



Council Member Betsy Hodges

# Ward 13 News

September 2011

## Linden Corner Development Update

I want to thank the hundreds of you who have written or called my office with input on the Linden Corner development proposal for 43<sup>rd</sup>/Upton. Seeing the level of active engagement around this issue reminds me why I live in this vibrant part of Minneapolis. I wanted to write to you all to make sure there is a broad understanding of the process that development proposals follow here at the City, as well as clarify my role in that process as your representative. To do that, I have included answers to common questions I have received. I believe the most helpful thing I can do is to help ensure that feedback from you all is tailored to the City's process and land-use regulations so that it can be of greatest use to the decision makers.

In that spirit I would like to address concerns folks have conveyed about respect for the restrictions set by the zoning code, particularly with regard to height. There is a perception that the zoning code sets a height limit and that any project that proposes to exceed that limit requires "special permission," and thus goes against the intent of the code. In the case of a commercially zoned parcel, the zoning code explicitly provides a process for in

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## Reducing Impact of State Cuts on Fire Department

Over the past two weeks the City Council voted to mitigate cuts to the Fire Department necessitated by the State's \$23 million cut to Minneapolis' Local Government Aid for 2011. I thought it would be useful to explain those actions and my position.

First, it has been and continues to be my goal to balance the need for property tax relief and the need to ensure residents are kept safe. These goals have been under intense pressure due to cuts to the Local Government Aid revenue sharing program, increases to our obligation to closed pension funds at the City, and changes to property tax law at the state level.

When the City Council passed the 2011 budget last December, we assumed the state would send the City its statutorily set LGA contribution. However, given recent history, we also included in the budget a series of cuts that would need to be made if the state did not meet its obligation. The last cuts

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## Linden Corner, cont'd...

creasing height above the limit set by the base zoning. Height may be increased by conditional-use permit (CUP).

Applying for a CUP does not guarantee that height above the limit will be approved, but it does provide an opportunity for an increased level of scrutiny, a set of criteria against which to weigh the proposed increase, as well as an opportunity for public input. I do not yet have an opinion on whether a CUP should be granted in this case, but I do want to be clear that requesting, denying, and approving a CUP are all options that are all well within the spirit and letter of the zoning code.

Secondly, I want to make sure you all know that there is no active application at the City. Until a final application is submitted the proposal may undergo changes. While I have heard common themes in the comments I have received to date I want to encourage folks to provide feedback once an application is made. Comments based on the actual site plan and accurate renderings of the final proposal will be critical to ensuring the decisions Planning Commission makes are reflective of community input. When the time comes, I will make sure you have access to the information you need to do that.

I strongly believe we in Linden Hills can have a productive, open discussion about the drawbacks and merits of a development proposal; a discussion that does not presume any outcome, respects the interests of the folks who live in and use our neighborhood, property owners, business owners, and all other interested stakeholders. I truly appreciate the efforts from all of you toward that goal.

Thank you,



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## State Funding Cuts cont'd...

that the City would make on that list are to the Police and Fire Departments. When the state finally passed its budget in late July, it cut \$23 million in LGA to Minneapolis for 2011. That cut, coming as late in the year as it did, translated to a need to lay off 44 firefighters. Given the drastic impact that would have had for residents and firefighters, two weeks ago my colleagues and I passed actions that allowed us to save 31 positions without continuing a structural imbalance in the budget to be dealt with in future years. Today, we voted to make additional permanent cuts that will save an additional four positions in 2011 and 2012. I believe this level of cuts achieves the correct balance in maintaining safety while mitigating painful increases to the property tax levy. There were other cuts made to the 2011 and 2012 budget that I did not support because I do not believe they are responsible, but it is unclear the impact those cuts will have on staffing in the Fire Department.

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## State Funding Cuts, cont'd...

We have cut other departments deeply rather than cut the fire department. We have repeatedly used one time dollars to “fix” what is an on-going structural budget challenge. And in July push came to shove and those mechanisms were simply no longer the responsible response. I am sorry for it. But for a decade Minneapolis has worked hard to avoid irresponsible budget gimmicks and short-term fixes. We have maintained a responsible budget in the face of great outside pressures and to support abandoning that approach now would be a disservice to taxpayers and employees in 2012 and future budget years.

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## Linden Corner FAQ

### ***What is your position on the proposal?***

When a development proposal comes before the City, by law and out of fairness for everyone involved, a Council Member must refrain from taking a position before a public hearing is held providing all parties an opportunity to submit input.

### ***Where are we in the process?***

The City’s official role in reviewing the proposal has not yet begun because no complete application has been submitted to the City. Prior to submittal of a complete land use application departmental staff routinely meet with an applicant to answer questions.

### ***When is the public hearing?***

When a final application is submitted, the public hearing will be scheduled at the Planning Commission. All feedback the City has received will be added to the public record for that hearing.

### ***What approvals is the developer requesting from the City?***

Because no application has been submitted to the City, there is no certainty about what approvals might be required or requested. The proposal may yet change from its present form prior to submission. Public discussions to date have centered around the need for a conditional-use permit and a variance. A conditional-use permit would be required to increase the height of the building above the limit set by the C1 zoning. A variance would be requested to allow for portions of the building to be set back from the property line further than the eight feet the Linden Hills Overlay District allows.

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## **Linden Corner FAQ, cont'd...**

### ***What is a variance?***

Variations are intended to provide a means of departure from the literal provisions of the zoning ordinance where strict adherence would cause practical difficulties. The Board of Adjustment or City Planning Commission must make four findings to approve a variance.

### ***What is a conditional-use permit?***

In each zoning district particular uses are prohibited, permitted, or conditional. This allows the City to review uses, which because of their unique characteristics, are not permitted as of right in a particular zoning district. A conditional use may be allowed if the City Planning Commission determines that the use will comply with all of the conditions and standards of the zoning ordinance. The zoning code requires that the City Planning Commission make findings before granting a conditional use permit. As the name implies, the City may also place conditions on approval to ensure the use meets the standards of the zoning code and the policies of the comprehensive plan.

The zoning code provides for increases to the maximum height in commercial districts through a conditional-use permit.

### ***What about the Linden Hills Overlay District?***

The Linden Hills Overlay District is an additional layer of zoning control adopted in 1997 by the City in response to the small-area plan process. The overlay district's purpose is to:

“...preserve and promote the pedestrian character of the Linden Hills commercial districts, to establish parking requirements for certain high impact uses, to reduce the impact of commercial uses and off-street parking and loading facilities on adjacent properties, to maintain the economic viability of the Linden Hills commercial districts while retaining a core of businesses providing neighborhood services, and to mitigate the impacts of vehicular speeds and congestion in the neighborhood. Small, neighborhood scale commercial uses are encouraged.”

Some features of the overlay district include requiring that buildings be situated closer to the street, that surface parking be pushed to the rear, prohibiting certain uses like fast food restaurants and video stores, and requiring a higher percentage of window. Height is not addressed by the overlay district.

If you have questions not covered here, please feel free to ask!

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