

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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MEMORANDUM

DATE: March 1, 2012

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Hilary Dvorak, Interim Planning Manager, Community Planning & Economic Development - Planning Division, Development Services

CC: Jason Wittenberg, Interim Planning Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of February 6, 2012

The following actions were taken by the Planning Commission on February 6, 2012. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Huynh, Kronzer, Mammen, Schiff, Tucker and Wielinski – 7

Not present: Cohen (excused) and Luepke-Pier

Committee Clerk: Lisa Baldwin (612) 673-3710

6. 29th and Lyndale Redevelopment (BZZ-5447, Ward: 10), 2900-2910 Lyndale Ave S and 2901-2919 Aldrich Ave S ([Janelle Widmeier](#)).

A. Conditional Use Permit: Application by Gretchen Camp with BKV Group, Inc., on behalf of Lyn-Lake Development Partners, LLC, for a conditional use permit to increase the maximum building height from 4 stories to 7 stories and from 56 feet to 87 feet for the property located at 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S to allow a mixed use building with ground floor commercial uses and 171 dwelling units.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to increase the maximum building height from 4 stories to 7 stories and from 56 feet to 87 feet for the property located at 2900-2910 Lyndale Avenue South & 2901-2919 Aldrich Ave S, subject to the following 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 one year of approval.

B. Variance: Application by Gretchen Camp with BKV Group, Inc., on behalf of Lyn-Lake Development Partners, LLC, for a variance of the PO Overlay District standard requiring the first floor of the building to be located within 8 feet of a lot line adjacent to a street to allow the first floor to be set back more than 8 feet from Lyndale Ave and 29th St for the property located at 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance of the PO Overlay District standard requiring the first floor of the building to be located within 8 feet of a lot line adjacent to a street to allow the first floor to be set back more than 8 feet from Lyndale Avenue and 29th Street located at the properties of 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S, subject to the following condition:

1. The transformer proposed at the corner of 29th St and Aldrich Ave shall be located in the interior of the site.

C. Variance: Application by Gretchen Camp with BKV Group, Inc., on behalf of Lyn-Lake Development Partners, LLC, for a variance of the PO Overlay District standard requiring the maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Aldrich Ave for the property located at 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance of the PO Overlay District standard requiring the maximum width of a curb cut to be 20 feet to allow a 25.5 foot wide curb cut on Aldrich Ave located at the properties of 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S.

D. Variance: Application by Gretchen Camp with BKV Group, Inc., on behalf of Lyn-Lake Development Partners, LLC, for a variance to reduce the interior side yard requirement from 17 feet to 0 feet and the rear yard requirement from 13 feet to 0 feet to allow the building located at 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the interior side yard requirement from 17 feet to 0 feet and the rear yard requirement from 15 feet to 0 feet to allow the building located at the properties of 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S.

E. Variance: Application by Gretchen Camp with BKV Group, Inc., on behalf of Lyn-Lake Development Partners, LLC, for a variance to reduce the minimum drive aisle width requirement to allow 7 parking spaces to maneuver in the public alley for the property located at 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **denied** the variance to reduce the minimum drive aisle width requirement to allow 5 parking spaces to maneuver in the public alley and in lieu of **approved** a variance to reduce the minimum drive aisle width requirement to allow 2 parking spaces located north of the parking garage ramp to maneuver in the public alley located at the properties of 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S.

F. Variance: Application by Gretchen Camp with BKV Group, Inc., on behalf of Lyn-Lake Development Partners, LLC, for a variance to increase the maximum size of a projecting sign and the amount of signage allowed on a primary building wall for the property located at 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance to increase the maximum size of a projecting sign and the amount of signage allowed on a primary building wall located at the properties of 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S, subject to the following conditions:

1. The total amount of signage located on the Lyndale Avenue elevation shall not exceed 582 square feet.
2. The total amount of signage for on-site uses shall not exceed 184 square feet on the Lyndale Avenue elevation.
3. The total amount of signage located on the 29th Street elevation shall not exceed 50 square feet.

