

## Community Planning and Economic Development -- Planning Division Report

### Zoning Code Map Amendment 38<sup>th</sup> Street LRT Station Area Rezoning Study – East of Hiawatha Avenue

**Date:** May 21, 2012

**Initiator of Amendment:** Councilmember Schiff

**Date of Introduction at City Council:** April 2, 2004

**Wards:** 9 & 12

**Neighborhood Organizations:** 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 for Sustainable Growth* as articulated in the adopted 38<sup>th</sup> Street Station Area Plan.

**Appropriate Section(s) of the Zoning Code:**

Chapter 521: Zoning Districts and Maps Generally

Chapter 551: Overlay Districts

**Existing Zoning:** Various primary and overlay districts

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

**Zoning Plate Numbers:** 27, 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 for Sustainable Growth*, 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. Councilmember Schiff introduced the subject matter of an ordinance relating to rezoning in the vicinity of the 38<sup>th</sup> Street LRT station on August 17, 2007.

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 6<sup>th</sup>, 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 involves a comprehensive review of primary and overlay zoning districts in the context of adopted city policy documents. The eastern portion of the 38<sup>th</sup> Street LRT Station Area is the final area to be reviewed for changes to primary and overlay district zoning in this second phase of rezoning along the Hiawatha Corridor. The extent of the area analyzed for potential zoning changes is the area east of Hiawatha Avenue for which the 38<sup>th</sup> Street Station Area Plan provides future land use guidance, as well as any land within one-half mile of the 38<sup>th</sup> Street LRT station that is also in the Pedestrian Oriented (PO) Overlay District. The western portion of the station area was the subject of a rezoning study in 2008.

### **38<sup>th</sup> 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 for Sustainable Growth* and *The 38<sup>th</sup> Street Station Area Plan*.

#### **The Minneapolis Plan for Sustainable Growth**

*The Minneapolis Plan for Sustainable Growth*, the City's Comprehensive Plan, provides overarching land use policy guidance for the area. The 38<sup>th</sup> Street LRT station is designated as a Transit Station Area (TSA) and an Activity Center in *The Minneapolis Plan for Sustainable Growth*. Other land use features in and near the study area are:

- 38<sup>th</sup> Street: Community Corridor
- Minnehaha Avenue: Community Corridor
- East 38<sup>th</sup> Street and Minnehaha Avenue: Neighborhood Commercial Node

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

#### **38<sup>th</sup> Street Station Area Plan**

The 38<sup>th</sup> Street Station Area 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 October 20, 2006, the Plan was developed with public participation and guidance from both community and technical advisory committees. The area of study included the neighborhoods of Standish and Howe. 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.

Recommendations regarding rezoning are the product of staff work applying the policies of the above documents. These recommendations are intended to implement the 38<sup>th</sup> Street Station Area Plan and *The Minneapolis Plan for Sustainable Growth* as adopted, and are not intended to amend or create new land use policy. Property owners, residents, and taxpayers were notified of the public process through a direct mailing sent to 1,752 recipients prior to the 45-day public comment period. The recommended changes have been available for public review on the City's web site since March 23, 2012. A public open house on the draft changes was held at the Longfellow Recreation Center on April 16, 2012.

## Map Amendment

### **Adopted Policy and Recommended Zoning**

The *38th Street Station Area Plan*, adopted by the City Council in 2006, provides future land use guidance for nine geographic districts as defined in the plan – three west of Hiawatha Avenue and six east of Hiawatha. The districts west of Hiawatha were the subject of a rezoning study in 2008. The future land use map in the adopted plan (attached) offers eight land use categories east of Hiawatha. For five of these designations, the existing zoning applied to those parcels is already appropriate for the envisioned land uses. Properties in three future land use designations require rezoning to best match the intent of the adopted plan, as shown in the table below.

<b>Future Land Use</b>	<b>Zoning District</b>
Single & two-family residential	No change
Townhomes/stacked flats	R5
Neighborhood commercial	No change
Neighborhood mixed use	No change
High density mixed use	C3A, R5 and OR3
Public/institutional	No change
Industrial	I1, I2, or I1/ILOD
Landscape focal points and buffers	No change

*Townhomes/stacked flats* – The plan graphics and text refer to this residential-only category mostly as a desired building type, which is helpful in shaping individual development proposals. Several zoning districts allow these building types, but only R5 zoning allows both the planned building type and the high level of residential density (in terms of units per acre) envisioned in the plan text associated with this future land use category. *The Minneapolis Plan for Sustainable Growth* calls for a range of 50-120 dwelling units per acre in the high density category, which fits well with the density allowed in the R5 district. The R6 district also falls into the high density category, but the as-of-right height and bulk allowed is beyond the scale envisioned by the Townhomes/stacked flats category.

*High density mixed use* – The adopted plan calls for 38<sup>th</sup> Street to be a “main street” corridor lined by mixed-use buildings with retail on the first floor and housing above and behind. This is to be a high-density area with active land uses, and as such is designated as an Activity Center in the Comprehensive Plan. The zoning district that is typically applied in an Activity Center is C3A, because of the mix of uses allowed, the permitted residential density and building bulk, and the hours of operation for businesses. The parcel fragmentation north and south of 38<sup>th</sup> Street along Snelling and Dight Avenues raised concern among staff that applying C3A to the entire area designated as High-Density Mixed Use might result in outcomes that are not consistent with the adopted plan vision. The plan intent is to concentrate retail along 38<sup>th</sup> Street, and if parcels nearly one block away from 38<sup>th</sup> Street are zoned for mixed-use the desired retail concentration could be diluted. Staff is therefore proposing C3A zoning for a depth sufficient for a mixed-use development along 38<sup>th</sup> Street, with R5 zoning for the remainder of those blocks. The zoning code does not allow split zoning, so large parcels fronting along 38<sup>th</sup> Street are recommended for C3A in their entirety. It is likely that parcel configuration for new development will differ from existing conditions and will not line up with the proposed zoning map, requiring further

adjustment of the zoning district boundaries via individual land use applications. R6 may also be an appropriate zoning district for the non-C3A parcels in this category because the allowed density matches that of C3A, but staff is recommending R5 to avoid allowing more height as-of-right off of 38<sup>th</sup> Street than fronting 38<sup>th</sup> Street.

The area between 35<sup>th</sup> Street and 37<sup>th</sup> Street is also designated High-Density Mixed Use. The plan intent is for this to be a second phase of redevelopment, taking place subsequent to development along 38<sup>th</sup> Street. The plan recognizes that redevelopment of the grain milling and storage facilities in this area will require substantial residential density in order to recover the costs of demolition and/or conversion, and allows for new buildings similar in scale to the existing grain elevators. These considerations led staff to recommend the OR3 district, which allows a residential density of 145 dwelling units per acre.

*Industrial* – Parcels designated Industrial fall into two categories. The first category is a collection of parcels in the northern portion of the study area that are within the boundary of a designated Industrial Employment District in *The Minneapolis Plan for Sustainable Growth*. These are areas that the comprehensive plan has set aside as priority areas for job growth, and where new housing is discouraged. The staff recommendation is to leave the existing mix of Industrial zoning in these areas. The second category of properties guided Industrial by the adopted plan is at the south end of the study area, along Hiawatha Avenue between 40<sup>th</sup> and 42<sup>nd</sup> Streets. Here, the text of the plan allows for light industrial, office, or housing. The staff recommendation is to rezone this area to I1 for consistency with the light industrial and office text of the plan, and adds the Industrial Living Overlay District to allow the possibility of housing.

In addition to changes to primary zoning districts, staff is proposing a contraction of the existing Pedestrian Oriented (PO) Overlay District. The PO overlay district was applied to a large portion of the Hiawatha corridor in 2005, prior to the completion of the *38<sup>th</sup> Street Station Area Plan*. The staff recommendation proposes to remove the PO district in areas meeting two criteria.

First, staff proposes to remove the PO overlay district from parcels that are guided Industrial in the adopted plan. The PO overlay district in Transit Station Areas requires a minimum floor area ratio of 1.0 for new development in Industrial, Commercial, and Office Residence districts. This essentially translates to a two-story minimum, which is a substantial barrier to achieving industrial redevelopment. Further, these properties are at the outer reaches of the station area and could serve as relocation sites for auto-oriented uses that are currently in higher-priority TOD locations near LRT stations. The current PO overlay district prevents this from happening.

Second, the PO overlay district was applied to several parcels along Minnehaha and Snelling Avenues in areas where the subsequently-adopted *38<sup>th</sup> Street Station Area Plan* does not envision new TOD. On these parcels, the regulations of the PO overlay district do not help achieve the TOD vision in the plan and are proposed for removal.

### **Public Comment**

Staff presented the proposed zoning changes at an open house at the Longfellow Recreation Center on April 16, 2012. Written comments received at that meeting and via email are attached to this report.

### **Nonconforming Uses**

Staff estimates that existing uses will become nonconforming on approximately 15 properties as a result of the proposed zoning map. This number will vary based on details such as date of establishment, whether or not each use was established legally, and the exact nature of the land use (which cannot always be determined without gaining entry to the building). It should be noted that several other existing land uses in the study area became legally nonconforming when the PO overlay district was applied in 2005, and others have been nonconforming for many years as a result of earlier zoning changes.

