

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

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MEMORANDUM

DATE: August 22, 2013

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of August 12, 2013

The following actions were taken by the Planning Commission on August 12, 2013. 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 Tucker, Brown, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Schiff, Slack and Wielinski – 10

Committee Clerk: Julie Bieseemeier (612) 673-3965

3. Olu's Home Inc (BZZ-6137, Ward: 5), 1315 12th Ave N (Janelle Widmeier).

A. Rezoning: Application by Gloria Freeman, on behalf of Olu's Home, Inc., for a rezoning of the property of 1315 12th Ave N from R4 Multiple-family District to OR2 High Density Office Residence District to allow use of the existing building for offices, a child care center and a development achievement center.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 1315 12th Ave N from R4 to OR2.

Approved on consent 9-0.

7. 2827 Williams Ave SE (BZZ-6066, Ward: 2), 2827 Williams Ave SE and 2828 University Ave SE (Shanna Sether).

A. Rezoning: Application by David Barnhart for a rezoning petition to change the zoning classification of 2827 Williams Ave SE from R4 Multiple-Family District to C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District to allow for the expansion of an accessory parking lot serving the office building at 2828 University Ave SE.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **approve** the application for the rezoning petition to change the zoning classification of 2827 Williams Ave SE from R4 Multiple-Family District to C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District to allow for the expansion of an accessory parking lot serving the commercial and office building at 2828 University Ave SE, based on the following findings:

1. Policy 1.5.2, facilitating the redevelopment of underutilized commercial areas by evaluating possible land use changes.
2. Leasing and retention of businesses by approving the land use change.
3. Policy 1.1.5, ensuring land use regulations continue to promote development that is compatible with nearby properties.
4. The project is in the public interest.
5. The approval of the rezoning will enhance the use of commercial space along the corridor.

Aye: Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Schiff, Slack and Wielinski

Nay: Brown

Staff Sether presented the staff report.

Commissioner Kronzer: Is the current parking lot up to the current site plan requirements?

Staff Sether: The applicant completed the preliminary development review process just about two years ago. Through the review, we recommended as staff several site improvements – drainage, stormwater management and additional landscaping. The site plan is currently out of compliance with that previously approved plan. As part of this application, the applicant submitted a new site plan that has now since gone back to PDR and staff is going to continue to work with the applicant, if approved, to ensure compliance with the site plan.

Commissioner Wielinski: In the back of the Textile Center is a parking lot, one of the few parking lots that provides any space to park if you're over in that area and basically only if you're going to the Textile Center. The neighborhood is overparked like you can't believe because I've tried to go to meetings and wandered around quite a while. What I don't understand is why other buildings in the area can have parking in the back that abuts up against residential and yet this site is not compliant with that.

Staff Sether: The applicant acquired this parcel last year. The present zoning classification is R4. In the R4 district, a commercial parking lot is not an allowed use either as a principal use being a parking lot on its own or an accessory parking. They would have to seek the rezoning. They essentially have two options which would be to rezone 2827 Williams to C2, which is the requested application before you today, or to add the transitional parking overlay district. I can let the applicant speak to that.

Commissioner Wielinski: Ok, but in your finding four, you just said it would be difficult to develop this to low to medium density as an R4.

Staff Sether: Yes. I would say that staff is in agreement that finding four has been made to support the rezoning.

Commissioner Wielinski: Ok. Finding four supports the rezoning and yet the rezoning was denied?

Staff Sether: I would say that findings two through five actually support the rezoning request. It is finding number one, whether or not the applied rezoning is consistent with City policy and the Comprehensive Plan. That was the finding that staff was unable to make.

Staff Dvorak: For a rezoning, we do not have to make all findings. If we are unable to make one finding we can recommend denial of it.

Staff Wielinski: Ok. So you can go one out of five and say “denied”?

Staff Dvorak: Yes. Especially if it has to do with our policies.

President Tucker opened the public hearing.

Dave Barnhart (4134 Xerxes Ave N): I’m the president of Prospect Park Associates, which owns 2828 University Ave SE and the subject property which is next door. I would like to talk a little about the history of our problem and then my son Jeff would like to talk to you about the future. Attorney Carol Lansing will then speak about our proposed solution to our problem and how it fits into the Comprehensive Plan and the Stadium Village Station Area Plan. We also have neighbors here who are strongly in support of our hopes today. I think you also received a letter from the Southeast Business Association which is also in full support of what we’re trying to do. We also have a representative of our tenants who will speak about their urgent need. I bought the property at 2828 University in 2008 and two weeks after I purchased the property, which was full of a cabinet making shop, that shop went bankrupt and we immediately had to redirect the property and find new tenants and a new use for the property. We were able to accomplish that by December 2010 and in the process we found three new tenants. The first tenant we got was Blue Green Alliance. There was a 36 car parking lot when we purchased it. The Blue Green Alliance came along and asked for 18 parking places. We said “you’re taking a fourth of our building and you want half of our parking, we can’t do that”. They said, “well, sorry, we like you and we like the property but we need 18 parking spots.” We had to decide whether we wanted to have an empty building or take them on their terms. I’ve been doing business of this nature for 35 years and I know how to negotiate and I know when people are bluffing sometimes and they weren’t bluffing so we signed them up because we needed to start the revenue stream. The next tenant that came along was Grassroots Solutions. They were able to take about half the building that was 10,000 square feet and they needed 27 spots and a very similar conversation ensued with them. By the time we had the first two tenants in there we had ¾ of the building filled and all of the parking was taken. Another user came along, which was a daycare use. We’ve been familiar with daycares, we have two other daycares in our properties nearby. We told them we didn’t have any parking and they said they only needed two spots because that’s the legal requirement for a daycare because the staff parked offsite and the two parking spots were going to be used to drop off and pick up kids. [tape ended]...then they opened. To our surprise, they had two shifts and they were licensed for 108 children on each shift. In the afternoon we had over 200 kids coming and going and we had two pick up and drop off spots. We realized immediately that this was a crisis and it needed to be solved. We started making efforts to purchase the property behind that has been described and move toward building a parking lot on it. This back portion is what is now a vacant lot and what we hope to expand our parking lot on to. Because of a series of misunderstandings, we became convinced that our only hope was to zone this C2 and then ask for permission to expand the parking lot. We began gathering consent signatures from the neighbors. There are 62 neighbors within 100 feet of our contiguous property. Forty eight of them are in the condo building on the corner. It was very difficult communicating with those folks because it’s a locked building and we didn’t have phone numbers. It took us a year and a half to get the 41 signatures we required. All along, the neighborhood group was in favor of some alternative to C2. We learned recently that we could do the transitional parking overlay district. We thought it was good because we already had signatures from C2 and we asked to use those, but were told we had to get new ones. Now we’re up against a crisis because

