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

Date: January 22, 2009

To: Council Member Gary Schiff, Chair of Zoning and Planning Committee

Referral to: Zoning and Planning Committee

Subject: Referral from the January 20, 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:
4. Zoning Code Map Amendment, Paul Mogush, Principal Planner, x2074

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 January 20, 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 January 20, 2009 took action to **submit the attached comment** on the following items:

4. Zoning Code Map Amendment (Paul Mogush).

A. Text Amendment: Amending Chapter 521, Zoning Districts and Maps, affecting the primary and overlay zoning districts contained in Plates 33 and 34.

The purpose of the amendment is to consider rezoning of property in the 46th Street LRT Station Area. The proposed rezoning affects primary zoning and assignment of the Pedestrian Oriented Overlay District.

Actions: The City Planning Commission recommended that the City Council find that obtaining consent signatures for the rezoning of properties from residential to commercial in the 46th Street Transit Station Area would be impractical and further recommends that the City Council adopt the findings and **approve** the zoning map amendment for the rezoning of parcels in the attached exhibits.

Community Planning and Economic Development -- Planning Division Report

Zoning Code Map Amendments
Hiawatha LRT Neighborhood Station Area Rezoning Study
46th Street LRT Station Area

Date: January 20, 2009

Initiator of Amendment: Councilmember Schiff

Date of Introduction at City Council: April 2, 2004

Ward: 12

Neighborhood Organizations: Standish-Ericsson Neighborhood Organization
Longfellow Community Council

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

Intent of the Ordinance:
The intent of the ordinance is to implement Transit Station Area policies of The Minneapolis Plan as articulated in the adopted 46th and Hiawatha Station Area Master Plan.

Appropriate Section(s) of the Zoning Code:
Chapter 521: Zoning Districts and Maps Generally

Existing Zoning: Various primary district designations and the Pedestrian Oriented-PO Overlay District.

Proposed Zoning for Map Amendment: See attached map and parcel listing

Zoning Plate Numbers: 33 and 34

Study Background:
State statute requires municipalities to develop consistency between zoning and its comprehensive plan. The City has amended its comprehensive plan, the Minneapolis Plan, to designate the areas around each of the six neighborhood stations of the Hiawatha LRT line as Transit Station Areas. Further, extensive public involvement has resulted in detailed plans for neighborhood station areas. On April 2nd, 2004, the City Council adopted a formal resolution directing the Planning Division to undertake a rezoning study to implement these plans.

Zoning amendments in the Hiawatha Corridor outside of downtown are occurring in two phases. The first phase established a Pedestrian Oriented (PO) Overlay zoning district within neighborhood LRT station areas. This was adopted by the Council on January 6th, 2005. This created additional regulations and incentives for development in these areas (such as the prohibition of expanding or establishing new

automobile service uses). The second phase is resulting in recommendations for changes to "primary" zoning districts, with some modifications to overlay districts. 46th Street is the fourth station area to be reviewed for changes to primary district zoning. The extent of the area analyzed for potential zoning changes is the area for which the 46th and Hiawatha Station Area Master Plan provides future land use guidance, as well as any land within one-half mile of the 46th Street LRT station that is also in the Pedestrian Oriented (PO) Overlay District.

46th Street Station Area Planning and Public Process:

Parcels were evaluated against various City documents to determine whether or not current zoning is appropriate. Primary considerations were The Minneapolis Plan and the 46th and Hiawatha Station Area Master Plan. Additional guidance and context came from the 46th and Hiawatha Transit Oriented Development Strategy, an implementation strategy currently underway and nearing completion.

The Minneapolis Plan

The Minneapolis Plan, the City's Comprehensive Plan, provides overarching land use policy guidance for the area. The 46th Street LRT station is designated as a Transit Station Area (TSA) in the Minneapolis Plan. Nearby Minnehaha Avenue is designated as a Community Corridor. In addition, the 2008 update to The Minneapolis Plan for Sustainable Growth (approved by the City Council and now under Metropolitan Council review) designates the 46th Street LRT Station Area as an Activity Center. Unlike the Transit Station Area designation, the Activity Center designation is accompanied by a geographic boundary in The Minneapolis Plan's future land use map (attached).

Detailed policies and implementation steps can be found in the required findings below.

46th and Hiawatha Station Area Master Plan

The 46th and Hiawatha Station Area Master Plan was part of a series of long-range plans completed for transit-oriented development (TOD) around Hiawatha LRT stations. Adopted by the City Council on December 28, 2001, the plan was developed with public participation and guidance from both community and technical advisory committees. It focused on land uses, urban design, public infrastructure, and amenities located within a 1/2-mile of the station. It serves as an amendment to and articulation of the City's Comprehensive Plan.

46th and Hiawatha Transit Oriented Development Strategy

A follow-up implementation plan is nearing completion and is intended to align public infrastructure planning and redevelopment planning/phasing. This plan is consistent with the objectives, design guidelines and policies of the adopted small area plan while refining both public infrastructure and market-feasible development scenarios. This process included a citizen advisory community, technical advisory group, and public input at a series of public open houses. The updated consensus plan map from this process is attached.

Recommendations regarding rezoning are the product of staff work applying the recommendations of the above documents. The recommended changes have been available for public review at the Minneapolis Development Review counter and on the City's web site since December 1 , 2008. A public open house on the draft changes was held at Hiawatha School Park on December 16, 2008.

Analysis of 46th Street Station Area Zoning:

For the purposes of analyzing zoning, this report divides the 46th Street Station Area into the following districts:

Activity Center: Parcels within the boundary of the Activity Center as defined in The Minneapolis Plan for Sustainable Growth.

Snelling Yards/Hiawatha Flats: The area bounded by the freight rail corridor, Snelling Avenue, 43rd Street, and 45th Street.

Transitional Industrial: The area of existing industrial uses and zoning along Hiawatha Avenue between 42nd Street and 45th Street, as well as the west side of Dight Avenue between 42nd and 43rd Street.