Following are some important considerations regarding nonconforming uses:

- Nonconforming uses may continue indefinitely as long as the use does not cease for longer than one year.
- Nonconforming uses may be rebuilt if damaged or destroyed, in accordance with state statute.
- Nonconforming rights stay with the property. Property owners can sell to someone else and the new owner inherits any nonconforming rights.
- Property owners can ask the City Planning Commission to change to a different nonconforming use or expand an existing nonconforming use.
- Becoming a nonconforming use can be somewhat of a hassle for a property owner, but that has to be weighed against the long-term goals of the adopted plan, including allowing more people the choice of living near light rail transit and increasing the tax base.
- A zoning change to residential is not an attempt to force businesses out of the city. The City values businesses and the jobs they provide to residents. The zoning change simply allows property owners to choose residential redevelopment if and when market conditions are favorable.

### **Residential to Commercial**

The Planning Division proposes rezoning 16 parcels from a 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 16 properties 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 intended in part to comply with another part of state statute requiring consistency between adopted land use policy and zoning.

### **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 38th 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 *The Minneapolis Plan for Sustainable Growth* policies and implementation steps relevant to zoning:

**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.**

- 1.1.1 Ensure that the City’s zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.
- 1.1.2 Further integrate visual quality and design considerations into review of capital improvement projects.
- 1.1.3 Encourage the use of flexible regulatory options that promote high quality development, such as the Planned Unit Development (PUD) tool.
- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.
- 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.
- 1.1.6 Develop small area plans for designated land use features, particularly Activity Centers, Growth Centers, and Major Retail Centers, in consultation with neighborhood associations, residents, and other stakeholders.
- 1.1.7 Invest in targeted place-making strategies to build upon and enhance existing community assets and encourage private sector development.

**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 1.11: 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.

**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.

**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 map changes the zoning on 241 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 for Sustainable Growth*. 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 and around LRT station areas. The proposed changes address policy and plan objectives as expressed in *The Minneapolis Plan for Sustainable Growth* and the *38<sup>th</sup> Street Station Area Plan*.

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

The Department of Community Planning and Economic Development - Planning Division 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 38<sup>th</sup> Street LRT Station Area 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:**

- 38<sup>th</sup> Street Station Area Plan excerpt
- Comprehensive Plan map
- Map of existing and proposed primary zoning districts
- Map of existing and proposed Pedestrian Oriented Overlay District
- Proposed ordinance
- Public comments received



## District Descriptions

The plan envisions and supports districts or sub-districts that have particular land uses, character or features. In some cases, this district character is already present, such as the commercial node at 38<sup>th</sup> Street and 23<sup>rd</sup> Avenue. In these locations, the plan guides change that is fitting with this existing character. In other cases, the envisioned district character does not currently exist, such as the potential reuse or redevelopment of the grain mills and storage elevators. As much as possible, the plan builds upon community strengths and opportunities. Where significant challenges are present, the plan portrays a vision for change.

The boundaries of a district reflect an intention to create places that have definition and/or patterns. This is in contrast to areas where building use, form and scale are

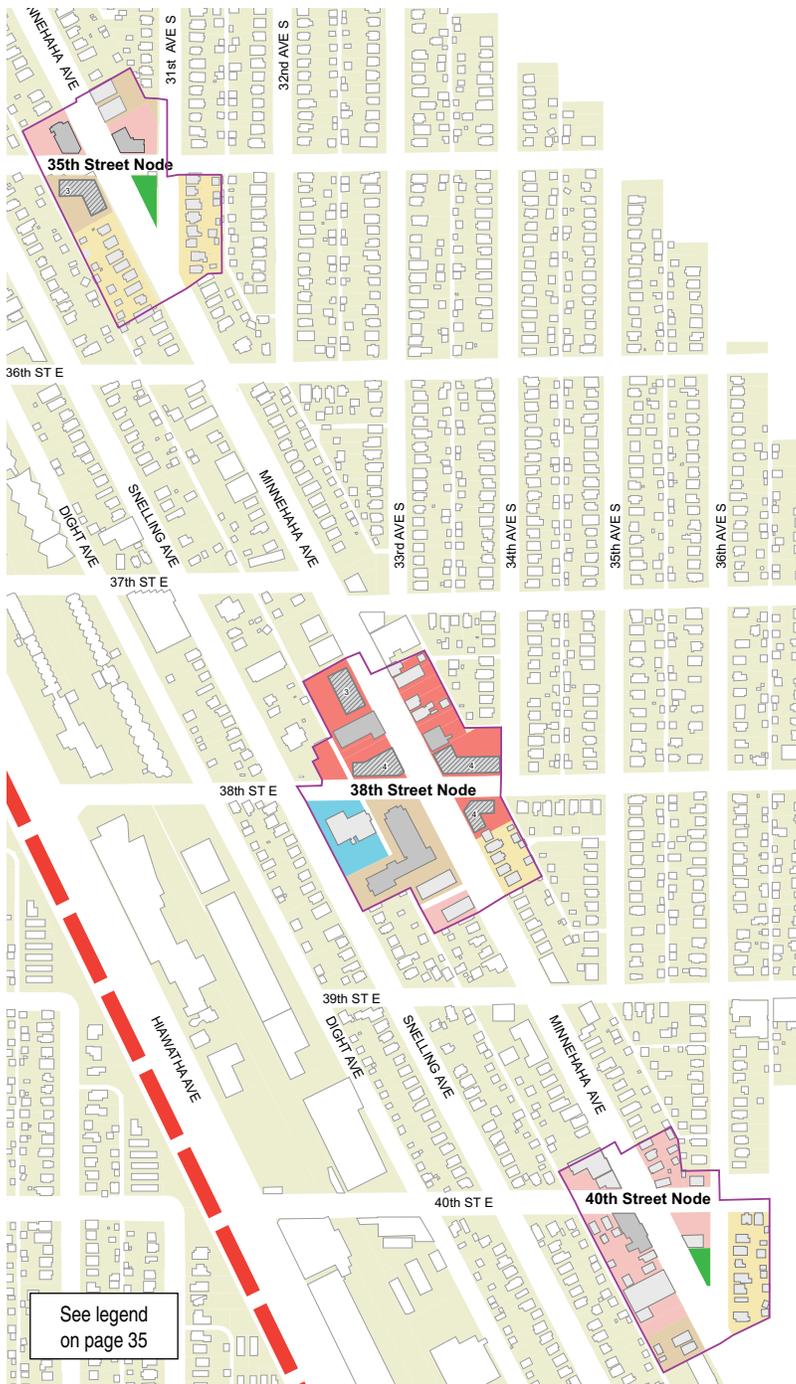
inconsistent. In many cases, the designated land uses and building forms within districts are largely the same. In other cases, a district may include multiple land-use designations, but in such a way that creates a pattern or rhythm. In either case, land use/building form designations and building footprints further articulate this vision.

Sites within these boundaries suggest that creating a sense of place is especially important. These areas may also be the focus of particular efforts related to

- 1) redevelopment,
- 2) organizing landowners and/or businesses,
- 3) code enforcement in cases of blight and/or
- 4) special streetscape or other improvement efforts.

# Minnehaha Avenue Nodes in Longfellow

Map 13: Minnehaha Avenue Nodes



Minnehaha Avenue is a historic streetcar corridor with intermittent commercial uses. Like Hiawatha Avenue, it runs at a 60-degree angle to the normal city street grid, both interrupting and supplementing it. This presents interesting urban design features such as trapezoidal and triangular land at intersections. The plan recognizes and supports ongoing commercial and/or small-scale mixed-use nodes at 35th Street, 38th Street and 40th Street.



# Hiawatha Districts

This plan realizes that significant development density may be necessary to make redevelopment of the grain mill and storage facilities economically viable. The long narrow parcels and the presence of the freight rail corridor present

obstacles to reorganizing the land in a manner that 1) makes new development economically feasible, 2) creates a sense of place in the area, 3) manages vehicle access and circulation via streets other than Hiawatha, and 4) allows development to occur in phases.

New driveway and access points should not be placed near congested intersections.

Although new development near the 38th Street station will likely generate far less traffic than if located elsewhere it will nevertheless contribute to area-wide traffic. Parcels should more or less

be reoriented so that access can occur at locations off Hiawatha. Snelling and Dight avenues could be used for these purposes.

From these avenues, vehicles have access to 35th Street, 38th Street and 42nd Street, all of which provide access to intersections with traffic signals on Hiawatha and routes through the neighborhood.

Map 17: Hiawatha Districts





Hiawatha Central: existing conditions and illustrative future conditions.



Image from the Metropolitan Design Center image bank.  
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Source: Todd Elkins



A reorganization of parcels, streets and access points, such as what is illustrated here, can help manage traffic and reduce potential conflicts. This does not represent a preferred development scenario, but one that represents attempts to orient mixed-use buildings along 38th Street, maintain sight lines and open space along the existing railroad right-of-way, and improve area circulation.

## Hiawatha North

Map 20: Hiawatha North



The plan envisions master planned industrial redevelopment north of 35th Street, which is consistent with the City's Industrial Land use and Employment Policy Plan. This portion of the station area includes the lowest density of existing non-residential uses, and it is adjacent to areas in the Hiawatha/Lake Station Area Master Plan that are designated as industrial. Given these factors and good transportation access, the plan designates this area for future industrial and employment uses. Plan implementation must also rectify residential/industrial land use conflicts on Snelling Avenue. The plan also supports a scenario involving reuse of the Dana Mill for office or residential uses, which could help accomplish this purpose.

