

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

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MEMORANDUM

DATE: October 1, 2013

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of September 16, 2013

The following actions were taken by the Planning Commission on September 16, 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, Huynh, Kronzer, Luepke-Pier, Schiff, Slack and Wielinski – 9

Not present: Gagnon (excused)

Committee Clerk: Lisa Kusz (612) 673-3710

4. Edison North Parking Lot Improvement Project (BZZ-6163 and Vac-1616, Ward: 1), 2200 Quincy St NE (Hilary Dvorak). This item was continued from the August 26, 2013 meeting.

A. Variance: Application by John Slack with Stantec, on behalf of the Board of Education, for a variance to reduce the width of the drive aisle in the parking lot located at 2200 Quincy St NE from the required 22 feet to zero feet for a portion of the spaces that would utilize the proposed public alley for maneuvering purposes.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the width of the drive aisle in the parking lot from the required 22 feet to 0 feet for a portion of the spaces that would utilize the proposed public alley for maneuvering purposes for the property located at 2200 Quincy St NE.

Aye: Brown, Kronzer, Schiff, Wielinski

Nay: Huynh, Luepke-Pier

Abstain: Cohen

Recused: Slack

B. Variance: Application by John Slack with Stantec, on behalf of the Board of Education, for a variance to reduce the rear yard setback from the required 5 feet to zero feet for property located at 2200 Quincy St NE.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the rear yard setback from the required 5 feet to 0 feet for the property located at 2200 Quincy St NE.

Aye: Brown, Kronzer, Schiff, Wielinski

Nay: Huynh, Luepke-Pier

Abstain: Cohen,

Recused: Slack

C. Variance: Application by John Slack with Stantec, on behalf of the Board of Education, for a variance to reduce the landscaped yard along the rear property line from the required 7 feet to zero feet for property located at 2200 Quincy St NE.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the landscaped yard along the rear property line from the required 7 feet to 0 feet for the property located at 2200 Quincy St NE subject to the following condition:

1. The west end of each parking row shall be landscaped per the requirements of Section 530.170(d) of the zoning code.

Aye: Brown, Kronzer, Schiff, Wielinski

Nay: Huynh, Luepke-Pier

Abstain: Cohen,

Recused: Slack

D. Vacation: Application by John Slack with Stantec, on behalf of the Board of Education, for an alley vacation – the south 20 feet of the dedicated alley in Block 18, East Side Addition to Minneapolis. The block is bounded by Quincy St NE, Monroe St NE, 22nd Ave NE and 23rd Ave NE.

Action: The City Planning Commission has **forwarded without recommendation** to the City Council the petition to vacate the south 20 feet of the dedicated alley in Block 18, East Side Addition to Minneapolis (the block is bounded by Quincy St NE, Monroe St NE, 22nd Ave NE and 23rd Ave NE).

Aye: Brown, Kronzer, Wielinski

Nay: Huynh, Luepke-Pier, Tucker

Abstain: Cohen, Schiff

Recused: Slack

Staff Dvorak presented the staff report.

Commissioner Kronzer: It seems like the rain garden that requires the alley vacation takes up about two parking stalls in size, roughly.

Staff Dvorak: The alley is 16 feet wide.

Commissioner Kronzer: They're not asking for any parking variances. Can you describe what the parking issue is here of why they're trying to maximize parking while doing a lot of good things for storm water?

Staff Dvorak: Since they have no net loss of parking on the space...and it's my understanding that was the School Board's requirement for this project to be done by the watershed district is there could be no net loss of parking spaces.

Commissioner Kronzer: This block looks to be entirely single family, is it ownership or rental? What's happening on the rest of this block?

Staff Dvorak: I do not know if they are owned or rental. There are 13 structures; these three would not have access to the alley.

Commissioner Kronzer: It's a relatively small number of folks using this alley. Could we not provide easements and encroachment permits while not vacating an alley? Could we not lose the right of way but still provide this project to happen?

Staff Dvorak: I don't know if any of my colleagues from Public Works are in the room. We've been talking about this for a very long time. I don't know if that question has ever come up if we could issue an encroachment permit for the rain garden without vacating because the easement that is over it would not allow for its intended use, which is transportation purposes. That is a question that I would have to go back and ask Public Works specifically. This is the solution that was arrived at so as to not create a dead-end alley.

