



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

Date: February 25, 2010
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the February 22, 2010 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:

6. Zoning Code Text Amendment, Aly Pennucci x5342

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 February 22, 2010. 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 February 22, 2010 took action to **submit the attached comment** on the following items:

6. Zoning Code Text Amendment (Ward: All), (Aly Pennucci).

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

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to the Zoning Code: Specific Development Standards.

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to the Zoning Code: Commercial Districts.

Minneapolis CPED Planning Division Report

The purpose of the amendment is to allow for radio or television stations as permitted uses in the C1 Neighborhood Commercial District, and to establish specific development standards for these uses.

Action: The City Planning Commission recommended that the City Council adopt the findings and approve the zoning code text amendment, amending chapters 536, and 548, and return chapter 520 to author.

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

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MEMORANDUM

DATE: February 26, 2010

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 February 22, 2010

The following actions were taken by the Planning Commission on February 22, 2010. 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, Bourn, Carter, Cohen, Gorecki, Schiff and Tucker – 8

Not present: Huynh (excused) and Luepke-Pier (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

6. Zoning Code Text Amendment (Ward: All), (Aly Pennucci).

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

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to the Zoning Code: Specific Development Standards.

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to the Zoning Code: Commercial Districts.

Minneapolis CPED Planning Division Report

The purpose of the amendment is to allow for radio or television stations as permitted uses in the C1 Neighborhood Commercial District, and to establish specific development standards for these uses.

Action: The City Planning Commission recommended that the City Council adopt the findings and approve the zoning code text amendment, amending chapters 536, and 548, and return chapter 520 to author.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

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

The motion carried 7-0.

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

Date: February 22, 2010

Initiator of Amendment: Council Member Johnson

Date of Introduction at City Council: September 18, 2009

Specific Site: Citywide

Ward: Citywide **Neighborhood Organization:** Citywide

Planning Staff and Phone: Aly Pennucci, (612) 673-5342

Intent of the Ordinance: To allow for radio or television stations as permitted uses in the C1 Neighborhood Commercial District, and to establish specific development standards for these uses.

Appropriate Section(s) of the Zoning Code: Chapter 548, Commercial Districts; Chapter 536, Specific Development Standards.

Background: An ordinance amendment was introduced at the City Council on September 18, 2009, to amend Chapter 548 of the Zoning Code relating to permitted uses in the Commercial Districts, Chapter 536 relating to Specific Development Standards and Chapter 520 relating to Introductory Provisions. The purpose of the amendment is to allow radio or television stations as permitted uses in the C1 District. The C1 District is established to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses. Staff does not believe that amendments to the introductory provisions (definitions) are necessary at this time.

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 allow radio or television stations as permitted uses in the C1 Neighborhood Commercial District citywide.

Radio or television station uses are currently permitted in all of the City's commercial districts aside from the C1 Neighborhood Commercial District. Modern, small-scale radio or televisions stations would not be out of character in the C1 district. This amendment would allow radio or televisions stations in the C1 District.

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The amendment will address a possible need for radio or television stations in the areas of the city that are in the C1 District.

These uses are not expected to generate significant amounts of traffic or be otherwise detrimental to any adjacent properties. The draft ordinance includes a specific development standard to limit the size of a live, in house audience to 500 square feet or 30 seats, whichever is less, to minimize any potential traffic impacts on surrounding residential uses. This text amendment, if adopted, will allow a radio or television station use to locate in the C1 district but any associated communication tower, antenna or base unit (whether in the C1 district or otherwise) requires a separate review and must meet the requirements of Chapter 535 Regulations of General Applicability, Article VIII Communication Towers, Antennas and Base Units. The draft ordinance also includes a specific development standard stating that any associated communication towers, antennas or base units must comply with these requirements. Because of floor area restrictions intended to limit the size of individual commercial uses in the C1 District, it would not be possible for a major television network to construct a new station in this district without seeking a variance. Consistent with the policy intent of the different districts, this amendment will allow small scale stations to locate in the C1 District while allowing larger facilities in most other commercial and industrial districts.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

This amendment is part of the continual process of updating the zoning ordinance. Recently there has been a proposal for a cable television station in the C1 District.

Staff performed a code search to obtain information on how other area cities treat radio or television stations. The City of St. Louis Park, MN allows these uses in its C1 Neighborhood Commercial District under a broader use category, “studios,” that also includes painting, sculpturing, photography, and recording. The City of Bloomington, MN allows these uses in its General Commercial District that is designed to provide for a wide variety of retail and other commercial uses to support surrounding neighborhoods.

If the proposed amendment is denied, radio or television station uses would not be allowed in the C1 District and may limit opportunities for the City to attract new and/or relocate existing radio or television station uses. In spite of the fact that modern radio or television stations may have few impacts, such uses would only be allowed beginning in the C2 District if this amendment is not approved.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

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

Policy 1.1: 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.

- 1.1.5 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.
- 1.1.7 Invest in targeted place-making strategies to build upon and enhance existing community assets and encourage private sector development.

Policy 1.4: 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.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 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.
- 1.4.3 Continue to implement land use controls applicable to all uses and structures located in 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.

Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

- 1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact

The proposed amendment is consistent with these 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, amending chapters 536, and 548, and **return** chapter 520 to author.

Minneapolis CPED Planning Division Report

Attachments:

1. Ordinance amending Chapter 536, to establish specific development standards for radio or television station uses.
2. Ordinance amending Chapter 548, adding radio or televisions stations as a permitted use in the C1 district.

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Johnson

**Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code:
Specific Development Standards**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by adding thereto the following specific development standard in alphabetical sequence to read as follows:

Radio or television station.

- (1) In the C1 Neighborhood Commercial District, the area designated for a live, in building audience is limited to 500 square feet or 30 seats, whichever is less.
- (2) All communication towers, antennas or base units associated with the use must comply with the requirements of Chapter 535 Regulations of General Applicability, Article VIII. Communication Towers, Antennas and Base Units.

Minneapolis CPED Planning Division Report

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Johnson

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 548-1 of the above-entitled ordinance be amended to read as follows:

Table 548-1 Principal Uses in the Commercial Districts

<i>Use</i>	<i>C1</i>	<i>C2</i>	<i>C3A</i>	<i>C3S</i>	<i>C4</i>	<i>Specific Development Standards</i>
Commercial Recreation, Entertainment and Lodging						
Radio or television station	<u>P</u>	P	P	P	P	<u>✓</u>