Activity Center

Current uses include:	46th Street LRT Station, several auto-oriented retail uses, Capp Industries, new residential/retail mixed-use development (Oaks Hiawatha Station)
Current zoning:	R1A, R2B, C2, I1
Proposed zoning:	OR2, C1, C2, C3A

LRT Station Site: The 46th and Hiawatha Station Area Master Plan envisions mixed-use development on the excess land east of the bus entrance with multifamily housing along the west side of the station. The site's location within a designated Activity Center suggests a commercial district allowing a range of retail uses as well as housing. Given the constraints of the site, development would likely not take advantage of the intensity allowed by the C3A Activity Center District. The C2 district carries the appropriate mix of allowed uses, residential density, and building bulk for this site. While the C2 district allows some auto-oriented uses that would be inconsistent with the master plan and Transit Station Area policies, the existing Pedestrian Oriented Overlay District prohibits such uses.

Town Square: This is the area currently occupied by Holiday, Burger King, the Parkway Plaza strip mall, Bridgeman's, Dairy Queen, Capp Industries, and a convenience store. The master plan calls for a mix of multifamily housing and retail, with 46th Street frontage as the primary focus for commercial uses. This is a large redevelopment area that will be developed in phases, requiring the flexibility that is provided by the C3A district. The property currently occupied by Walgreens at the northeast corner of 46th and Hiawatha is also in the designated Activity Center and is slated for C3A zoning.

46th and Minnehaha: This rezoning study proposed a small extension of existing C1 zoning to the west and north of the intersection to match the change area outlined in the master plan. Rezoning to a more intense zoning district is not necessary given the constraints of the potential development sites within the change area.

OR2 Transition: The existing mixed-use development on the northwest corner of 46th and Snelling (Oaks Hiawatha Station) is zoned OR2. This rezoning study proposes extending the OR2 zoning through the triangular property to the northwest and into the properties at the southeast corner of 45th and Hiawatha, allowing for primarily residential or office development with some neighborhood-serving retail.

Snelling Yards/Hiawatha Flats

Current uses include: Recently-developed multifamily housing (Hiawatha Flats), Snelling Yards (City of Minneapolis Public Works Facility)
Current zoning: R1A, I1, R5
Proposed zoning: R5

Property within the designated change area between the freight rail corridor, Snelling Avenue, 43rd Street, and 44th Street has been developed into high-density multi-family housing (called Hiawatha Flats). The area between 44th and 45th Streets is currently occupied by Snelling Yards, a City of Minneapolis Public Works facility that will be vacated upon completion of upgrades to the facility at 26th and Hiawatha. Redevelopment of the site will be multifamily housing with green space as envisioned in the master plan. Extending the existing R5 zoning from the Hiawatha Flats site south into the Snelling Yards site will accommodate this redevelopment.

Transitional Industrial

Current uses include: Reddy Rents, self storage, single family homes, several small industrial and automotive uses
Current zoning: I1
Proposed zoning: I1/ILOD

Property fronting the east side of Hiawatha Avenue between 42nd Street and 45th Street is designated as "Office/Convertible Space" in the 46th and Hiawatha Station Area Master Plan. Market studies indicate that there may be a market for office uses in the station area in the future, but not immediately. The plan also indicates support for flexible live/work space. Given the long-term and flexible vision for this area, this rezoning study proposes to leave the existing I1 zoning intact and to add the Industrial Living Overlay District (ILOD), which allows multiple family housing in addition to the existing uses allowed in I1.

The area slated for the addition of the ILOD includes properties along the west side of Dight Avenue between 42nd and 43rd Streets. While not in the change area identified in the master plan, this unique block currently has several nonconforming single-family homes nestled among light industrial and automotive uses. The addition of the ILOD makes those homes conforming, allowing homeowners to make improvements to their properties without appearing before the City Planning Commission to ask for an expansion of a nonconforming use.

Extension of the Pedestrian Oriented (PO) Overlay District

In 2005 the City Council applied the Pedestrian Oriented (PO) Overlay District in areas near most of the neighborhood LRT stations in the Hiawatha Corridor, including 46th Street. As part of this rezoning study, the Planning Division is proposing to extend the PO overlay to a few properties within the change area that were not included in the initial implementation of the

district. This includes a small piece of the LRT station site, properties near the intersection of 46th and Minnehaha, and properties at the intersection of Minnehaha and Nawadaha.

Contraction of the Pedestrian Oriented (PO) Overlay District

Fully implementing the transit-oriented development vision in the 46th Street LRT station area will require the relocation of several auto-oriented uses near 46th and Hiawatha. The property owners at these locations would need to choose redevelopment over continued operation of these successful businesses. Under existing zoning and land use policy, those businesses would have considerable difficulty finding another location that serves the same market area, even in areas not proximate to a transit station. The Minneapolis Plan for Sustainable Growth discourages auto-oriented uses near transit stations, in Activity Centers, along Community Corridors, and at Neighborhood Commercial nodes – all with the goal of preserving walkability and traditional urban form. Well-designed auto-oriented uses are consistent with policy in certain locations along Commercial Corridors, a land use feature that is not present near the 46th Street LRT station area.

The Pedestrian Oriented (PO) Overlay District that was applied in 2005 currently covers most of the change area identified in the 46th Street Station Area Master Plan, with a one-block gap between the 38th and 46th Street LRT station areas. This gap is between 41st and 42nd Streets, and is currently home to a fast food restaurant with a drive through and a multi-tenant retail/office building. This rezoning study proposes to extend that gap one block to the south, between 42nd and 43rd streets, into the outskirts of the 46th Street station area. Removing the PO district on this block would once again allow auto-oriented uses such as gas stations and drive throughs, providing a potential location for such businesses wanting to relocate from 46th and Hiawatha or other places where a land use transition from auto- to transit-oriented development is envisioned. Any new auto-oriented development is subject to the design standards of the Urban Design chapter of the Minneapolis Plan for Sustainable Growth as well as the site plan review standards in chapter 530 of the zoning code.