President Tucker: You had a map up there with the yellow showing the hammerhead. It shows two less parking spots. Is that from the applicant or is that your map showing extra landscaping where it comes into the alley.

Staff Dvorak: I do not know why those areas are striped wider than...we'd have to ask the applicant.

President Tucker: It doesn't seem like they could be parking places if you're cutting off one corner of each parking place for maneuvering room.

President Tucker opened the public hearing.

Dan Edgerton (1157 W Como Blvd, St Paul) [not on sign-in sheet]: I'm with Stantec. I started working on this project three or four years ago as part of the Northeast Green Campus project. The Northeast Green Campus is in northeast Minneapolis and encompasses an area that includes Jackson Square Park, Edison High School and the City of Minneapolis flood mitigation basin. For that project, our mission was developing green infrastructure, primarily sustainable storm water practices within that area. It's a multijurisdictional project that involved the funding entity of the Mississippi Watershed Organization, but Public Works was involved, Minneapolis Parks was involved and the school district as well. Also, the Holland neighborhood was very involved. We looked at different options throughout that area for addressing storm water and we proposed a whole suite of low impact development type best management practices such as rain gardens, tree trenches, pervious pavement and storm water reuse. This project is the first one coming out of that, but there are future phases planned as well.

Commissioner Huynh: Regarding the alley vacation, I'm still unclear about the entire application, but my understanding is that there is a rain garden right at the apron and there are pervious pavers 17 feet above that 20 feet that meets the end of the alley there. I'm confused as far as why you're not continuing the pervious pavers down and eliminating the rain garden when both of them have storm water benefits as far as absorbing storm water. I'm wondering why you or the applicant thinks this would justify an alley vacation.

Dan Edgerton: I wasn't necessarily involved in all of the discussions, but in general...one of the reasons we're proposing four or five different types of BMPs...and really one of the goals of this project was civic engagement and public education as well and it was felt that by putting a variety of different storm water practices on the site, the goal really was to provide not just storm water management but other benefits like education and aesthetics. Pervious pavers can work. The idea was to provide a variety of benefits.

Commissioner Huynh: I think a lot of the design elements that you have in the alley can be incorporated in the parking lot. I'm not sure why you would take away an alley that's still servicing the public to benefit a parking lot if you can integrate those design elements. I'm questioning the tree trench...like could that be a rain garden and then you just increase your pervious pavers as far as then meeting the 80% storm water collection. I'm not sure what the quantity and quality of storm water percentage is that you're trying to achieve, but I think you can do that within the frame of the parking lot itself. I'm a little hesitant because it kind of isolates these few neighbors from the street and having street access which is good when you're walking and biking.

Dan Edgerton: There's quite a bit of capacity within the tree trench, pavers and parking lot. We're talking about being able to capture about a five inch rainfall, which is significant. One of the things the alley features do is the way the drainage goes in this area is that the parking lot drains northwest to southeast so the northern part would be captured by the tree trench and the southerly portion would be captured by the pavers here and an infiltration curb. The flow along the alley generally will go north to south and would not be captured if we didn't have something in the alley itself. The school district was interested in having the rain garden there and the alley closed because of concerns about a midblock crossing. They were concerned about conflicts with pedestrians and cars.

Commissioner Huynh: Would it be do or die for the applicant if the rain garden went away and the entire area became pervious pavers so it'd still allow circulation through the alley?

Dan Edgerton: From a strictly storm water standpoint, we could certainly do other means of capturing the runoff. Getting the water from the surface into infiltrating it below and then basically providing a rock trench below. As long as we have adequate storage and volume in that rock trench, pavers would be suitable for doing that as well.

Commissioner Luepke-Pier: You talked about a diversity of water management techniques. I'm not convinced that the rain garden needs to close off the road. Since you're not supposed to remove any of the parking spaces, has there been any discussion about making some of them in the lower corner adjacent to the rain garden compact spaces and using the added difference to have a rain garden there so that way it's still on site and a teaching tool, but it's not blocking a public amenity?

Dan Edgerton: I haven't been really involved in the parking space...and I know there are requirements for widths and dimensions that I'm not really up on. There might be an opportunity to do something and scrunch down parking, but we'd have to meet requirements to see if that could happen.

President Tucker: I did have a question about those two parking places where the diagonals come in for maneuvering room in the hammerhead.

