

FW: CUP for Residential Uses - Proposed Zoning Code Amendment

(emailed to neighborhood and business associations from Judy Moses at Minneapolis CPED)

Greetings neighborhood and business associations.

The City Council introduced zoning code amendment subject matter, authored by Council member Schiff, related to regulations applicable to new multi-family residential development (apartments, condominiums, and mixed use development with a residential component). Staff completed the research and analysis, and a public hearing on the amendment was scheduled for the September 19th City Planning Commission meeting (notices were mailed to all neighborhood associations on August 29th). Responding to requests for additional information and time for analysis, CPED staff recommended that the City Planning Commission postpone the public hearing until October 17th, which they did. The Planning Commission will forward its recommendation to the City Council for consideration.

While the staff report and proposed zoning ordinance language may be subject to further revision, the documents that had been prepared for the September 19th meeting can be accessed through links from the item #12 on the following agenda:

http://www.ci.minneapolis.mn.us/cped/agendas/planning-commission/2011/CPC_Actions_09-19-112.asp

CPED is re-thinking its delivery of services to ensure that we're focusing staff resources in areas where we make a real difference toward advancing our city goals and development objectives, while also reducing barriers to private sector investment and growth consistent with adopted policies. A list of zoning code text amendments adopted in recent years can be found here:

http://www.ci.minneapolis.mn.us/cped/docs/zoning_code_text_amendments.pdf

If you have any questions or would like to schedule a briefing with staff, please contact Hilary Dvorak, Senior Planner, at 673-2639 or Hilary.Dvorak@minneapolismn.gov

Current Zoning Ordinance

Currently, any new development proposing five or more dwelling units must file at least two applications: a conditional use permit (CUP) and site plan review (SPR). Uses that require CUPs are essentially allowed in that zoning district, subject to reasonable conditions of approval imposed by the City Planning Commission. Site plan review, on the other hand, addresses issues such as building placement on a lot, exterior materials and windows, vehicle and pedestrian access, and landscaping and screening. Development projects that include requests for rezoning, variances, or a CUP to increase allowed height must also file these applications concurrently with the CUP and SPR.

Proposed Zoning Code Amendment

The proposed zoning code amendment would eliminate the need to file a CUP when establishing five or more dwelling units because the CUP is viewed as a duplicative regulation that does not add significant substantive value to the review process. (In fact, the presence of a conditional use permit often sets up a mistaken expectation that the City has the authority to deny the proposed project, even if it meets all standards of the zoning ordinance.) Keep in mind, nearly all of the substantive analysis of a project takes place through SPR rather than the CUP.

Projects with five or more units would still be required to file an application for SPR. Because of the structure of the City's SPR regulations, the elimination of CUPs for dwelling units requires that a decision is made about an appropriate threshold for reviewing certain projects administratively vs. requiring a public hearing. As proposed, any project with 10 or more units would be required to go through the public hearing process for their site plan review application, which would preserve the existing public process and neighborhood notification.

Submittal of any of these other application types would ensure that the entire project, including the SPR application, would be reviewed through the public hearing process for any project with five or more residential units. Applicants who submit an application for administrative SPR are required to provide written notice to the affected neighborhood association as part of their submittal of a complete application. With the proposed elimination of CUPs for dwelling units, it's important to remember that developments are still subject to a wide range of regulations such as minimum setbacks, maximum floor area/bulk, maximum height, and minimum off-street parking requirements, in addition to the SPR standards.

Buildings with between five and nine units—typically fewer than five projects per year, citywide—would become eligible for administrative review only as long as they are submitting no other applications such as variances, a rezoning, CUP to increase allowed height, etc.

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