Rezoning from Residential to Commercial

The Planning Division proposes rezoning eight parcels from a residential zone to a commercial zone. State statute requires that written consent be obtained from the owners of two-thirds of the properties within 100 feet of the 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).

Following is a list of properties proposed for rezoning from residential to commercial:

Property ID #	Address

0702823430076	3910 46TH ST E
0702823340135	4544 36TH AVE S
0702823430153	4553 MINNEHAHA AVE
0702823430195	4555 SNELLING AVE
0702823340056	4558 HIAWATHA AVE
0702823430194	4559 SNELLING AVE
0702823430154	4561 MINNEHAHA AVE
1802823120047	4612 MINNEHAHA AVE

Obtaining consent from the owners of properties within 100 feet of the above properties would involve staff approaching the owners of 42 properties. Reaching these owners and obtaining signatures would require a substantial amount of staff time. In addition, there is a level of impracticality of contacting these property owners when the zoning changes are based on a planning process that has already involved a great amount of community participation, that represents a community vision and adopted city policy, and that has had numerous formal opportunities for public comment.

Findings as required by the Minneapolis Zoning Code:

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

The purpose of the proposed changes to primary and overlay district zoning in the 46th Street Transit Station Area is to implement the adopted plan for the area and achieve consistency with the City's comprehensive plan. They address the following Minneapolis Plan policies and implementation steps relevant to zoning:

Minneapolis Plan Policies and Implementation Steps

4.18 / 9.36 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Implementation Steps

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

4.19 / 9.37 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

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*)

Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form*.)

Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

8.6 Minneapolis will follow a policy of "Transit First" in order to build a more balanced transportation system than the current one.

Implementation Steps

Focus transit services and development growth along transit corridors.

The above policies are from the 2000 comprehensive plan, The Minneapolis Plan. The City is currently in a transition period between that plan and the 2008 update, entitled The Minneapolis Plan for Sustainable Growth. The update was approved by the City Council in July 2008 and is currently under review by the Metropolitan Council. The 2008 update includes the following relevant policies and implementation steps:

Policy 1.7: Limit new and expanded auto-oriented uses in the city so impacts on the form and character of commercial areas and neighborhoods can be minimized.

1.7.1 Discourage new and expanded high traffic, auto-oriented uses in neighborhood commercial nodes.

1.7.2 Direct auto-oriented uses to locations on Commercial Corridors that are not at the intersection of two designated corridors, where more traditional urban form would be appropriate.

1.7.3 Auto-oriented uses should be designed with aspects of traditional urban form, to minimize the impact on the pedestrian realm.

Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.

1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.

1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers.

1.12.4 Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.

1.12.5 Encourage a height of at least two stories for new buildings in Activity Centers, in keeping with neighborhood character.

1.12.6 Encourage the development of high- to very-high density housing within the boundaries of Activity Centers.

1.12.7 Encourage the development of medium- to high-density housing immediately adjacent to Activity Centers to serve as a transition to surrounding residential areas.

1.12.8 Support district parking strategies in Activity Centers, including shared parking facilities with uniform signage, and other strategies.

1.12.9 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces in Activity Centers.

1.12.10 Encourage developments to incorporate climate sensitive site and building design practices.

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

1.13.2 Pursue opportunities to integrate existing and new development with transit stations through joint development.

1.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.

1.13.4 Encourage architectural design, building massing and site plans to create or improve public and semi-public spaces near the station.

1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

1.13.6 Encourage investment and place making around transit stations through infrastructure changes and the planning and installation of streetscape, public art, and other public amenities.

Policy 2.4: Make transit a more attractive option for both new and existing riders.

2.4.1 Collaborate with regional partners to prioritize transit service and capital improvements along a network of corridors where standards for speed, frequency, reliability, and quality of passenger facilities are maintained.

2.4.2 Concentrate transit resources in a manner that improves overall service and reliability, including service for seniors, people with disabilities, and disadvantaged populations.

2.4.3 Encourage higher intensity and transit-oriented development to locate in areas well served by transit.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The proposed map amendments reflect considerable long-range planning efforts related to light rail transit over the last several years, which have included significant public involvement. They address Minneapolis Plan policies and implementation steps, including those articulated in adopted plans. The proposed new districts would apply to 49 parcels of land.

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 primarily by the adopted station area plan as well as Transit Station Area and Activity Center policies of The Minneapolis Plan. These plans and policies 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 plans.

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 advent of light rail transit changes the policy context as well as market potential of property in around LRT station areas. The proposed changes address policy and plan objectives as expressed in The Minneapolis Plan and the 46th and Hiawatha Station Area Master 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 46th Street Transit Station 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:

- List of parcels proposed for rezoning
- Proposed Zoning Map
  - Primary Zoning Districts
  - Overlay Zoning Districts
- 46th and Hiawatha Station Area Master Plan excerpt
- 2001 Consensus Plan from 46th and Hiawatha Station Area Master Plan
- 2008 Consensus Plan from Transit-Oriented Development Strategy
- Map of Comprehensive Plan Designations
- Public comments received
- Proposed ordinance language

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

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MEMORANDUM

DATE: January 28, 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 January 20, 2009

The following actions were taken by the Planning Commission on January 20, 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, Huynh, LaShomb, Luepke-Pier, Norkus-Crampton, Schiff, and Tucker – 7

Not present: Gorecki (excused), Nordyke and Williams (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

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4. Zoning Code Map Amendment (Paul Mogush).

A. Text Amendment: Amending Chapter 521, Zoning Districts and Maps, affecting the primary and overlay zoning districts contained in Plates 33 and 34.

The purpose of the amendment is to consider rezoning of property in the 46th Street LRT Station Area. The proposed rezoning affects primary zoning and assignment of the Pedestrian Oriented Overlay District.

