

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: June 21, 2012

TO: Steve Poor, Planning Manager – 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 May 21, 2012

The following actions were taken by the Planning Commission on May 21, 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, Cohen, Huynh, Kronzer, Luepke-Pier, Mammen, Schiff, Tucker and Wielinski – 9

Committee Clerk: Lisa Baldwin (612) 673-3710

1. Zoning Code Map Amendment (Ward: 9 and 12), ([Paul Mogush](#)).

A. Map Amendment: Amending the Minneapolis Code of Ordinances, Chapter 521, Zoning Districts and Maps Generally, affecting the primary and overlay zoning districts contained in Plates 27, 33, and 34.

The purpose of the amendments is to consider rezoning of property within the portion of the 38th Street Station Area Plan study area that is east of Hiawatha Avenue. The proposed rezoning affects primary and overlay zoning districts.

Action: The City Planning Commission recommends that the City Council find that obtaining consent signatures for the rezoning of properties from residential to commercial in the 38th Street LRT Station Area Rezoning Study Area would be impractical and further recommends that the City Council adopt the findings and **approve** the zoning map amendment for the rezoning of parcels as amended by the Planning Commission.

Commissioner Schiff: Before we start item number one, I just wanted to explain the process for people who are here today. The recommendation from the Planning Commission will go to the full council at a Zoning and Planning Committee meeting that will take place in three weeks and then it will go to the full council meeting. There will be plenty of time; today's action is not final by this body at all. This body will probably make some amendments to the proposed staff recommendation, but there is more time to come for more conversations and more changes. It's been brought to my attention that some of the mailings that went out include the letters "RMV", an apparent abbreviation for the word "remove", which some people interpreted to mean a removal of their house and I want to let people know that the city is not acquiring any property in this area at all. We are not doing any economic development, it is all private market activity and "RMV", as you will hear from Paul Mogush, refers to a regulatory piece of an overlay district that is being removed from the zoning map, it has nothing to do with the use of your property. That will hopefully address some concerns that have been fed to my office in the past week.

Staff Mogush presented the staff report.

Commissioner Cohen: We got a letter today from a business on 40th and Hiawatha and they're concerned because they've been closed for more than a year, is there any way to get a waiver on that year gap that takes effect and prevents them from getting the conditional use permit or whatever they need in order to operate their business, sell their business or lease their property?

Staff Mogush: I haven't had a chance to read the letter, it came in just as I was sitting down. I have met with the folks there so I am familiar with the situation. The property is right here at 40th Street and Dight Ave. The concern, as I understand it from the property owner there is just as you said, that the operation there has ceased and it has been more than a year so if the zoning does change there this summer then they would lose those nonconforming rights unless they, before then, establish some presence of an industrial activity that's currently conforming on that property and that's the road they were looking at going down and I don't know where they are with that. Your question was if there was a way to waive that one year requirement; the answer is no. There is a process for establishing nonconforming rights through a nonconforming use certificate, but it can be difficult to make that case.

Commissioner Wielinski: What's the difference between rezoning this to R5 or placing an industrial living overlay district over it?

Staff Mogush: In the first instance, a rezoning from an industrial district to a multi-family district such as R5, it's everything I just said about nonconforming. If there is an existing industrial business operating on that property, it would become legally nonconforming after the zoning changes and any change to that nonconforming use, such as a change to the nonconforming use or expansion of the nonconforming use, would require an application and a public hearing before the City Planning Commission. One thing I forgot to mention about nonconformities is that regular maintenance, replacing what's already there, is allowed and encouraged. In the second instance, the difference then in applying the industrial living overlay district, is that all of those industrial rights and the underlying industrial zoning district remain

and any new use that's allowed in that district can go in as shown in the permitted uses table in the zoning code, but then it also adds the rights to multi-family housing and some additional retail in existing buildings. It allows both.

Commissioner Wielinski: If I'm understanding this correctly, if market forces would say housing would be more appropriate here and ADM or General Mills sells to a housing developer then they would have the rights to put in multi-family housing there?

Staff Mogush: They would. The industrial living overlay district doesn't allow housing to the same density that these other districts allow. That could be a reasonable thing to do in some situations. One thing to be cautious of is if the goal is to implement this plan over the long term, there will be a lot of short term decisions that are made and you could have a situation where new industrial land uses go in very close to a property that may otherwise develop to multi-family housing as shown in the plan, but the market for that housing may be reduced because of that new industrial use that's introduced. There's a balancing act that has to be achieved.

Commissioner Wielinski: Could you compare this to an example that I have on the north side where the Riverview Terrace apartments went in and then the cement company went in behind that. Is that the kind of situation we would avoid by putting it at R5?

Staff Mogush: I think that's maybe an extreme example. In that particular situation, the adjoining was probably I3 if it's a concrete crushing facility, we don't have that in this example at 38th Street, but that's essentially what I'm saying is that you could have a new manufacturer or something that might have some negative impacts on the surrounding area and could hinder the market for residential.

President Motzenbecker: Given our Committee of the Whole discussion and an Xcel substation and the zoning surrounding that, understanding that right now you're having that as R5...our discussion revolved around the possibility of making that OR3 like you have elsewhere along the corridor because getting some folks to live there may not be the best use of that, but if people did want to live there you'd still be able to do that.

Staff Mogush: What he's talking about, for everybody else, is here at 40th and Hiawatha we have an existing Xcel substation. Those of you who are familiar with the area know that it's not well screened, it's hardly screened at all so it is a bit of an eyesore. The adopted plan shows this multi-family housing wrapping around two sides of the substation so as Commissioner Motzenbecker said, the discussion at the Committee of the Whole meeting was questioning if some nonresidential land uses, perhaps office, be an appropriate transition from that substation to the residential. That's certainly a reasonable solution from a land use planning perspective. Our task was simply to propose a zoning map that matches what the plan says. I don't know the reason why the plan didn't show that; it shows multifamily residential so that's the zoning that we have proposed there, but perhaps that's something to consider.

President Motzenbecker opened the public hearing.

Nic Puzak (4235 E Lake Harriet Pkwy): I'd like to speak today to the 3500 block of Snelling Ave S. It's currently zoned I1. We've had some discussion of this block and some spot zoning on this block concerning its proposed conversion from I2, which was completely eliminated from this plan, to R5. In particular, the proximity of this block to the west/southwest of the General Mills facility, which apparently now generated a letter from General Mills. Staff has