Dan Edgerton: That is on the plan and that is what would need to happen in order to provide that hammerhead.

President Tucker: So it's expected that where it's cross-hatched green will be landscaped, or at least the part that doesn't have yellow on it?

Dan Edgerton: Correct.

President Tucker: Those places are not part of your parking count to get whatever number of units you wanted?

Dan Edgerton: Right. That's my understanding.

President Tucker: So if the parking vacation were approved this scheme for turning around is adopted, there would be that landscaping as shown there, not just the pink as recommended by staff...am I right on that?

Dan Edgerton: I'd have to look at the plans. I can't say that for sure, but I think that is the case. I'd have to look on the final plans.

Commissioner Kronzer: You were talking about if you removed the rain garden and put back permeable pavers that you think you can meet your rain water event goal with providing a chamber below, is that essentially [tape ended]...

Commissioner Luepke-Pier: ...is going to be new anyway. Typical pavement and then a segment of permeable pavers...is there any reason why if you're replacing this part anyway why there isn't more of a significant portion of permeable pavers there? It seems like if this is a big demonstration thing, shouldn't it beef up and have a lot of it?

Dan Edgerton: Permeable pavers add to the cost. We provided what we needed to in order to capture and treat that five inch rainfall. It could have been the entire thing, but since it didn't need to be – given the cost, that was the consideration.

Adelheid Koski (2309 Madison St NE): I am the current president of the Holland Neighborhood Improvement Association, the neighborhood in which this development is going to happen we hope. I am here to speak in favor of the proposed alley vacation. Our neighborhood submitted a letter that states the reasons why we support this project. The work of the Mississippi Watershed Management Organization and their efforts to help keep storm water and pollutants out of the upper Mississippi is something that I wholeheartedly support. I'm also speaking as a resident who quite frequently utilizes 22nd Ave NE in this area. Our home sits on the west side just north of 22nd Ave NE and in order to get a lot of the amenities of our neighborhood that my children like to use like Jackson Square Park, the flood mitigation basin which is a great sledding location in the winter, the northeast library, public transit along Central Ave and even the bike boulevard where we often times if we're going to the Jim Lupient water park we take that and it's a relatively safe way to go. It always struck me as odd that there was an alley that emptied right out across from a high school because if you're walking with your children down that street you sometimes have the option between walking in front of the school when kids are letting out and when there are a lot of buses there or crossing over and trying to go through an uncontrolled intersection. It's aesthetically very unpleasing as an alley. I wonder sometimes what the students from Edison think as they leave their school and look at a row of garages and dumpsters and dirt. I question the safety for Edison students. A lot of them use the alley as a pass-through to get north to Lowry Ave where there is a Dairy Queen where they like to have lunch. It causes litter problems. It's very easy for people to come in tag garages and such. I believe that closing off the alley would discourage some of that pedestrian traffic and take it around where it's more visible and people might be less likely to engage in that type of behavior. If you look at the overall aesthetics and how things have come up in the last ten years, it seems to me that closing off this alley, putting in a beautiful garden adds benefit not just to the project or to Edison or to my kids, but to the neighborhood as a whole. It's also my understanding that the property owners who have garages along the alley can still access from the north. I'm not sure if there is a reason why they couldn't access from Quincy through the Edison parking lot in order to come up to the south to get to those two garages that face south. Thank you.

Janneke Schapp (2328 Monroe St NE) [not on sign-in sheet]: I'm in support of this project. I bike to and from work, often on the very street that this alley currently vacates into, which is 22nd Ave. I'm in support of