G. Site Plan Review: Application by Gretchen Camp with BKV Group, Inc., on behalf of Lyn-Lake Development Partners, LLC, for a site plan review for a new mixed use building with 171 dwelling units located at 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review for a new mixed use building with 171 dwelling units located at the properties of 2900-2910 Lyndale Ave S & 2901-2919 Aldrich Ave S, subject to the following conditions:

1. An open decorative metal fence and landscaping that complies with the screening requirements of section 535.70 of the zoning code shall be provided between Aldrich Avenue and the generator, transformer, and parking area in lieu of the landscaping requirements of 530.70 of the zoning code.
2. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
3. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by February 6, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. At least 30 percent of the ground floor parking garage wall facing Aldrich Ave shall be openings.

President Motzenbecker is recused from this item.

Staff Widmeier presented the staff report.

Commissioner Schiff: Can you clarify the bike path? The line that's being drawn to where it says "bike path", is that the southern most area of the asphalted path?

Staff Widmeier: That's my understanding.

Staff Widmeier continued with the staff report.

Commissioner Schiff: Just to clarify, this is what month and what day?

Staff Widmeier: On this diagram, this is showing it at October 18th, midday.

Staff Widmeier continued with the staff report.

Commissioner Tucker: One more clarification, your bottom diagram called “staff recommendation” is that the same as the red outline in the top?

Staff Widmeier: It is. I would say to ignore this, this is just the color guide.

Staff Widmeier concluded the staff report.

Commissioner Schiff: I’m confused why staff uses October for a shadowing study when the issue with the greenway is particularly and all green space is keeping snow off the greenway and preventing ice patches that can endanger the lives of cyclists. Do you also have a version of this that shows us December shadowing effects?

Staff Widmeier: I don’t. I don’t think the applicant included that with the updates that they’re going to be showing you either. The intent wasn’t to completely prevent shadowing from occurring in the winter months, just reduce from what’s currently proposed.

Commissioner Schiff: Whose intent was that?

Staff Widmeier: Staff’s, because basically you have to build a 25 foot building to prevent that from happening. Considering that this is an activity center, trying to find that balance is what our staff recommendation has resulted in.

Commissioner Kronzer: Going to the Aldrich Ave façade, do you know the dimension of the horizontal openings that are adjacent to the surface parking lot?

Staff Widmeier: I don’t know the dimension for them and those are the openings you’re referring to, I believe they were about a foot though.

Commissioner Kronzer: A foot tall?

Staff Widmeier: Yes.

Commissioner Kronzer: Do you know who maintains the greenway or if it’s maintained in the winter? Is it plowed? Salted?

Staff Widmeier: I don’t know to what extent the maintenance occurs, but it’s Hennepin County property.

Commissioner Kronzer: I believe the City is required for maintenance but the county owns it.

Commissioner Wielinski: Janelle, you mention a lot of alternative compliance needed here, but you only listed some shrubbery. What other alternative compliant things are they doing for this project for these five variances?

Staff Widmeier: For the building placement, that’s something that’s called out in the small area plan to have wider setback adjacent to 29th St to have pedestrian amenities there so they are doing

outdoor seating, landscaping, having principal entrances face 29th St. So those are the alternatives there. The intent of that is to one day widen 29th St. Having the building set back at least leaves the door open for that to occur. For the blank wall, there weren't really alternatives proposed there, just looking at the circumstances with that. It is next to a loading area, trash area, it's not visible from the street so the impact from that request we didn't think would be significant. Going to the west elevation looking at the frontage for that parking with the lack of windows active functions there, this is replacing a surface parking lot. You've got lots of windows up above that far exceed the minimum requirement. They're doing lots of landscaping along that wall and there's still some openings in there that will allow some surveillance. For the canopy trees, there are three required and most of their site that's not covered by the building is this area up here, but they're doing their storm water management tanks there so planting trees there isn't the best way to handle that, but they are planting a lot more trees in the boulevard, doing a lot of perennials and shrubs in that area so that was the alternative proposed there. That last one with the surface parking, having decorative fencing there and requiring additional landscaping that was the condition of approval that's recommended.

Commissioner Wielinski: On the sign, could you tell me other signs in the area that are even close to that one in size?

Staff Widmeier: There is not anything that close in size to the proposed sign. The sign they are proposing is intended to be basically announcing the entrance into this business district.