acknowledged that they're not going away anytime soon. I appreciated President Motzenbecker's comment about proposed R5 next to Xcel Energy substation. If you think it is potentially non-neighborhood friendly around a substation, the operations involved around and within that General Mills facility are so far from being neighborhood friendly that it's nowhere near appropriate for R5 zoning. It's way out of bounds. The noise, you can't hear yourself think. The last time I discussed the operations of General Mills with the gentleman who runs it, they had eight million bushels of oats under processing in this facility. They are running at or near capacity all the time; it's their one oats facility and it makes Cheerios. It's unbelievably noisy. It looms about 15 stories to the west/southwest directly over the 3500 block of Snelling Ave. To have that block included in the pedestrian overlay, which I see it still is, is inappropriate and it should be removed because if folks were unable and unwilling to walk to the proposed housing for the elderly facility directly to the north on the west side of the LRT station, which is maybe 300-400 feet because of concerns for public safety, there is no way that pedestrians will walk across the LRT tracks, across Hiawatha Ave given the volume of traffic and the velocity of the traffic over railroad tracks and then north into an industrial no man's land for some type of pedestrian use with neighborhood friendly businesses; it's just not realistic. So please consider removing the 3500 block of Snelling Ave S from the pedestrian overlay. In terms of the zoning, right now it's I2. I don't know what possesses staff to propose R5 because even the night of the open house at Longfellow Park, the staff there who had lived in the neighborhood their entire life asked what it was all about and I told them they want to put residential next to the grain elevators and the railroad tracks and he said it was crazy and that no one will want to live there. People don't want to live there now so propose new development, it accomplishes nothing. Please consider I2, which will let Cedar Towing move over there and the businesses to whom I'd finally be able to lease after being hampered by the pedestrian overlay for years. I finally got my building leased and now they want to put it residential zoning. It just doesn't make sense.

Mort Leder [not on sign-in sheet]: I'm a substantial property owner in the area from 38th St going south. I think this plan is a bad plan. Today was the first time that I have received this information about the plan. Being a substantial property owner, I should have had this long ago. I'm going to divert a little bit about that. I think we've gotten mistaken priorities here. We need jobs. That property that we're speaking about going south of 38th St is the place where industry belongs, not housing. If was to look for the most inappropriate place to build a house, I would build it on 38th and Hiawatha. The house faces highway 55 with traffic all night and a stopsign at 38th St with the brakes squeaking and the back of the house faces a railroad track. Highway 55 is not going away, neither is the railroad track. It's a very inappropriate place to attempt to put housing. It's a wonderful place for industry. I own property in that area. I was approached not too long ago by a company that wants to build a factory to manufacture plastic bottles. The plastic material would come in by rail and these pellets would then be made into bottles. They would have an adjacent printing plant so they would print the bottles and then they'd go out again to the manufactures to fill. If you were to look around the city for appropriate places for a factory, fly over it, you won't find spots that have railroads, good truck transportation, has light rail for the people to come to work, that's got bus lines along the side so they wouldn't even have an excuse not to come. This area must remain industrial. If you don't have jobs, you'll have no money to pay rent. The first thing we should think of it's what's good for the city. Commercial and industrial property pays four times the amount per square foot that housing does. I pay \$68,000 for taxes on the space that I occupy. Across the street, the six houses are maybe \$6000. The city needs the money, we need the jobs and we must not give industry a back seat. The city fell into a hole when they demolished the mill at the corner. They had a promoter that promised a lot of things to the city and didn't deliver and the property became abandoned and it became an eye sore and a problem for security. The city took over and paid for wrecking the building and

now they're involved and they want to show that they're doing something with the money that they dissipated. There has been no proven need that we need more houses. There are plenty of houses for rent in this community and if you saw the Minneapolis paper this past week, there are hundreds of houses that need a little repair work in north Minneapolis. We need business and everything should be pushed toward creating jobs otherwise we are in deep trouble. I would like to see this held up so everybody has an opportunity to study this plan.

Dan Swenson (2904 E 35th St): I'm here to represent Alexander's Import Auto Repair. The address is 3454 Snelling and 2904 E 35th St. The business is located on 35th St, Snelling is the house next door that I own. I'm here to ask the zoning remain appropriate for an automotive related business. Alexander's has been there since 1985 repairing cars for the neighborhood. We bought the corner lot, where the house is, many years ago with the expectation [tape ended]...to be able to happen. I understand the need for the pedestrian overlay and why it came into be. We were there before the light rail and you wanted to hold things back and see how things leveled off and now it's time to move forward again and I ask that you lift the overlay and keep the zoning appropriate for an automotive related business where I've existed since 1985 with the ability to expand. I would ask you to look at the property just to my north as well and keep the zoning appropriate there as well. I know that they've struggled to find business to fill in that spot and I'm sure they'd love a bottle company to come in there and take that place over. The hardship, if this goes forward, is obvious which is the need to apply for a variance is not a guaranteed process. It does become denied at some point in time and I don't wish to do that. I don't wish to move anyplace. The longevity that we've had there speaks for itself with our commitment to the neighborhood. I received several letters supporting myself and my business. The precedence has been set, with the exception of Cedar Towing just a block and a half away. They were granted a variance or the lifting of the overlay district for an automotive related use so you've established precedence there. With the support of the neighborhood and the neighborhood businesses, I hope you will grant my proposal to keep the zoning appropriate for my business. Thank you.

Nicholas Ketz [not on sign-in sheet]: I own the property on 32nd and Dight, what was known as the Gopher State Litho Building. Through the years we've had between 30 and 90 people employed. We've done our share to help the city of Minneapolis. I think the city is moving a little too fast on this whole project. We bought this building in 1984. Previous to that I was in business in the 501 Park Ave building and the city had me move out of there so they could build a stadium. The same thing is happening now practically only our business was liquidated and we've got a building to sell. It's a good building. We've had people look at it. In fact, we had a buyer that was very interested in, even help pay some of the utilities just so he could keep his hands on it so he could sublet it or sublease it, but when word got out that they were rezoning everything, he backed off. Now what's left for me to sell is something only the apartment people can buy. I've got a demolition charge that will probably run a half a million dollars; I don't know what it's going to cost to take that building down. What I'm asking for is according to what commissioners told me. If that building is unoccupied for one year, that means they can take it over and I can't do anything about it. In a failing or recovering economy, that's not fair at all. We need time to rebuild some of the properties. The city of Minneapolis has looked the other direction and we've had people go to Wisconsin, North Dakota, South Dakota the suburbs. Here's a chance to get some of that business back on the Hiawatha area. I know that's an interesting place to build apartments, but is it really? One fatality with some kid getting killed by a boxcar is really going to put the city in bad shape. Kids are attracted to boxcars just like bees are attracted to honey.

Commissioner Schiff : We're still trying to confirm your legal address you're testifying about. Can you give us the exact address you're talking about?

Nicholas Ketz: It's 3232 E 40th. We're right opposite the substation if that helps identify it. We're across the street from the Hiawatha Lumber Company. I'm asking for a little more time. I can see what the city is trying to do, but I think they're moving too fast. We could probably get something in there that would put a lot of people to work. Thank you.

Steven Ketz [not on sign in sheet]: I was the business owner. Nicholas explained it pretty well, but the only concern I've got is that everybody surrounding that particular building is going to get nonconformance permits and we're not. We're an island in the middle of an industrial area and if you take away our nonconformance permit, what are we going to do with that building if it can only be used for multi residential development? I guess what I'm asking for is, Paul brought up the idea about an enhanced ...I don't know what the word is, but I don't know why that wouldn't be appropriate right now. If you give us a few more years, even two or three, to try to sell that building to someone that can utilize it properly instead of just letting it sit there because if it just sits there guess what happens?

