

Community Planning and Economic Development -- Planning Division Report

Zoning Code Map Amendments 38th and Chicago Rezoning Study

Date: November 15, 2010

Initiator of Amendment: Council Member Glidden

Date of Introduction at City Council: August 20, 2010

Ward: 8

Neighborhood Organizations: Central, Powderhorn Park, Bancroft, and Bryant

Planning Staff and Phone: Paul Mogush, Principal City Planner, 612-673-2074

Intent of the Ordinance: The intent of the ordinance is to implement the future land use policies found in the 38th Street and Chicago Avenue Small Area / Corridor Framework Plan

Appropriate Section(s) of the Zoning Code:

Chapter 521: Zoning Districts and Maps Generally

Existing Zoning: Various primary zoning districts

Proposed Zoning for Map Amendment: Attached

Zoning Plate Numbers: 26 and 32

Study Background:

In 2008 the Minneapolis City Council adopted the 38th Street and Chicago Avenue Small Area/Corridor Framework Plan following a planning process led and approved by the four neighborhood organizations that surround the intersection. The plan outlines a vision for the improvement and revitalization of the area, including filling vacant storefronts and encouraging redevelopment of underutilized land into mixed-use buildings with both housing and retail.

One step in achieving the long-range vision for 38th and Chicago is adjusting the regulatory framework for the area. Zoning of property is the most important part of that framework. The rezoning study proposes changes to the zoning of property in the area of 38th and Chicago so that what can be built corresponds as closely as possible to what is called for in the 38th Street and Chicago Avenue Small Area / Corridor Framework Plan.

Rezoning Recommendations:

The 38th Street and Chicago Avenue Small Area / Corridor Framework Plan outlines a vision for the improvement and revitalization of the area, including filling vacant storefronts and encouraging redevelopment of underutilized land into mixed-use buildings with both housing and retail. The plan also emphasizes the importance of making the area an attractive place for pedestrians by ensuring that new buildings are built in a way that encourages walking. Toward that end, staff is recommending that the City Planning Commission and City Council apply a Pedestrian Oriented (PO) Overlay District at 38th and Chicago. The PO district prohibits the establishment of new auto-oriented uses such as gas stations and drive-throughs that make an area less attractive for walking. It also holds new development to a standard of design that makes the street environment more pleasant through requirements such as additional windows facing the street and ensuring that parking lots do not dominate the landscape.

Staff is also recommending some changes to the primary or “base” zoning, which regulates allowed land uses (retail, housing, etc), size and setbacks of buildings, the number of housing units that can be built, and so on. The purpose of these changes is to ensure that zoning is consistent with the development and revitalization goals of the 38th Street and Chicago Avenue Small Area/Corridor Framework Plan as well as the policies of the city’s Comprehensive Plan. Currently, not all properties within the boundaries of the Neighborhood Commercial Node as outlined in the city’s Comprehensive Plan have zoning that allows commercial uses. Staff proposes to expand the C1 zoning district to six properties in order to allow for future redevelopment as called for in the plan and to allow more flexibility for properties that have existing commercial buildings on residentially-zoned lots.

Residential to Commercial

The Planning Division proposes rezoning six parcels from a Residence or Office Residence district to a Commercial district. 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 six properties would involve staff approaching the owners of 53 properties. Reaching these owners and obtaining signatures would require a substantial amount of staff time. In addition, there is a level of impracticality of obtaining consent from 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.

Nonconformities

As a result of applying the Pedestrian Oriented Overlay District, three existing auto-oriented uses will become legally nonconforming: 3701 Chicago Avenue (minor auto repair), 3718 Chicago Avenue (major auto repair), and 3744 Chicago Avenue (automobile convenience facility).

Public Process and Comments Received:

Approximately 25 area property owners and residents attended an open house hosted by CPED and Councilmember Glidden’s office on the evening of September 20. Attendees provided generally positive feedback. This meeting and the CPC public hearing were advertised through an official notice to property owners within 350 feet of the neighborhood commercial node as well as supplemental advertising and outreach by the councilmember’s office. Staff has received one written comment to date, expressing support for the rezoning recommendations (attached).

Findings as required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The 38th Street and Chicago Avenue Small Area / Corridor Framework Plan is incorporated into *The Minneapolis Plan for Sustainable Growth*, the City’s Comprehensive Plan. The rezoning recommendations are therefore consistent as they directly implement land use recommendations found within the small area plan and the Minneapolis Plan for Sustainable Growth.

The rezoning recommendations specifically implement the policy of the comprehensive plan related to Neighborhood Commercial Nodes, for which 38th and Chicago is designated:

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

- 1.11.1 Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node’s main intersection.
- 1.11.2 Support the continued presence of small-scale, neighborhood-serving retail and commercial services in Neighborhood Commercial Nodes.
- 1.11.3 Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities.
- 1.11.4 Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.
- 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.
- 1.11.7 Encourage the redevelopment of vacant commercial buildings and direct City services to these areas.

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 31 parcels, and thus are not in the interest of a single property owner. The recommendations implement plans that involved the participation of multiple stakeholders.

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 and overlay zoning designations are guided by adopted plans and policies that 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. In some cases, uses become legally non-conforming so that future uses are consistent with the plans. In most cases, zoning changes increase development potential to realize the density and/or use objectives of the plan.

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 last major rezoning to affect the study area was the city-wide rezoning in 1999. Since that time area stakeholders and the City Council have adopted a new vision for the area in the form of the 38th Street and Chicago Avenue Small Area / Corridor Framework Plan.

RECOMMENDATION OF THE DEPARTMENT OF COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT, PLANNING DIVISION:

The Planning Division of the Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council find that obtaining consent signatures for the rezoning of properties from residential to commercial in the 38th and Chicago Rezoning Study Area would be impractical and further recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning map amendment for the rezoning of parcels in the attached exhibits.

Attachments:

- **Proposed zoning maps**
- **Proposed ordinance**
- **Excerpt of the 38th Street and Chicago Avenue Small Area / Corridor Framework Plan**
- **Comprehensive plan map**
- **Comments received**