Over time, small-scale industrial uses have encroached into single-family housing that fronts Snelling Avenue. The plan discourages continuing to use these or converting existing residential or small-scale commercial structures into more industrial-type uses along Snelling. Any new industrial uses or expansion of industry should not exacerbate this problem. The plan identifies a preferred consistent building form scenario of high density townhomes/stacked flats along the west side of Snelling between 33rd and 37th Streets.

The plan identifies a second phase of high density mixed-use that would occur following the establishment of such uses to the south in Hiawatha Central. Given the economics of redevelopment south of 35th Street, as well as land ownership patterns, the City will support high density mixed-use in this area should these industrial operations cease. Primary features of this area should reflect those identified for Hiawatha Central.



Despite their location in an industrial district, the plan supports re-use of the Nokomis and Dana Mills for office or residential.

## Hiawatha South

Current uses in this district include a grain elevator and a mix of low-density industrial, automobile-oriented commercial and low-density residential. The buildings fronting Hiawatha just south of 40th Street may have continuing value for light industry or conversion to office or residential. The plan supports these alternatives. Industries that preclude the eventual abandonment of the freight rail right-of-way, including the storage and shipment of bulk commodities, are not supported.

The plan envisions this southern portion of the plan area as primarily evolving toward a moderate density residential district south of the proposed extension of 39th Street. Unlike the Hiawatha Central district, change in land use in Hiawatha South is only supported west of Dight Avenue. Consequently, new development should use Dight as an alley for access. Site plans should be oriented toward side streets and/or the interior of sites. Although the plan envisions residential redevelopment at a more moderate scale, the City will support redevelopment scenarios at appropriate scales that further the plan's objective of vacation of the freight rail right-of-way.

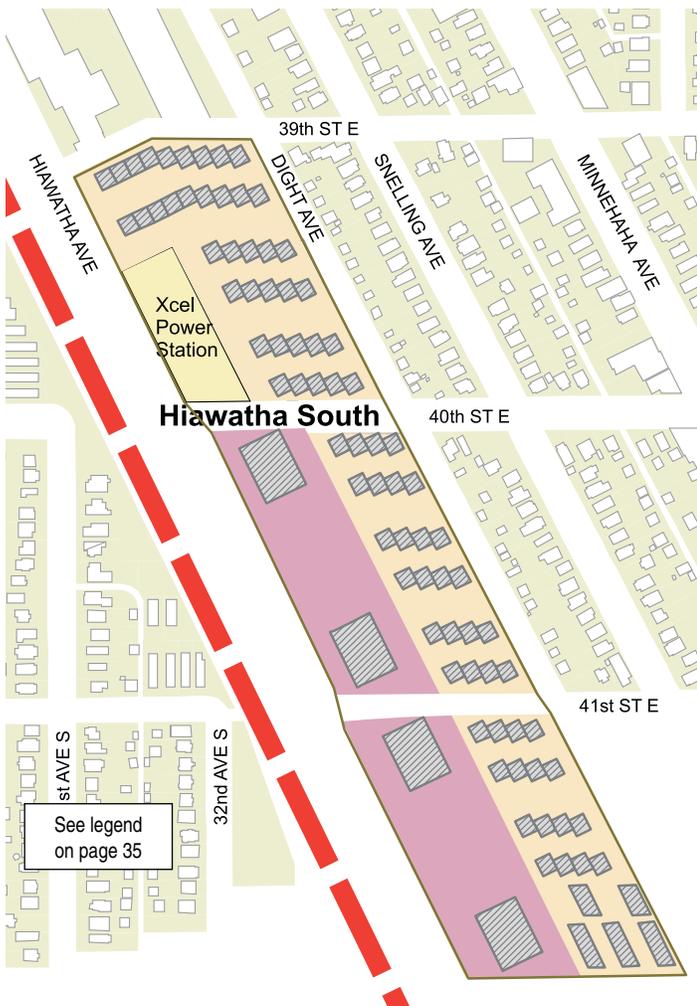


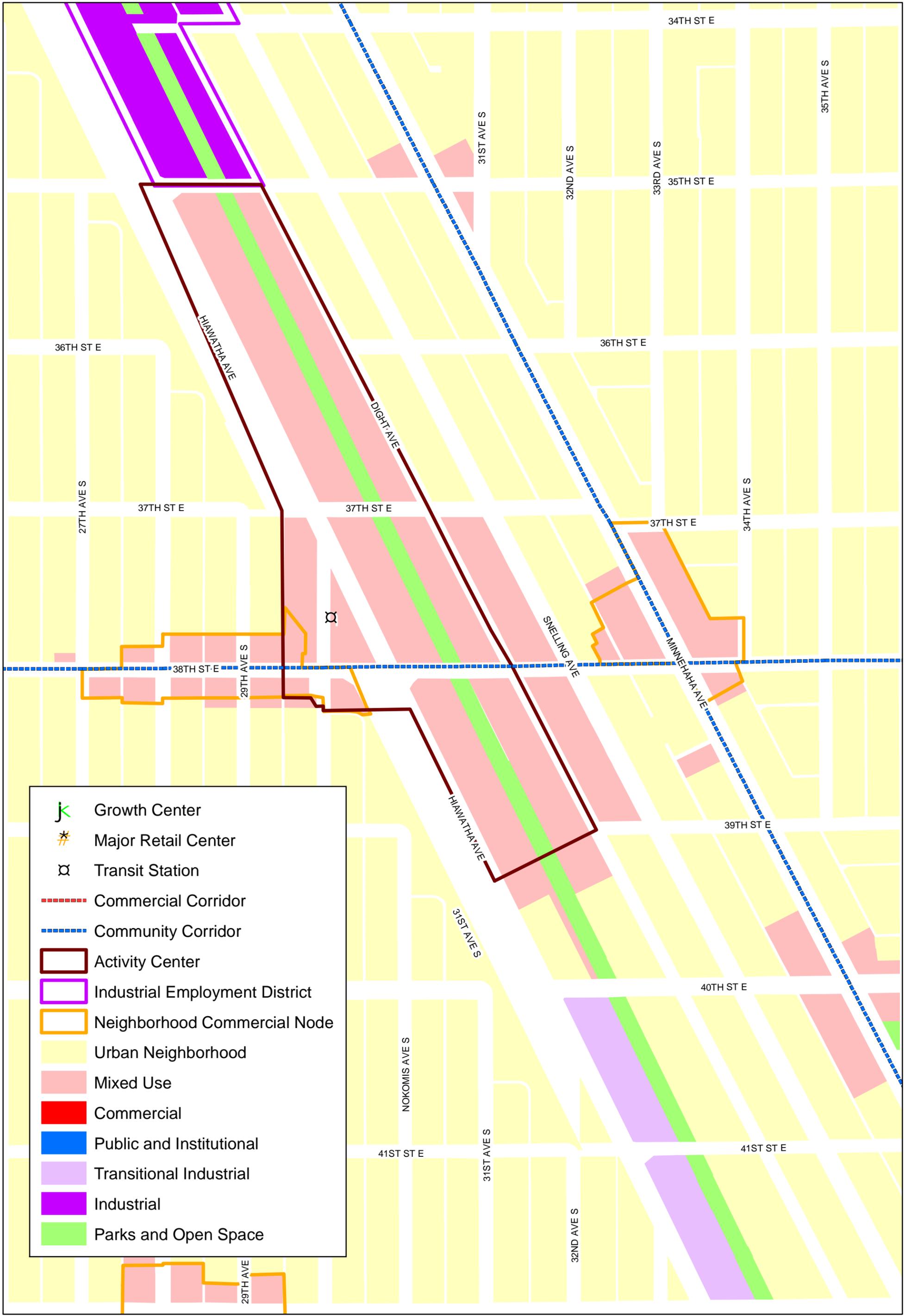
Buildings on Hiawatha with adaptive re-use potential for office, housing or light industrial.

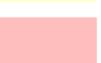
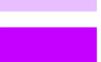
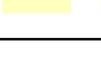


Hiawatha South district with 42nd St. in foreground.