the alley vacation for the reasons mentioned by the other speaker as well from the perspective of a cyclist who lives and works in the neighborhood and uses this street daily. Twenty-second Avenue, which is the street in question with the vacation, you may or may not know, is designated a bicycle boulevard which is a great thing and it promotes bicycling in the community. A bike boulevard is defined as a designated bike route on a quiet street. This means a street that has reduced automobile traffic, but no physical barrier separating cyclists from the cars that do drive past. Boulevards like this are a great infrastructure for facilitating and increasing bicycle riding of all types, for leisure or commuting which further reduces automobile traffic and congestion. As bicycle riding increases in number, I believe that our community vibrancy also increases. We are in support of anything that increases cycling and makes it easier. However, as no physical barriers between automobiles and bicyclists exist on a bike boulevard, the quietness of the street is essential and key to rider safety and in turn the success and usability of the boulevard. This alley vacation will help quiet the boulevard and it will reduce opportunities for cyclists and vehicular interaction on a busy block. It will hopefully reduce potential accidents between bicycles and cars and it will improve the safety of pedestrians, cyclists and drivers. Major train lines, city power grid and the river and some other factors twist and turn and cut off our grid in a lot of places making point A to point B travel just a little bit more difficult than in places where the grid is more structured like in south Minneapolis. The trick to travel through the neighborhood then is find the few streets and avenues that do cut through and use them to get to your destinations. Other than Lowry, 22nd Ave is the only other street that runs all the way through from Central Ave to the river, which is pretty significant. That also means that it sees a fair amount of traffic even though it's a designated bike boulevard and it's supposed to have less traffic, because it cuts all the way through more people use it. Anything we can do to reduce the amount of cars is great.

President Tucker closed the public hearing.

Commissioner Brown: I assume the snow would be plowed toward the south into that rain garden area. Is there a need for a snow storage easement?

Staff Dvorak: It's my understanding that the plow will plow the snow as far south as the alley goes so up to the rain garden and it will sit there.

Commissioner Huynh: In the instance where Planning Commission didn't approve an alley vacation but wanted to extend the pervious pavement and eliminate the rain garden, would that still require a vacation and also the three variances noted?

Staff Dvorak: No. They could apply for an encroachment permit for the full 37 feet, the total dimension for the rain garden and the pervious pavement is 37 feet. They haven't submitted an encroachment permit yet for anything in the alley. They could apply for that and then the hammerhead wouldn't be needed and the other three variances wouldn't be triggered.

Commissioner Huynh: In that instance then, the Planning Commission, if we decide not to approve the vacation, would just deny all the applications in front of us.

Staff Dvorak: Correct.

Commissioner Luepke-Pier: I was looking at the site plan and only part of it has the topography listed, which is the parcel in question. What is the grade change between the north end of the alley to the south end? I was thinking in the winter there are some alleys where you really want to only go one way to get out. Is it pretty level?

Staff Dvorak: I can't recall. I would ask if there are any homeowners on the alley to answer that.

(audience member speaks)

Commissioner Schiff: I will make a motion to approve the vacation of the alley (Brown seconded).

Commissioner Kronzer: I can support the motion, however, I think the City should find a way to maintain alley access in the future if that's a vacation and then it gives itself an alley easement after the vacation so the public still maintains an access to that alley in the future. Let's say that parking lot redevelops in the future, it would be nice to have an alley there to have access to that parcel if that parking lot ever redevelops. I'm asking for some sort of mechanism to allow this to happen while maintaining the access in the future if that were to be the case.

Commissioner Luepke-Pier: Does that mean that they just have to have an encroachment permit?

Staff Dvorak: Once we vacate it, it's vacated. They will be dedicating an easement for this hammerhead. If you were to redevelop the property in the future, there is no alley access and you have a hammerhead in the middle of your development site. So that is the end result of this action.

Commissioner Luepke-Pier: Could they be granted an encroachment permit to do their rain garden? If you're thinking it's a temporary thing?

Commissioner Kronzer: I believe the encroachment permit got shot down. The second idea is to provide an alley easement prior to vacation so that use remains while the alley...it's basically an easement over two pieces of private property that allows for the alley use. Maybe we need to run that by staff or the City Attorney, but there are public easements for all sorts of things. There is 5th Ave SE between The Soap Factory and A-Mill, there is a sidewalk easement on private property that functions as a sidewalk. Only legal scholars and us know that it's not actually public right of way. I would encourage staff to develop a way to maintain that access while providing the uses here to go forward.

Staff Dvorak: The solution was to have them put the entire area in pavers and give them an encroachment permit because you can drive on it and you can't drive in the rain garden.

President Tucker: Can we put a condition on the vacation or the condition for extra landscaping for the hammerhead will come on one of these other variances, correct?

Staff Dvorak: Correct.

Commissioner Brown: I generally agree with Commissioner Kronzer. I support the vacation. Just to speak to some of the transportation policy issues that were raised by staff, I think those are adequately mitigated with the hammerhead. I think that the drive aisle kind of becomes a defacto alley probably for some of the residents of that area. I realize that could change, but I think overall that circulation is maintained and I'm comfortable with the vacation.