Commissioner Wielinski: The Uptown Theater isn't too far away, how big is this sign in comparison to that?

Staff Widmeier: I don't know the size of that sign so I can't give a ratio.

Commissioner Wielinski: So they're looking to have a sign that's really big compared to any of the other new buildings in the area?

Staff Widmeier: Yes.

Commissioner Tucker opened the public hearing.

Arnie Gregory (129 N 2nd St) [not on sign-in sheet]: It's important to know what we've done and tried to accomplish in the neighborhood. We've been working in the Uptown/LynLake area of Minneapolis since 2007. Since that time, Greco, along with its partner, has invested over \$90 million into the neighborhood. We'd like to invest another \$35 million. In 2008 we developed and subsequently opened Blue Apartments. It's a 242 unit building, it's full and stabilized. In March of this year we'll be unveiling Flux Apartments, which is 216 units. It's a class A building, it's currently 40% leased and we'll be opening it up in March of this year. I think that both of these buildings will be the new standard for which development will be gauged in the surrounding neighborhoods and all of Minneapolis. Greco's been trying for the better part of five years to redevelop the 29th and Lyndale Ave corridor. Due to difficulties in the financial markets and the current real estate downtown, for most segments of the industry we have been unable to come up with a solution that addressed the current market needs, the needs of the neighborhood, the findings of the Lyn/Lake Small Area Plan as adopted in 2009 and a financially feasible project. We now think we have a plan that addresses all four of those categories. We currently have an agreement with the James Ballentine VFW post to purchase their surface parking facility and combine this land with our own adjacent parcels to assemble a 1.3 acre development tract.

We've been working with the VFW since April of this past year and we have an agreement that will help both of us maximize our land potential, provide funds for the local VFW to reinvest in their building and provide for much needed building improvements, re-establish new state of the art parking for the VFW post, give the neighborhood much needed public parking and help solve additional housing choices for the community. This project, which we have yet to name, is a project for the entire neighborhood. We think we've designed an exciting state of the art building which has all the characteristics of a neighborhood hub. The Lyn/Lake signage is something that will identify and further brand the neighborhood using existing Lyn/Lake brand making it a neighborhood identifier for blocks. We're doing this consciously and we think it's a big part of the project. In addition to adding to the vitality of the Lyn/Lake intersection, the project also conforms to the Midtown Greenway Land Use and Development Plan. Key recommendations include concentrating commercial and mixed use development at intersections of existing commercial corridors in the Midtown Greenway, encouraging high density residential development along the Midtown Greenway near major corridors, re-establishing W 29th St and securing additional property to provide sidewalks along the greenway edge. We are giving an additional 15 foot or right of way for this purpose. This project conforms to the Lyn/Lake Small Area plan and to the activity center portion of that plan in the following areas: it encourages a variety of commercial and residential uses that generate activity all day long and into the evening, it encourages mixed use buildings with commercial uses located on the ground floor and entrances that secured for residential use, it encourages active uses on the ground floor of the buildings in the activity center, it discourages uses that diminish from transit and pedestrian character in the activity center, it encourages the development of high to very high density housing within the boundaries of the activity center, it encourages architectural design, building massing and site plans to create or improve public and semi public spaces in activity centers. This project also cleans up vacant land and increase tax base significantly. The parcels currently pay approximately \$60k per year in real estate property tax and that amount will exceed over \$500k when the new project is completed. We've been working with staff for the better part of five months on this project and I must say, as with all other projects, we've had a great relationship. Until last week Thursday, I really thought we had an agreement on all of our issues. We received a letter from the Midtown Greenway Coalition dated January 31st and then the staff report came out on Thursday and all of the sudden we had this problem with our setbacks. The Midtown Greenway letter has a few statements that we strongly object to because we don't think they're correct. It states that the project would completely shadow the greenway for approximately three and a half months in the winter and that is just not true. It can force bikers up on to the city streets where they are more at risk. I don't know if you can see this picture, but we haven't had very much snow this year, but on New Year's Eve evening, we had about four inches of snow and we took this picture on January 4th at 8:20 a.m. and as you can see, there's no building there and there isn't anything that we could do that would force bikers off of that path. As we have said to the Greenway Coalition, we think it's more of a maintenance problem than it is a shadowing problem and this certainly proves the point. The staff report recommended approval setting the building back at least 25 feet from 29th St and the sixth floor shall be set back at least 35 feet from 29th St. This is all consistent with our conversations with staff for months. When we met with the Midtown Greenway Coalition three separate times, they insisted on redesigning or seeing a redesign of our project by moving it back so as not to shadow the greenway. This is not possible. The greenway itself shadows the greenway with no building. Here's the most important fact, we have designed a building that accomplishes major neighborhood goals as well as those recommendations for future development in the Lyn/Lake Small Area Plan, we have been through the plan extensively, additional height is encouraged and it should be set back and we are doing that. Residential mix is encouraged, up to 120 dwelling units per acre. We are doing that. We are dedicating an additional 15 feet of right of way that we

