



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

Date: March 27, 2009
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the March 23, 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:

12. Bluff Street Development, 600 Main St SE, Jim Voll, x3887
13. Zoning Code Text Amendment, Becca Farrar, x3594

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 March 23, 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 March 23, 2009 took action to **submit the attached comment** on the following items:

12. Bluff Street Development (BZZ-4319, Ward: 3), 600 Main St SE ([Jim Voll](#)).

A. Rezoning: Application by Bluff Street Development LLC for a rezoning from the I2 Medium Industrial District to the C3A Community Activity Center District and to remove the IL Industrial Living Overlay District for property located at 600 Main St SE.

Action: Notwithstanding the staff recommendation, the City Planning Commission recommended that the City Council **deny** the rezoning application from the I2 Medium Industrial District to the C3A Community Activity Center District and to remove the IL Industrial Living Overlay District for property located at 600 Main St. SE based on the following findings:

1. There is guidance within adopted plans to not unduly intensify the use of land on the river side of Main St.

2. This land is listed in the Minneapolis Plan for Sustainable Growth and Marcy Holmes Plan as park use.
3. The site is outside of the boundaries of the East Hennepin Activity Center and is would be extending C3A zoning too far away from the central node of the Activity Center on East Hennepin.
4. The existing zoning allows for reasonable development, both commercial and housing.

13. Zoning Code Text Amendment (Ward: All), ([Becca Farrar](#)).

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 520 related to Zoning Code: *Introductory Provisions*;

Amending Chapter 548 related to Zoning Code: *Commercial Districts*;

Amending Chapter 549 related to Zoning Code: *Downtown Districts*;

Amending Chapter 550 related to Zoning Code: *Industrial Districts*.

The primary objective of the amendment is to distinguish motorized scooter sales and neighborhood electric vehicles sales from automobile sales as well as to define the applicable terminology in the Zoning Code. An additional item, proposing to expand where Education Arts Centers are permitted, is also addressed.

Action: The City Planning Commission recommends that the City Council adopt the findings and **approve** the zoning code text amendment, amending Chapters 520, 548, 549 and 550. The City Planning Commission further recommends that Chapters 536, 547 and 551 be **returned** to the author.

**Department of Community Planning and Economic Development –
Planning Division
Zoning Code Text Amendment**

Date: March 23, 2009

Initiator Of Amendment: Council Member Schiff

Date of Introduction at City Council: February 15, 2008

Ward: All

Planning Staff And Phone: Becca Farrar, (612) 673-3594

Intent Of The Ordinance: The primary objective of the amendment is to distinguish motorized scooter sales and neighborhood electric vehicles sales from automobile sales, define the applicable terminology in the Zoning Code as well as allow these uses within a broader range of zoning classifications. An additional item, proposing to expand where Education Arts Centers are permitted, was also brought to Staff's attention and is addressed within the proposed amendment.

Appropriate Section(s) of the Zoning Code:

- Amending Chapter 520 related to Zoning Code: *Introductory Provisions*; and
- Amending Chapter 548 related to Zoning Code: *Commercial Districts*; and
- Amending Chapter 549 related to Zoning Code: *Downtown Districts*; and
- Amending Chapter 550 related to Zoning Code: *Industrial Districts*; and

Background: The rationale for the proposed amendment stems primarily from the City's overarching policies pertaining to environmental sustainability. Both neighborhood electric vehicles and motorized scooters are currently classified as an automobile services use under traditional automobile sales, which is fairly restrictive in terms of where automobile sales uses may be established. Currently, automobile sales are conditional uses in all industrial districts and downtown districts, as well as in the C2, C3S and C4 districts. Further, there are stipulations in terms of what types of auto sales may occur in the various districts (only new and vintage, etc.). Automobile sales uses are subject to Chapter 530, Site Plan Review as well as to Chapter 536, Specific Development Standards. Further, automobile sales are not permitted uses in the Pedestrian Oriented (PO) Overlay District. Allowing both neighborhood electric vehicle sales and motorized scooter sales as permitted uses classified under retail sales and service uses, in a wider range of zoning classifications promotes green and less obtrusive, alternative forms of transportation. Further, the use would not be subject to Chapter 536 or Chapter 530, and would be permitted in the PO district. This proposal is in conformance with and supported by numerous policies within the updated comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. This amendment also includes a housekeeping item pertaining to Educational Arts Centers which are defined as a facility owned and operated by a non-profit organization where lessons in the

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performing and visual arts are offered, including music, theatre and dance. These uses are currently only allowed in the OR (OR1 – CUP, OR2 and OR3 permitted, also subject to specific development standards) and I (I1 and I2 permitted and not subject to specific development standards) districts. Based on the definition of the use, it would seem to be an appropriate use in a broader range of zoning classifications.