Commissioner Schiff: Is the building vacant today?

Steven Ketz: It is.

Theodore Tappen [not on sign in sheet]: I'm an accountant here representing a business owner that actually resides out of the state in Florida. That property is located at 3400 E 42nd St and the proposed rezoning is to move it from light industrial to this R5. I guess I'm here before you today with two concerns. Piggybacking on the gentleman who spoke earlier, I have some serious concerns as a lifelong Minneapolis resident about the direction the city wants to take in terms of putting this rezoning through on the industrial companies that have long been in the area. This particular business has been there for 20 years and employs a number of people in high paying jobs. I couldn't have said it better myself when he said how there's already a highway going through for transportation and the rail is there. It seems as though, from what I've read about various other studies about this whole process when you first started the whole project we were in a totally different economic time and the other side of 55 has been residential and there has been quite a bit of redevelopment already going on over there without affecting the industrial side. The first response I got from the business owner when he found out about this rezoning is that he was immediately prepared to pull up roots and move the company out of Minnesota. That's the kind of concern that I have. We had some reports written by some fairly large lawfirms in town about their concern about the whole idea that this plan is just not a good longterm strategy for the city of Minneapolis.

Commissioner Schiff: Is the Tool Warehouse currently located there?

Theodore Tappen: It's owned by JMF Properties and the business that operates there is called Kriss Premium Products.

Andrea Carruthers (General Mills): Our position is well laid out in the letter we submitted in your materials. I just wanted to emphasize a few key points. The Hiawatha elevators are critical facilities in our supply chain; they handle all of the oats that are processed into our branded cereals including Cheerios, which is the number one brand in all of General Mills. The guidance of these properties towards mixed use in the Comp Plan, which we understand is what's driving

the current proposed zoning change, is not appropriate for these properties. The properties should be designated as transitional rather than mixed use. Our use today is legal nonconforming. As such, the city has all of the discretion and protection it needs in order to prevent expansions or intensifications of the existing use in a way that's inconsistent with your long range plan for the Hiawatha corridor. However, if you change from the current zoning to a mixed use or a nonindustrial classification, we will become even more nonconforming and in that case we believe it will be more expensive, time consuming and really less certain for us to get permit approvals that now I would consider fairly straightforward or routine and, therefore, make it more difficult for us to operate the way we're operating now. We have no intention of changing our use in the foreseeable future. We're prepared to petition for an amendment of the Comp Plan that would change our guidance from mixed use to transitional. We've discussed this with staff very preliminarily and we look forward to working with them through that process. My request to you today is that you table the change that you're considering as it relates to the General Mills properties, in other words just keep them I2 for now. As we work through the amendment process with staff, if we win, then there's no change that will be required. If we lose, then you could change the zoning at that time and it'd be appropriate. Thank you.

Carol Lansing (90 S 7th St): We are proposing that transitional industrial would be the proper land use guidance and that would be consistent with the I2 zoning so there would be no need to change the zoning to match a mixed use designation you get out of that trap. I think the history of the small area plan in timing with the 2009 future land use map is important for you to understand because in 2006 when the small area plan was developed, there was no transitional land use designations in Minneapolis; they didn't have the option of saying "these areas should be guided transitional industrial." So they went with the guidance for what the long term vision is, mixed use. The plan specifically recognizes that immediate rezoning of properties like these large industrial properties that have no near term prospect for redevelopment; immediate rezoning for those is not necessary. Unfortunately, once 2009 came along and you became legally obligated to match your zoning with your new future land use map, it forced the question and that wasn't anticipated at the time that the 38th St Station Area Plan was developed. For those reasons, now you have to match your zoning and you also have a transitional industrial zoning option. We encourage reconsideration of the guidance for this area and let us take the time to go through that process with staff. The other comment I wanted to make in response to Commissioner Wielinski's concern that I heard is that this isn't a situation where leaving the I2 zoning in place runs a risk of bringing some new industrial use to this area. These mills aren't going to go anywhere soon.

President Motzenbecker: Can you give us the addresses for the ADM properties?

Carol Lansing: They are 3501 Hiawatha Ave and 3745 Hiawatha Ave.

Angie Brueske (3901 24th Ave S): I'm actually here for another agenda item, but being in here and hearing the issues being raised, I would just like to speak to how one resident feels about the industry along Hiawatha. I love the industry there. I know a lot of the business owners and I have used their businesses. It's a safe place. I live there and I also kind of recognize that it is not a place I'd not want to live really close by. I live across and down a little bit and I love to look off and see it in the skyline. As a resident living there, I wanted to speak about how I feel about that space. We don't feel like it's imposing. We like those businesses there a lot.

Michael Norton (470 S 6th St): I represent the property owner at 3915 Hiawatha Ave. I'm anticipating a motion to be made to rezone this parcel to the Industrial Living Overlay District

and I just want to give commissioners a couple reasons why I think that'd be appropriate. Our property is located directly north of the substation that was mentioned by Mr. Mogush. It's currently zoned I2. This is an older building that's about a half-acre in size and it's presently used as Chemstar's research and development and administrative offices so there's not a significant industrial or manufacturing presence there on this site and never will be because it's too small for the types of work that Chemstar does. Chemstar is one of the original green companies. It produces industrial starch based polymers which are combined with other products for various industrial uses. What happens on this site is the administrative activities and we do some small batch manufacturing where we combine the polymers and do some manufacturing product specifications for the clients. We understand the ability to continue a nonconforming use, but the R5 designation really is inappropriate for this site for many of the same reasons you've already heard. The current owner isn't going anywhere. This particular site would have to be combined with other parcels in the area, that's not going to happen in the very near future either. This is a regulated business. We have air emission permits from the city and from the state. Presently, we're in full compliance with our permits. We do not have a history of any kind of issues with that. The problem would be, we have no control over the regulatory environment. We don't know whether there may need to be an expansion further on site to meet federal or state requirements. I can't tell my client today that a nonconforming use certificate would be appropriate because the city just may not be able to grant it in the future and I don't think the city is able to tell us in advance that the kinds of equipment we may have to put on site to meet regulatory requirements would come under repair and maintenance.

Commissioner Schiff: What's the exact use inside the building?

Michael Norton: It's basically small batch manufacturing. We combine our polymer with the chemical the client is using to their specifications to determine whether that application will work or not work. It's basically research and development.

Commissioner Schiff: Is that compatible in the I1 or I2 district?

Staff Dvorak: For research and development?

Commissioner Schiff: The use he just described.

Michael Norton: There is manufacturing. We have air emissions permits because the starch...

Commissioner Schiff: Sounds like I1 is all you'd need.

Staff Dvorak: Yes. I'd say it sounds like I1.