after three years of suffering with inadequate parking, our tenants are fed up. The safety of the children is a factor every day. We feel like we have to solve this problem this fall. We're asking that you help us by solving this problem today.

Jeff Barnhart (2828 University Ave S): I'm the property manager and Dave's son. I get called almost every day from a developer. The area is pretty hot and I'm pretty privileged to be in the hot seat right now and talk about development. People ask about the empty lot and we tell them that it's not zoned properly and we're trying to turn it into a commercial parking lot. It's been a management headache for me to get all the phone calls dealing with the tenants right now, but also it would be nice be able to include that in the premise of 2828 as a property. When we got the building, there was about 20-30 employees in the woodworking factory and now after the redevelopment there's about 70 people working on that property. Property taxes went up 58% since 2010 and we're asking for a 26 spot parking lot in order to accommodate the needs of that building. I've met hundreds of neighbors and built great relationships with them. I feel like the majority of the direct neighbors are in support of this zoning change.

Carol Lansing (90 S 7th St): My job today is to persuade you that notwithstanding staff recommendation and the fact that you will likely soon see another zoning application for this property to turn it back to R4 and TPOD, that C2 is consistent with the policies of the Comprehensive Plan. As you know, application of Comprehensive Plan policies is often a balancing act. The staff report found that that balanced weighed somewhat, but not overwhelmingly against rezoning based on the Comprehensive Plan policies. I'd like to review the policies and explain why we think that they do support rezoning. Staff focused on two policies that they feel weigh against C2, that surface parking lots are to be discouraged in transit station areas and that the proposed rezoning would extend the commercial district into the neighborhood. Regarding surface parking in a transit station area, the policy discourages surface parking lots in order to not diminish the transit and pedestrian character of the area around the station. In this case, the rezoning would allow an expansion of a parking lot to serve the existing uses and demand, it would not be promoting additional vehicle trips. Visually and with respect to the pedestrian experience along University, there would be no change. There would be no change along University. It also does not result in a net gain of surface parking in the area because the property he owns across the street lost a substantial amount of surface parking spaces because that area was incorporated into the transit station. The Stadium Village plan recognizes that lack of suitable parking is a significant concern for businesses and residents and Commissioner Wielinski alluded to her personal experience with that. There are currently conflicts due to insufficient parking for these businesses and those create conflicts with pedestrians so I think this will promote and enhance the pedestrian experience in the area. The expansion of this lot will not diminish the transit or pedestrian character of the area. The other key concern of staff related to extension of commercial zoning. This is the existing C2. The yellow area is the parcels combined. It would straighten out this line. These lines were created based on existing use, not based on a studied evaluation of where that line necessarily needs to be. The Comp Plan recognizes that commercial uses and districts may exist in areas guided for urban neighborhood. The policy is to limit but not to prohibit territorial expansion of commercial zoning outside of designated corridors. University is a designated commercial corridor and this proposal would essentially be squaring off the property and the larger property would still be associated with the University corridor. In terms of transition between the districts, currently you have C2 on both the side and rear lot line of a residentially zoned property. Straightening this out would mean that the transition would be just between side lot lines. In this case, we believe the rezoning would improve the transition. This rezoning would also promote other policies cited in the staff report, including maintaining strong and successful commercial areas and mixed use areas because it will enhance the existing commercial uses, retention of existing commercial uses, support of a mix of uses. The expansion of the parking lot and the addition of the play area will be constructed in conformance with City standards. I believe that Mr. Barnhart delayed implementing the site plan improvement staff recommended because he was in the

process of hoping to be able to come back with the plan for the larger lot. We hope you find that the proposal is consistent with policies.

Commissioner Kronzer: There is a small parcel, 2900, that's landlocked. That's 2906.

Carol Lansing: This is landlocked, this is an access road but it is not a public road.

Commissioner Kronzer: Directly to the west of that, 2900.

Carol Lansing: This. Yes, that is currently zoned C2 and is the parking lot that for some reason they are separate addresses and PIDs, but this is the Barnhart property and this is where the parking lot is currently.