are paying for in exchange for the right to build a taller building. We have the right to build to a building on the property line up to 56 feet. We designed a building that does not shadow the greenway any more than that building that we have the right to build. I think that's a very important distinction. We will show you a shadow study that shows the building that we have designed shadows the greenway the same as a 56 foot building that we have the right to build. We've done our own shadow study with the new condition as you will see that is being asked for by staff and the Greenway Coalition and it provides for 17 days less shadowing, but it doesn't matter because I can't build that building, it doesn't make economic sense. We just want equal protection. The Mosaic is 110 feet and is not set back as far as we are. The building was developed in conformity with the greenway plan and their current request renders this project unfeasible. In a time when the city is in dire straights and is in need of revenue, it seems silly to lose almost a half a million dollars a year for what someone perceives as 17 days of additional sun. With that, I'd like to introduce Peter Beck if I could.

Peter Beck (4746 Sheridan Ave S) [not on sign-in sheet]: I want to begin by answering Commissioner Schiff's question about shadowing and why a study wasn't done for December. On this side, which sits above the level of the greenway, any building over approximately 25 feet in height will cast a shadow over the greenway from November to at least through January and probably into early February. What we showed in the diagram is the edges of that shadow period. What's shown here as was described, this line shows the shadow that will be cast by the building as proposed and by the building as permitted, the 56 foot building on the property line. The red line shows the shadow that would be cast by a building built pursuant to the staff's recommendation. The differences are that the building as proposed would cast a shadow over the greenway for eight additional days in October from the 16th to the 24th and for nine additional days in February. The dimension between those two lines on the ground is roughly 12 to 15 feet. That's what we're talking about in terms of the shadow impacts of the building as proposed versus the building as recommended by staff. As Arnie says, the building as recommended by staff is not buildable. The request to delete that condition from the staff report and build a building as proposed which as we say would have the same shadow impact as a permitted building on that site. We wanted to talk briefly about why the Planning Commission would impose that condition, what the basis for it would be if you were to add that condition for an additional setback and take space away from this building. The building as proposed complies with the zoning ordinance. The building as proposed complies with the Comprehensive Plan. The Comprehensive Plan does set out a procedure for setting back upper stories in order to protect the greenway, but it doesn't kick in until 84 feet, this building is nearly 73 feet. It doesn't meet the threshold that the city has put forth in its Comprehensive Plan for incorporating this type of setback. It does include a small setback for the top floor which helps a little, but taking that additional space out of the building, it amounts to probably ten units, would have a significant impact on the developability of this building all just to give that 12-15 feet of shadow on the ground roughly 17 days a year. The only issues we've heard about the shadow impact are safety...these are coming from the letter from the Greenway Coalition, the impacts of that additional shadowing on safety and desirability and use and discouraging use of the greenway if there are those additional 17 days of shadow effect. Arnie addressed the safety issue briefly, and that is primarily and issue of maintenance. Sunlight on the greenway in those 17 days is not going to have a measurable impact on the ice and snow on the greenway. Beyond, in terms of desirability of the use, in preparing for today's meeting and thinking about it over the weekend, I picked up the most recent issue of the Southwest Journal which had an article about an event that the Greenway Coalition is sponsoring this coming weekend, Winter Wonder on the Greenway, which is a wonderful event. One of the centers of that event is where the Sheraton Hotel along side the greenway at Lyndale and Lake St. I don't know how the shadow impacts of that hotel