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 primary purpose of this text amendment is to distinguish motorized scooter sales and neighborhood electric vehicles sales from automobile sales, to define the applicable terminology in the Zoning Code, as well as allow these uses within a broader range of zoning classifications.

The amendment is intended to encourage the location of neighborhood electric and motorized scooter dealers in storefront buildings within a wider range of zoning classifications and generally subject to less regulation provided the use is entirely located within an enclosed structure. These alternative transportation forms are designed for short-distance, urban trips and are distinctly different than traditional automobile services uses. Essentially, by allowing these uses as a retail sales and services use in a wider array of zoning districts as permitted uses, the City is adopting regulations that encourage, not hinder their establishment. As proposed, neighborhood electric vehicles and motorized scooters would be defined under Section 520.160 of the Zoning Code as follows:

- Neighborhood electric vehicle. A four-wheeled, battery powered electric motor vehicle that has a gross vehicle weight rating of less than three-thousand (3,000) pounds and a top speed between twenty (20) mph to twenty-five (25) mph.
- Motorized scooter. Any two-wheeled device that is powered by an electric motor or an internal combustion engine that has handlebars, wheels up to ten (10) inches in diameter and is designed to be stood or sat upon by the operator. This definition excludes motorcycles and segways.

Further, Staff is proposing to modify Tables 548-1, 549-1 and 550-1 and allow neighborhood electric vehicles and motorized scooter sales as permitted uses under retail sales and services in all commercial districts, downtown districts and industrial districts

The amendment would serve the public interest by promoting and allowing green and less obtrusive, alternative forms of transportation within a wider range of zoning classifications, relaxing some of the stringent regulations that the uses are currently subject to by a de facto classification as an automobile services use while preserving the intent of the various zoning districts within the city.

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Planning Staff does not anticipate that the amendment would result in any significant issues. Allowing both neighborhood electric vehicles and motorized scooters as permitted uses in a wider range of zoning classifications is encouraging alternative urban transportation forms. Planning Staff is requiring that both of these uses be subject to the enclosed building requirement thus, no outdoor sales and/or display. This provision could be varied on a case-by-case basis where the regulation causes hardship based on circumstances unique to individual properties.

An additional housekeeping item, proposing to expand where Education Arts Centers are permitted, was brought to Staff's attention and is also addressed. Educational Arts Centers are defined as a facility owned and operated by a non-profit organization where lessons in the performing and visual arts are offered, including music, theatre and dance. This use is only allowed in the OR (OR1 – CUP, OR2 and OR3 permitted, also subject to specific development standards) and I (I1 and I2 permitted and not subject to specific development standards) districts. Staff is proposing to modify Tables 548-1 and 549-1 and allow them as permitted uses in all commercial and downtown districts. Addressing this specific housekeeping item will result in the correction of a current oversight within the Zoning Code. The amendment would serve the public interest by correctly allowing the use within a broader range of zoning classifications. Planning Staff does not anticipate that the amendment would result in any significant issues.

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 due to the City's emphasis on sustainability. The purpose of this amendment is to encourage uses that are compliant with the policies within the soon to be adopted comprehensive plan update, *The Minneapolis Plan for Sustainable Growth*.

It is standard practice among municipalities to ensure that zoning regulations are consistent with adopted land use policy. Though certainly not exhaustive, internet, and email research has indicated that many large cities do not regulate neighborhood electric vehicles or motorized scooter differently than automobile uses. Planning Staff believes that this is an opportunity for the City of Minneapolis to be a leader in this aspect of sustainability by adopting the proposed regulations which create a distinction among the subject uses.

The primary consequence of denying this amendment would be that the Zoning Code would continue to be out of alignment with various policies of the update to the comprehensive plan and several adopted small area plans which encourage alternative transportation measures. Further, the City's regulations would encumber, not encourage, their establishment.