Commissioner Kronzer: Could that at one point been a single family residence given the size and shape?

Dave Barnhart: The previous owner of 2828 obtained that lot years ago. The house was demolished at that time.

Commissioner Huynh: Rezoning to accommodate parking is a pretty big step. My question is, as part of your design process, have you looked at options to reduce the use on site such as shared parking with local businesses or bicycle facilities or bicycle racks? It seems like you're trying to accommodate more parking for the existing tenants, but have you looked at trying to reduce automobile use on site?

Carol Lansing: In terms of rezoning, it is PPERIA's preference that this go back to R4 and TPOD which we'd be able to do quickly if it's zoned C2. I think you'd get to wait and do a comprehensive zoning analysis when a redevelopment comes forward. I think your concern with respect to rezoning for parking ultimately will end up in the right place.

Dave Barnhart: it's been alluded to a couple times, there's been a lot of parking pressure in that neighborhood, partly caused by the central corridor. There were 85 parking places on the street between 29th Ave and Berry St previous to the LRT line, there are now 15 remaining. We have often let the Textile Center use our parking. There really isn't other parking in the neighborhood that's available for shared parking other than our own property across the street and that is where we have been parking the staff for the daycare for the last three years.

Commissioner Huynh: Did you look at putting bicycle racks and other measures on site?

Dave Barnhart: We have a bicycle rack that accommodates 12 bicycles and we did get a credit for that from the City. With Minnesota winters, the bike rack isn't used all that often. There is one lady in the Blue Green Alliance who rides every single day. There are like 22 employees at Blue Green Alliance and they all find that they don't live near the line or they're running out to meetings all day long and they end up driving.

Commissioner Gagnon: You said that when the daycare came in they said two spots were sufficient, but now they are frustrated with their two spots. I'm confused. It seems that they have other daycares throughout Apple Valley and St Paul so surely they understood what dropping off and picking up over 100 kids twice a day would look like. I'm confused about coming in two years later and asking for more parking when they knew what the situation was.

Dave Barnhart: Unfortunately, they didn't. This was their first daycare experience. This was a startup. They hadn't had any other locations or real experience with daycare, although we have. We had two daycares.

I had a day care in one of my buildings since 1975. We never saw a daycare that had two shifts. It was never in the lease, it was never mentioned, it was assumed on their part that it was ok, it wasn't even a question in our mind. When they came up with two shifts, it blew things right open.

Joseph Ring (101 Melbourne Ave SE): I am past president of PPERIA and current board member and member of the executive committee. I am here to speak in favor of Mr. Barnhart's proposal. He has worked very hard and diligently with our community to put together the proposal that is before you now. We feel it would fulfill the needs of our community, the business members along University Ave and Mr. Barnhart's management of his property. My business was located at 2724 University Ave SE for 15 years. I was a neighbor to Mr. Barnhart's property. When he purchased the property at 2800 University Ave, the previous owners had a very hazardous situation where they had a sign which created a very unsafe situation for people on bicycles and pedestrians. I saw a number of individuals who were injured because of that situation. The sign was to code so there was no legal way of getting anything done. When Dave bought that property, I asked him personally if there was something that could be done with that sign. Within two weeks, the sign was gone. There was no action from our group, he did it because he realized it was a bad situation. He's an excellent property owner, manager and he's been very good to our community. Thank you.

Florence Littman (76 Clarence Ave SE): I have been president of PPERIA twice. I've also been chair of the zoning committee for many years, but I'm not chair right now. I'm here to support Dave. The first thing I'd like to tell you is that I do believe there was a misunderstanding. There are many misunderstandings about zoning. We've had neighbors and business people who have come back and not understood it. Since I was appointed by the zoning committee to come and do this, I'm going to have to refer to our memorandum. The Planning Commission doesn't like zoning change, they think it's better at R4. So do we. The agreement that we came to is that if Dave could get the C2 now...the problem is getting the signatures. People have already signed once and that took a long time. You get another letter asking you to sign something else...if you don't understand it, you'll throw it out. It's important for Dave to get this parking lot started in time. Right after he gets a C2, he's going to apply to go back to the R4 with the transitional parking so we'll all get what we want. It's really a win/win situation. We do not expect the Planning Commission, the city attorney or anyone else to enforce this, it's our agreement with the owner. It shows you how much we trust him. Dave owns a lot of property in the area. We have worked with him on many issues. We know that when he develops a property that we're going to have a seat at the table and we will be talking with him. We have had many developers who have come to work on other properties and they don't care what we think and they don't always tell us the truth. Dave has been a wonderful property owner in dealing with us. Give him the C2 and he will apply for the R4 after that and then we'll all get what we want.

President Tucker: What's before us is not your side deal with the applicant, but the C2...do you have a suggested finding for us? We need to fill in this one whether the amendment is consistent with the applicable policies of the Comprehensive Plan. Does Prospect Park have a suggested finding that will help us with that?

Florence Littman: We feel that it is consistent. It supports the medium density zoning, it gives a playground for the daycare, it keeps an important business in the neighborhood, we feel that it is consistent. It meets all four. We're asking you to support it.