relate to this building, they're probably different but I do know that that building shadows the greenway in February as would any other building in that location or any building in this location and it doesn't seem to be discouraging people from getting out and using the greenway and scheduling activities in that area of the greenway. Again, I only raise that because that's the only basis I see in any of the staff reports or the communications that led to this recommendation and I think that that if they exist at all, those impacts between these two proposals are miniscule and particularly when balanced against the fact that this project complies with every other recommendation that's been made throughout the process. It needs a number of variances, all of which have been recommended for approval because they are consistent with the city's planning and desires and the neighborhood's planning and desires for this location. That is what we wanted to say about this new staff recommendation. It is a very big concern. Arnie would not have asked me to come along on very short notice if it wasn't threatening this project.

Commissioner Schiff: Do you have the December shadow study with you?

Peter Beck: No. That would show...oh, we do.

Gretchen Camp [not on sign-in sheet]: We have the whole gamut of shadow studies and what I think is important is to see the comparison in December of the proposed staff changes to the building as designed. During commute times, there's really no sun on the greenway, but as you get at commuting time at 8:00 a.m. ...this is the stepped building, this is the shadow study for that project at 10:00 a.m. in December. It's shadowing the greenway. Here's our project. It's really tough to see the difference. I'll keep going through the day on the 21st, here's noon. Our building is all in your packet, what I'm showing you here is the staff recommendation for stepping. There's a 2:00 p.m. It's very difficult to even tell the difference. The main issue is the bookends the eight days in October and the nine days in February.

Soren Jensen (2834 10th Ave S): I work on the midtown greenway. I'm the executive director of the Midtown Greenway Coalition. Our coalition represents neighborhoods all up and down the greenway. We have 14 members from each of the neighborhoods up and down the greenway. We have a unanimous resolution from our board, not opposing the project, but asking for a different design. We are in support of the staff recommendation to step back the design. There was a question about sun and shadowing. I commute on the greenway almost every day and I can tell you that as a commuter, our biggest concern in the winter time is ice and snow because it's deadly to bikers. One of our volunteers wiped out and broke her arm. It's a very situation to us and those of us that use the greenway as our highway. The greenway is the busiest bike route in Minnesota and it is a wonderful public amenity that people are envious of around the world. We think of it as a highway for bikes. Let me show you this picture. The first shadow on the bottom is a bridge so there's no snow under that, but where the sun is... this is after the city plowed. There was a statement that it was a maintenance issue, it's not a maintenance issue. The city does the best job it can to get out there and plow the greenway. They do a good job. A couple times this winter they didn't do as good of a job as they could have because they don't plow on the weekends and I'm trying to convince them that they need to change that policy to plow on the weekends. The picture that was up earlier was one of the examples of a time where they elected not to plow on the weekend and a holiday because it was New Years Eve. What we need is more sun on the greenway. Here's the sun part that's showing no ice and snow and if you go up there, there's all kinds of ice and snow. We support staff recommendation to have the building stepped back. I would like to read the resolution that was passed unanimously by our board of directors.

Commissioner Tucker: Is that the letter we have in our packet?

Soren Jensen: Yes.

Commissioner Tucker: Could you summarize it please?