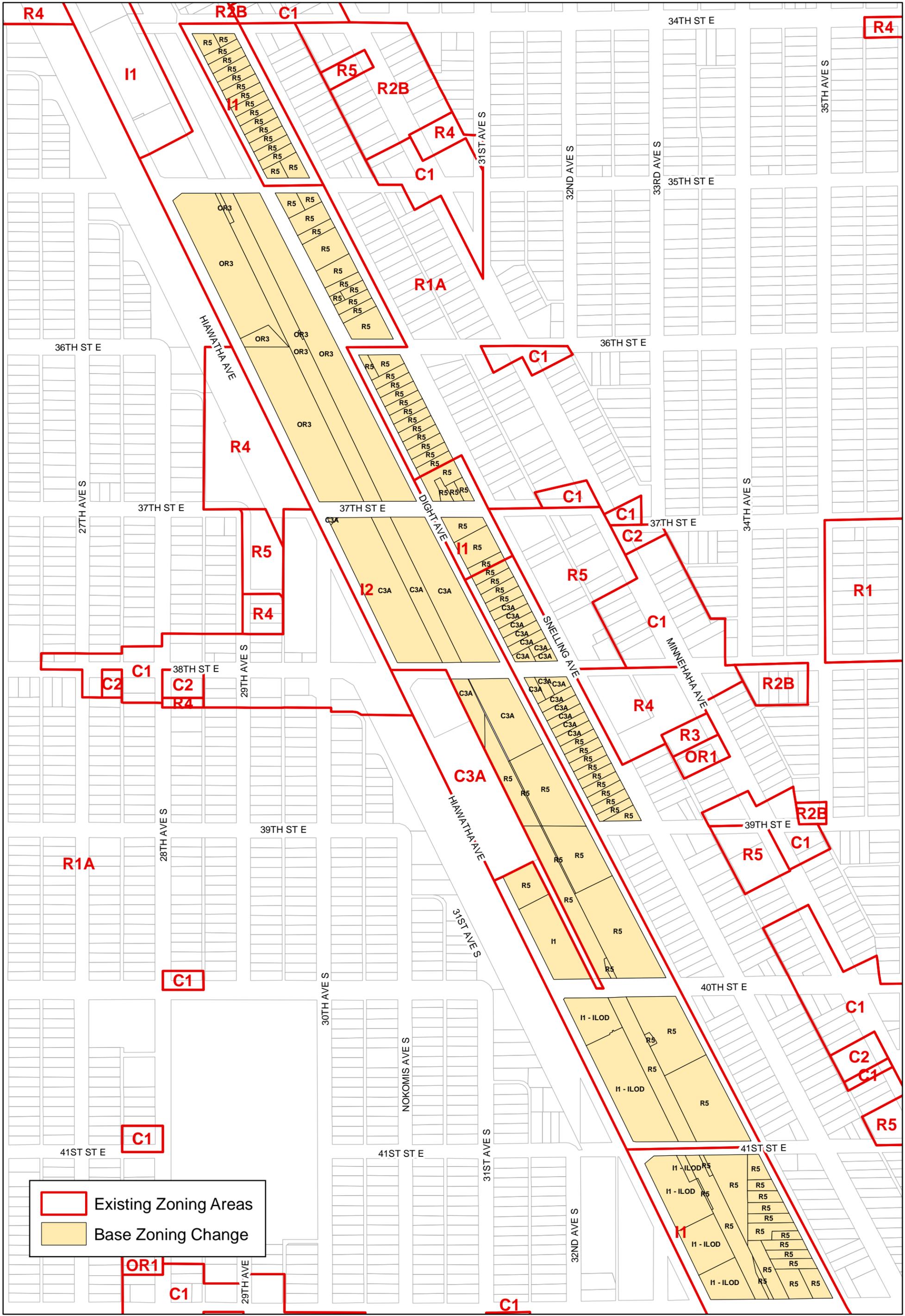
Map 19: Hiawatha South





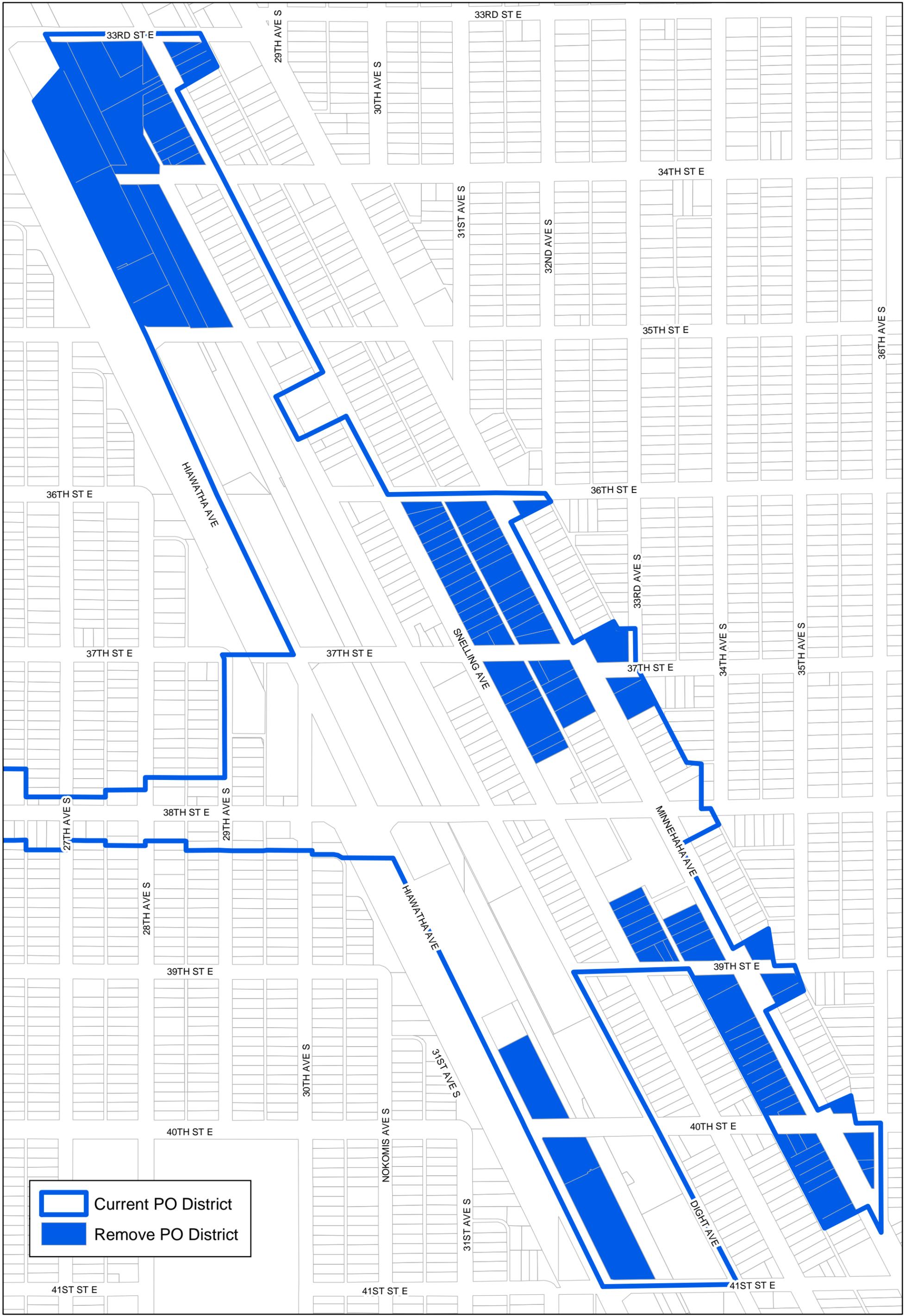
-  Growth Center
-  Major Retail Center
-  Transit Station
-  Commercial Corridor
-  Community Corridor
-  Activity Center
-  Industrial Employment District
-  Neighborhood Commercial Node
-  Urban Neighborhood
-  Mixed Use
-  Commercial
-  Public and Institutional
-  Transitional Industrial
-  Industrial
-  Parks and Open Space





Primary Zoning Recommendations  
**38th Street LRT Station Area Rezoning Study - East of Hiawatha**  
 May 21, 2012





**ORDINANCE 20012-Or-**  
**By Schiff**  
**1<sup>st</sup> and 2<sup>nd</sup> Readings:**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

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

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning districts for the parcels of land listed below and identified on Zoning District Plates 17, 33, and 34 (38<sup>th</sup> Street Light Rail Transit station area), pursuant to MS 462.357:

<b>PID</b>	<b>Address</b>		<b>Existing Primary Zoning</b>	<b>New Primary Zoning</b>	<b>Overlay Zoning Change</b>
0102824410062	2811	34TH ST E	I1	R5	
0102824410143	2817	35TH ST E	I2	OR3	
0102824410078	2900	36TH ST E	I2	OR3	
0102824410072	2904	35TH ST E	I1	R5	
0102824410081	2905	35TH ST E	I2	R5	
1202824110001	2929	36TH ST E	I2	C3A	
0102824440014	3001	36TH ST E	R1A	R5	
0102824440093	3001	37TH ST E	I2	C3A	
0702823230086	3047	38TH ST E	I1/I2	R5	
0102824440087	3101	37TH ST E	I1	R5	
0102824440028	3104	37TH ST E	I1	R5	
0102824440029	3108	37TH ST E	I1	R5	
0102824440030	3112	37TH ST E	I1	R5	
0702823220004	3115	38TH ST E	I2	C3A	
0602823330128	3116	38TH ST E	R1A	C3A	
0702823220032	3117	38TH ST E	R1A	C3A	
0702823220031	3121	38TH ST E	R1A	C3A	
0702823220085	3230	40TH ST E	I2	R5	
0702823220050	3232	40TH ST E	I2	R5	
0702823230010	3233	40TH ST E	I2	R5	
0702823230012	3320	41ST ST E	I2	R5	
0702823230084	3329	41ST ST E	I1	R5	
0702823230069	3333	41ST ST E	I1	R5	
0702823240199	3340	42ND ST E	I1	R5	
0702823240014	3400	42ND ST E	I1	R5	
0102824410061	3400	SNELLING AVE	I1	R5	
0702823240105	3401	41ST ST E	I1	R5	
0102824410135	3404	SNELLING AVE	I1	R5	
0102824410136	3408	SNELLING AVE	I1	R5	
0702823240017	3410	42ND ST E	I1	R5	
0102824410130	3410	SNELLING AVE	I1	R5	
0102824410131	3414	SNELLING AVE	I1	R5	
0102824410065	3418	SNELLING AVE	I1	R5	