Action: The City Planning Commission recommended that the City Council find that obtaining consent signatures for the rezoning of properties from residential to commercial in the 46th Street Transit Station Area would be impractical and further recommends that the City Council adopt the findings and **approve** the zoning map amendment for the rezoning of parcels in the attached exhibits.

Staff Mogush presented the staff report.

Commissioner Norkus-Crampton: The I-1 zoning…I'm glad we're preserving industrial uses down there because it's traditionally an industrial area and if we can preserve some job opportunities or whatever, it seems like that'd be a good idea. For the industrial living, are there are environmental considerations? Would there be a lot of environmental mitigation to make that livable and safe for human habitation?

Staff Mogush: Remediation would be a significant issue.

Commissioner Norkus-Crampton: This would allow the continued industrial uses that are there now or that have traditionally been down there, but if someone had the resources to invest and make also living within that area…I just want to make sure I'm clear on what we're promoting here and how that might play itself out.

Staff Mogush: It could pay itself out in a number of ways. This approach provides a fair amount of flexibility. The alternative approach is to simply rezone for just office residential. The downside to that is the creation of new nonconforming uses. Given the information that we have about how long this land use change is expected to take, that's part of that recommendation.

Staff Sporlein: I just wanted to clarify that if there is pollution on a particular site that there is a proposed development for, the Pollution Control Agency is the lead along with our Environmental Services and it has to be remediated to the standards by which it's going to be developed. If it's industrial, then it will be industrial standards. That's all handled when the proposed development comes in.

Commissioner Norkus-Crampton: I guess my only point in asking that question was how much investment would it take to bring it to a more residential use as opposed to a use that it could be used for now which is industrial, which has its purposes in the area as it is. I was noticing on the notification aspect of this that it's mentioned that it was difficult to contact the various residents about the rezoning, can you talk a little about that process? Did a mailing go out to the 42 properties that this rezoning is being considered for? Can you just talk a little bit about how the notification process worked?

Staff Mogush: As far as notification, we sent out notification to all the property owners within 350 feet of the study area which is outlined in a dashed black line on the map. That was prior to the open house on the 16th and also served as a notice for this public hearing. Those property owners did receive that information.

Commissioner Norkus-Crampton: Included in that information is that their property, specifically, was going to be rezoned? Ok great.

President Motzenbecker opened the public hearing.

Tim Keane (220 S 6th St) [not on sign-in sheet]: I am from Malkerson Gilliland and Martin and I am here on behalf of Martha Head, the owner of the Dairy Queen located on 46th St. We do have a letter for the record. Before I offer my comments, I will turn it over to Martha Head, the property owner. Also with us this afternoon is Vernon Swing, civil engineer with RLK, but we will summarize his comments in my presentation.

Martha Head (1616 W 22nd St): I am the owner of the Dairy Queen and 4740 Minnehaha as of 2003. Previously it was owned by my mother and developed in 1947 by my father. It's been a Dairy Queen store for 61 years. When I bought it in 2003 it was, and is, my intention to continue running it as a Dairy Queen store. It was not, and is not, available for purchase. I'm asking for you to remove my property and business from the pedestrian overlay and to keep the current zoning of C2 which would compliment my business and be appropriate to the business that I run and will continue to run. I have been trying since I bought the store in 2003 to do a major overhaul and build a large Dairy Queen with inside seating and a drive-thru and expanded menu. As a franchisee, I have had pressure from the franchisor to continuously upgrade and update. There has been a misunderstanding from the beginning of the planning process. Starting in 2003, I went to a meeting. It was one of the first meetings I was invited to and the coordinating planner, who is not here, but he remarked in front of many people that he knew that I sold Dairy Queen's and they were just going to move that process along and help me get out of the Dairy Queen business. I was very clear that since they were starting the planning process, I had just bought the business, I was in the business to stay and I said, "to give you a sense of reality, please don't put the Dairy Queen store in your planning process because it's going to stay there." and he smiled and said "we'll see." I explained to him that my mother had been permitted to rebuild a Dairy Queen store and put a drive-thru in. She became sick because she was 90 at the time and passed on so the first I was able to buy it was in 2003 from her estate. I then proceeded then to explain to the committee at other meetings that there was a need to be realistic and that although…I served on the Metropolitan Council and always in the planning process you say "what are your dreams and if this was raw land what would you have?"and that's an ok question, but you also have to ask the question, where is the reality? I kept trying to say that the reality is that I'm still in business and I'm still here and it's not for sale. I would get people to the meetings and at one meeting they even voted to keep the Dairy Queen store and put a drive-thru there and at the next meeting the map showed another condo or apartment building. I was told that part of the first floor of this building would be the Dairy Queen store and clearly they weren't listening. I have been in the Dairy Queen business my whole life. My father developed International Dairy Queen. At one point we were probably the largest franchise owner in Minneapolis. People have joked and called my mother the dairy queen. People joked that mix instead of blood ran through my veins because this was really important to me. I can tell you that there would never be a successful Dairy Queen store outside of the downtown footprint on the first floor of a building with no parking and no customer ability to drop in and stop in. Our market in that area is primarily people who are at the park, who are on bike-a-thons or doing park related activities. We also serve the veteran's home. When you come to pick up your relatives, they take them on a ride around the parkway and then stop at the Dairy Queen store on their way back to either the home or the VA hospital. Putting a Dairy Queen store in the first floor of a condominium building is not going to work. It would not work for me and I would never do that. When I

applied for the drive-thru, there was a snafu in the notification for the public meeting and I was asked to withdraw my application. When I went to reapply I was told by staff to participate in the planning process, which I have. I have tried to show up and tried to add my piece of reality that this is what's going to be here. In 2006, in order to show support for the Dairy Queen and the drive-thru, we had a petition in the Dairy Queen store and I will register the copies of this with the chairman and the clerk, 2500 people signed the petition saying that they wanted a Dairy Queen with a drive-thru, not a four story residential building. I think I have shown that there is broad community support. Forty-six percent of those people signed lived in the 12th ward so they were neighbors on a larger scale than this business. The next largest group was the nine percent that lived in ward 9.