Soren Jensen: We were able to meet with Greco, which we really appreciate. We met with them three times and each of the times we expressed our concerns that their project was shadowing the greenway for three and a half months, which we found excessive. We understand there's shadowing on the greenway, there's always going to be some shadows. Our goal is trying to reduce the shadowing as much as possible. Their own shadow studies show that their project shadows the greenway for three and a half months. What we were trying to understand from them was how much shadowing, we kept seeing different shadow studies and we don't know what... but we were trying to see the length of time because there's going to be some shadowing, especially in December, but three and a half months of shadowing is excessive. What we were looking for is that we could work together because we've worked with them before. They did a great job of stepping down Blue and Flux. There are lots of examples of how we've worked with Greco and I think our board was very surprised in this case that there was no give and take it was mostly them saying that nobody rides the greenway in the winter, which is not true. As we noted, this amount of shadowing is harmful to the greenway, solar access is very important, there is snow and ice left on the trail after the city plows and puts down salt. In extreme cases, bikers may choose to go up on side streets and there are actually no bike routes on Lake Street or 28th Street. They are both very busy and dangerous. People are safer down on the greenway. We do support density. We love this project and think it's great for the neighborhood. We strongly encourage density in this area. All we're asking for is just to try to protect the greenway, try to step it back. If those 17 days are true, we'll take them. One of them could have been the day that our friend didn't break her arm. Anything they can do to step it back would help. We try to avoid shadows at any time. A corridor that is one big dark canyon is not what we had in mind for the Midtown Greenway. We're looking for an inviting, open, public space with sun. It isn't just about ice and snow, it's about shadows overall so doing anything we can to increase access, increase people's enjoyment of the Midtown Greenway. The developer told us that there's no other design that will work, there's no way they can do it economically. We don't know this, we have no way to evaluate this. We were hoping in the meetings that they would come back and show us a couple different designs, but it didn't happen which is unfortunate. We've worked with Greco before and they've been really wonderful to the greenway and trying to understand what we were looking for but in this case they were not willing to do that. The board did pass this resolution, "for this reason, the coalition does not support the current building design but we would certainly consider a modified building design, site plan or other enforceable mitigation that better protects the Midtown Greenway from excessive shadowing." We do support the staff recommendation. Thank you.

Greg Scott (28100 Woodside Rd, Shorewood): I'm the co-chair of the Lyn-Lake Association. We are fully in support of this project. You have to understand the steps that we've gone through over the past few years to try to find a viable project here. Greco, as far as I'm concerned, has bent over backwards on this project. It's very easy to come up and speak when you have absolutely no money involved like the greenway people do and completely throw away a project that has had this much planning and this much give and take. He says there's been no give and take from Greco. Greco has been nothing but give and take over the last few years in trying to come up with a project. This setback arrangement that came about took an incredible amount of effort to meet the goals from all sides. A dark canyon? There's no dark canyon here. Not only that, but you're going to have to deal with property all the way up and down the greenway

between Lyndale and Hennepin and if you think that it's worth giving up on this kind of a compromise with the value of those properties and what they would be subjected to, you have to set a reasonable standard for dealing with this kind of a project. You've done it in the past. This project is picture perfect. We've gone through several years of trying to come up with some way to fill an empty piece of property that's been a dirt hole. It's an expensive piece of property and an expensive piece of property takes a project like this to make it work. There has to be some give and take. If they can come up with a shadow that meets that the 66 foot height, I think that's the answer to the problem. If this new project with an additional setback fulfills the question of a 66 foot setback...

Commissioner Tucker: I think you meet 56 foot shadow.

Greg Scott: They're allowed to build a building 66 feet tall as things stand now. The shadow on the building they're talking about now casts the same shadow as a 66 foot building. I think that's a reasonable place to plant the flag and say this is a reasonable project. The Lyn-Lake Association is 100% behind it. Lyn-Lake is a very difficult intersection to deal with. This helps solve a lot of problems, one of them is some public parking spaces. We are going to have a hard time as years go by trying to come up with ways to increase the parking at Lyndale and Lake to avoid the problems at Hennepin and Lake. This is a small step in that direction and it helps a lot. This project is a very positive effort in trying to anticipate the problems that we're going to have at Lyndale and Lake. We're for the project 100%.

Bill Casey (2845 Colfax Ave S): I'm on the Lowry Hill East board, I'm also on the Zoning and Planning committee. Our planning commission chairman isn't here today due to work, but I just spoke to him on the phone so I'm speaking on behalf of Brian Friese and I want to tell you that this got more discussion in December at our neighborhood meeting than any other project connected to this project and I want to tell you that as a group we feel that the shadowing is not an issue. The term "non-issue" came up. Anyone here that uses the greenway knows that it's width and height varies enormously during its several miles of traverse. It wasn't clear earlier in our conversation, but the greenway is the thing that's plowed and cleaned and salted earlier than any of the streets in the city or at least as early as any streets. We live right on the greenway and we use it and we see it get used every day. It is definitely clear all the time. It doesn't mean that there isn't snow, but it's definitely maintained well regardless of whether there's a shadow or not a shadow in the winter. We're in favor of this project and we feel like there's a bit of an overreach on the part of the Greenway Association. Thank you.