Michael Norton: Should that motion be made and should it be presented to you, we'd encourage you to approve that amendment to change the staff recommendation of R5 to the ILOD. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Schiff: One of the great things about being an urban planner or an architect is that you get to drive by your mistakes. One of the joys about being the third term on the City Council is I get to correct mistakes I made in my first term. With that, I have series of amendments to correct these mistakes. When these plans were originally adopted, we were high

with the hopes that light rail development would change this corridor dramatically and we've learned a lot since then, which is primarily that people want to live on the west side of Hiawatha, not the east side and that's where the housing investment has gone. That's simply for the reason that it's easier to get to the stations from the west than the east side, you don't have cross Hiawatha, and Dight and railroad tracks and Snelling and the industrial and fight with all the curb cuts and all the traffic. I think we went overboard with making so much industrial land nonconforming and I think the results show, particularly after the recession; we have a lot of vacant industrial buildings out there that still have a lot of life to give and a lot of tax base to contribute to the city of Minneapolis if we allow them to do so. I have numerous amendments to the staff report, but I'll start off with one at 3915. The existing primary zoning is I2. This property is in between an Xcel substation, which I think would qualify as the most unenjoyable living experience one could ever have, however, next to it is a midrise four story residential property that's about to be built. It finally got financing and is no longer just a hole in the ground. Now that the credit freeze has been lifted, banks are providing the financing for that project. I think I1 is a good balance in between residential and a substation and I would move that we adopt the map and make the change at 3915 Hiawatha be a new primary zoning of I1 with the Industrial Living Overlay District (Wielinski seconded).

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

Commissioner Schiff: The next amendment is in recognition that the remaining mills are indeed going nowhere and we should be grateful for that. For 3501 Hiawatha and 3745 Hiawatha, the ADM properties, I'd like to make a recommendation to change the suggested zoning to I1 (Wielinski seconded).

Commissioner Wielinski: Would you be opposed to having an ILOD added to that one as well?

Commissioner Schiff: I would ask the applicant. I know the ILOD puts restrictions on industrial properties, not just on future use, but on existing uses and I would wonder if some of your trucking bays and some of the parking that you currently have and the front yard setback and some of the other elements...because you have a largely asphalted lot there and I'm wondering if what else the PO district would do to an industrially zoned piece of land. I guess that's a question for staff or Ms. Lansing on behalf of the property owner.

President Motzenbecker: The ILOD, not the POD.

Commissioner Schiff: I'm sorry; I misunderstood the question.

Staff Mogush: I'm not aware of any restrictions in the Industrial Living Overlay District that relate to setbacks and drive aisles and those things that would be added to what's already required in the industrial districts.

Commissioner Schiff: I'm amenable to making that I1 with an Industrial Living Overlay District.

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

Commissioner Schiff: My next motion, the only business that really reached out to me in advance is Alexander's Imports and they have a letter of support from the Longfellow Business

Association so just starting from the north part of our map on the 3400 block of Snelling, Alexander Import is located at 2904 35th St E, it's a great business focusing on imports as they do. The average income of their clientele is perhaps a bit higher than some of the surrounding businesses and they're a great neighborhood attribute. To the north of them is a 1970s cinderblock industrial building that has no potential to be converted to residential and is not falling down any time soon and Alexander's could, as they're directly next to it, expand entirely in an enclosed building and we could get that vacant building on the tax rolls. I would move the following properties to be rezoned to I1 starting with 3438 Snelling, 3442 Snelling, 3446 Snelling, 3450 Snelling and 2904 35th St E (Mammen seconded).

President Motzenbecker: Are we excluding the 3454 Snelling?

Commissioner Schiff: Yes. That's a residential property on the corner.

President Motzenbecker: Ok. That was part of that letter to request to remain from the applicant so I just want to make sure of that.

Dan Swenson: That is correct. That is the property that we own. It is residential, but right now it is zoned industrial as it sits.

President Motzenbecker: So we're just looking to have these remain I1.

Commissioner Schiff: Correct.

President Motzenbecker: So then we would include that.

Commissioner Schiff: Well, perhaps we need some clarification. It's a fine house. It helps buffer the street for all the residential properties across the street. I'd rather have you advance north than expand to the east and tear down a single family house. Is it your interest in tearing down that single family house and expanding to the east or can you suffice in expanding to the north?

Dan Swenson: Our best goal was to move the house. There's a vacant lot on Snelling that's there. Our hopes were to move the house. There's just a few vacant lots within a block of each direction.

Commissioner Schiff: You've also talked to me about expanding north into that existing building.

Dan Swenson: Yes. Right now there's a tenant in the building directly north to us, but when it was vacant we were looking to move there and that was when we ran into the pedestrian overlay and pulled back from that.

Commissioner Schiff: Is there any vacancy in that building that you can expand into?

Dan Swenson: Not right now.

Commissioner Schiff: I'm comfortable taking the existing building that was built industrial and giving it industrial. I think as your plans develop on the house, when you get closer to relocating

it and have a plan, I'd feel more comfortable voting on that separately rather than just doing it today.

Dan Swenson: Understood.

President Motzenbecker: Ok, so we'll leave that remaining R5 and then it's your intention to also pull the PO back on those as well.

Commissioner Schiff: Correct.

President Motzenbecker: The motion is 2904 35th St E, 3438, 42, 46 and 50 Snelling Ave S to remain I1 and have the PO removed (Cohen seconded).

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

Commissioner Schiff: Continuing to move south, the next motion would be a series of buildings that are currently used industrial and commercial and to restore them to their industrial zoning so they can be leased. The first is 3508 Snelling Ave. The next is 3512 Snelling Ave which is a single family home, but is being sought after to be purchased and demolished for expansion of Cedar Towing. The next one is 3516 Snelling Ave, which we just rezoned to industrial a couple months ago. The building next to them is also part of their property, 3534 Snelling Ave and to have those properties all rezoned to I1 (Cohen seconded).

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

Commissioner Schiff: The next property, 3556 Snelling was built industrial and has been used industrial and I think 35th St is still quite from the light rail. We're not going to see light rail related housing popping up here. To the north of that is a single family house that is almost touching the next industrial building and those industrial uses could expand so for the next three properties, 3544 Snelling, 3548 Snelling and 3556 Snelling I would remove that we rezone them to I1 (Cohen seconded).

Commissioner Kronzer: I'm wondering why we don't just keep the whole block I1.

Commissioner Schiff: That's because there are two houses in between, 3540 Snelling and 3536 Snelling that are proposed to be zoned R5. Those homeowners have the option of selling. We could make them industrial so they could be sold industrial or residential or they could be made multi-family and I just thought giving them the flexibility of multifamily would give them more options in the future, but I'd be amenable either way.

Commissioner Wielinski: Would you be willing to accept the ILOD on this?

Commissioner Schiff: Sure. These are fully enclosed buildings where all the activity happens indoors so I don't think it will affect them at all.

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

Commissioner Schiff: The next motion is 3648 Snelling Ave, which is an industrial building which is deceptively deep and then it goes all the way back to Dight. It has a lot of use left in it as an industrial building and I would propose retaining it as an I1 zoning. It's surrounded by homes currently (Mammen seconded).

Commissioner Wielinski: Again, would you entertain the ILOD on that.

Commissioner Schiff: For you, always.

President Motzenbecker: Ms. Dvorak brought up about the PO on these. We assume that's going to be removed as well.

Commissioner Schiff: Yes. I'm not addressing the PO at this time, just the base zoning.