President Motzenbecker: Can I just ask a question? I think this is helpful for us to understand the background. What would help us even more, is one of you going to address what the concern is between the differences in zoning and how that would affect you?

Martha Head: Yes. It's been, for me, a highly frustrating experience because I have attending meetings and brought reality only to be kind of ignored as if I hadn't even been at the last meeting. I think as a further note on the 46th St Station, no one has ever parked at the Dairy Queen store to take the light rail. We have never had anyone park there and leave their cars. They might park and go to the park, but they don't park to go to the light rail. We don't relate to the light rail, we relate to the park. To make us part of that planning process is really to misunderstand where we are and what our location is. I would hope that the compromise between people's dreams of what they'd like this to be and reality needs to happen now and with you. Please keep the pedestrian overlay where it is and where it was originally done and keep my appropriate C2 zoning as part of that.

Commissioner Norkus-Crampton: Has there ever been a drive-thru affiliated with this property?

Martha Head: No. There has been a drive-thru permitted but my mother couldn't build it because she got sick.

Commissioner Norkus-Crampton: The people coming from the VA and these other places and using the facility, they've just come and parked in the lot and picked things up and taken them back and that wouldn't be something that would be acceptable going into the future?

Martha Head: There are two things that would happen in the future. One is that there is hardly a blade of grass on the property. My plan is to update it on a small scale which will then kick in all the greenery. We're losing a sizable amount of parking in the lot right now.

Commissioner Norkus-Crampton: How much parking do you have now and how much will you potentially be losing?

Martha Head: From 34 spaces to 19 spaces.

Tim Keane: This is Martha's property right here and it is separated by an alley, it is not contiguous to the larger district. It's a freestanding site just under an acre at 21,000 square feet. The rezoning from C2 to C3A would prohibit the opportunity to develop a drive-thru. The overlay zoning district would also prohibit that. Both amendments would have the same adverse result. I think it's important to note that the parcel is at the far extreme of the overall TOD

district and is actually 2400 feet from the station. Not only is it at the farthest extreme point of the district to the station, it is also noncontiguous and separated by an alley. The site has been operated by the family as a Dairy Queen since 1947 and people who live in the area know that it's an integral part of the neighborhood. Residents walk, bike and drive to the Dairy Queen. The zoning has historically allowed the drive-thru. The Dairy Queen franchisor has been increasing pressure on operators to integrate drive-thru's into their locations where appropriate and this is one of those sites. The rezoning that would prohibit the integration of a drive-thru may well result in Martha losing the franchisee from Dairy Queen since she cannot maintain a contemporary facility to Dairy Queen's standards. I will just highlight several of the reasons why the rezoning is respectfully not requested at this time. At 21,800 square feet, the site is really not feasible for development or integrated into the overall district. It is separated by a public alley and does not lend itself to the almost 20 acre large contiguous part of the district. The surrounding uses are single family residential with auto repair to the east and industrial to the west. We understand that the city wants to promote higher density and mixed use development within easy walking distance of the 46th St Station, but at nearly 2400 feet from the station this is the equivalent of four long city clocks and it's a substantial hike, even in good weather, to the station. The city's own plan for sustainable growth provides a densities and redevelopment opportunities are generally highest within one quarter mile of a transit station and we are almost twice that distance from the station. For this and other reason, the city several years ago, agreed not to include not to include Martha's property in the pedestrian overlay district when she objected at that time. Nothing has really changed since then except that the market for housing and redevelopment has dropped substantially. We note on the attached exhibits to my letter that the property is really not needed to be integrated within the district to allow the development of the larger parcels that are contiguous to the C3 district and the transit comp plan concept. Given the narrowness and location of Martha's property, any multi story building under the C3A zoning would be out of place with the adjacent single family uses and would block views of the park to the south. I'm not a Comp Plan expert but I think there is an issue that the city should consider in greater review as to the proximity of this proposed C3A parcel to residential uses. I think there is a spacing requirement in your Comp Plan that merits further review. In addition to the physical constraints, it should be noticed that given market conditions, it could be a very long time before parcels will be developed to great intensity in this area and around the station. This overlay would impose a burden and limitation on use that would fall squarely on Martha Head. We also had an engineer take a look at the suitability of this site for a drive-thru attachment and that is attached to my letter. Mr. Swing concludes that since the existing Dairy Queen store already has a defined customer base and a staple use for the Minnehaha Falls park area, any noticeable increase in traffic is not anticipated with the redevelopment of the site. Given the location of Martha's property, the far edge of any redevelopment of the area, two major roads at a commercial intersection, there is no reason to believe the addition of a drive-thru would result in a less friendly environment for pedestrians or bicyclists in the area. We have requested the opinion of an appraiser as to potential damages of this rezoning and we do not have that report at the present time. We would respectfully request, first, that the property be deleted from the proposed rezoning to C3A and pedestrian overlay and request that the Planning Commission continue this item for further discussion and allow us an opportunity to enter an appraisal into the record.

Commissioner LaShomb: This site is not only approximate to 46th, but it's approximate to the 50th St station so actually you're in the middle in the transit business. Generally as a rule, transit bus stops are accessible to customers when they're three to four blocks away from their home so three to four blocks, 2400 feet, is nothing in the transit business. I walk by this site all the time so

I'm very familiar where this is since I live very close to it. Some time ago, there was an application regarding this site, can anyone refresh my memory as to whether or not the drive-thru was part of that application. What was the application and was the drive-thru part of that?

Martha Head: That is what I was talking about in my presentation. I applied, which included a drive-thru, and there was a snafu in the notice sent out for the public meeting to discuss the drive-thru and I was asked to withdraw the application. I was asked to participate in the planning process because it was going to be part of the larger planning process and I've tried to participate in it and it's been very frustrating.

President Motzenbecker: The records that we have said that the most recent proposal have no drive-thru so we just want to clarify.

