



**Request for City Council Committee Action from the Department of Community Planning
& Economic Development – Planning Division**

Date: September 29, 2009
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the September 29, 2009 City Planning Commission Meeting
Recommendation: See report from the City Planning Commission

Prepared by: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Presenter in Committee:

14. Zoning Code Text Amendment, Janelle Widmeier, Sr. Planner, x3156

Community Impact (use any categories that apply)

Other: See staff report(s) from the City Planning Commission

Background/Supporting Information Attached

The attached report summarizes the actions taken at the City Planning Commission meeting held on September 14, 2009. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis**

The Minneapolis City Planning Commission, at its meeting on September 28, 2009 took action to **submit the attached comment** on the following items:

14. Zoning Code Text Amendment (Ward: All), ([Janelle Widmeier](#)).

A. Text Amendment: Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to the Zoning Code: Introductory Provisions.

The purpose of the amendment is to revise the definition of story to allow the first story of a building to exceed 14 feet in height.

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

**Community Planning and Economic Development Planning Division Report
Zoning Code Text Amendment**

Date: September 28, 2009

Initiator of Amendment: Council Member Goodman

Date of Introduction at City Council: August 28, 2009

Specific Site: Citywide

Ward: Citywide **Neighborhood Organization:** Citywide

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Intent of the Ordinance: To revise the definition of story to allow the first story of a building to exceed 14 feet in height.

Appropriate Section(s) of the Zoning Code: Chapter 520. Introductory Provisions

Background: Building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Height restrictions are one of the building bulk regulations used in the zoning code. The height of structures are measured in stories and feet.

Purpose for the Amendment:

What is the reason for the amendment?

What problem is the Amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The purpose of the amendment is to revise the definition of “story” to allow greater flexibility in first floor ceiling heights. The current definition of story limits all floors to a maximum of 14 feet measured from floor to floor. Floor levels that exceed 14 feet in height are counted as two or more stories. Space needed for the floor structure and mechanical systems can lower the ceiling two or more feet from the floor surface above. The amendment would allow up to a 20-foot-tall first story. Often developments with ground floor retail are proposed with ceiling heights greater than 14 feet to accommodate more viable retail tenant spaces. Examples of developments with taller first floor ceilings that have received land use approvals include Skyscape at Portland Avenue and 10th Street, Lutheran Social Services at 2414 Park Avenue, Longfellow Station at 38th Street and Hiawatha Avenue, Sydney Hall at University Avenue SE and 15th Avenue SE, Hi-Lake Corridor Flats at Lake Street E and 21st Avenue S, and 1810 Washington Avenue S. Photos of several built developments are also attached.

CPED Planning Division Report

Occasionally, a taller first story results in a development needing a conditional use permit to increase height even though the building does not exceed the zoning district height limitation in feet. For example, a 50-foot-tall building with four physical floors may comply with the 56-foot height limitation in the C2 District, but a 16-foot-tall first floor would currently render the structure a five-story building (with the first level being two “stories”), necessitating a conditional use permit to increase the maximum permitted height. The proposed amendment would allow more flexibility to accommodate a wider range of uses (as allowed by the district). Another benefit that could result is development that fits in more appropriately with traditional, existing development that has higher first floor ceilings, such as in the Warehouse District.

Height restrictions are one of many building bulk regulations in the zoning code. Building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. Each zoning district’s regulations, with the exception of the downtown districts, delineate a maximum height allowed in stories and feet. The proposed amendment would have no affect on the latter. All developments would still be subject to the same height restrictions in feet. For example, the C3A district allows 4 stories or 56 feet, whichever is less. With the proposed amendment, the first story of a building could be 20 feet, but only 3 levels could be located above that story and the combined height of all the levels could not exceed 56 feet without a conditional use permit. Example diagrams are also attached for reference.

Staff does not anticipate any problems resulting from the amendment. As proposed, the amendment would not allow this exception for single- through four-unit dwellings. These uses are excluded because of the potential adverse impacts on adjacent residential uses in and the character of low-density neighborhoods. Most new dwellings and additions to dwellings with one- to four-units are reviewed administratively and allowing a taller first story could result in fewer windows being provided and narrower side yards adjacent to taller buildings. Over the past several years, many amendments have been adopted with the purpose of improving the building design of one- to four-dwellings. For this reason, these uses would be excluded from the exception.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendment is timely given that the City expects to continue to receive development proposals with first stories exceeding 14 feet in height. Some surrounding cities, such as St. Paul and St. Louis Park, don’t define a maximum height in feet for a story. Height limits in the Minneapolis definition of story are used to determine appropriate minimum side and rear yard requirements. The consequence of not adopting the amendment is that developments with first floor heights of greater than 14 feet would continue to essentially be penalized by the first floor being classified as two stories.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following policies of *The Minneapolis Plan* apply (the update of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, reiterates these policies):

4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

Applicable Implementation Steps

Develop standards based on a recognition of the qualities that make urban corridors desirable, viable and distinctly urban, including; diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements which add interest at the scale of the pedestrian.

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Applicable Implementation Steps

Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street's capacity to carry current volumes of traffic.

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Applicable Implementation Steps

Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Applicable Implementation Steps

Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.

Promote medium density residential development around Neighborhood Commercial Nodes (see also Community Corridors policy in this chapter).

Promote traditional urban form in terms of building siting and massing when undertaking new development in Neighborhood Commercial Nodes. (See discussion of traditional urban form in Chapter 9.)

Preserve traditional commercial storefronts at Neighborhood Commercial Nodes wherever possible.

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Applicable Implementation Steps

Ensure that land use regulations support diverse commercial and residential development types which generate activity all day long and into the evening.

Promote the incorporation of residential uses within the same structure as other commercial uses.

Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established. (See description of traditional urban form in Chapter 9, City Form.)

Require that buildings in Activity Center districts incorporate a pedestrian orientation at the street edge.

4.19 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Applicable Implementation Steps

Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)

9.8 Minneapolis will maintain and strengthen the character of the city's various residential areas.

Applicable Implementation Steps

Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.

9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Applicable Implementation Steps

Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

Identify commercial areas in the city that reflect traditional urban form and develop appropriate standards and preservation objectives for these areas.

9.18 Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.

Applicable Implementation Steps

Ensure that the city's zoning code revision corresponds adequately to policies outlined in The Minneapolis Plan.

CPED Planning Division Report

Staff comment: Developments that utilize the proposed exception will likely be located downtown or in designated land use features, such as activity centers and commercial corridors, in mixed use buildings because taller ceiling heights are typically proposed for nonresidential uses. The taller ceiling heights could make tenant spaces more attractive to potential tenants contributing to the success of an area. A taller first story should not have adverse effects on the pedestrian environment. Development that fits in more appropriately with traditional, existing development that has higher first floor ceilings may also be a result of the amendment. The amendment is consistent with the policies of the comprehensive plan.

Recommendation of the Community Planning and Economic Development--Planning Division:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment.

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

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MEMORANDUM

DATE: September 29, 2009

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

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of September 28, 2009

The following actions were taken by the Planning Commission on September 28, 2009. 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, Bates, Cohen, Gorecki, Huynh, Luepke-Pier and Tucker – 7

Not present: Nordyke and Schiff

Committee Clerk: Lisa Baldwin (612) 673-3710

14. Zoning Code Text Amendment (Ward: All), ([Janelle Widmeier](#)).

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

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Bates moved approval of the staff recommendation (Tucker seconded).

The motion carried 6-0.