<b>PID</b>	<b>Address</b>		<b>Existing Primary Zoning</b>	<b>New Primary Zoning</b>	<b>Overlay Zoning Change</b>
0102824410066	3420	SNELLING AVE	I1	R5	
0102824410067	3426	SNELLING AVE	I1	R5	
0102824410068	3432	SNELLING AVE	I1	R5	
0102824410132	3434	SNELLING AVE	I1	R5	
0102824410133	3438	SNELLING AVE	I1	R5	
0102824410070	3442	SNELLING AVE	I1	R5	
0102824410144	3446	SNELLING AVE	I1	R5	
0102824410145	3450	SNELLING AVE	I1	R5	
0102824410073	3454	SNELLING AVE	I1	R5	
0102824410080	3500	SNELLING AVE	I2	R5	
0102824410142	3501	HIAWATHA AVE	I2	OR3	
0102824410134	3508	SNELLING AVE	I2	R5	
0102824410084	3512	SNELLING AVE	I2	R5	
0102824410137	3516	SNELLING AVE	I2	R5	
0102824440092 (Between 35 <sup>th</sup> St and 37 <sup>th</sup> St)	3532	DIGHT AVE	I2	OR3	
0102824440092 (Between 37 <sup>th</sup> St and 38 <sup>th</sup> St)	3532	DIGHT AVE	I2	C3A	
0102824410088	3534	SNELLING AVE	I2	R5	
0102824410089	3536	SNELLING AVE	I2	R5	
0102824410091	3540	SNELLING AVE	I2	R5	
0102824410092	3544	SNELLING AVE	I2	R5	
0102824410090	3547	DIGHT AVE	I2	R5	
0102824410093	3548	SNELLING AVE	I2	R5	
0102824410094	3556	SNELLING AVE	I2	R5	
0102824410138	3556	DIGHT AVE	I2	OR3	
0102824440090	3600	SNELLING AVE	R1A	R5	
0102824410079	3600	DIGHT AVE	I2	OR3	
0102824440031	3601	HIAWATHA AVE	I2	OR3	
0102824440091	3604	SNELLING AVE	R1A	R5	
0102824440015	3608	SNELLING AVE	R1A	R5	
0102824440016	3612	SNELLING AVE	R1A	R5	
0102824440017	3616	SNELLING AVE	R1A	R5	
0102824440018	3620	SNELLING AVE	R1A	R5	
0102824440019	3624	SNELLING AVE	R1A	R5	
0102824440020	3628	SNELLING AVE	R1A	R5	
0102824440021	3632	SNELLING AVE	R1A	R5	
0102824440022	3636	SNELLING AVE	R1A	R5	
0102824440023	3640	SNELLING AVE	R1A	R5	
0102824440024	3644	SNELLING AVE	R1A	R5	
0102824440103	3648	SNELLING AVE	I1	R5	
0102824440088	3708	SNELLING AVE	I1	R5	
0602823330118	3716	SNELLING AVE	I1	R5	
0102824440086	3716	DIGHT AVE	I2	C3A	

<b>PID</b>	<b>Address</b>		<b>Existing Primary Zoning</b>	<b>New Primary Zoning</b>	<b>Overlay Zoning Change</b>
0602823330119	3720	SNELLING AVE	R1A	R5	
0602823330120	3724	SNELLING AVE	R1A	R5	
0602823330121	3728	SNELLING AVE	R1A	R5	
0602823330122	3732	SNELLING AVE	R1A	R5	
0602823330123	3736	SNELLING AVE	R1A	C3A	
0602823330124	3740	SNELLING AVE	R1A	C3A	
0602823330125	3744	SNELLING AVE	R1A	C3A	
0102824440094	3745	HIAWATHA AVE	I2	C3A	
0602823330126	3748	SNELLING AVE	R1A	C3A	
0602823330127	3752	SNELLING AVE	R1A	C3A	
0602823330129	3756	SNELLING AVE	R1A	C3A	
0602823330130	3760	SNELLING AVE	R1A	C3A	
0702823220005	3800	DIGHT AVE	I2	R5	
0702823220030	3800	SNELLING AVE	R1A	C3A	
0702823220033	3804	SNELLING AVE	R1A	C3A	
0702823220034	3808	SNELLING AVE	R1A	C3A	
0702823220035	3812	SNELLING AVE	R1A	C3A	
0702823220036	3816	SNELLING AVE	R1A	C3A	
0702823220037	3820	SNELLING AVE	R1A	C3A	
0702823220038	3824	SNELLING AVE	R1A	R5	
0702823220039	3828	SNELLING AVE	R1A	R5	
0702823220081	3830	DIGHT AVE	I2	R5	
0702823220040	3832	SNELLING AVE	R1A	R5	
0702823220041	3836	SNELLING AVE	R1A	R5	
0702823220042	3840	SNELLING AVE	R1A	R5	
0702823220043	3844	SNELLING AVE	R1A	R5	
0702823220044	3848	SNELLING AVE	R1A	R5	
0702823220045	3852	SNELLING AVE	R1A	R5	
0702823220046	3856	SNELLING AVE	R1A	R5	
0702823220047	3860	SNELLING AVE	R1A	R5	
0702823220003	3915	HIAWATHA AVE	I2	R5	
0702823230011	4008	DIGHT AVE	I2	R5	
0702823240012	4110	DIGHT AVE	I1	R5	
0702823230064	4111	HIAWATHA AVE	I1	I1	Add IL
0702823240011	4116	DIGHT AVE	I1	R5	
0702823230076	4121	HIAWATHA AVE	I1	R5	
0702823230083	4121 1/2	HIAWATHA AVE	I1	I1	Add IL
0702823240010	4122	DIGHT AVE	I1	R5	
0702823240190	4124	DIGHT AVE	I1	R5	
0702823240188	4130	DIGHT AVE	I1	R5	
0702823240189	4134	DIGHT AVE	I1	R5	
0702823230066	4135	HIAWATHA AVE	I1	I1	Add IL
0702823240013	4136	DIGHT AVE	I1	R5	Remove IL
0702823240015	4140	DIGHT AVE	I1	R5	Remove IL
0702823249000	4150	DIGHT AVE	I1	R5	Remove IL

<b>PID</b>	<b>Address</b>		<b>Existing Primary Zoning</b>	<b>New Primary Zoning</b>	<b>Overlay Zoning Change</b>
0702823240016	4152	DIGHT AVE	I1	R5	Remove IL
0702823230072	4159	HIAWATHA AVE	I1	I1	Add IL
0102824120126 (Between 33 <sup>rd</sup> St and 34 <sup>th</sup> St)	2425	LAKE ST E			Remove PO
0102824130080	2701	33RD ST E			Remove PO
0102824130081	2800	34TH ST E			Remove PO
0102824140057	2801	33RD ST E			Remove PO
0602823330153	3205	37TH ST E			Remove PO
0602823330111	3212	37TH ST E			Remove PO
0602823330132	3217	37TH ST E			Remove PO
0102824130079	3300	SNELLING AVE			Remove PO
0102824140056	3307	SNELLING AVE			Remove PO
0102824140058	3308	SNELLING AVE			Remove PO
0702823220022	3308	39TH ST E			Remove PO
0102824140055	3311	SNELLING AVE			Remove PO
0702823220021	3312	39TH ST E			Remove PO
0102824140054	3315	SNELLING AVE			Remove PO
0102824140060	3316	SNELLING AVE			Remove PO
0102824140061	3320	SNELLING AVE			Remove PO
0102824140062	3328	SNELLING AVE			Remove PO
0102824140063	3336	SNELLING AVE			Remove PO
0102824140064	3340	SNELLING AVE			Remove PO
0102824140066	3344	SNELLING AVE			Remove PO
0102824140065	3346	SNELLING AVE			Remove PO
0102824140067	3348	SNELLING AVE			Remove PO
0102824130007	3351	HIAWATHA AVE			Remove PO
0102824410074	3400	DIGHT AVE			Remove PO
0102824420172	3401	HIAWATHA AVE			Remove PO
0102824420171	3415	HIAWATHA AVE			Remove PO
0702823240056	3415	40TH ST E			Remove PO
0702823240055	3419	40TH ST E			Remove PO
0102824420001	3441	HIAWATHA AVE			Remove PO
0102824410140	3463	HIAWATHA AVE			Remove PO
0102824440092 (Between 34 <sup>th</sup> St and 35 <sup>th</sup> St)	3532	DIGHT AVE			Remove PO
0102824440002	3600	MINNEHAHA AVE			Remove PO
0602823330097	3601	MINNEHAHA AVE			Remove PO
0102824440012	3601	SNELLING AVE			Remove PO
0602823330098	3604	MINNEHAHA AVE			Remove PO
0602823330099	3608	MINNEHAHA AVE			Remove PO
0102824440011	3609	SNELLING AVE			Remove PO
0102824440010	3611	SNELLING AVE			Remove PO
0602823330100	3612	MINNEHAHA AVE			Remove PO
0102824440009	3615	SNELLING AVE			Remove PO

