I of the Zoning Code sets the maximum width of driveways for parking areas at 25 feet. The Pedestrian Oriented Overlay District does not modify or reduce the driveway width established in Chapter 54I. Driveways in the City not covered by the Linden Hills Overlay District are allowed to be up to 5 feet wider.

This zoning code text amendment results in the removal of redundant and inconsistent language and places similar guidance in Zoning Code under one article of the Zoning Code- Article II. Pedestrian Oriented Overlay District. It is anticipated that the Zoning Code text amendment will provide clarity in implementing adopted policy, as well as eliminate the previously identified inconsistencies.

Applying the new Linden Hills area Pedestrian Oriented Overlay District to the 44th & France Neighborhood Commercial Node

The existing Linden Hills Overlay District is currently only applied to properties in the 43rd & Upton and 44th & Beard Neighborhood Commercial Nodes. *The Linden Hills Small Area Plan* recommended studying its application to the 44th & France Neighborhood Commercial Node. The area of 44th & France originally developed in a more auto-centric pattern than the other commercial areas of Linden Hills. The application of the existing Linden Hills Overlay District was envisioned as a way to guide improvements to and redevelopment of property to a more traditional urban pattern similar to other commercial areas in Linden Hills. As noted above, CPED is recommending using a new Linden Hills area of the Pedestrian Oriented Overlay District in lieu of the Linden Hills Overlay District. Under the application of either overlay district automotive service uses are prohibited. There is one automotive services use in this area, a gas station at 4419 France Avenue South. Under the CPED recommendation, the gas station would become non-conforming but would be allowed to remain under rights afforded by the City and State for non-conforming uses.

FINDINGS AS REQUIRED BY THE MINNEAPOLIS ZONING CODE

I. Whether the amendment is consistent with the applicable policies of the Comprehensive Plan.

The rezoning recommendations are consistent with and directly implement the land use and building and site design guidance of the *Linden Hills Small Area Plan* and *The Minneapolis Plan for Sustainable Growth*.

Designated land use features found in the study area include:

- *Neighborhood Commercial Node:*
 - 43rd & Upton
 - 44th & Beard
 - 44th & France
- *Community Corridors:*
 - 44th Street W
 - France Ave S

The following general land use policies of the *Minneapolis Plan for Sustainable Growth* apply:

Policy I.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

I.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy I.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

I.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the

surrounding area.

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access

1.9.5 Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.

1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

1.11.5 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.

Policy 2.3: Encourage walking throughout the city by ensuring that routes are safe, comfortable, pleasant, and accessible.

2.3.5 Continue to enforce standards for building placement and design based primarily on the needs of pedestrians.

Policy 2.8: Balance the demand for parking with objectives for improving the environment for transit, walking and bicycling, while supporting the city's business community

2.8.1 Implement off-street parking regulations which provide a certain number of parking spaces for nearby uses, while still maintaining an environment that encourages bicycle, pedestrian, and transit travel

Policy 3.1: Grow by increasing the supply of housing.

3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

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.

3.2.2 Engage in dialogue with communities about appropriate locations for housing density, and ways to make new development compatible with existing structures and uses.

Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods

10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city's existing housing stock.

Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

10.5.1 Smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes.

Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

Policy 10.11: Seek new commercial development that is attractive, functional and adds value to the physical environment.

10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

The following goals and specific implementation recommendations from the *Linden Hills Small Area Plan* apply:

Goal 2: Ensure appropriately-scaled development.

- 2.1 Encourage development that reinforces the 43rd & Upton, 44 & Beard, and 44th & France Neighborhood Commercial nodes and appropriately connects them along 44th Street.
- 2.2 Promote measures to facilitate new investment that embrace economic, environmental, and social sustainability.
- 2.3 Promote contextual infill redevelopment through policies and regulations that address the width, length, massing and height of new development, building expansions, and renovations.

Goal 3: Encourage complementary uses, activities, and public realm enhancements.

- 3.4 Manage and reconfigure existing overall supply of parking resources to their maximum potential while also seeking opportunities for expanding car share, bike rental and neighborhood transit circulator service.

Goal 5: Support the development of a broad spectrum of life-cycle housing options.

- 5.1 Encourage the development of a range of housing types and sizes.
- 5.2 Promote housing options that meet the needs and desires of people throughout their lives (from young adults to seniors).
- 5.3 Encourage a mix of dwelling unit types and sizes within new or renovated multi-family buildings.