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

Commissioner Schiff: Moving south of 37th St again, buildings that were built industrial that have been used as industrial that are behind grain elevators and really are not going to be options for residential development in my lifetime. For properties at 3101 37th St E, 3708 Snelling Ave and 3716 Snelling Ave I move returning the I1 zoning to those three properties (Mammen seconded).

President Motzenbecker: Commissioner Wielinski, any ILOD desires?

Commissioner Wielinski: Sure, why not?

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

Commissioner Schiff: I believe, last but not least, on the base zoning changes is the General Mills request at 3716 Dight. I would propose I2 zoning for that parcel (Mammen seconded).

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

Commissioner Schiff: Someone testified about 3232 E 40th. I would like to move that property to I1. It's a handsome campus, it's a great place for jobs. I think some company could be very happy there with the Industrial Living Overlay District (Cohen seconded).

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

Commissioner Schiff: There's a large section on Hiawatha that is more asphalt than building space and it is the area that stretches from 3463 Hiawatha N to 3355 Hiawatha. Perhaps staff can correct me if I'm wrong, the gas station is just to the north of that. There is a gas station on the block. We have a letter about the intention to build another gas station on the south part of the block. These parcels, they are more asphalt than they are building and I think this is prime redevelopment opportunity and I would vote to change the staff recommendation and retain the pedestrian overlay district on those parcels and they include 3441 Hiawatha, 3401 Hiawatha,

3355 Hiawatha, 3463 Hiawatha and then on the back side they go to 3400 Dight and 3432 Dight and 2425 Lake St E.

President Motzenbecker: I think there was one more in there 33415 Hiawatha. Was that one you wanted included?

Commissioner Schiff: That one as well, yes. I missed that one.

President Motzenbecker: Ok, so just to retain the PO on those?

Commissioner Schiff: Yes. Staff recommended removing it, but if there's one place for housing... I know housing developers always like building on surface parking lots first, it's the cheapest place to build. As Mr. Leder said, he was reading about the surplus of housing in the city of Minneapolis and that's true when it comes to single family homes, but we know the senior population is going to double in the next 20 years and our housing stock is not ready for the aging of the baby boomers and this entire block I look at every single day and I think it'd be ripe for redevelopment toward residential.

Staff Mogush: A technical point, I believe I heard in the motion from Commissioner Schiff 2525 Lake St E. This is rail right of way. This is rail property and it's a parcel that, in the system, is on several different blocks going all the way up to Lake St so just procedurally in the motion I would suggest clarifying as I did in the proposed ordinance that you're referring to the portion of that parcel between 33rd St and 34th St.

Commissioner Schiff: Excellent suggestion.

President Motzenbecker: So 2425 E Lake, the parcel between 34th and 35th. Is that correct?

Staff Mogush: I believe he was referring to 33rd to 34th.

Commissioner Schiff: I was referring to 33rd to 35th, but I see the address changes to Dight Ave once you get to 3432 Dight.

Staff Mogush: You have a similar situation with that Dight address as well. For those rail properties, just for the sake of clarity in the record, I would suggest always identifying the two streets.

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

President Motzenbecker: Can I have a motion for the approval of the whole package?

Commissioner Schiff: So moved (Mammen seconded).

Aye: Kronzer, Mammen, Wielinski, huynh, Schiff, Tucker, Luepke-Pier and Cohen
The motion carried 8-0.

7. Trader Joe's (BZZ-5555, Ward: 10), 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S (Becca Farrar).

A. Rezoning: Application by TOLD Development Company, on behalf of Geurts Family, LLC, Pochade II, LLC, and Trader Joe's, for a petition to rezone the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S from the C1 (Neighborhood Commercial) district to the C2 (Neighborhood Corridor Commercial) district.

Action: The City Planning Commission recommends that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S from the C1 district to the C2 district.

Aye: Cohen, Huynh, Luepke-Pier, Tucker and Wielinski.

Approved 5-0; Kronzer, Mammen and Schiff not present for the vote.

B. Conditional Use Permit: Application by TOLD Development Company, on behalf of Geurts Family, LLC, Pochade II, LLC, and Trader Joe's, for a conditional use permit for an off-sale liquor store for the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a 1,200 square foot off-sale liquor store within the proposed grocery store on the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale 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.
2. Windows in the off-sale liquor store shall be unobstructed in order to allow views into and out of the building along Lyndale Ave S and W27th St.

Aye: Cohen, Huynh, Luepke-Pier, Tucker and Wielinski.

Approved 5-0; Kronzer, Mammen and Schiff not present for the vote.

C. Variance: Application by TOLD Development Company, on behalf of Geurts Family, LLC, Pochade II, LLC, and Trader Joe's, for a variance of the reverse corner setback requirement along the north property line adjacent to W 27th St for the first 40 feet from west to east for the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the reverse corner setback requirement along the north property line adjacent to W 27th St for the first 40 feet from west to east from 13 feet, 6 inches to 0 feet on the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S.

Aye: Cohen, Huynh, Luepke-Pier, Tucker and Wielinski.

Approved 5-0; Kronzer, Mammen and Schiff not present for the vote.

D. Variance: Application by TOLD Development Company, on behalf of Geurts Family, LLC, Pochade II, LLC, and Trader Joe's, for a variance of the loading requirement for the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S, subject to the following condition:

1. All deliveries shall occur between the hours of 7:00 a.m. and 6:00 p.m. seven days a week.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the off-street loading requirement for the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S.

Aye: Cohen, Huynh, Luepke-Pier, Tucker and Wielinski.

Approved 5-0; Kronzer, Mammen and Schiff not present for the vote.

E. Site Plan Review: Application by TOLD Development Company, on behalf of Geurts Family, LLC, Pochade II, LLC, and Trader Joe's, for a site plan review for a new single-story, 14,299 square foot grocery store that includes a 1,200 square foot beer/wine store located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S.

Action: The City Planning Commission **approved** the site plan review application for a new single-story, 14,299 square foot grocery store that includes a 1,200 square foot beer/wine store on the properties located at 2700, 2708, 2712, 2716 and 2720/2724 Lyndale Ave S subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans before building permits may be issued.
2. All site improvements shall be completed by May 21, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. A final merchandising plan for the building shall be provided for review and approval. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.
4. The Travel Demand Management Plan must be approved by the Planning Director prior to submission of plans for final approval and building permit issuance.
5. A detail of the privacy fence shall be provided in the final submittal. No board on board cedar fencing shall be permitted. The extent of the fencing shall be clearly delineated on the site plan in order to verify that it does not affect sight lines.
6. A detail of the trash enclosure shall be submitted that complies with Section 535.80 of the Zoning Code.
7. A living wall system shall be incorporated into the west elevation of the building as shown in order to break up the blank uninterrupted walls greater than 25 feet.
8. The applicant shall include a total of 30 bicycle parking spaces on site.
9. Access to the building off the parking lot on the south end of the site shall also incorporate another principal entrance perpendicular to the existing entrance off of Lyndale Ave S into a shared vestibule.

Aye: Cohen, Huynh, Luepke-Pier, Tucker and Wielinski.