Elizabeth Olson (2828 University Ave SE)[not on sign-in sheet]: We previously worked across the street at 2929 University Ave SE and have been in the neighborhood for ten years. We very much appreciate the neighborhood and we appreciate our relationship with Prospect Park Properties as well. When we moved into the building at 2828, we asked that it be developed so that there were shower facilities for those of us who like to bike. I don't believe that changing the parking is going to encourage more driving. Our staff comes in from places that transit does not reach right now and our meetings are such that transit doesn't always work as much

as we would like it to. We would like to stay there as long as we can and improving the parking situation would be a big part of that. I urge you to support his request. Thank you.

Karen Murdock (1212 Yale Ave SE): I support Dave and Jeff. Dave and Jeff were under the impression they needed to get one thing and then were told they needed another thing. We're in favor of density. The change will allow more uses and we're all in favor of that. It's an awfully nice building. Dave has been very easy to work with and owns three buildings in our neighborhood. He lives in north Minneapolis so he's not an absentee owner. There are five points in the rezoning and Dave meets four of them, which seems sort of overwhelming to me. I live three blocks away, but the neighbors right around this and I think the playground will be nice for the kids in Glendale because there's no playground for them now. A change to C2 will bring this into alignment with the nearby properties. It's an aesthetic consideration, but I think it will make development easier in the future and we expect a lot of development when the train starts running next summer.

President Tucker closed the public hearing.

Commissioner Schiff: We have a site plan in our packet but there's no site plan application coordinating with the rezoning in front of us.

Staff Sether: There is not an application for site plan review. The uses that are within the existing 2828 University Ave SE would not trigger the site plan review application and it's not subject to the Chapter 530 specific uses, however, the design and maintenance of the additional parking spaces are subject to review by staff and we're reviewing those administratively through preliminary development review.

Commissioner Schiff: I like the proposed site plan in that it shows that the curb cut currently on the site will be closed and I can't see close enough to see if there is landscaping there to protect the residential street from the appearance of a surface parking lot, but because we just have a rezoning in front of us there's no way to enforce this particular site plan?

Staff Sether: If this particular rezoning is approved, there are a couple of protections in place. First is the required setbacks based on the adjacent R4 zoning. We do have a front yard setback requirement along Williams Ave SE and an interior sideyard. We can use the Chapter 530 and Chapter 541 standards for design and maintenance to require...and staff has had many conversations about screening to protect all the lights and adjacency impacts of any parking of vehicles within proximity of the adjacent residential use. This yard here along Williams Ave SE would be an open landscaped yard and then there may be some children's play equipment but that must be located outside of all the required yards. As you've noted, the only application before you today is the petition to rezone.

Commissioner Schiff: The closing of the curb cut, how do we guarantee that?

Staff Sether: That is something the applicant has already indicated would happen with this particular plan and staff has already indicated to him that the existence of that curb cut would not be allowed. Unfortunately, with a petition to rezone, we cannot attach any conditions of approval.

Commissioner Schiff: I do like the design, but I'm nervous to not be able to see the design actually formally approved as part of this plan.

Staff Sether: I think that staff does have the ability to restrict the number of curb cuts through Chapter 541 and we would site that and the city engineer must also agree with that.

Staff Dvorak: In order to expand the parking lot, the Public Works Preliminary Development Review process is triggered and so before they could construct the parking lot, both Public Works and Planning staff will have to approve it.

Commissioner Schiff: I'm going to move approval of the rezoning (Huynh seconded). For findings, Policy 1.5.2, facilitating the redevelopment of underutilized commercial areas by evaluating possible land use changes. We've heard testimony that talks about this commercial property and the leasing that will result and the retention of those businesses by approving the land use changed. Policy 1.1.5, which is ensuring land use regulations continue to promote development that is compatible with nearby properties. This is basically an expansion of a parking lot and a squaring off of the property which is very logical in this case.

Commissioner Cohen: I would add that it's in the public interest.

President Tucker: It seems to enhance the use of commercial space along the corridor. It rationalizes the developable space in an area close to transit, the new central corridor.

Aye: Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Schiff, Slack and Wielinski

Nay: Brown

8. Minnesota Multi-purpose Stadium (Ward: 7), 401 Chicago Ave, 701, 713, 719 and 811 3rd St S, 700, 716 and 728 4th St S and 300 and 309 9th Ave S ([Hilary Dvorak](#)).

A. The Stadium Implementation Committee has forwarded a recommendation to the City of Minneapolis to approve a request by the Minnesota Sports Facilities Authority to construct the Minnesota Multi-Purpose Stadium, a 1,500,000 square foot, 65,500 seat stadium, with expansion up to 73,000, for use by the Minnesota Vikings and other civic and community uses, and stadium related infrastructure, subject to conditions and mitigation measures, on property located at 401 Chicago Ave, 701, 713, 719 and 811 3rd St S, 700, 716 and 728 4th St S and 300 and 309 9th Ave S.

The City Planning Commission will review the recommendation of the Stadium Implementation Committee and make an advisory recommendation to the City Council.

Action: The City Planning Commission recommends that the City Council **approve** the recommendation of the Stadium Implementation Committee, with the following additional recommendation:

1. Following completion of the improvements referenced in the action of the Stadium Implementation Committee, subsequent changes will be subject to the City's zoning ordinance and all applicable City regulations.
2. Condition to be added as 5G in the Implementation Committee action: Delegate final review and approval of the parking garage designs to the City of Minneapolis Community Planning and Economic Development Director and the Public Works Director.