Commissioner LaShomb: I'm getting this impression that if this stays what it is, a drive-thru can be built there at any time.

Martha Head: I have a proposal there now to redo what I've got.

President Motzenbecker: Is this proposal being put through the city process currently?

Martha Head: Yes. It's before…I don't know the names of all the committees. It's in the site plan review process.

Staff Mogush: The applications in 2005, there were three applications; one was for a conditional use permit for a fast food restaurant, the second was an application for an expansion of a nonconforming use, the reason for that is this is a free standing fast food restaurant in an area without 660 contiguous feet of commercial zoning and third was site plan review. The staff recommendation was to approve the expansion and conditional use permit for the fast food restaurant and to do deny the drive-thru portion of that.

Commissioner LaShomb: Having been on the Planning Commission seven years, I get tired of it when CVS Pharmacy comes in and says they can only do things a specific way. My feeling about this situation is that there are a lot of coffee shops that are in apartment buildings or residential buildings that seem to do quite well and so I'm having a little trouble understanding what the difference is between this kind of business and a business that does something like that. That's not a question, I guess. I tend to be a little cynical when I hear people say "if you don't have the model that we want you to have, our business will never work."

Commissioner Norkus-Crampton: I wanted to explore this issue of the 34 parking spaces versus the 19, is that part of your most recent application for site plan review?

Martha Head: The proposal I have in now is to redo what I've got and add a little bit on to it because we're adding public bathrooms, which we don't have those because the store's so old. We have to add some space in order to get those on and equipment changes have happened; it's inside stuff that has to all take place. It's a little bigger than what's there now, but not much. Because of the five foot green strip around on the outside and the percentages of green space that you need in relationship to hard cover, we're losing a lot of parking.

Commissioner Norkus-Crampton: So you're upgrading the site with landscaping and public restrooms and you're saying that in part because of that, that your parking spaces are going to be reduces from 34 spaces down to 19 if this goes through?

Martha Head: I believe so.

Commissioner Norkus-Crampton: Then the drive-thru is part of that picture with the 19 spaces?

Martha Head: No, it's not. It will not have a drive-thru.

President Motzenbecker: I'm confused as to why you're opposing this if you're not proposing a drive-thru because that was the whole intention of both your and Mr. Keane's argument.

Martha Head: Because I want to get it built before I can't improve the store as it is. Often they call for moratoriums on construction so I'm trying to get it at least updated to the best of my ability.

Commissioner Luepke-Pier: I think the thing people are trying to determine is when are you proposing to build the drive-thru if that's your vision?

Martha Head: We've submitted the plans to the site review process because under the C2 zoning we are a permitted use for the kind of business we have now.

President Motzenbecker: We understand that.

Commissioner Luepke-Pier: So the plans you submitted do include the drive-thru that you want to have?

President Motzenbecker: No.

Commissioner Luepke-Pier: When are you submitting plans that do include the drive-thru?

Martha Head: We won't unless we're taken out from under the overlay and put in the C2 zoning. If we don't have the pedestrian overlay, which we don't today, and we continue to not have that and continue to be a C2 then we can apply for a drive-thru because it will be allowed because we're not a fast food because we're building a much smaller store.

Commissioner Luepke-Pier: Let's say this doesn't happen, when would you be applying for the drive-thru?

Martha Head: Probably shortly after we get the building permit. If it did not go under the overlay.

President Motzenbecker: Let me see if I can summarize. From what I hear, you have plans submitted trying to kind of work the system. You have plans submitted that do not have a drive-thru because you're afraid of what might happen.

Martha Head: Right.

President Motzenbecker: If you achieve what you wish and that it's not rezoned, you would submit different plans that would include a drive-thru.

Martha Head: I would submit the same plans, I would just add a drive-thru.

President Motzenbecker: Ok. If we could clarify where the other plans are at in the system that would be helpful too.

Staff Wittenberg: The last proposal that we've seen as Ms. Head referred to, did not include a drive-thru and staff's analysis was that the project is not a fast food restaurant, it would be classified as a delicatessen under our ordinance, which is allowed in the C2, C3A and the PO Overlay district. My understanding is that we do not have an active application in front of us at the moment.

Staff Poor: I think some of the confusion is when you seek a type of internal remodel building permit, certain types of permits trigger the preliminary development review. I think Ms. Head has probably engaged with city staff reviewing her parking laying and maybe a bathroom permit or a permit for interior remodel, that would be in some cases concurrent but in some cases separate to what this body may look at. I think that's where some of the confusion is. She could have applied for some building permits and been shuttled through the preliminary development review. They would look at her parking layout and they would decide if some drive aisles maybe weren't up to current code and there may be some rearranging there. There would be recommendations on how to amend the plan.

Commissioner Norkus-Crampton: (off microphone)…I understand there are some parts dealing with the restrooms and expansion of the building, but that's quite a reduction. Is some of that required by the city or is this a choice of the property owner?

Staff Poor: Without seeing the plan I couldn't say with certainty what it is. My guess is that it was probably reduced for green space and drive aisles that may not have been compliant. I think Ms. Head has testified previously that there's barely a blade of grass on the site. She could lose a substantial amount of parking stalls.

Mary Saboe (4208 Nawadaha Blvd): I live about a block and a half from Dairy Queen. My husband and I have lived in that home for 34 ½ years [tape ended]…we have gone to this Dairy Queen every year, many times a year, since 1974 when we moved there and it's been part of the whole fabric of our society and our culture and community. I favor keeping the Dairy Queen the way it is. My second point is that I favor keeping the zoning C2 as it is now, primarily because I'm fearful of increased density of housing. There has been a vast increase in the density of housing in that area already. I don't want to see a greater increase and see it as having an affect on the fabric of this society and community where I've lived for nearly 35 years. I'm not opposed just because I'm old and happen to not like change, I'm opposed to it because I feel that it changes the reason that people like me stay there for 35 years. We stay there because of our families living in our single family dwellings with our peace of ground. These are things we value and I want to keep it that way. The increase in density and housing changes the fabric of a community and I do not wish to see that change made. I would like to remind everybody here about something that I fear greatly and that is unintended consequences. I know what you want to do, I know how you want to increase the density of housing so the light rail can serve a larger group of people and can be viable and I can understand that, however, I worry about the

unintended consequences and that is the increase in density and housing causes a population that is for more trenchant, far more changing than someone who has lived there for 35 years and I think we need to protect and preserve communities such as the one I live in now. Thank you.

