

## MEMORANDUM

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**TO:** Zoning & Planning Committee of the Minneapolis City Council

**FROM:** [Brian Schaffer](#), Principal City Planner, (612) 673-2670

**DATE:** March 3, 2016

**SUBJECT:** Linden Hills Rezoning Study: Amending CPC recommendation from February 8, 2016

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On February 8, 2016, the City Planning Commission adopted staff findings and recommended that the City Council approve the zoning text amendments removing the Linden Hills Overlay District and adding the Linden Hills area to the Pedestrian Oriented Overlay District and recommended the following change to the original ordinance text recommended by CPED in the proposed section 551.175(a)(3)(a):

The top floor of a building of three or more stories shall be set back not less than 10 feet from the wall below it abutting R1, R1A, R2, and R2B zoned properties.

The original ordinance text recommended by CPED:

The top floor of a building of three (3) or more stories shall be set back not less than ten (10) feet from the applicable interior side or rear yard setback required from abutting R1, R1A, R2 or R2B zoned property.

The City Planning Commission's (CPC) discussion on February 8, 2016 on this item revealed the need for clarity in the ordinance text; however the action of the CPC deviates from the intent of the recommended ordinance language.

CPED is recommending that the City Council consider alternative ordinance text that provides for more clarity in its application, but also is more closely aligned with the intent of the Linden Hill Small Area Plan. This new recommended ordinance text is:

The top floor of a building of three (3) or more stories shall be stepped back not less than ten (10) feet from any building wall below it abutting R1, R1A, R2 or R2B zoned property, or the entire building of three (3) or more stories shall be set back not less than ten (10) feet from the applicable interior side or rear yard setback required from abutting R1, R1A, R2 or R2B zoned property.

### BACKGROUND

The intent of the zoning code text amendment was to implement the Linden Hills Small Area Plan, which was adopted by the City Council in 2013. The specific guidance related to the subject ordinance

revision is found in the Transitions Section of the Building & Site Design Guidance of the Linden Hills Small Area Plan. The Plan states:

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

The Linden Hills Small Area Plan further states:

While the three Neighborhood Commercial Nodes and the community corridors of France Avenue & 44th Street have their distinct commercial character they are surrounded by low-scale, one to two-family residential areas that have their own distinct character and rhythm. In many locations, larger more dense commercial, mixed use, and multi-family residential structures share an alley or side and rear lot lines with these lower scale uses. This was a topic of concern for the community. Transition issues include: negatively affecting the overall character of the block, shading of back yards caused by taller adjacent buildings, disruption and degradation of views, loss of privacy, and increases in noise and traffic. These concerns and issues are reflected within City policies that encourage transitions between higher density and lower density development.

CPED believes the intent of the Linden Hills Small Area Plan guidance is to reduce the shading and other impacts of taller buildings on adjacent one and two family residential areas. The original CPED recommended ordinance text stated that the top floor of a building of three stories or more shall be set back an additional ten feet from the required interior side or rear yard setback abutting low density residential zoning districts.

The original ordinance text recommended by CPED is intended to allow a project to choose to set back the only the top floor of the building an additional 10 feet or to set back the whole building an additional 10 feet. Including the option to set back the entire building an additional 10 feet could further increase the transitions between higher density and lower density development and mitigate concerns over privacy or shadowing.

The CPC-recommended ordinance text changes the reference point for the measurement of the additional 10 foot setback from the required yard setback for the building to the building wall below the top floor. While this change results in having the top floor stepped back an additional 10 feet as with the original CPED recommended ordinance text, it does not allow for the opportunity to have the whole building setback an additional 10 feet as the original CPED recommended ordinance text intended. The recommended alternative ordinance text included in this memorandum allows for both; an additional 10 foot building setback or a 10 foot stepback of the top floor of the building.