Commissioner Huynh: I think if there was a condition or easement that still allowed traffic to flow through the alley and on to 22nd I think I would be supportive, but because the design in hand does not allow or is not part of the application to allow traffic to filter through I will not be supportive of this. The reason I'm not in favor is because I think that if pervious pavers were extended and if a lot of these design elements could be

incorporated, it's just that the applicant has chosen not to incorporate them into the design because of cost. It could be done, but because the traffic flow is not part of this application I will not be supporting it.

Commissioner Luepke-Pier: I'm of similar mind as Commissioner Huynh, but primarily because I just can't find the findings for it. It certainly seems it's needed for any public purpose except water management, which it can achieve without closing off the alley. I look at other areas of the city where we've closed off streets or alleys and then years later we regret it. I can't see the overriding public purpose tipping the scale so far in the favor of something that goes against our Comprehensive Plan.

Commissioner Schiff: Alley vacations are all sent directly to the City Council; is this a recommendation or final action today?

Staff Wittenberg: This is a recommendation from this body to the City Council; it automatically moves forward. The variances, because they're part of this whole process, would those have to be appealed if the design of the project was changed at a later date?

Staff Dvorak: Yes. If the variances were denied they would need to appeal those to the City Council.

Commissioner Schiff: I'm familiar with the storm water improvements that have been made through the districts and my understanding is that they're paid for through state grants, could you clarify a little bit where the funding is coming from for this project?

Dan Edgerton: The funding is largely being provided by the Mississippi Watershed Management Organization. There is actually a grant for the storm water monitoring as well. The rest of the project itself is being paid for by the Mississippi Watershed.

Commissioner Schiff: What is your timeline on the overall project?

Dan Edgerton: The goal is to get it completed...we needed to have the parking lot largely complete for use by the school and at this point the goal would be to complete the project as soon as possible.

Commissioner Schiff: Did you cost out some of the options that Commissioner Huynh talked about as alternative design methods that would raise the cost of the project? Could you give a ballpark for how much more that would increase the cost of the project?

Dan Edgerton: We did cost it, but I don't have that at my fingertips. Basically, we develop unit costs for everything. The project has been bid so we have bid costs for pavers and different things. That information can be provided, I just don't have it with me.

Commissioner Cohen: I'm going to abstain on this vote. I'm always uncomfortable in situations in which a planning commissioner has a private interest in a matter that comes before the planning commissioner. This is a case where Commissioner Slack had been working on the project before he was appointed to the planning commission and as a result my concern is not as great as it would have been if he had actually submitted the application after he'd become a planning commissioner.

Commissioner Schiff: I'm torn about this. I did make the motion to get the discussion going, although often that's just rhetorical. I'm very intrigued by Commissioner Huynh's comments and if this is an infrastructure project that's underfunded and that there's an alternative design that can be looked at, I think we should. This will go forward to the full City Council and we need to talk to our partners at the school board at the same time

so I'm going to abstain from this vote today knowing that the council will be able to review this thoroughly in a few weeks.

Commissioner Huynh: Does Commissioner Schiff's motion still stand if he is abstaining?

Commissioner Schiff: The motion belongs to the body.

Aye: Brown, Kronzer, Wielinski

Nay: Huynh, Luepke-Pier, Tucker

Abstain: Cohen, Schiff

Recused: Slack

President Tucker: That motion fails. Would you like to try another motion?

Commissioner Schiff: The vacation will go forward regardless. I will move approval of the variances so that the work that has been done to date can at least be presented to the council when considering this project (Wielinski seconded).

President Tucker: Can we add that the landscaping will be this greater extent shown on this map rather than what staff had shown earlier?

Staff Dvorak: The work that is being done out at the site today, we did give them permits to do the work, however, it is reflective of no alley vacation. Nothing that they have done to date would need to change.

Commissioner Schiff: I will make that motion and I will add a condition of the additional landscaping as described by staff, if the vacation is made.

President Tucker: Do we want to add a recommendation that pervious pavers would be a good alternative solution?

Commissioner Huynh: My recommendation would be for the applicant to look at extending the pervious pavers and removing the rain garden to retain public access down the alley but still be able to achieve project goals of meeting a five inch rainfall on site.

Aye: Brown, Kronzer, Schiff, Wielinski

Nay: Huynh, Luepke-Pier

Abstain: Cohen

Recused: Slack