<b>PID</b>	<b>Address</b>		<b>Existing Primary Zoning</b>	<b>New Primary Zoning</b>	<b>Overlay Zoning Change</b>
0602823330101	3616	MINNEHAHA AVE			Remove PO
0102824440008	3619	SNELLING AVE			Remove PO
0602823330102	3620	MINNEHAHA AVE			Remove PO
0102824440007	3623	SNELLING AVE			Remove PO
0102824440006	3627	SNELLING AVE			Remove PO
0602823330103	3628	MINNEHAHA AVE			Remove PO
0102824440005	3631	SNELLING AVE			Remove PO
0102824440004	3633	SNELLING AVE			Remove PO
0602823330104	3636	MINNEHAHA AVE			Remove PO
0102824440003	3639	SNELLING AVE			Remove PO
0602823330105	3640	MINNEHAHA AVE			Remove PO
0602823330117	3643	SNELLING AVE			Remove PO
0602823330106	3644	MINNEHAHA AVE			Remove PO
0602823330116	3647	SNELLING AVE			Remove PO
0602823330107	3648	MINNEHAHA AVE			Remove PO
0602823330115	3651	SNELLING AVE			Remove PO
0602823330114	3655	SNELLING AVE			Remove PO
0602823330155	3656	MINNEHAHA AVE			Remove PO
0602823330113	3659	SNELLING AVE			Remove PO
0602823330110	3662	MINNEHAHA AVE			Remove PO
0602823330112	3663	SNELLING AVE			Remove PO
0602823330156	3675	MINNEHAHA AVE			Remove PO
0602823330131	3700	MINNEHAHA AVE			Remove PO
0602823330024	3701	MINNEHAHA AVE			Remove PO
0602823330133	3704	MINNEHAHA AVE			Remove PO
0602823330154	3709	MINNEHAHA AVE			Remove PO
0602823330134	3710	MINNEHAHA AVE			Remove PO
0602823330152	3715	SNELLING AVE			Remove PO
0602823330151	3719	SNELLING AVE			Remove PO
0602823330135	3720	MINNEHAHA AVE			Remove PO
0602823339000	3729	SNELLING AVE			Remove PO
0602823330149	3739	SNELLING AVE			Remove PO
0602823330148	3743	SNELLING AVE			Remove PO
0702823220029	3839	SNELLING AVE			Remove PO
0702823220016	3840	MINNEHAHA AVE			Remove PO
0702823220028	3843	SNELLING AVE			Remove PO
0702823220017	3844	MINNEHAHA AVE			Remove PO
0702823220027	3847	SNELLING AVE			Remove PO
0702823220018	3848	MINNEHAHA AVE			Remove PO
0702823220026	3851	SNELLING AVE			Remove PO
0702823220019	3852	MINNEHAHA AVE			Remove PO
0702823220025	3855	SNELLING AVE			Remove PO
0702823220024	3859	SNELLING AVE			Remove PO
0702823220020	3860	MINNEHAHA AVE			Remove PO
0702823220023	3865	SNELLING AVE			Remove PO
0702823210122	3867	MINNEHAHA AVE			Remove PO

<b>PID</b>	<b>Address</b>		<b>Existing Primary Zoning</b>	<b>New Primary Zoning</b>	<b>Overlay Zoning Change</b>
0702823229000	3900	MINNEHAHA AVE			Remove PO
0702823210162	3907	MINNEHAHA AVE			Remove PO
0702823210161	3911	MINNEHAHA AVE			Remove PO
0702823210219	3912	MINNEHAHA AVE			Remove PO
0702823210220	3920	MINNEHAHA AVE			Remove PO
0702823210221	3924	MINNEHAHA AVE			Remove PO
0702823210222	3930	MINNEHAHA AVE			Remove PO
0702823210001	3936	MINNEHAHA AVE			Remove PO
0702823210002	3940	MINNEHAHA AVE			Remove PO
0702823210003	3944	MINNEHAHA AVE			Remove PO
0702823210004	3946	MINNEHAHA AVE			Remove PO
0702823210005	3948	MINNEHAHA AVE			Remove PO
0702823210006	3950	MINNEHAHA AVE			Remove PO
0702823210007	3960	MINNEHAHA AVE			Remove PO
0702823220002	3961	HIAWATHA AVE	I2	I1	Remove PO
0702823210008	3962	MINNEHAHA AVE			Remove PO
0702823210148	3965	MINNEHAHA AVE			Remove PO
0702823240054	4000	MINNEHAHA AVE			Remove PO
0702823230013	4001	HIAWATHA AVE	I2	I1	Remove PO, Add IL
0702823240057	4004	MINNEHAHA AVE			Remove PO
0702823240058	4008	MINNEHAHA AVE			Remove PO
0702823240051	4009	MINNEHAHA AVE			Remove PO
0702823240059	4012	MINNEHAHA AVE			Remove PO
0702823240053	4015	MINNEHAHA AVE			Remove PO
0702823240060	4016	MINNEHAHA AVE			Remove PO
0702823240052	4019	MINNEHAHA AVE			Remove PO
0702823240061	4020	MINNEHAHA AVE			Remove PO
0702823240062	4032	MINNEHAHA AVE			Remove PO
0702823230014	4041	HIAWATHA AVE	I2	I1	Remove PO, Add IL

Section 2. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district boundaries so that they follow the centerline of public rights-of-way in a manner identified on maps accompanying the 38<sup>th</sup> Street Station Area Rezoning Study, recommended for approval by the Planning Commission on May 21, 2012.

**38<sup>th</sup> Street Rezoning Study --- COMMENT CARD**

Please take time to give us your opinions on what you saw at the open house tonight, be specific and thorough in order to assist the CPED staff with their work.

Return directly to CPED staff or submit comments via email at the address indicated below.

Paul Mogush (paul.mogush@minneapolismn.gov), CPED-Planning, 250 South 4<sup>th</sup> St, Room 110, Minneapolis, MN 55415

Name: R. C. Rollings

Address: 3756 Snelling City: MP MN Zip: 55406

E-mail address: \_\_\_\_\_

Comments: Thank you & all of my questions were answered in the presentation.

**38<sup>th</sup> Street Rezoning Study --- COMMENT CARD**

Please take time to give us your opinions on what you saw at the open house tonight, be specific and thorough in order to assist the CPED staff with their work.

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Paul Mogush (paul.mogush@minneapolismn.gov), CPED-Planning, 250 South 4<sup>th</sup> St, Room 110, Minneapolis, MN 55415

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Comments: WHY NO ID?

### 38<sup>th</sup> Street Rezoning Study --- COMMENT CARD

Please take time to give us your opinions on what you saw at the open house tonight, be specific and thorough in order to assist the CPED staff with their work.

Return directly to CPED staff or submit comments via email at the address indicated below.

Paul Mogush (paul.mogush@minneapolismn.gov), CPED-Planning, 250 South 4<sup>th</sup> St, Room 110, Minneapolis, MN 55415

Name:

Nic Pugh

Address:

1415 SE 5<sup>th</sup> ST.

City:

Mpls

Zip:

55414

E-mail address:

Puzak@link.net

Comments:

Pedestrian Overlay should be somewhat

 "T" shaped extending east to 38<sup>th</sup> & Minneapolis.

Folks will not live under grain elevator!

Too noisy.

**MINNESOTA COMMERCIAL RAILWAY COMPANY,**

14047 Petronella Drive, S. 201, Libertyville, Ill. 60048

847-549-0486

John W. Gohmann, Chairman, President

April 10<sup>th</sup> 2012

Mr. Paul Mogush, Principal Planner, City of Minneapolis,

RE: 38<sup>th</sup> Street Station Complex Plans

Dear Mr. Mogush:

This is to advise you of our concerns and comments regarding this plan, and suggestions to minimize interference with existing businesses and our operations

First, your conclusion that rail traffic has been declining in the area over the past years is NOT correct.. Rail traffic to the many businesses, including ADM Milling and also General Mills and other rail users, has been constant to moderate growth over the past several years and those trends continue as the high price of energy is funneling more and more traffic to lower cost, more energy efficient rail, taking trucks off the public highways and roadways.. Secondly, the area South and around 38<sup>th</sup> Street is and will remain an integral part of the conduct of our business in Interstate Commerce – and we use the tracks south of there for fanout programs for loaded railcars for a mutual customer of Canadian Pacific.. You may or may not be aware, but, rail trackage space is at a premium in the metro area, and, demand for rail space exceeds capacity.. While we are spending a couple million dollars this year building additional track capacity, we have fairly well exhausted all available space for more trackage as have the larger railroads as well. We see no change in the trends for demand for more rail freight capacity.

The businesses of ADM and General Mills in the area are vibrant, and each have spent substantial sums to improve their facilities the past several years.. The GM elevators provide essential space for receipt and storage of grains used for their production at Mills in the Twin Cities area..And, ADM's production at its Nakomas and Atkinson Mills is also vital and they receive inbound grain, and, distribute outbound products all over the Midwest via rail. These two businesses alone provide many, many excellent high paying jobs to the nearby neighborhoods – as well as jobs of vendors and others that support these several facilities – fact – probably some of the few industries in the entire area that provide jobs much over the minimum wage. While these businesses have been in the area for perhaps close to three quarters of a century, they are very much a part of the history of Minneapolis as the “Mill City” and for that reason, alone, need to be

preserved. But, more importantly, it always amazes us in business how city planners – envision neighborhood betterments that destroy the best paying, most stable jobs in the entire area.. We have seen the abandonment of several mills on our railroad over the past ten years – forced by so called “urban improvements”, and all of those sights remain largely undeveloped – due to the fact that venture capital and banks have been burned many times and taken millions of dollars of losses, and, no long will fund such projects – and, federal funding, for many of the same reasons, is also not available. They are stand largely undeveloped, or minimally developed, after close to ten years..There is now a shortage of grain elevator capacity in the Twin Cities, overall, which can pose a threat to the infrastructure and jobs of remaining in the once thriving milling and grain industry in Minneapolis and excellent good paying jobs.