Aye: Brown, Luepke-Pier, Schiff and Slack

Nay: Cohen

Abstain: Wielinski

Recused: Huynh

Absent: Gagnon and Kronzer

Staff Dvorak presented the staff report.

Commissioner Schiff: Could you put the project boundary site map up on the overhead? Something that shows the stadium. We've got a stadium and then we've got three blocks to the north of the stadium and a plaza. What are we approving today?

Staff Dvorak: Today you are approving the design of the stadium itself...I'm sorry, it would have been good to point out where the parking garages are going to be located. This is known as the McClellan block, that is where one of the parking garages would be located. Block 7 are the two blocks located up here. There will be one parking structure that would be placed on those two blocks.

Commissioner Schiff: Those will all come back to us per the condition that says further changes will come back to us?

Staff Dvorak: No. The design of the parking garages would not come back to you. We are asking that...

Commissioner Schiff: They haven't been designed yet though.

Staff Dvorak: Right, but we have set out the design criteria that we would use for any parking structure in the city and asked them to meet those standards and let staff approve them as part of the construction permitting process.

Commissioner Schiff: Where is that written that we are now deferring everything to staff for final approval?

Staff Dvorak: If you go into the packet with the memo on the front...

Commissioner Schiff: I think it needs to be clear in the action that we vote on that we are giving authority to staff for final approval for those future designs.

Staff Dvorak: Starting on page 23 are all of the specific actions. This whole document is getting approved as part of the actual recommendation in the memo. This whole packet is going to move to the City Council and I apologize if I was not clear. Starting on page 23 through 29 are all of the actions that we are asking that you forward on. Throughout all of these is where either approving things or then delegating review authority to the City, to the Director of Public Works, to the Director of CPED, to MetroTransit, Hennepin County if it's applicable.

Commissioner Schiff: So the signage plan is being delegated to the CPED Director.

Staff Dvorak: Correct. That will probably come back through the Planning Commission depending on what that signage plan looks like, but it's unknown at this time.

Commissioner Schiff: Which page is the one on the parking garages?

Staff Dvorak: On page 27 under the transportation system; A, B, C, D and E all deal with the parking garages.

Commissioner Schiff: Where is the language that says we defer all authority to staff for the final design of the parking garages?

Staff Dvorak: That specific language is not in there so we could add "delegate review and approval of..." It was an oversight; I apologize.

Commissioner Schiff: I've never been asked to approve a phantom building before in my 12 years on the Planning Commission so I don't know why we're being asked to do this rather than just have them come back through us. What is the rationale to...if they're not done, they're not done.

Staff Dvorak: The rationale is that the City Council has one chance to approve the design of the stadium and the related infrastructure and based on the construction timing of the stadium, this is when the City needs to take action the design in order for them to submit construction drawings and pull their permits to begin the stadium.

Commissioner Schiff: Again, that's for the stadium. You don't have to speak against your own values, I'm not asking you to do that at all, but I am wondering if the parking ramps aren't designed yet and clearly they won't be constructed if they're not designed, then why is future review of those facilities...as you said, it's not even in this document that we would give staff control of site plan review of those facilities, which I'm comfortable with as long as they meet the standards of the zoning code, which I'm not seeing in here on page 27. It doesn't say that the parking facilities will meet the standards of our zoning code.

Staff Dvorak: The first three, A, B and C under five under "Transportation", it doesn't reference zoning code section 530, but this is the language from the zoning code that is specific to parking garages.

Commissioner Schiff: Has anything been left out from that section of the zoning code related to the design?

Staff Dvorak: No. The only thing left out is the point that they need to be below grade. What I would suggest is that we add an action here that delegates final review and approval to the Director of CPED and Public Works on the design of the parking garages.

Commissioner Schiff: That would be G under five?

Staff Dvorak: Yes.

Commissioner Cohen: You mentioned what I will call the queuing up lot that's in private hands; who owns it?

Staff Dvorak: I'm not sure which lot you're referring to.

Commissioner Cohen: You were referring to a lot of some kind that was needed for the expedition of people going to the stadium and queuing up and you said it was still in private hands and I want to get an idea who we're doing business with here.

Staff Dvorak: I was talking about the block where the downtown east light rail...it's owned by Aladdis. Bob Lux with Aladdis. He's a private developer.

Commissioner Cohen: I got a general sense from your response to the questions by Commissioner Schiff that we may never see this again. Is this it? Is the general plan that this is the first and last time that the Minneapolis Planning Commission is going to be having a public hearing discussing the stadium? Is that the objective of this particular meeting?

Staff Dvorak: Yes. Once the Implementation Committee forwarded the recommendation, the City Council process has 45 days to conclude. If it doesn't conclude within that timeframe it is deemed approved. This is it.

Commissioner Cohen: I think the public is going to be surprised when eventually they discover that this is it because I know there are a lot of people that have a lot of opinions about this whole thing and would like to have the opportunity to hear a little bit more about it at this level, but I guess that isn't going to happen.

Commissioner Slack: One of my current concerns relates to not only the parcels to the north, but how we're going to deal with public realm improvements within the entire district. There doesn't seem to be any principles that relate directly to that. I think part of the message that was out there in the public early on was kind of this experience and connectivity and I don't see it in the plan, especially along Chicago, 9th, 11th and 4th. I think that, internally, we need to really look at the design of the public realm and connectivity of the plaza and stadium to the broader context of downtown. From the standpoint of stormwater management it sounds like there will be some future designs related to not only the stadium but the plaza itself. The MWMO is engaged and that's great. I'm guessing that the intent here is to go above and beyond current standards.

