

REPORT TO THE CITY COUNCIL FROM
ZONING & PLANNING COMMITTEE
STANDING COMMITTEE OF THE MINNEAPOLIS CITY COUNCIL
October 1, 2015

A regular meeting of the committee was convened at 9:30 a.m. on this date.

Members Present: Council Members Lisa Bender (Chair), Lisa Goodman, Andrew Johnson, Barbara Johnson, Kevin Reich

Members Absent: Council Member Council Member Abdi Warsame

Matters listed below are hereby submitted with the following recommendations, to-wit:

1. Interim use permit: Roots Birth Center, 1901 44th Ave N ([15-01232](#))

Considering an application submitted by B. Aaron Parker, on behalf of Rebecca Polston of Roots Birth Center, for an interim use permit (BZZ-7409) to allow for a birth center from Oct. 9, 2015, to Oct. 9, 2020, at the property located at 1901 44th Ave N.

Staff presentation by Shanna Sether.

The public hearing was opened. Seeing no one wishing to speak, the public hearing was closed.

On motion by Bender, carried on voice vote, the Interim Use permit was approved, subject to conditions as outlined in the staff report.

2. Interim use permit: Ramsey Excavating, 2 Dowling Ave N ([15-01233](#))

Considering an application submitted by Ramsey Excavating for an interim use permit (BZZ-7398) to allow a temporary concrete, asphalt, and rock crushing facility located at 2 Dowling Ave N.

Staff presentation by Hilary Dvorak.

The public hearing was opened. Seeing no one wishing to speak, the public hearing was closed.

On motion by B. Johnson, carried on voice vote, the Interim Use Permit was approved, subject to conditions as outlined in the staff report.

3. Conditional use permit, variances, and site plan review appeals: Constance Pepin and Larry LaVercombe, 4264 Upton Ave S ([15-01231](#))

1. Considering an appeal submitted by Constance Pepin, on behalf of Concerned Residents of Linden Hills, of the decision of the City Planning Commission approving the conditional use permit, variances, and site plan review applications (BZZ-7283) to allow a new, four-story, mixed-use building at 4264 Upton Ave S.

2. Considering an appeal filed by Larry LaVercombe of the decision of the City Planning Commission approving the conditional use permit, variances, and site plan review applications (BZZ-7283) to allow a new, four-story, mixed-use building at 4264 Upton Ave S.

Staff presentation by Mei-Ling (Anderson) Smith.

The public hearing was opened and the following persons spoke:

1. Carol Lansing, Faegre Lansing (applicant)
2. Jessie Haim, Momentum Design Group (applicant design team)
3. Clark Gasson, 3337 Eldorado Trail (applicant design team)
4. Stanford Hill, 5429 Queen Ave S, Attorney for Concerned Citizens
5. Constance Pepin, 4031 Zenith Ave S
6. Walt Pitt, 3804 Upton Ave S
7. (missed name)
8. Bob Roscoe, 1401 E River Pkwy
9. Laura Firster
10. Maria Nelson
11. Larry LaVercombe, 4316 Upton Ave
12. Jeffry Magnuson, 3010 W 43rd St
13. John Pacheco, 3900 Upton Ave
14. Ashok Dhvival, 4548 Vincent Ave S
15. David Higgins, 2700 W 44th
16. Saralyn Romanishan, 2111 Aldrich Ave
17. Glen Rank

Seeing no further persons wishing to speak, the public hearing closed.

On motion by Reich, carried on voice vote, the appeals submitted by Constance Pepin and Larry LaVercombe were denied, staff findings were adopted, and a conditional use permit to increase the maximum allowed height from the permitted 3 stories/42 feet to 4 stories/54 feet, 11 inches (changed from 55 feet, 11 inches) was approved, subject to the following amended conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
2. The applicant shall work with staff to amend the south and elevations by increasing the proportion of brick, by strengthening the cornice on the third floor, and by selecting lighter exterior material colors.
3. The first floor may not exceed 18 feet in height.
4. Vacation of part of an alley: Church of St. Albert the Great, 2836 33rd Ave S ([15-01234](#))
 1. Approving an application submitted by the Church of St. Albert the Great to vacate a part of the alley in Block 2, South Minneapolis Addition to Minneapolis, bounded by 28th and 29th Sts E and 32nd and 33rd Aves S, and to add a section of new alley easement to the property located at 2836 33rd Ave S.
 2. Passage of Resolution approving vacation (Vac-1651) of the public alley.

On motion by Bender, carried on voice vote, the vacation was approved.

5. Production and processing ordinance ([15-01118](#))

Referring to staff an ordinance amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions, amending zoning definitions to include limited production and processing.

On motion by Bender, carried on voice vote, the matter was referred to staff.

6. Sign regulation ordinance ([15-01119](#))

Referring to staff the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, amending regulations relating to signs, as follows:

1. Chapter 520 relating to Introductory Provisions.
2. Chapter 525 relating to Administration and Enforcement.
3. Chapter 543 relating to On-Premises Signs.

On motion by Bender, carried on voice vote, the matter was referred to staff.

7. Update on the 1-4 unit residential development ordinance ([15-01223](#))

Receiving and filing an update on the implementation of the 1-4 unit residential development ordinance adopted Aug. 29, 2014.

Staff presentation by Jason Wittenberg.

On motion by Bender, carried on voice vote, the item was received and filed and the following staff direction approved: CPED staff is directed to provide a higher level of scrutiny in its analysis of side yard variances that involved construction of new 1-4 unit dwellings utilizing existing building foundations. As clarified in ordinance in 2014, removal of more than 60% of a building's exterior equates to demolition of the building. New homes constructed in the wake of demolition are generally expected to follow current land use regulations regardless of whether the foundation has been removed. When conducting an analysis of the legal findings for a variance and making a recommendation to the Board of Adjustment, the presence of an existing building foundation should typically not be the only unique factor that leads to a conclusion that the property owner is faced with a practical difficulty.

Seeing no further business to transact, the meeting adjourned at 11:30 a.m.

Reported by Diana Armstrong, Council Committee Coordinator