Approved 5-0; Kronzer, Mammen and Schiff not present for the vote.

Staff Farrar presented the staff report.

President Motzenbecker opened the public hearing.

Jeff Minea (2805 37th Ave N, Plymouth) [not on sign-in sheet]: I'm here on behalf of Nathan Gertz, the property owner, I'm his son-in-law. I have a few comments from the family's perspective for you. Basically, our property has been owned since the 1960s with a portion of it being acquired in the last seven years. It's owned by a family who lives in the city of Minneapolis who would like to redevelop their property, retain ownership of it and lease it to a highly sought after tenant in Trader Joe's. In conjunction with TOLD Development we have secured a lease with Trader Joe's and we've developed our plans, we've taken them to the LHENA Neighborhood Association five times. We've implement about 99% of the changes that they had suggested for us, including adding underground parking and then doubling the cost of the project. We feel that we've been respectful, deliberate and attentive to what the neighborhood has asked us to do. We appreciate the efforts and support of our project from Becca Farrar and we fully support the findings in the report in front of you tonight. The conclusions today are the result of good input from many of you at our previous Committee of the Whole meeting. We feel that we've addressed your suggested changes to make the project as good as it can be. When we originally made the decision to pursue a commitment from Trader Joe's, we were excited because we envisioned Trader Joe's at 27th and Lyndale as a big victory for not only the citizens of the area but a big victory for the city as a whole. To illustrate what local folks think of this project becoming a reality, yesterday we hosted a tent at the LynLake festival. We averaged 1.5 signatures per minute over the course of seven hours. We had people waiting in line to sign our petition just to say they'd support the project. We garnered 660 signatures that we have with us today and we'd be happy to submit those to you. In addition to the signatures that are in your packet, we're roughly at 1000 signatures to date from just checking with people to see what they think of the project and if they would like to shop there. We feel that the support is strong. People think it will be great for many reasons. They'd be a great corporate citizen for the community. We recognize that what we have there is a piece of property that has a limitation in terms of what its future value and higher value could be just by fixing it up. We think that the property value will increase and that goes to the City in terms of higher taxes. We think it's a win for the City that way. We are also sensitive to our tenants there. We have two tenants with us. The Laundromat is owned by the family and that will probably close. It has gone down in terms of its business. We have 4200 square feet of tenants. We are going to make sure that they have ample time to find a new location. We will do the best we can. We hooked them up with one of the better brokers in the community to help them with their search. We thank you for your time and your consideration.

Commissioner Tucker: I wonder if you or your architect could briefly review the responses to comments from the Committee of the Whole meeting.

Commissioner Wielinski: Could you explain in detail your off street loading requirement? Could you explain how the unloading will be done in that crowded community?

Trent Mayberry (7032 Springhill Circle, Eden Prairie) [not on sign-in sheet]: I'm with TOLD Development company. I'm not an architect, but I am responsible for the list here tonight of the Committee of the Whole comments that we received at the end of March. I want to go through those quickly to make sure we didn't miss anything. One of the comments we received was to pull back the alley fence at this location between the driveway on the west side of the building as well as the alley, we did do that. We pulled the fence back to the notch of the

building which was recommended by the committee. We also changed the green screen design. I have a copy of what we're thinking of using. I'm pretty sure this is what you recommended, but if it's not, we're happy to use whatever you recommend. We are incorporating that into the design, we've added crosswalks on the site plan at 27th and at Lyndale, we've also narrowed those down per your request and we've relocated the bike racks so there are some over by the entrance towards the northeast corner of the building. We've also added them by the sidewalk and the eastern edge of the plaza.

President Motzenbecker: How many total are there now?

Trent Mayberry: We've got 22 spaces for bicycles.

President Motzenbecker: Spaces or racks?

Trent Mayberry: We have 22 spaces.

Commissioner Huynh: I was the one that had the comment at the Committee of the Whole about that. You mentioned in your previous conversation that you were trying to meet the requirements of what The Wedge Co-op had for bikes so I'm assuming that someone went over to The Wedge and counted the number of stalls.

Trent Mayberry: That's what we heard was that there were about 20 bike spaces at The Wedge so we put 22 here.

Commissioner Huynh: I'm a little concerned with that number. If you've ever seen Wedge on a full day, the front elevation is all bike racks and there are scattered bike racks through the site so I would almost like to open this up to see if you'd be open to including more bike racks on site.

Trent Mayberry: We would be.

Commissioner Huynh: Thank you.

Trent Mayberry: You're welcome. The other thing we heard from you was prevent LED light spillover to the south parcel. We're going to do that, it will be part of our design with lighting. We heard to extend the plaza and remove two surface parking stalls. If you look right here, we did take up two parking stalls with pervious pavers. Oh, there was one more here too. We had to widen the landscape buffer between the parking and Lyndale. We did do this and we narrowed these compact stalls down so the buffer is now nine feet instead of seven feet.

Carol Lansing (90 S 7th St): I gave you a handout. Becca did a great job of reviewing the zoning issues. I'd like to address the rezoning request. The yellow here is the project site. The point of this is simply to point out that there is a hodgepodge of zoning already in this area between 28th and 26th. There's C4 both south and north, OR2, C2 across the street you rezoned right after the LynLake Small Area Plan was adopted. This is not a product of an intentional rezoning review of what commercial zoning is just right for the area between 28th and 26th, rather, as Becca pointed out and in the LynLake Small Area Plan, they did anticipate that projects would be reviewed on a case by case basis. The rezoning study left commercial rezoning changes to that kind of development application approach. I have in your packets handouts that show what the rezoning

study did and didn't do. This is a summary the guidance for the areas of Lyndale north of 31st from the LynLake Small Area Plan; there is the activity center and that was zoned C3A and then starting at the Franklin and Lyndale area it's considered a gateway that needs more study, between Franklin and 24th existing buildings have larger footprints so it's typical of commercial corridors and they would anticipate those larger commercial uses continuing. When you get between 24th and 26th, this is an area that has a lot of existing residential uses and this was the area that the plan suggested preserving existing fabric. It did not make that suggestion for the area between 26th and 28th. While the concern and affection for existing older commercial buildings is understandable, it is not what the guidance of the plan suggests. As Becca pointed out, between 26th and 28th, just north of the activity center, it's intended for more intense commercial development to transition from the C3A of the activity center into the C1 and OR2 north of 26th and we think that C1 being the least intensive commercial district is not appropriate and that C2 would be more appropriate zoning on that block. We request that you do support the rezoning as staff has. We do think it is the more consistent zoning than what's there and I have some brief statements in what I handed you about how it's not spot zoning. Thank you.