Tom Westcott (4022 39th Ave): It's the greatest neighborhood; you couldn't find a better neighborhood than the neighborhood of south Minneapolis. Mike Ramsey lived in that neighborhood; he winds up winning a gold medal for the US Olympic Hockey team. Jesse Ventura came out of south Minneapolis. How can we create the story of a wrestler turned governor? I just want to briefly speak for the neighborhood. Martha's been a great owner of that place. My buddy Paul Ferguson runs that place. I speak for Martha, you can't find a better owner for any business and I wish she owned a Toyota dealership in Minneapolis. Thank you.

Michael Lander (3802 Nicollet Ave S): I'm here speaking as a citizen and activist. I am currently working on the transportation for America Campaign. I'm also a board member for Transit for Livable Communities. Our work is to expand the transportation options in the region and to link land use with that transportation. A lot of work that I'm doing is trying to get the policies…we have some serious environmental and economic issues in our region to address and transit plays a big role in that work. From our conversations around the community on this issue, we find that we have 80-90% agreement in virtually everywhere you go about the need to reform our region to install multi-modal transit, to densify, to curb sprawl and so forth, but when we get to the ground we find quite a different matter. I've reviewed the history of 46th and Hiawatha, I followed it from the early days and it creates really a textbook example of the problems we have getting this work done. The line was installed after a great effort by many people; $715 million was invested by our region. The community planning department orchestrated workshops with the stakeholders, hired one of the best urban planners in the region, wrote a magnificent Comp Plan in 2000 and updated it in 2008 adding transit station areas and not are considering a rezoning. The work that's been done to date is exemplary. I think the city should be complimented on that. I do support the matter in front of you, but the issue for me is when you begin to look at the map. I read all the reports about the principals that were involved in this work. The Comp Plan talks glowingly about the half mile radius that's shown on this drawing. The dark blue on this illustration is the area that's in front of you today. What I'm here to testify about is the tremendous missed opportunity that this situation represents. I looked into the record to try to understand why this is the map that's in front of you today because all of this language that's in the Comp Plan and Station Area Plan that's so great I thought should apply to the entire half mile if not a quarter mile. Looking in the record it turns out that very early on when the stakeholders were assembled in the second workshop, referring to the primary transit oriented development opportunity at the station, the quarter mile immediately to the west, this area was determined by the fact that residents requested preserving all residential homes. I think as we try to go refit our region wherever we go to do this work if we ask the people who are affected, that will be the answer. Our new president said that now is the time to stop putting off the hard decisions. Based on the previous testimony, changing the nature of an area is a hard decision. Our region has invested almost a billion dollars in this line. Many of us who are activists are trying to get more lines and it's critical that we use the opportunities that are in front of us. All the work that has been done to date is undermined by the lack of political will to confront the change and fear of change that folks have. It's critical that anyone affected be dealt with fairly, squarely. These are people's lives and it's very important to deal with them, but we are trying to reshape ourselves as a region. When people are called together in a workshop after all the work that's done, they need to be told that what their role is, is to ensure that the new community that's being formed in these quarter mile or half mile circles that are transit lines, are done in the most sensitive and

appropriate and green and sustainable manner. It is not that group's role to redo the regional land use policies that put that line in place. If we're going to get more transit in our region we have to demonstrate that we're using the transit that we have, to develop transit oriented development and I think while I support the matter that's in front of you today, I think there is a missed opportunity at this station and this should be thought of as an opportunity to take leadership in our community to seek new tax base, see a greener sustainable area, provide housing option that aren't available in our community now, make more connections to the Minnehaha Creek, to the station. There is a tremendous opportunity there. The only thing that was wrong with the map that was used in the process, everything else was done beautifully and should be applauded. I'm calling on the Planning staff, the Planning Commission, the City Council, the Mayor and all my fellow citizens to begin to make the difficult decision, to reshape our region. The number of people that are affected in a quarter mile station, there are 168,000 homes in the city of Minneapolis and in the quarter mile to the west of this station, about 200 homes would be affected by a more intensive transit oriented development. That's .3% of the homes in Minneapolis. One of the beauties of our Comp Plan it says that 95-98% of our neighborhoods will stay exactly the way they are with no change at all. I think people should take some comfort in that. We invest a billion dollars, we have six neighborhood stations, we have to maximize that opportunity if we're going to gain control of our environmental degradation and the sprawl on our region. Thank you.

President Motzenbecker closed the public hearing.

Commissioner LaShomb moved staff recommendation (Tucker seconded).

Commissioner Huynh: Question for staff. I think there was some testimony that said having the application come through as a C2 would differ from the requirements of the C3A. I don't recall if that would require any different procedures as far as parking or greenery just because the land use is the same and there's no drive-thru. I'm not sure what the complications would be if it was coming through as a C3A.

Staff Mogush: The permitted uses under C2 and C3A do differ somewhat, but with respect to restaurants I don't think there's a difference.

Staff Wittenberg: That's correct. If we're talking about non-fast food restaurants the regulations are essentially the same.