Tim Keane (5336 3rd Ave): I'm here on behalf of James Ballentine Post 246, the VFW Post, which is the last VFW Post in the city of Minneapolis. There used to be 26. We're proud of that. We're also proud of the fact that we've been working with Greco nearly a year now on this project. They have been remarkably accommodating with the needs of the VFW. This will provide an opportunity for the VFW to continue to serve for generations to come. We enthusiastically support the plan as submitted and do not support the condition or recommendation of staff to scale back the building. I would draw the commissioner's attention to the scaled shadow study that I think demonstrates the 56 foot envelope that could be built up the property line as of right actually casts a longer shadow at noon than what is being proposed. Second, I would add an additional dimension of safety. We hear a lot about safety from the coalition. A critical dimension of safety is eyes on the greenway. If any of you have cycled along the greenway, as I have, to be stopped by a gang of ruffians who want my money and bicycle, more eyeballs on the greenway are a good thing. That is a concept that I enthusiastically support. This project will help accomplish that. With that, I am here for questions.

Commissioner Tucker closed the public hearing.

Commissioner Tucker: We have seven applications to discuss and act on for this Lyndale redevelopment. Any thoughts? The big question seems to be on the conditional use permit, the first application for the height of the building and the staff suggested setbacks for the upper floors. Without a motion, I will move staff recommendation to get things under way. Is there a second? (Schiff seconded)

Commissioner Schiff: The issue of the Midtown Greenway shadowing should not be a surprise to any of the investors in the room today for this project. This has been presented to every development that has been developed along the greenway. The shadowing always comes up. I'm sorry if our zoning code isn't clear enough, perhaps we should make it very clear in the future to make sure that there's no confusion from the development community. I really like the projects that Greco have done and they've done a marvelous job. Shadowing on the greenway kills the goose that laid the golden egg. People want to live near the greenway because of the biking and the shadows discourage biking and make it very dangerous. What the staff have put together is in the spirit of the conditional use permit that you're asking for, the increased height that you're asking for and it's a reasonable condition given how important the Midtown Greenway is for everybody. You wouldn't be interested in investing this much money in the greenway if the greenway didn't exist. It's not just an abandoned railroad track, it is the future of transportation for much of midtown Minneapolis and we need to protect it as much as possible, not just on this site, but wherever the trench is. I guess I'm saddened that there's last minute confusion between staff and the development team on this, I don't know how that could have happened because I think the Planning Commission has been very clear over the years in mitigating shadowing effects of any new construction on the greenway.

Commissioner Kronzer: This is certainly a conundrum of a project for me. We're on a commercial corridor at an activity center, we're along the Midtown Greenway, we're on multiple bus routes. I think the saving of the VFW is also a very positive step. We're adding more parking in a best practices urban development way. I'm confounded by this project and would like to hear some other commissioners thoughts about the balance between being high density node in the city and also maintaining the Midtown Greenway which is a gem of the city and will be a gem in the future in the city.

Commissioner Huynh: I support staff's recommendation for the setbacks for the context with the greenway. If the site was located on the north side of the greenway, I think setbacks wouldn't be an issue because you wouldn't have solar access being an issue with the greenway. It's not like if you're a bicyclist or a runner you can just take a side street and go east or west. The Midtown Greenway is a unique gem and most of the city people that use it, it's an amenity that allows for people to commute long distances. For the fact that you'd take 17 days over two weeks away from people commuting, that just means that it adds more car emissions to our atmosphere and makes it less sustainable. If you want to add ten more units, I guess that's what the count is but I think the tradeoff is that then you force everyone else in the city to drive by cars or look at alternative means if they can just bike. From a sustainable perspective I would prefer to keep the greenway as solar friendly as possible and mitigate a lot of the shadowing that we have on the greenway.