William Newman (2624 Bryant Ave S)[not on sign-in sheet]: I'm here to ask you on behalf of the LHENA neighborhood not to approve the rezoning of this parcel from C1 to C2. The existing building on this site is a two story mixed use building with pedestrian scale commercial buildings on the ground floor and residents on the second floor. The Minneapolis Plan for Sustainable Growth and the LynLake Small Area Plan both call for this type of development in our neighborhood to preserve the urban mixed use character that makes our neighborhood unique. This rezoning is being proposed to tear down these existing mixed use buildings and replace them with a single story single use building. The proposed site plan is dominated by a surface parking lot that takes up two-thirds of the site. The suburban style and the rezoning for this particular development is not consistent with the Minneapolis Plan for Sustainable Growth nor is it consistent with the LynLake Small Area Plan. The C2 zoning is totally inappropriate for this site and would allow uses including a drive-thru facility, fast food restaurant, automobile sales and production and wholesale uses. I ask you to respect the many hours of public engagement that went into the development and adoption of these plans. The LynLake Small Area Plan calls for mixed use, street level, commercial with residential in this area. It states on page nine that the city encourages new medium to high density residential development along commercial corridors, particularly as part of a mixed use development. This rezoning is also inconsistent with the Minneapolis Plan for Sustainable Growth, which encourages building heights of at least two stories along the commercial corridors. This parcel is just one block outside of an identified activity center for a mixed use. Transit and pedestrian uses are encouraged and surface parking lots are discouraged. Per the plan's policy 1.12.7, the city should encourage development of medium to high density housing immediately adjacent to activity centers to serve as a transition to surrounding residential areas. This is especially important due to the high demand for rental in our area. Furthermore, this rezoning is being done for a single property owner, it is not being proposed in the context for a larger rezoning review. I choose to live in LHENA because of the unique qualities of our neighborhood, which are reflected in the City's adopted land use plans for this area. Rezoning this parcel to allow a suburban style of development with a large surface parking lot would be a huge disservice to our neighborhood. Please do not rezone this parcel to C2. Thank you.

John Bode (2750 Dupont Ave S) [not on sign-in sheet]: Being a 40+ year of the LHENA neighborhood, I think zoning is very important to me. We saved this neighborhood back in the 1970s from being destroyed and it's now a desirable place to live. I'm very nervous when you're going to upzone a piece of property. I've never met a developer who doesn't want to upzone

everything they're doing. What's going to happen when the next guy comes? They're going to want you to do it for them if you do it for someone else. I've lived in this neighborhood a long time and want to say there. I don't think it's appropriate to put a suburban looking store here. Thank you.

Ann Jackson (3025 Lyndale Ave S): It isn't just one person that wants to sell this. There are many families involved. They want to downsize and I want to sell my building because our business deteriorated and I had to close that store. I think the road construction we had on Lyndale and Lake contributed to that a little bit and I'm anxious to not have that many road blocks. I live down Lyndale. It was not an easy place to raise children. It's noisy. I think it's a great place for Trader Joe's, which is an amazing store. I also lived on 17th and Irving. We shop at Trader Joe's; they're really a great store for many reasons. I see a huge benefit because the people who live there should have a lower price alternative; Trader Joe's is well priced and will create a lot of jobs. Thank you.

Larry Brown (7635 Aldrich Ave S, Richfield): My wife and I co-own Art Materials, the store, and we also co-own the building in question here that we're selling. We've been in the neighborhood since 2001. The business has been in the neighborhood for 56 years, within two and a half blocks. It's been a fixture in the neighborhood. We are selling the property, we're not being displaced. I'm a bit biased about this whole process. We are looking forward to moving. We have a purchase agreement two and a half blocks down so we're not leaving the neighborhood. The biggest problem that we have as a business...there have been many things said about parking, parking lots and surface parking...the problem we have is that it does not have adequate parking. We toyed with the idea of having parking meter signs on the street. Our neighbor next door did a 15-30 minute sign and all of his tenants park in front of our store for yoga classes and whatever. Parking has been an issue in our neighborhood and part of the reason why we are excited about selling and moving down the street is because the Rockler building has 18 stalls off-street. We worked with our customers and neighbors on parking and it's been an issue. The building itself that we're in is almost 18,000 square feet; it's way oversized for what we're doing as a retail and when the opportunity came along for us to sell, we were actually in the process of downsizing and moving into half of our building and were going to potentially rent out the other half of the building. It looks kind of like the Trader Joe's design that's coming. Other than parking, it's really a valuable commodity. We've had a display board in our business for the last six months basically showing what the Trader Joe's is going to be like, the fact that we're moving, asking people to a petition. Thank you.

Tim Dray (2741 Colfax Ave S): I live about three blocks west of the proposed development site and have lived there for about 15 years. I sent a letter to the commission on April 10th outlining my reasons for opposing the change in zoning for the site. I have since been elected to the LHENA board and although I was not participating when the vote was taken to not approve the zoning change, I could say that if that was brought up again I would vote to not approve that as well. I just wanted to add my name to that list and say I would recommend that the commission does not grant the change to zoning here. I don't believe spot changes in zoning are the way to go. One of the main reasons I moved into the neighborhood was because of the diversity of the businesses and buildings that made up the urban fabric there. I think the city has long resisted making changes that would hurt that fabric. I would urge you to hold your ground now and not approve this.

Lee Sverkerson (2736 Lyndale Ave S): I'm co-owner and co-director of the most immediately affected business next to the site, the BKS Iyengar Yoga Center. As I understand it from the talk

in the neighborhood, there are business owners who would be pushed out by this project. I don't know how we would survive the construction. We are on the north side of 2736 Lyndale Ave S and we are going to have this construction and try to maintain our classes and our activities and it's going to be a tough deal. We may be pushed out by the construction and not by the owners of the properties. As for our activities of getting to the yoga center, we walk to the yoga center every day. Thank you.

Nathan Montgomery (7205 Nicollet Ave, Richfield): I do business in Uptown. I've lived and/or worked in Uptown since 2005. I've experienced the quality of life of living in Uptown, there are many. There are excellent places to shop, wonderful dining, amazing outdoor activities and those are some of the things that makes Uptown a great place to live for young people and makes it a great destination. I'm here to support this proposal for many reasons. One is that it will bring 75+ above average wage positions to an area that needs jobs right now. I know a lot of people that are looking for work that live in the Uptown area. There are a lot of jobs there, but they are all below average wages or server wages that people can't afford to live on. Trader Joe's will give the opportunity for 75+ individuals to have a livable wage in those areas. I've also had the opportunity over the past few years to see the degradation of that particular area of Uptown to see an increase in criminal activity from drug and alcohol abuse, public drunkenness, organized crime and prostitution; all matters that I think are being adequately addressed to the best of the City's ability, but still nonetheless a problem. These are problems I feel that a well-managed, well lit, bustling commercial enterprise can go a long way in addressing and hopefully being able to curb. There hasn't been a lot of discussion about the jobs except from the developer. I think that is unfortunate given the high levels of unemployment that are pervasive among the younger population of that area. I think those people are being overlooked and underserved when we don't pass responsible development like this. Thank you.

Ian Skinner (2735 Aldrich Ave) [not on sign-in sheet]: I'm in support of this. I live in a small apartment with about 15 other people. We aren't looking forward to the construction noise, but we can put up with that. Uptown is good for it's walkability and this is one more thing we can do without cars. Thank you.