As you may be aware, the Purina Mill, and, also the old Land O’Lakes Mill, have been shut down for many years and I believe, but am not certain, that the Dana Mill may be so also..Those facilities – in the same general area, could be used for such redevelopment without destroying vibrant businesses, as well as many, many good paying jobs that are so essential for economic stability and growth, and also, not destroying good property tax income from these business, nor, with interfering with our capacity to conduct interstate commerce . As information, the ability of any municipality to condemn active rail trackage is federally preempted – and if it comes to this, we will be actively pursuing an injunction in federal court to stop the City from attempting to take any of our active rail trackage in the area. If there was a diminishment of rail traffic to customers in the area, we would quickly use any available trackage in the area for other interstate commerce business. Also, we will gladly have our lawyers provide you with several federal court cases which have upheld the inability of municipalities, including in the Twin Cities area, from taking or condemning railroad trackage, but I believe your City’s law department is well aware of those..

Also, we question the wisdom of placing this 38<sup>th</sup> Street light rail station across Hiawatha Avenue – whether you conjecture people will ride busses across the busy street is highly speculative- it could generate far more automotive traffic and pedestrian traffic across this already busy street, and potential for pedestrian and auto accidents.. We believe that if any development is done, it should be done on the WEST side of Hiawatha avenue just west of the Light Rail station..

Sincerely yours,

John W. Gohmann

MINNESOTA COMMERCIAL RAILWAY  
14047 PETRONELLA DRIVE, S. 201  
LIBERTYVILLE, ILL. 60048  
847-549-0486

John W. Gohmann, President

Mr. Paul Mogush, Sr. Planner,  
City of Minneapolis

RE: 38<sup>th</sup> Avenue Light Rail Terminal

Mr. Mogush

This is in supplement to my previous letter on this subject.

As previously noted, the industries involved all have made substantial capital investments in their physical plants the last several years to remain efficient, competitive and vibrant in the marketplace. They are express surprise that the City would continue this effort to destroy their businesses and the many excellent high paying jobs they provide the area. We again strongly urge you look at currently abandoned businesses south of 38<sup>th</sup> street, including the Purina Mills Property, perhaps the Dana Elevator (although we cannot speak for whoever owns it) and the abandoned Cenex Land-OLakes elevator for any public use..

From an economic development standpoint, it seems that based on data of average household income, you very may well be forcing residents of the area to vacate property and move from the area, as the type of residential construction you propose would require residential lease or mortgage rates far in excess of what many current residents can afford.

The rail service in the area is inter-related to all service we provide west of the Mississippi River to all rail users in Minneapolis.. For example, if you destroy the elevators and milling and other industries along highway, which provide the economic basis for our operations, we would be forced to abandon service to all customers west of the Mississippi River, including the Hiawatha Light Rail Line service facilities which also will be servicing the new University Avenue Light Rail program.. ALL THE TRANSIT CARS FOR HIAWATHA LIGHT RAIL HAVE BEEN SHIPPED AND USE THIS LINE TO REACH THE SERVICE FACILITY NORTH OF 38<sup>TH</sup> STREET, AND, PLANS ARE NOW UNDERWAY BY THE LIGHT RAIL AUTHORITY TO SHIP ALL THE UNIVESITY AVENUE LIGHT RAIL CARS FOR THIS NEW LINE INTO THIS SAME FACILITY. In summary, if your planning and actions ruin this line, the City and Light Rail Authorities all would be severely impacted and more than likely, unable to receive railcars in the future for use by either of these authorities with costly and perhaps impossible truck movements over public streets – which is not now practical and wont be in the future..

As you can plainly see, any actions by the City to destroy the businesses in the area and their jobs provides broad and severe economic damage to not only our customers, their customers and businesses which rely on the services and products of those customers, the various municipal transit agencies which rely on our rail service for transporting their equipment, and, lastly to our company and our employees and impacted jobs.

For all these reasons, again, we strongly urge that if you pursue this plan, you use existing properties which are available and not seek out to destroy our rail properties and the customers we serve. I can assure you that any attempts to do so will be met with swift appropriate legal action.

Sincerely

John W. Gohmann

**From:** [Jim Fazzone](#)  
**To:** [Mogush, Paul R](#)  
**Date:** Thursday, April 12, 2012 10:07:08 AM

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Paul, Thank you for the time to help me understand he proposed changes to the 38<sup>th</sup> street L.R.T. area.

While I believe I understand the intent and spirit of these zoning changes I also have to consider all the peoples livelihoods that are at stake.

Kriss products has been here at this location since 1992 and has grown a viable business in concert with Minneapolis, Hennepin County and the state of Mn. I do not, however feel comfortable with this proposed zoning change as I feel it will severely hamper Kris products ability to grow.

While I have never asked My local government for any help or consideration I cant help but feel at the least disappointed in the "change in the game".

I pray that this will work out for all concerned and I cant help believing that with people like yourself in the process that it will.

Again, thank you so much for the time you spent,  
Jim Fazzone,

Kriss Products. 3400 East 42<sup>nd</sup> street, Minneapolis, Mn. 55042

To Paul Mogush,

This is in regard to the rezoning of 38<sup>th</sup> street LRT station. I am a homeowner on 34<sup>th</sup> and Snelling. Upon reviewing the proposed plan I would like some changes to be considered.

1<sup>st</sup>. Snelling is currently a residential street, when a snow emergency occurs parking is non existent. Your proposed plan of adding R5 apartments between Dight and Snelling is going to make a parking nightmare. Example: you have a 100 apartment unit they provide 90 parking spaces for residents. Some residents have more than one vehicle in the family. Lets assume this means 130 vehicles for said apartment complex. This means 40 more cars parking on a residential street.

2<sup>nd</sup>. On Minnehaha between 34<sup>th</sup> and 35<sup>th</sup> the zoning is R2,R5, and C1. This means the houses on the odd side of Snelling between 34<sup>th</sup> and 35<sup>th</sup> zoned R1A is landlocked between R5 apartments to the west and commercial/duplex apartments to the East. This will depreciate our resell value.

I propose an alternative to the suggested R5 apartment zoning between Dight and Snelling and 34<sup>th</sup> street and 35<sup>th</sup> street be changed to R2B. This allow more residents in the area without taking away the residential atmosphere. We are also about 4 block from the station , so putting R5 apartments this far away is not really necessary.

I hope this one block area will be reconsidered.

Thank you,



Robert Rohring

**From:** [Alex Bauman](#)  
**To:** [Mogush, Paul R](#)  
**Cc:** [Schiff, Gary](#); [Colvin Roy, Sandra K.](#); [Goodman, Lisa R.](#)  
**Subject:** 38th St Station Area Rezoning Study  
**Date:** Tuesday, April 24, 2012 12:31:45 PM

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Hi,

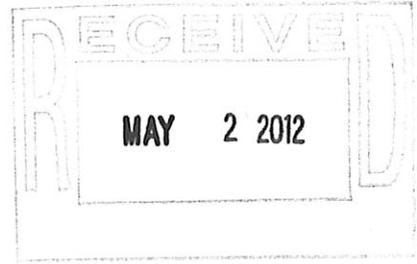
I'm writing to provide comments on the proposed rezoning at the 38th St Station Area. I'm strongly supportive of the base zoning changes, which clearly reflect the plan and take advantage of the transit station, although it's a bit bizarre to have a medium-capacity transit station that is surrounded primarily by single-family zoning. At the least, it would make sense to revise most of the R1A to R2B, so that neighbors' suburban sense of aesthetics can remain intact but less land is wasted.

However, I strongly disagree with the proposed changes to the Pedestrian Overlay district. The station area plan (p. 32 and pp.42-44) and other city policies support the retention of Pedestrian Overlay zoning along Minnehaha Ave. I should point out that the plan ignored the existence of the route 7 bus, which runs along Minnehaha and the riders of which would benefit from the retention of Pedestrian Overlay zoning. Comprehensive Plan policies 2.3 and 2.4, which encourage the development of safe pedestrian pathways to and from transit and encourage transit-oriented development in areas well-served by transit, favor the retention of the Pedestrian Overlay along Minnehaha. In addition, the Pedestrian Master Plan in Chapters 1 and 2 specifically lists pedestrian overlay zoning as a tool for "improving walking and the pedestrian environment." While the Pedestrian Master Plan does not provide guidance as to how pedestrian overlays can be used, it does identify (in Chapter 6) complex intersections as "typically more difficult and inconvenient places for pedestrians to cross." Minnehaha of course has many complex intersections, which are exacerbated by the curb cuts required for an automotive service use or fast food drive through. The Pedestrian Overlay prohibits those uses and as such should be retained along Minnehaha.