Commissioner Mammen: I don't have the benefit of the history of the Planning Commission in the past in approving projects on the south side of the greenway. It's been my experience that

there is some unevenness throughout the system and that this has been, whether that's because zoning laws are not clear or what, but I'm not necessarily convinced that the 17 days of shadowing has that disastrous of an effect on the rest of us and that it would limit the number of citizens using bikes and being forced to travel by car. I do think staff has made this recommendation in good faith and I guess I'm more concerned that this is really true that there are no options with this variation. People have said they haven't seen other designs. I'm inclined to support the application as it was submitted and vote against staff recommendation in this case but I think it's a good project and it does a great deal for Lyn-Lake and adds a lot to the city. I appreciate the work that people have put into it and if the only thing we lose is some sunlight on the greenway for a half a block, I'm willing to go for the advancement.

Commissioner Tucker: I concur with commissioners Schiff and Huynh that protecting the Midtown Greenway is very important and I would go along with the staff recommendation. Any other comments?

Commissioner Kronzer: I have a comment on G, if I could talk about the Aldrich Ave elevation.

Commissioner Tucker: We're just doing item A at this point. The motion before us is staff recommendation with two conditions, noting in condition two that the setback of 25 feet and 35 feet is from the property line along 29th Street. Those in favor of staff recommendation? Opposed?

The motion failed 3-3.

Commissioner Wielinski: I'd like to move the original application that the Greco people put forward without the CUP for the setbacks for 25 feet on the fifth floor.

Commissioner Tucker: You are going to move without the second condition, the conditional use permit without the second condition. The conditional use permit with only one condition rather than the two?

Commissioner Wielinski: Yes.

Commissioner Tucker: Discussion on that? All in favor? Opposed?

The motion carried 3-2 (Huynh, Schiff opposed, Tucker abstained).

Commissioner Wielinski: I'd like to move staff recommendation on B, C, D and E (Mammen seconded).

The motion carried 4-1 (Schiff opposed).

Commissioner Huynh: I'd like to move staff recommendation on F (Mammen seconded).

Commissioner Wielinski: This sign is just too big. I think they could fit within the sign allowance that they have and still make a unique sign that would address the fact that this is the Lyn-Lake neighborhood. They could keep the colors and go with the same these but it doesn't need to be this big. It's setting a precedent on a path we don't want to go down. I would vote to deny this rather than approve. We're opening the door to giant signs.

Commissioner Schiff: It certainly creates a precedent for all surrounding property owners. I just wonder how we got to the point where we're more concerned about signs than we are shadowing of the greenway.

Commissioner Tucker: Other comments? The motion is to approve staff recommendation. All in favor? Opposed?

The motion carried 3-2 (Wielinski and Schiff opposed).

Commissioner Huynh: I'll move staff recommendation on item G with the three conditions as noted (Kronzer seconded).

Commissioner Kronzer: I don't see a reason on the Aldrich Ave side where the 30% window opening cannot be met. There are these long skinny window openings going into the parking structure, I think it's a public safety issue not to have the 30% facing Aldrich having passersby being able to see into that surface parking area.

Commissioner Tucker: Do you suggest a solution or amendment?

Commissioner Kronzer: Could we amend it reject the alternate compliance and require the 30% per the zoning code?

Commissioner Tucker: That's 30% on the Aldrich side?

Commissioner Kronzer: Correct.

Commissioner Huynh: My only question is regarding the uses. Is the glazing an important issue or is that something that could address as far as architectural detail or murals or is glazing something...

Commissioner Kronzer: It's visibility into the parking area.

Commissioner Tucker: I'm not sure I got a second on your amendment to require the 30%.

Commissioner Huynh: I'll second that.

Commissioner Wielinski: Is that an enclosed locked parking area that you can only get into with a keypad?

Commissioner Kronzer: It is secured parking.

Commissioner Wielinski: If it's secured parking then the only people that should be in there would be the tenants of the building.

Commissioner Kronzer: It is accessible from the public alley as well, it's not a full building if I'm correct.

Commissioner Wielinski: I'm just trying to gather, is there access into it from the street?

Commissioner Kronzer: Yes, pedestrians can walk right into it.

Commissioner Tucker: The proposed amendment to the site plan review is to require 30% on Aldrich. All in favor? Opposed?

The motion to add the proposed amendment carried 5-0.

Commissioner Tucker: Now we have the main motion; any other discussion? All in favor? Opposed?

The motion carried 5-0.