John Salisbury (1451 Walkler Ave, Mendota Heights): I own the Gaytee Stained Glass building at 2744, 2746, 2748 Lyndale Ave. I've own that building since 1974 and I've seen a lot of changes in the neighborhood. I reviewed the plans for down the street from me, for the Subway next to me, for the new building across the street from me and I think they're all compatible. I think it brings vibrance and energy to the neighborhood. We have a bunch of decaying buildings down there that have served their purpose and I think it's time to move on and keep it a vital and growing neighborhood and bring employment to our neighborhood.

President Motzenbecker closed the public hearing.

Commissioner Tucker: I will move to approve the rezoning C1 to C2 (Cohen seconded).

President Motzenbecker: I think that the case is strong for the rezoning given the fact that there are nine C zonings within one block surrounding this. I was trying to recall if LHENA supported the C2 across the street. If they recall, please let me know, otherwise I find that the support is there. Staff's plan has outlined all the Comprehensive Plan support. As I said previously with the Comprehensive Plan, it's a wonderful tool because anyone can find multiple things in it to support their point of view or to oppose their point of view. In this case, I have been moved by those things in support of this rezoning that are in the Comprehensive Plan and I believe staff has

outlined a very thorough listing of those. I think the other findings are also well met for this rezoning I support it.

Aye: Cohen, Tucker, Wielinski, Huynh, Luepke-Pier

Absent: Kronzer, Mammen and Schiff

The vote carried 5-0.

Commissioner Tucker: I will move approval of item B, CUP for off sale liquor store (Cohen seconded).

Aye: Cohen, Tucker, Wielinski, Huynh, Luepke-Pier

Absent: Kronzer, Mammen and Schiff

The vote carried 5-0.

Commissioner Tucker: I will move approval of variances C and D (Huynh seconded).

Commissioner Wielinski: Will this be an appropriate time for someone to explain the off loading for me?

Trent Mayberry: The truck would come in either off of Lyndale or off of 27th, pull along the side of the west elevation of the building. You can see right here is a service and delivery door so they would park out of the view from Lyndale Ave behind this six foot privacy screen and park here before store opening, unload and then leave so that when customers come to the site they can access this as a drive lane and there will still be two ingress and egress points into this site.

Commissioner Wielinski: Can you tell me what the operating hours would be then?

Trent Mayberry: The operating hours of Traders Joe's, I believe it's 8:00 a.m. to 9:00 p.m.

Commissioner Wielinski: If you've got a truck coming in, do they come in daily or weekly?

Trent Mayberry: Daily I believe.

Commissioner Wielinski: Is it one big truck that comes from a warehouse or 17 different vendor trucks?

Trent Mayberry: It's one big truck that comes from a distribution facility that Trader Joe's owns and operates.

Commissioner Wielinski: How long does it take to unload it approximately?

Trent Mayberry: I don't know that from the top of my head, but I can ask Trader Joe's.

Commissioner Wielinski: I assume you only get deliveries on weekdays not weekends?

Trent Mayberry: I do not know that.

Bob Cunningham [not on sign in sheet]: I'm Trent's colleague. It might be seven days a week, it depends on the sales of the store.

Commissioner Wielinski: My concern is if you're going to have trucks before you open at 8:00 a.m. that the neighborhood will find that very inconvenient. My concern is that if you're off loading seven days a week and you open at 8:00 a.m. that you may need to do that a little later and block the driveway at some point during their early morning hours rather than disturbing the neighbors. I imagine I would get a little annoyed if every Sunday morning you had a 6:00 a.m. delivery.

Trent Mayberry: If it becomes a problem we can certainly consider doing that. One thing to point out is that when the truck does come in, it doesn't have to back up. It can come right through and go right out. If it becomes a problem, we can talk to Trader Joe's and I would guess that they would be comfortable with that if that was the neighborhood's preference.

President Motzenbecker: I would suggest a suggestion that we ensure that the one way circulation is something that's looked at as an operating model because I agree that the backing up and the beeping, especially right across the alley, would probably be something to be concerned about. I realize that you designed the lot to work in that way, so maybe just a reinforcement that that's just the way it will work and we'll be keeping an eye on that. Would that be acceptable Commissioner Wielinski?

Commissioner Wielinski: Is there any way we can add anything in there about time as well?

President Motzenbecker: Yes, we can.

Commissioner Wielinski: I would prefer then that, I believe they stay within the boundaries of the construction rules for noise.

President Motzenbecker: We will add that as a condition to the loading requirement variance, condition one, that all deliveries shall occur within the hours equating with the construction ordinance which is 7:00 a.m....

Carol Lansing: You need special permits to do construction on weekends so I'd ask that the condition allows seven days a week, but within the hours stated for construction.

President Motzenbecker: Within the hours of 7:00 a.m. to 6:00 p.m., weekends included.

Aye: Cohen, Tucker, Wielinski, Huynh, Luepke-Pier

Absent: Kronzer, Mammen and Schiff

The vote to add the condition carried 5-0.

President Motzenbecker: The motion on the floor is for items C and D.

Aye: Cohen, Tucker, Wielinski, Huynh, Luepke-Pier

Absent: Kronzer, Mammen and Schiff

The vote carried 5-0.

Commissioner Huynh: I'd like to move staff recommendation of the site plan review with the seven conditions and add an eighth condition that a minimum of 30 bike spaces be provided on site. I believe that, just because of the context of the area you want to add more parking stalls to help mitigate the issue but I think by providing alternative modes of transportation, given the

neighborhood and how bicycle and pedestrian friendly they are, this should hopefully help mitigate some of the automobile traffic from this project.

Staff Farrar: I noticed when I was going through my report that I accidentally omitted so maybe you'll want to add another condition of approval to the project. I talk about it within the background of the staff report and basically if I can go over the elevation of the building, this is the principal entrance off of Lyndale. This is the entrance that goes into the shared vestibule that will lead you into the grocery store or into the liquor store component of this facility. What I'd also like to do, because the door faces the parking lot on this side, it seems like this is a good opportunity to do a shared vestibule and I reference that in the background of the staff report where there'd be another entrance off of Lyndale that goes into that area. I mention in the background of the staff report that access off the parking lot on the south end of the site will also incorporate another entrance perpendicular to the existing entrance off of Lyndale Ave S into a shared vestibule.

Commissioner Cohen: Does this new entrance in any way affect the distance from Hums? How close are they?

Staff Farrar: Where they have the liquor store component on the corner of 27th and Lyndale is where it's got to go to meet the spacing requirement.

President Motzenbecker: We have a motion to add an eighth condition from Commissioner Huynh for 30 bike spaces and then I would add a ninth condition that Becca just outlined with the perpendicular entry door that shouldn't be any trouble to have two into a vestibule there.

Aye: Cohen, Tucker, Wielinski, Huynh, Luepke-Pier

Absent: Kronzer, Mammen and Schiff

The vote to add the conditions carried 5-0.

President Motzenbecker: Motion on the floor is site plan review with the nine conditions.

Aye: Cohen, Tucker, Wielinski, Huynh, Luepke-Pier

Absent: Kronzer, Mammen and Schiff

The vote carried 5-0.