Thanks,

Alex Bauman  
1227 Hennepin Ave #2B

**HIAWATHA BUSINESS CENTER, LLC**



April 30, 2012

Paul Mogush  
Principal City Planner  
City of Minneapolis  
CPED - Planning Division  
250 South 4th Street Room #300  
Minneapolis, MN 55415

Via: US mail

Dear Paul:

Hiawatha Business Center, LLC (hereinafter "Owner") is in support of the proposed City of Minneapolis 38<sup>th</sup> Street LRT Station Rezoning including the removal of the Pedestrian Overlay that currently is in place at the property owned by Hiawatha Business Center, LLC.

Hiawatha Business Center, LLC owns the 3351-3401 Hiawatha Avenue property which includes 31,579 SF in two (2) buildings, and approximately 5 acres of land. The owner recently completed renovations at the property which currently houses fifteen small businesses.

In addition, the Owner is in the process of purchasing 3445 Hiawatha Avenue South ("Crosstown Sweeping"). Once purchased, a renovation of the former gas service station and automotive repairs will begin resulting in a much more functional and aesthetically pleasing property.

As an active owner and responsible neighbor, we are very pleased to see this positive step and are in support of the zoning changes. If you have any questions or would like us to speak to at the upcoming City meetings, feel free to call.

Sincerely,

Hiawatha Business Center, LLC

Charlie Nestor  
Development and Leasing Manager

A handwritten signature in black ink, appearing to be "Charlie Nestor", written over the typed name and title.

cc: Scott Tankenoff, Hiawatha Business Center, LLC



GENERAL MILLS

May 11, 2012

Minneapolis Planning Commission  
Public Service Center, Room 110  
250 South Fourth Street  
Minneapolis, MN 55415

Re: 38<sup>th</sup> Street Station Area Rezoning Study

Dear President Motzenbecker and Members of the Minneapolis Planning Commission:

General Mills submits this letter in opposition to the proposed rezoning of our grain elevator properties in the Hiawatha rail corridor. The proposed rezoning of these properties to a non-industrial zoning classification threatens the viability of essential components of our cereal supply chain in the Twin Cities. The current Mixed Use guidance for these elevators is premature because they are vital industrial uses with long-term future utility. Rather than rezoning, the land use guidance for our active and productive grain elevators in the Hiawatha corridor should be changed to Transitional Industrial.

***The Hiawatha Elevators are essential to General Mills' supply chain***

General Mills has owned the “Checkerboard” Elevator at 3716 Dight Avenue in Minneapolis since the mid-1980s. Demand for these resources is high. We acquired a second elevator known as “Elevator T” at 3600 Dight Avenue in 1998. (Together, we refer to these as the Hiawatha Elevators.) They are two of the most venerable elevators in the Hiawatha corridor and have been determined to be potentially eligible for inclusion on the National Register of Historic Places. These elevators continue to be integral to the grain industry that was the City’s foundation.

The Hiawatha Elevators are key operational facilities for General Mills. They receive grain by rail, store it, and clean it before it is transported by truck to our mills in Minneapolis and Fridley. The Hiawatha Elevators are large-scale facilities that manage millions of pounds of grain every year. The predominant grain handled at these facilities is oats. It is fair to say that every grain of oats that goes through these facilities ends up in one of our branded cereals, including Cheerios – our biggest brand. The ability to receive grain by rail and store it at a facility that is close to our mills is crucial to the operation of our core business.

***The City already has discretion and authority over the Hiawatha Elevators – zoning change is not needed, and would harm General Mills***

The Hiawatha Elevators are in an area that is currently zoned I2, Medium Industrial. Grain elevators are allowed only in the I3, Heavy Industrial District, so the existing operations are a legal nonconforming use. Because the grain elevators are already nonconforming under the existing I2 zoning classification, the City has all the discretion and authority it needs to prevent expansions or intensification of the use that would be inconsistent with its long range vision.

However, the degree of nonconformity will increase dramatically if the property is rezoned to any non-industrial zoning classification. General Mills has no current plans for significant expansion or alteration of the buildings or operations of the Hiawatha Elevators, but it is reasonable to anticipate that some changes may be needed in the future to accommodate modernization of equipment and control technology, replacement of accessory structures, or improvement of employee amenity areas. Approval to make even a minor expansion or alteration to the structures and operations of the Hiawatha Elevators will be substantially more difficult to obtain if the property is rezoned to a non-industrial classification – impairing our operations, diminishing the value and utility of the Hiawatha Elevators, and discouraging investment in these properties.

***The 38<sup>th</sup> Street Station Area Plan supports retention of the existing zoning for the Hiawatha Elevators***

In 2006, the City of Minneapolis adopted a small area plan for the 38<sup>th</sup> Street LRT Station Area which articulates the City's vision of the future for this area. One of the express policies of Station Area Plan is the promotion of large-scale redevelopment in the milling district and rail corridor east of Hiawatha Avenue, which includes the Hiawatha Elevators. General Mills did not participate in the development of this plan, nor does it appear that any of the most-affected grain elevator and milling industry businesses and property owners were involved in the plan's preparation.

The Hiawatha Elevators are essential components of our Twin Cities grain cleaning, storage and distribution system. Contrary to the apparent assumptions in the Station Area Plan that rail and elevator use in the Hiawatha corridor is in decline, we can assure you that General Mills has a long-term need and expectation for continued operation of our Hiawatha Elevators.

The Station Area Plan fully supports maintaining the existing zoning classification for properties like the Hiawatha Elevators, where the desired change in land use is unlikely to occur in the foreseeable future. Plan Policy 1.6 states:

Rezoning initiated by the City may or may not create non-conforming uses. In some cases, though current zoning may be inconsistent with the long-term vision identified in the plan, it may be appropriate for the time being.

*Station Area Plan, p. 16.* The supporting narrative for this Plan Policy further elaborates:

In some cases, immediately changing a site may be impractical. This could be because of the size or configuration of the site or the type of building on it. Rezoning the site could discourage reinvestment and reuse of the site. In these cases, continued investment in property or adaptive reuse of a site may be more important than consistency with the land use envisioned in the plan. The City may choose to maintain current zoning in this case.

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*Station Area Plan, p. 16.*

The Hiawatha Elevators are active, productive industrial facilities and will remain so for many years. It will not be practical or financially feasible for many years, perhaps decades, to undertake the large-scale redevelopment to mixed use envisioned in the Station Area Plan. In the mean time, it is important to maintain the industrial zoning that will permit responsible investment in physical maintenance and continued operation of these properties until there is a realistic opportunity for redevelopment.

***The Future Land Use designation for the Hiawatha Elevators should be changed to Transitional Industrial***

We understand that the City is mandated by state statute to ensure that the zoning classification of a property is consistent with the land use designation for that property on the future land use map in the City's Comprehensive Plan. However, it was a mistake to guide the Hiawatha Elevators as Mixed Use when the future land use map was adopted with the Comprehensive Plan in 2009. Instead, the Hiawatha Elevators should have been designated "Transitional Industrial."

The Comprehensive Plan provides the following explanation of when the Transitional Industrial designation is appropriate:

Industrial areas located outside of Industrial Employment districts will be labeled "transitional" since they may eventually evolve to other uses compatible with surrounding development. Although they may remain industrial for some time, they will not have the same level of policy protection as areas within industrial districts.

*Comprehensive Plan, p. 1-9.* The Transitional Industrial designation was first included in the Comprehensive Plan in 2009, three years after adoption of the Station Area Plan. Now that this land use designation is available to us, it should be applied to the Hiawatha Elevators.

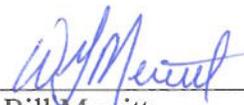
The future land use designation of most of the property in the Hiawatha rail corridor is Industrial or Transitional Industrial and is, therefore, consistent with current land uses. To ensure the long-term viability of the industrial grain elevator use, and in light of Station Area Plan Policy 1.6 which supports a transitional zoning strategy, the appropriate designation for the Hiawatha Elevators also is Transitional Industrial.

**Conclusion**

The better course at this time is not to rezone these active and vital grain elevator uses, but to amend the future land use designation in the Comprehensive Plan for the Hiawatha Elevators to Transitional Industrial. Because the grain elevator uses are already nonconforming under the existing I2 zoning classification, the City has the discretion and authority it needs to prevent expansions or intensification of the use that would be inconsistent with the long term goals of the 38<sup>th</sup> Street Station Area Plan. Realistically, active railway and grain elevator properties in the Hiawatha corridor are not going to be redeveloped without significant public investment. The redevelopment envisioned in the Station Area Plan will not occur in the reasonably foreseeable future. Retaining the current I2 zoning will allow the City to approve alterations that will maintain the economic health and physical condition of the elevators in the mean time. The worst outcome for all concerned would be if the nonconforming status of the Hiawatha Elevators is increased and results in reduced investment and maintenance – or even cessation of their operation – before there is a realistic, financeable opportunity for the desired mixed use redevelopment.

We respectfully urge and request that you determine that the existing I2 zoning classification of the Hiawatha Elevators property be maintained and recommend that the Planning Division and General Mills take the necessary steps to amend the future land use designation to Transitional Industrial. Thank you for your consideration of our concerns and request.

GENERAL MILLS, INC.

By:   
Name: Bill Merritt  
Title: Director, Grain Operations & Finance

cc: Jeremy Hanson Willis  
Paul Mogush  
Council Member Gary Schiff  
Mayor R.T. Rybak