Specific Implementation Recommendations for: Land Use & Development Intensity

- Study and refine the existing Linden Hills Overlay Zoning District to reflect the guidance in this Small Area Plan, including the amount and location of parking and allowed uses. The study should also consider applying the overlay district to the 44th & France Neighborhood Commercial Node to further encourage more pedestrian-oriented development patterns.
- Redefine the area along France Avenue from the corner of 46th Street up to the south property line of 4519 France Avenue South as Medium Density Residential.
- Redefine the area along the north side of 44th Street between Drew Avenue and France 44 Liquors as Medium Density Residential.
- Redefine the area along the north side of 44th Street between Xerxes Avenue and St. John the Apostle Church and School as Medium Density Residential.

Specific Implementation Recommendations for: Building & Site Design

- A maximum height of three or four stories is allowed for multifamily residential & mixed use buildings within the three neighborhood commercial nodes and along the community corridors of 44th Street West (from Upton to France Avenues) and France Avenue (Glendale to 46th Street W) where the future land use is identified as medium or high density.
- The fourth story of any building in the three neighborhood commercial nodes and along the community corridors shall be stepped back from the street facing façade(s) of the building by at least 10 feet.
- The Neighborhood Commercial Nodes and Community Corridors are valued for their eclectic diversity of buildings and their scale. New development should reflect the character of the area through articulation, such as massing intervals and varied setbacks. This should be achieved through more than just a change in building materials.
- When a new three or four story building is adjacent to single- or two-family structures, the top floor shall be setback an additional 10 feet from the required rear and side yards of the property. Adjacent structures are defined as properties that share a side or rear property line or an alley with the subject property.
- Encourage building designs that articulate or enliven the rear façade.
- Encourage site designs that use vegetative buffers to reduce the visual impacts of higher density development on adjacent lower density development.

Specific Implementation Recommendations for: Movement, Connectivity & Parking

- Manage and reconfigure existing supply of parking resources to their maximum potential while also seeking opportunities for expanding car share, bike rental, and neighborhood transit circulator service.
- Ensure that parking facilities maintain and enhance the character of Linden Hills through their location, design and the types of facilities.

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

The recommended zoning changes affect 135 properties, and thus are not in the interest of a single property owner. The recommendations implement a small area plan and a comprehensive plan that involved the participation of multiple stakeholders and both of which have been adopted as policy by the City Council.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The proposed changes to primary zoning designations are guided by the adopted small area plan and the Comprehensive Plan. These plans and policies consider the growth and evolution of the entire area, including integration with and transition between surrounding land uses.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The proposed zoning identifies reasonable changes to fulfill long-term land use objectives of adopted City Plans.

Eight of the nine properties where R4 zoning is proposed are currently non-conforming due to the existing density and existing zoning classifications as R2B or R1A. These properties can continue to operate as non-conforming under the existing zoning classification. The recommended rezoning would bring the properties into or closer into compliance with regard to their current density.

As a result of the CPED recommendations, a gas station located 4419 France Avenue South will become a non-conforming use under the proposed Pedestrian Oriented Overlay District. The Pedestrian Oriented Overlay District prohibits automotive service uses, which includes gas stations. The gas station use will have non-conforming rights afforded by the City and State for non-conforming uses.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The City's Comprehensive Plan was developed more recently than when the present zoning classifications in the project area were established. The current zoning classifications date back to at least 1987, when a rezoning and downzoning occurred and was adopted by the Minneapolis City Council.

The adopted City policy guidance from *The Minneapolis Plan for Sustainable Growth*, which was reinforced and clarified by the *Linden Hills Small Area Plan*, was initially adopted by the City Council in 2009. The proposed zoning classification changes implement current adopted City Policy.

PUBLIC COMMENT

The following reflects public comments received during the public comment period. The public comment period ran from November 4, 2015 through December 30, 2015. Initially, the public comment period was scheduled to end on December 19, 2015, however due to City wide website and server migrations, many of the documents linked on the project's webpage were unavailable for two different periods of time. Due to the documents unavailability on the website, CPED made the decision to extend the comment period to ensure those who wanted to comment had ample opportunity to do so.

Comments on draft staff recommendations were received in a few formats: via hand written form at the November 4, 2015 open house, via email to the CPED project manager, Brian Schaffer, via email or online contact form to Council Member Palmisano's office, and via an online comment portal hosted by CPED. In total 153 comments were received on the draft staff recommendations. Those comments are included in the attachments in two ways: their raw format via email or web portal and a document that catalogs all comments received into one document which includes the date the comment was received, the commenter's name (if provided), and the comment.

