

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

Date: April 23, 2007

Initiator Of Amendment: Council Member Schiff

Date of Introduction at City Council: March 30, 2007

Ward: All

Planning Staff And Phone: Tara Beard, (612) 673-2351

Intent Of The Ordinance: The intent of the amendment is to clarify the location and the language of the sections of the zoning code that require that residential and nonresidential uses in a mixed use building must have separate access.

Appropriate Section(s) of the Zoning Code:

Chapter 535: Regulations of General Applicability

Chapter 547: Office Residential Districts

Chapter 548: Commercial Districts

Chapter 549: Downtown Districts

Background: Sections 547.180 (Office Residential Districts), 548.170 (Commercial Districts), and 549.150 (Downtown Districts) of the code require separate entrances for residential and nonresidential uses in the same building. The existing text is as follows:

Separate access required for commercial and residential uses. In structures containing both nonresidential and residential uses, entrances and hallways for the residential uses shall be separated from those of the nonresidential uses.

The strict interpretation of these sections is that mixed use buildings must have separate ‘front door’ entrances from the public street for each use. In practice, mixed use buildings have been approved with shared entrances, although the different uses have had separate access points once inside the building. This distinction is the actual intent of the policy. The intent of the policy is to prevent the public from being able to access hallways and corridors that contain residential uses, for safety and privacy reasons.

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?

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The purpose of this text amendment is to clarify the intention of this section, which is to protect multi-family residential hallways and corridors from public access because of a commercial or office use in the building; and to locate the requirement in a more appropriate section of the zoning code.

This amendment is designed to solve the inconsistency between the intention of the policy and the language and location of the text. As it is currently written, the policy is more restrictive than intended, and by locating the text in separate districts, nonconformities are not addressed and some mixed-use districts lack the requirement altogether.

The amendment would serve the public interest by ensuring that the safety and design goals of the city for mixed-use buildings will be upheld consistently and fairly. Planning staff has consulted with the City's Police Department and Plan Review staff to ensure the amendment is consistent with City safety goals.

Planning staff does not anticipate that the amendment would cause problems, as the change will allow a more flexible approach to mixed-use building entrances while maintaining safety and security measures important in mixed-use development, especially with respect to residential uses.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendment is timely because of the many mixed-use buildings proposed in the city. Especially when mixed-use projects include the re-use of an existing building, design and building code decisions are often needed with respect to how entrances will work. Clarifying the requirement and locating in the most appropriate chapter of the code will be a timely change.

Though certainly not exhaustive, internet, phone, and email research has indicated that many large cities do not regulate separate entrances in mixed used buildings at all. Some cities have indicated that their building code is the tool with which they implement this requirement. Other cities do not attempt to regulate this issue, assuming that developers of mixed use buildings will provide private hallways and corridors for residential uses for marketability reasons.

Minneapolis does not currently regulate separate entrances for mixed uses in building via the building code. Staff discussion has lead to the recommendation that the policy remain in the zoning code as a way to regulate safety and design of mixed use buildings.

The consequences of denying the amendment would be a continued inconsistency between the intent of requiring separate access in mixed-use buildings and the language and location of that section of the code.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The amendment would allow CPED to continue to ensure that the goals and policies of the comprehensive plan are implemented through the review of development applications.

Policy 9.5 of the Minneapolis Plan states that, “Minneapolis will support the development of residential dwellings of appropriate form and density.” This policy includes the implementation step to “advance the understanding of urban housing and urban retailing among all members of the design and development community.” Mixed-use developments are encouraged by the city and help advance the interaction of urban residents and urban customers. The purpose of this text amendment is to ensure that meeting such goals does not affect the safety, security, and wayfinding abilities of residents and the public in mixed-use buildings.

Policy 9.15 of the Minneapolis Plan states that, “Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses”. This policy addresses how residential and nonresidential uses should interact, whether the uses are separated by a lot line or an interior building wall. Relevant implementation steps include providing “appropriate physical transition...between residential and nonresidential uses,” and promoting “quality design...of commercial and industrial development that is appropriate with the surrounding neighborhoods,” using “the site plan review process to ensure that lighting and signage associated with nonresidential uses do not create negative impacts for residentially zoned property.” Each of these implementation steps illustrate the need for a text amendments related to separate access in mixed-use buildings to meet the goals of the comprehensive plan to ensure appropriate interaction between residential and nonresidential uses.

Recommendation Of The CPED Planning Division:

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