Staff Dvorak: The project will meet Chapter 54 for stormwater management purposes. What happens is all of the roof water will drain into a pipe that runs around the site and then into an underground pipe gallery that is located below the parking lot in the southeast corner of the site. Any other improvements that would be done through the watershed district would be above and beyond Chapter 54.

Commissioner Slack: As it relates to overall design, especially the public realm spaces which is what I'm probably most concerned about, the plaza itself – two acres – is that intended to be public so there would be an opportunity to have programmed events and other uses year round? It's still a fairly large space and from a microclimate standpoint, might not be the greatest with dark pavements and open pavement areas and tree clusters on just north and south. In the winter there's probably not going to be a ton of wind protection and in the summer it's going to be a very hot space. To me, it's not the most inviting space, but design is also perception so that's my perception of the design. Is there an opportunity to further that design along? This sort of goes into the other comments that maybe through the CoW process or something a year from now we could see how the public realm space is starting to take shape and what kind of environment is being created as part of this process.

Staff Dvorak: I think can. There was a sentiment on the Implementation Committee that two acres of gray concrete wasn't going to cut it. We did, at that last meeting of the Implementation Committee, refine the action specifically related to the design of that and that's how they came up with the pervious paving system and lighting and whatnot. We will be looking for those elements. Moving forward as they start to further define the plaza design I can bring that back to Committee of the Whole and we can have a discussion. It wouldn't be something that you would act on, but you would be able to see the progress of the design in that area.

Commissioner Slack: There's a parking lot drop-off on the north, what's the purpose of that parking lot and that drop-off?

Staff Dvorak: The parking lot drop-off on the north was alternate that will not be added to the design. That will be just green space with...there are entrances at street level down in this location and this plaza will remain, but this drop-off and these parking spaces will not be a part of the final design. There will be a walkway that continues to some point in this area because this is where the overflow MetroTransit buses wait after games to take the additional riders off site. That area will be green space and additional sidewalk space in that location. There were concerns early on from Public Works and from the City about people trying to go the wrong way on 4th and through many conversations with the project design team that will no longer be included.

Commissioner Slack: This is such a big opportunity to really improve the public realm and whether it's street connectivity, the plaza or other open spaces, I see just as many people walking, biking and taking the light rail to the stadium as they are driving. I really hope that we put that on the front burner and stay out in front of that so we can really have public spaces that work for the residents of the city.

Commissioner Luepke-Pier: This packet is shorter than a lot of the packets we've seen tonight and we've seen more detailed drawings of the public realm in parking lots for convenient stores. Given the public nature of this, it seems a little bit daunting and somewhat unreasonable to expect that we're going to have to blindly approve this and hope that they have the public's good intention at heart, which we hope for every project, yet we require everyone else to submit much more detailed plans before they expect us to just say ok. I can't go back in time and interfere with the actions of the legislature, but I do see where they say that the City Council is not to take any action or impose any conditions that will result in a delay in the timeframe established in the time table. Has that time table been established then?

Staff Dvorak: Yes.

Commissioner Luepke-Pier: Ok, so there is a time table, for example, for when the parking ramps will be designed I assume and when they will be...

Staff Dvorak: What I can say on the time table for the parking garage is that they have to be open for the first game of the 2016 season.

Commissioner Luepke-Pier: At some point someone in the design group has some sort of schedule in place as to when these decisions have to be made and same for the public realm around the whole thing and I'm thinking that it doesn't seem unreasonable to have them report back to us on what they've done, but maybe some people from the design group that are drawing these up to come to us and tell us their time schedule so this way we won't be imposing any unreasonable things on them by asking them to come to Committee of the Whole. I understand that what we say can be completely ignored at that point, but it would be nice as a show of good will if they would bring their designs to us with enough time for us to weigh in on them and make comments given that's what we do for every other project here and this is somewhat of an unreasonable request on our behalf so it would be a good gesture of good will for the design committee. I know you can't speak for them.

Staff Dvorak: The whole project design team is here.

Commissioner Wielinski: A lot of conversation has gone on about the fan experience. Can you tell me where they're planning on having the tailgating?

Staff Dvorak: The tailgating is being discussed outside of the purview of the redevelopment of the stadium. Currently the tailgating lots are where the proposed Ryan development sits and so the City is currently working with the Vikings on establishing a new tailgating plan.

Commissioner Wielinski: The other thing you mentioned is that they have to have a three foot barrier around the site by NFL rules. Can you show us where there is?

Staff Dvorak: I should say that that they have to have a 100 foot security perimeter around the furthest extent of the building on all four sides. The retaining wall security wall is on the south side of the site so it starts over here and comes up around 11th and in the area where there are driveways there will be bollards. They will also be using City dump trucks to block off the current streets. Fourth Street will be closed so for the security

perimeter on the north it is 4th St with dump trucks located at the street entrances and then for the area in between you will have the light rail line. Along Chicago, they are doing a series of benches and bollards to form that security barrier along Chicago. It is kind of a combination of different things that form that security barrier, but given the grade changes on the site, that retaining wall will be along the south and then on the southeast corner.

Commissioner Wielinski: What activity is planned for this plaza?

Staff Dvorak: I would rather wait and let the design team address that.

President Tucker opened the public hearing.