The additional housekeeping item pertaining to Education Art Centers is timely and consistent with practices in surrounding areas. The consequences of denying this portion of the proposed changes would result in the continuation of not allowing the use in zoning districts in which the use is appropriate.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The proposed amendment would allow CPED to continue to ensure that the goals and policies of the current comprehensive plan and soon to be adopted update to the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, are implemented.

The following policies of the current adopted comprehensive plan, *The Minneapolis Plan*, are relevant to the proposed amendment regarding neighborhood electric vehicles and motorized scooters:

- Policy 9.18 of *The Minneapolis Plan* states that, “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.” This policy includes the implementation step to “Ensure that the city’s zoning code revision corresponds adequately to policies outlined in *The Minneapolis Plan*.”
- Policy 9.23 of *The Minneapolis Plan* states that, “Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.”

Further, with the adoption of the update to the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, which is expected to transpire shortly, the following policies are relevant to the proposed amendment regarding neighborhood electric vehicles and motorized scooters:

- Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “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..” This policy includes the following applicable implementation step (1.1.1), “Ensure that the City’s zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.”
- Land Use Policy 1.4 of *The Minneapolis Plan for Sustainable Growth* states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps (1.4.2), “Promote standards that help make commercial districts and 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 to add interest at the pedestrian level”; and (1.4.3) “Continue to implement land use controls applicable to all uses and structures located in

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- commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.”
- Transportation Policy 2.2 of *The Minneapolis Plan for Sustainable Growth* states, “Support successful streets and communities by balancing the needs of all modes of transportation with land use policy.”
 - Economic Development Policy 4.2 of *The Minneapolis Plan for Sustainable Growth* states, “Promote business start-ups, retention and expansion to bolster the existing economic base.”
 - Environment Policy 6.2 of *The Minneapolis Plan for Sustainable Growth* states, “Protect and enhance air quality and reduce greenhouse gas emissions.” This policy includes the following applicable implementation steps (6.2.3) “Minimize carbon dioxide and other emissions and other impacts from small gasoline engines and recreational equipment.; (6.2.4) “Endorse the use of alternative modes of transportation such as walking, bicycles, public transit, car and bike share programs, and carpools, as well as promote alternative work schedules.”

The following policies of the current adopted comprehensive plan, *The Minneapolis Plan*, are relevant to the proposed amendment regarding Education Art Centers:

- Policy 9.23 of *The Minneapolis Plan* states that, “Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.”
- Policy 6.5 of *The Minneapolis Plan* states that, “Minneapolis will continue to promote the economic and creative vitality of arts activities based in the city, both as a regional center for art with an international presence as well as a unique arts environment that responds to local specialty interests.”

Further, with the adoption of the update to the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, which is expected to transpire shortly, the following policies are relevant to the proposed amendment regarding Education Art Centers:

- Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “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..” This policy includes the following applicable implementation step (1.1.1), “Ensure that the City’s zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.”

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- Land Use Policy 1.4 of *The Minneapolis Plan for Sustainable Growth* states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.”
- Arts and Culture Policy 9.1 of *The Minneapolis Plan for Sustainable Growth* states, “Integrate and utilize arts and culture as a resource for economic development.”
- Arts and Culture Policy 9.7 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve and strengthen arts education opportunities for Minneapolis youth and adults.”

The proposed text amendment is in conformance with the above noted policies and implementation steps of both the adopted and soon to be adopted update to 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, amending Chapters 520, 548, 549 and 550. Staff further recommends that Chapters 536, 547 and 551 **be returned** to the author.

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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Minneapolis, MN 55415-1385
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MEMORANDUM

DATE: March 27, 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 March 23, 2009

The following actions were taken by the Planning Commission on March 23, 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, Norkus-Crampton, and Tucker – 8

Not present: Nordyke and Schiff

Committee Clerk: Lisa Baldwin (612) 673-3710

13. Zoning Code Text Amendment (Ward: All), ([Becca Farrar](#)).

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Action: The City Planning Commission recommends that the City Council adopt the findings and **approve** the zoning code text amendment, amending Chapters 520, 548, 549 and 550. The City Planning Commission further recommends that Chapters 536, 547 and 551 be **returned** to the author.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Norkus-Crampton moved approval of the staff recommendation (Tucker seconded).

The motion carried 7-0.