Commissioner LaShomb: I just want to explain why I'm supporting this. I agree with Mr. Lander, when I was lobbying for light rail in my days at the Metropolitan Council. I was always a little frightened about promises being made to people along the corridor. At the time, Senator Flynn was quite involved in the process and she represented the area by and large. I always had a more ambitious opinion about station areas, always had the point of view that they had up in Toronto where when you went up in the tower in Toronto and looked out you could tell where the transit system was because they had tall buildings built around the stations. The buildings weren't four stories tall, they were ten times four stories. Over time I became convinced that that wasn't going to happen along Hiawatha and I've kind of gotten used to the fact that we see three our four story buildings as stall around stations. This is a conservative plan to say the least. When we had this in Committee of the Whole, I raised that issue with Paul about going farther east beyond Snelling and especially above 46th. What this plan fundamentally does is it addresses the issue about underutilized property around the 46th St Station and it basically preserves property that's properly utilized which is a lot of single family homes and most of those homes

are on the west side of Hiawatha. I think the basic point about this is that if we're going to spend this kind of money on light rail and if we're going to talk about density in Minneapolis, we ought to put it where there is mobility and this plan basically does that, especially below 46th St. As much as I think they're good merchants there, having a strip mall there with a huge parking lot and then having a Burger King sit there and then having a Holiday Gas station sit there and then having a Walgreens a little bit above that's loaded with parking spaces to me is an incredibly poor use of real estate around a light rail station. Maybe I'm wrong about this, but I would suspect that the density in this area isn't any worse than it has been proposed for any other station along the way. Around the VA station, there is an incredible amount of density over there. I think this is a conservative plan. Yes there is going to be, over time, some changes in the business mix of this thing and I hope that it is because I think that if we don't have that kind of density in this corridor where it's being proposed here it's never going to exist and then light rail is simply going to be something that we paid a lot of money for it and it just zooms by those stations. I'm sympathetic to the concerns of business and I'm always sympathetic to the concerns about density in neighborhoods, but I'm inclined to think a Dairy Queen would work in a mixed-use building. I think it's a question of trying to be innovative in saying that the old models don't work in the 21st century. I think the staff work was really good on this one and it's consistent with other station area plans that we've already approved.

Commissioner Norkus-Crampton: What I like about the plan as it's laid out is that there are plenty of underutilized sites at the present time that don't involve…a lot of the neighborhoods around here are very well loved, well cared for neighborhoods and I think that there are a lot of land use opportunities that can be better utilized near the light rail station and I think those are laid out pretty nicely in trying to integrate within the world as it is as opposed to the world we'd like it to be 20 years from now or whatever. I think the other thing we struggled with as commissioners in looking at this, is the light rail corridor does allow good north/south traffic, but a lot of people who live, who use these services come from deep into Longfellow where there are very few transit options. What we're trying to do is move things forward in a direction that things should go, but also with the recognition of the low density neighborhoods that are to the east and the west with very few options for transit besides the Lake Street bus or a couple other things so we need to be real about what we're starting with. In regards to the zoning of the Dairy Queen site specifically, when we were talking about the parking it seemed like the 34 parking spaces was obviously working ok for the business because people were using it and the business was able to thrive. It's a little ironic that because of the greening of the site and other things in lowering the parking now trying to make up for that by using a drive-thru, which to me seems just as somebody who bikes to Minnehaha Park and that whole area over there, I think the traffic patterns there can be very intimidating to bike and pedestrian use in that area. That park is a regional amenity and I think that it's hard for me to believe that a drive-thru wouldn't encourage more driving through which would at least, it seems to me, open up the possibility for more conflicts between cars, pedestrians and bikes and that is not the message I'd certainly want to send around parkways and especially areas where we've also invested in transit and bike trails and walking trails. I understand the conundrum you're in but I just think, more because of the proximity to the park, I just think that that would be, a drive-thru specifically, would be a conflict more here than other places because of the other uses that we're trying to encourage and that we need to encourage and the infrastructure that we already have provided here. I think it could very well make it dangerous for people using other modes. Generally I support the plan. I think there was a lot of work done here and a lot of sensitivity to integrate higher density with transitions into the existing residential. I think that shows respect for what's there but also moves us down the road of where we need to go. Thank you.

President Motzenbecker: All those in favor of the motion? Opposed?

The motion carries 4-0 (Schiff and Luepke-Pier not present for the vote).

Staff Wittenberg: You may also want to be explicit about making the finding that it's impractical to obtain the consent of those whose property is being rezoned from a residence district to a commercial district.

Commissioner Tucker: I'll move that we include that finding in the record (Motzenbecker seconded).

President Motzenbecker: All those in favor of the motion? Opposed?

The motion carries 4-0 (Schiff and Luepke-Pier not present for the vote).

5. Zoning Code Text Amendment (Ward: All), (Steve Poor**).**

A. Text Amendment: Amending Title 20, Chapter 543 and Chapter 544 of the Minneapolis Code of Ordinances relating to the Zoning Code: On-Premise Signs and Off-Premise Advertising Signs and Billboards.

The purpose of the amendment is to amend regulations for on-premise and off-premise signs located in the vicinity of the Hubert H. Humphrey Metrodome.

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

Staff Poor presented the staff report.

Commissioner Norkus-Crampton: This roof sign, would this ordinance allow for an animated sign on the roof or is that even possible?

Staff Poor: The district does allow for animated signs. They can do animated signs there. As for what type of sign may be proposed, I imagine if you have enough money thrown at the problem somebody will come up with something but I'd really rather defer the folks to them about what plans they may or may not have in the works based on the budget. I do know that while the Twins are playing at the Metrodome that it's my understanding they can't do anything to cause shadowing other than what the structure looks like now so they probably couldn't do anything until they're gone.

Commissioner Huynh: I just have one follow up question, in terms of when the city looks at evaluating signage, is there anything distinguishing between if it's wayfinding signage thresholds in terms of advertising or are they all just kind of lump sum in terms of one big area and they can disperse it as they will on primary building walls?

Staff Poor: Way finding signs around the plaza have been treated different. The plaza area is really separate from the Metrodome immediately. There are different rules that we usually look at for those with auxiliary signs for way finding. We don't really count them out of their allotted sign budget. In terms the rest of your question, it's really more of a decision for the Metropolitan