Michele Kelm-Helgen: I'm chair of the Stadium Authority. I want to thank the commission for your work and for your review of this project. The main thing I want to emphasize is there were many hours, probably over 100 hours, that have been spent between the authority, the architects and the team in some cases with implementation committee members and staff from the city to get us to this point. While it may seem like, at this hearing, there aren't a lot of public here to comment on the project, I will tell you that in all of the implementation committee meetings and the subcommittees that were held, there were many people who came to those hearings. Just the committee itself had over 40 members. There were countless hours. The whole implementation process, which was outlined by the legislation, I believe is a model that will be used by the state...our architects tell us that it's probably the best process they've ever seen for involvement. That's involvement...there were six elected officials, six City Council members that served on that committee. There were all the staff representatives that worked with that committee that came to all those meetings. Then there were over 30 neighborhood, business and residents who worked on that committee. Outside of that committee, I personally worked with those folks. There were two architects that worked alongside HKS. We did regular meetings about every two to three weeks as we got closer and deeper into the design phase. Tom Fisher, who is the head of the architecture school for the University of Minnesota and co-chair of the committee along with Tom Meyer, worked with us and they were working primarily on the exterior design and things that relate to the connection to the neighborhood. The whole idea of all the windows and the transparency and the connection and the surrounding area with walking paths and bike paths were all things that were worked on both with the architects on the committee as well as the committee in general. There actually was a great deal of citizen involvement and participation. I personally met with all of the neighborhood committees on multiple occasions. I mentioned at the conclusion of the implementation committee, this is just the beginning of a process that will continue with the neighborhood business and resident groups in this area. I am always available and committed to working with those neighborhoods to let them know through the construction process and as the design continues to be refined what's going to be happening. I assure you of that and I can tell you that we would be glad to come back with further presentations that our architects could make in more detail on the surrounding infrastructure as it develops. I will say, and this has been a challenge for City staff as well as well as the implementation committee, the whole obviously...the infrastructure in a broader sense as far as it relates to the land and the parking surrounding it has been complicated to a fairly great degree by the Ryan development. I think everyone believes the Ryan development project is a very good project and is going to improve the stadium. I think there is great synergy in that project, but given the timelines of everything, it certainly has complicated the presentations that we've been putting together. For example, when we submitted our design to the implementation committee, we essentially had from a park plaza standpoint two alternatives that were submitted. One was sort of a north south. What had been included in legislation was a park plaza area that would include that block where the transit station sits in front and then the McClellan block that actually was originally intended to be part of our park plaza. The other option, which now has a lot more reality with the Ryan development, is those two blocks that the city will be doing on the yards along with the front block of the plaza. I will tell you, we have not yet purchased that block and there are some fairly

major issues related to price and what we're going to be able to pay for that block and how that all plays out together. That is definitely something that we're working on, but is not yet finalized. There are plans that Ryan had put together. The idea of the combination of the Ryan development and the stadium and that is that while the authority would own those parking ramps, they actually would be developed by Ryan and it would be part of their development plan. They actually have drawn in some amount of detail some parking structures that could be both on that McClellan block as well as on that Block 7 on the north side of the stadium. We haven't finalized our agreement with Ryan, which is why the City probably hasn't brought those forward. It won't be long that we will have designs for that and we'd be glad to come back at any point.

President Tucker: We'd be glad to have you back at one of our Committee of the Whole meetings.

Commissioner Schiff: Thank you for being here and thank you for that last point you made. Is there any reason why, given your willingness to come back and given the fact that there are no designs ready for those other areas, why we can't just approve today what has been designed which is the stadium site itself and leave out of any action today any kind of action that references the other developable parcels that are not yet designed?

Michele Kelm-Helgen: I would say, the legislation was very specific about the process that would be used and we need to follow that process. We also, as part of the legislation, are required to provide that parking that I talked about as part of the legislation. If it's not included in the approval that the City Council makes, we actually would have problems in terms of our making good on our agreements with the team and to fulfill our obligation under the legislation. This process is similar to the process that was used for the Twins stadium and is a very specific process that they put together. While it may look like this hasn't had a lot of vetting, we have had hours. This whole parking and plaza discussion took place in great detail with the implementation committee. If you talk to the chairs of that committee, I think people are feeling comfortable with where it's at.

Commissioner Schiff: I remember the Twins ballpark process very well and we never approved structures yet to be designed as part of that process. There were no parking facilities built for the Twins ballpark, it used existing facilities. Again, how will this slow you down, since you're willing to come back, on the construction and the timelines of the stadium if we just approved the designs for the stadium today and you came back later on once the plans were in place for the parking related facilities?

Michele Kelm-Helgen: The detailed plans could be done quite a while from now. As we mentioned, the parking doesn't have to be finished until the opening of the stadium. We definitely need to, in terms of the approval of the City Council...if everything was held up, it has to be approved as a package. If things were held up because the parking wasn't approved, I'm not sure how the whole permitting and process would move ahead. I would have to defer to the City. From our standpoint, we very clearly need to have the mandate for this whole package to move ahead so we can do what we need to do, making the agreements and the contracts. When we put things in place, for example, in October, we will come with our construction firm to a guaranteed maximum price. All of the infrastructure surrounding that has to be part of it. We may not have those parking ramps designed in totality. We can show you a design that Ryan development has put together. I guarantee you that they meet all the City codes and requirements and there is some level of detail that you could see about those, but they are not going to be finalized and it's going to be really important that we have our package together that can move forward when we come to a guaranteed price with Mortensen in October. I would just be concerned that if we start holding things back...the whole package has to come together. I have to make sure that the authority stays on budget and on time so this is an important part of the process.