Summary of Comments

The following is a brief summary of the comments received between November 4, 2015 and December 30, 2015. As noted above, all of the comments received during the public comment period are attached. A few of the businesses in the area expressed support for some or all of the staff recommendations—specifically the proposed changes regarding parking requirements and the location of allowed off-street parking. While there were some commenters that expressed support for some or all of the draft staff recommendations, many of the comments received expressed concern with the draft staff recommendations. Most of those concerns focused on the following two areas:

- Concern of draft staff recommendation for R4 Multiple Family District for all areas where it was recommended and specifically in the area adjacent to 44th & Xerxes Ave South. Many respondents expressed concern over density, the potential of increased traffic, and concern about building heights that could be four-stories or 56 feet in height, and a four-story building's ability to fit into the existing character of the area. There was interest expressed in using the R3 Multiple Family District in lieu of the proposed R4 District. Respondents felt the R3 District met the policy recommendations of the *Linden Hills Small Area Plan* regarding density and was more in keeping with the character of the area.
- Concerns about Linden Hills Overlay District being removed. Respondents expressed concern that the *Linden Hills Small Area Plan* language did not explicitly call for the removal of the Linden Hills Overlay District—it only called for CPED to “study and refine the existing Linden Hills Overlay Zoning District to reflect the guidance in the Small Area Plan, including the amount and location of parking and allowed uses.” Other concerns were expressed over the idea that the proposed application of the Pedestrian Overlay District would “move Linden Hills into a more intensively urban “Pedestrian-Oriented Overlay and grouping our neighborhood with West Broadway, Lake and Hennepin, Nicollet and Franklin, Dinkytown, Stadium Village, and Central and Lowery[sic].”

Independent Survey conducted by a Linden Hills resident

During the course of the public comment period a Linden Hills resident, who also identifies himself as a member of the LHiNC Board and the LHiNC Zoning Committee Chair, published his own survey to gather feedback to several questions. Advertisement for this individual resident's survey was published in the Linden Hills Line, which is a hard copy publication of LHiNC and distributed to all properties in Linden Hills, including commercial businesses. Additional advertisement was placed in the LHiNC E-Newsletter. CPED neither initiated nor requested this survey. The owner of the survey provided the CPED project manager the results of the survey on December 22, 2015. There were over 300 respondents to the survey. These results can be found in the attachments. The survey questions asked were:

- Do you support, remain neutral, or oppose making parts of Linden Hills into more Urban Districts?
- Do you support, remain neutral, or oppose making parts of Linden Hills into more Historic Districts?
- Do you support, remain neutral, or oppose rezoning Linden Hills?
- Do you support, remain neutral, or oppose Linden Hills being grouped with areas of West Broadway, Hennepin-Lake, Nicollet-Franklin, Dinkytown, Stadium Village, and Central-Lowry for purposes of zoning?
- Do you support, remain neutral, or oppose Linden Hills keeping the Linden Hills District Overlay for purposes of zoning?
- Do you support, remain neutral, or oppose the Linden Hills Small Area Plan and its enforcement?
- Do you support, remain neutral, or oppose Conditional Use Permits to increase heights beyond allowed As of Right Height Maximum?
- Should Linden Hills have more, the same, or less off street parking?
- Have you heard about, read or not read the Linden Hills Small Area Plan, the community of Linden Hills policy document which was approved by the City Council in 2013?
- Have you heard about, read or not read the Linden Hills Overlay Zoning District, which was approved by the Planning Commission and City Council in 1997?
- Have you heard about, read, or not read An Ordinance Of the City of Minneapolis, Council Member Linea Palmisano's rezoning proposals for Linden Hills to become part of a larger city Pedestrian Oriented Overlay, which was presented to the Planning Commission last month, and the City Council this November?
- Have you reviewed the Linden Hills Rezoning Study proposal on which Minneapolis's Community Planning and Economic Development (CPED) Department is currently taking comment?
- Are you well informed by LHiNC in regards to zoning and rezoning issues in the Linden Hills?
- Would you like to be better connected to find out information on zoning and rezoning issues in our neighborhood?

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt staff findings and amend Title 20 of the Minneapolis Code of Ordinances, amending chapters 521 and 551 relating to Zoning Districts and Maps Generally and Overlay Districts and find that obtaining consent signatures for the rezoning of properties from residential to commercial in the Linden Hills Rezoning Study is impractical, as follows:

A. Zoning Text Amendment

Recommended Motion: **Approve** the zoning text amendments removing the Linden Hills Overlay District and adding the Linden Hills area to the Pedestrian Oriented Overlay District as written in the attached exhibits.

B. Zoning Map & Zoning Text Amendment

Recommended Motion: **Approve** the zoning map amendment and zoning text amendments for the rezoning of parcels in the attached exhibits.

ATTACHMENTS

1. Proposed Zoning Ordinance
2. Proposed Primary Zoning Map Changes
3. Proposed Overlay District Map Changes
4. List of Properties with Zoning Classification Changes
5. [Linden Hills Small Area Plan Future Land Use Plan](#)
6. Comments received
 - A. Summary document
 - B. All Comments
 - C. Survey results from a Linden Hills resident's survey, dated December 22, 2015