Commissioner Schiff: You answered it with that; thanks.

Commissioner Cohen: If this is our only crack at this, there is a lot more to say about this project other than design. Our responsibility goes a lot deeper than design. As for the public participation, that doesn't cut it when we were just talking about appointed officials and appointed officials and architects. The public are the people that are writing in the blogs that they were denied a vote on this deal and they feel they were cheated out of an opportunity to be heard and they still haven't had an opportunity to be heard and they're not going to get an opportunity to be heard on this body and that's wrong. The charter under which we operate, the Comprehensive Municipal Plan provides, in section 542, that we have the responsibility to plan for and provide public facilities which anticipate growth needs, use fiscal resources efficiently and meet realistic deadlines. Section 583 provides that we effectively engage the public when making decisions that could remove or change City service, project or policy. In my opinion, this deal violates both the Comprehensive Plan and the public interest. I feel that this deal has a long way to go before you find me voting for it.

John Hutchings [not on sign-in sheet]: I'm the principal in charge of this stadium project. I live in Dallas. I want to address the question about the plaza. One of the designs of the plaza that we initially began was to try to make this a 365 day a year space. When we add a lot of tree wells and a lot of areas there, it cuts out the possibility of creating large venues that...we foresaw having temporary ice placed on a large portion of the plaza so that it would engage people for non-event days. A normal season has eight Vikings games and then preseason games. It's a small number of days, which is not what the intent of this stadium has been designed for. We designed it for multipurpose use, for everything from Final Four basketball tournaments. We talked about parks and connectivity all the way from the river to Elliot Park and from Twins Stadium to our Metrodome Stadium site. We have looked at this in a larger context. We produced 1500 drawings for the 50% DD set so when I hear that your packet has been reduced in size it's not that the information has not been developed and is still ongoing regarding the amount of information that we have and the information that we've given to Mortensen Construction for them to begin developing their pricing for the stadium authority. The watershed district was discussed. We're looking for ways to improve that plaza, but we think if we start adding a lot of tree areas there it's going to cut down the flexibility of use here for game day. We will have lights and sound and boxes internally that have been designed to allow different types of activities to be encouraged. We see with the advent of Ryan, the development of the yard tying into this for game day and non-game activities that stretch several blocks.

Commissioner Luepke-Pier: The things you're saying are things I want to have a conversation about, which is exactly why I'm looking forward to the Committee of the Whole meeting. I feel as though you could bring your drawings, specifically the ones related to the public realm and we could all sit down and have a discussion about it. I'd like to hear how you're planning to use this space year-round. Do you anticipate flying in for a few Committee of the Whole meetings to work with us on refining some of these details?

John Hutchings: Certainly. We are here almost every other week in meetings so it's not like we don't have the opportunity to meet sometime in the future to show...once some of the things with Ryan are further along.

Commissioner Luepke Pier: Can you try and do your best to make sure you're meeting with us with enough advanced notice where if we make recommendations, it will be perhaps implemented or tweaks can be made so it's not so much "here's what we're doing" as much as "here's what we'd like to do, what do you think". I think that there's a give and take that needs to be here to make sure this is a cohesive that really fits well into the downtown plan we have and I think there's an opportunity to make the plan even better.

John Hutchings: I'd have to defer to my client, the authority, as to how we go about doing that.

President Tucker: We're asking you to be part of the continuing conversation that Hilary discussed in her report.

President Tucker closed the public hearing.

President Tucker: We have one item in front of us which is to pass along this recommendation to the City Council.

Commissioner Schiff: I will move approval with the additional language suggested by staff for point 5(G), delegating final review and approval of design of parking facility on the McClellan block and the block to the east to the CPED Director (Luepke-Pier seconded).

Commissioner Cohen: I can't vote for this. The financial arrangements for this deal are a total mess. The original financing plan involving the participation of the State of MN is a total failure. Pull-tabs are sucker bait and they are not going to be successful and the alternative we're hearing about now is more taxes. We now read in the paper that the principal person who we are supposed to be in partnership with has been recently described by a City of New Jersey judge is a liar and a bad person to do business with. I don't care to participate as a City official in furthering this deal along. I think this deal should go down and I will not be voting in favor of any measures that advance it in any way, shape or form.

Commissioner Luepke-Pier: I had a question to my fellow commissioners. My interpretation is that we can't impose anything that imposes undue hardship...or specifically would result in delays, but I think that given the planning for this site, I think that anyone can work into their schedule...I want your opinion as to whether or not you think it's reasonable to add a condition that requests that they act in good faith and meet with us in reasons to the public realm and parking ramp.

President Tucker: I don't think we usually throw those in as conditions. We've made the invitation and I believe it's been accepted so I believe we would go with them. I think from the legislative action mandating our role in this, it is minimal and the whole thing has to be acted on by the City in a single final action – it's very clear the role we are supposed to play. We could just say we don't want to participate and we could send it along without a recommendation or we could just do our little part in the conversation as assigned to us by the legislation.

Aye: Brown, Luepke-Pier, Schiff and Slack

Nay: Cohen

Abstain: Wielinski

Recused: Huynh

Absent: Gagnon and Kronzer