

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

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**MEMORANDUM**

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DATE: November 21, 2013

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of October 28, 2013

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The following actions were taken by the Planning Commission on October 28, 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, Slack and Wielinski – 9

Not present: Schiff (excused)

Committee Clerk: Lisa Kusz (612) 673-3710

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**5. Broadway Flats (BZZ-6259 and Vac-1610, Ward: 5), 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N (Hilary Dvorak).**

**A. Rezoning:** Application by Dean Rose with Rose Development, LLC to rezone the properties located at 2413 and 2419 Penn Ave N from the OR2, High Density Office Residence District to the C3A, Community Activity Center District.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of the properties located at 2413 and 2419 Penn Ave N from the OR2, High Density Office Residence District to the C3A, Community Activity Center District.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

**B. Rezoning:** Application by Dean Rose with Rose Development, LLC to rezone the properties located at 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N from the R5, Multiple-family District to the C3A, Community Activity Center District.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of the properties located at 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N from the R5, Multiple-family District to the C3A, Community Activity Center District.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

**C. Conditional Use Permit:** Application by Dean Rose with Rose Development, LLC for a conditional use permit for a liquor store located at 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit application for a liquor store located at 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N 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 two years of approval.
2. A fixture plan for the liquor store shall be reviewed and approved before building permits are issued.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

**D. Variance:** Application by Dean Rose with Rose Development, LLC for a variances of the PO Pedestrian Oriented Overlay District to allow the building to be setback greater than 8 feet, to allow more than 60 feet of parking lot frontage and to allow the driveway width to exceed 20 feet for the properties located at 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the variance application of the PO Pedestrian Oriented Overlay District to allow the building to be setback greater than 8 feet, to allow more than 60 feet of parking lot frontage and to allow the driveway width to exceed 20 feet for the property located 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

**E. Site Plan Review:** Application by Dean Rose with Rose Development, LLC for a site plan review for a new mixed-use building with 103 dwelling units and approximately 17,000 square feet of ground floor commercial space located at 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the site plan review application for a new mixed-use building with 103 dwelling units and approximately 17,000 square feet of ground floor commercial space located 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by October 28, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

3. At least 20 percent of the site not occupied by the building shall be landscaped per Section 530.160 of the zoning code.
4. The minimum tree and shrub requirement shall be met on site per Section 530.160 of the zoning code.
5. A 7-foot wide landscaped yard shall be provided where the parking or loading facility is fronting along a public street, public sidewalk or public pathway per Section 530.170 of the zoning code.
6. A minimum of 3 additional trees shall be planted along West Broadway per Section 530.170 of the zoning code.
7. The project shall comply with the maximum parking requirement for the on-site commercial uses and parking spaces beyond that shall be designated for other uses.
8. The balconies provided shall be a minimum of five feet in depth.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

**F. Plat:** Application by Dean Rose with Rose Development, LLC for a preliminary plat for property located at 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the preliminary plat application for the property located 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Ave N and a portion of 2512 Queen Ave N.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

**G. Vacation:** Application by Dean Rose with Rose Development, LLC for a vacation of the entire 12-foot wide allow located within Block 1, Wenz Addition to Minneapolis.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the vacation application of the entire 12-foot wide allow located within Block 1, Wenz Addition to Minneapolis, subject to the retention of easements in favor of Xcel Energy and CenturyLink.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

Staff Dvorak presented the staff report.

**Commissioner Luepke-Pier:** I have a question about where the bike parking is and how many stalls they're providing.

**Staff Dvorak:** There are bike lockers under here and they worked with MetroTransit to talk about where on the site you would want to put locker facilities for bicyclists. There is a room within the building for bicycles. Those are the required residential ones and then there are 15 in addition to those nine on the site that are around the site. Some are underneath. I believe that they are back in this location. I can't remember if there are any along the Broadway frontage or not. Maybe the applicant can answer when we open the public hearing.

**Commissioner Gagnon:** Can you look at the drawings of the building? There are six pictures on one page that show it from different angles. Can you point out where the retail space is that will be the liquor store?

**Staff Dvorak:** It's on the corner here. This is the outdoor plaza space that will be created, it's the raised planter with art sculptures planned. The liquor store entrance is here along Broadway. It wraps around to the Penn Ave side. There is a storage room in here. With that area there is the stairs and the bus shelter along Penn. That liquor store will have that whole frontage on the corner.

**Commissioner Gagnon:** It's my understanding, especially when the tornado went through, in rebuilding this area you're trying to activate this area. How does a liquor store on a frontage have pedestrian activation around that? It's pretty much an in and out deal.

**Staff Dvorak:** I think just having the customers just in and out is an active use since there are people coming and going. We are requiring that we see a floor plan so we don't block windows. It's the same thing with the Walgreens and other uses that they have to maintain a certain percentage of the 40% windows into and out of the building. They can't put signs up in front of those windows and advertise different specials of the week or whatnot. They have to maintain that 40% so you'll have that visibility. There are a potential for five other commercial tenants in the building. It's not known what those are at this time, but I would think that combined with all those different uses that this will be a busy site.

**Commissioner Gagnon:** That's all glass there at that section so you can just see straight into the liquor store, right?

**Staff Dvorak:** Correct. They have to keep 40% of their floor area windows open. They can block some of their windows with shelves or displays or whatnot, but we require that a merchandising plan be submitted so we can ensure that they have the correct percentage of windows free of any of that stuff.

**Commissioner Kronzer:** There are some islands in the parking lot that aren't landscaped. I'm looking at the two triangle islands directly west of the parking under the building. Any reason why those aren't landscaped?

**Staff Dvorak:** This is their loading zone. They're required to have the one small loading zone. This is where the truck will be and to get the delivery person and the merchandise safely out of the truck and into the building, this is the path.

**Commissioner Kronzer:** Can you walk us through where the balconies are and where they're not?

**Staff Dvorak:** This is your Broadway Aves side. Here you can see that there rows of balconies there and there. Along Penn, I might need the applicant to go over those. Here is the residential lobby piece on Penn and you've got balconies here and here. This area of the building does not have those.

**Commissioner Kronzer:** The roof above the retail on the corner, is that accessible to the residents?

**Staff Dvorak:** I do not know that.

**Commissioner Slack:** On the landscape plan, you mentioned for alternative compliance adding two trees along Broadway adjacent to the parking lot entrance. On that graphic, they're showing another tree closer to the retail core at the corner and on the landscape plan there isn't a tree being shown there. The graphics are wrong and the landscape plan is correct?

**Staff Dvorak:** When I review my plans, I use the landscape plan for writing my report, I don't use renderings as I typically find that the renderings are slightly off. You can see in this plan that there aren't any trees shown in front of that parking lot on West Broadway so that's where I was going. The roof over the corner is a green

roof so I don't know if it's intensive or extensive and if residents are allowed to go out there, but there are units right there so I'm going to guess that it's not accessible to the population of the building, but we can have the applicant confirm that.

President Tucker opened the public hearing.

**Steve Minn (1701 Madison St NE):** Both of these projects tonight, number five and six, are actually symbiotic projects. They work together, they were developed together and we'd like to have you look at them in their totality because they work together in terms of our landscape scheme and our investment. Without St Anne's church, we cannot do the Broadway Flats project. As many of you know from the Committee of the Whole briefings, the May 2011 tornado devastated this intersection. We have considerable political support to do this 103 affordable unit housing project plus roughly 19,000 square feet of retail. We have City of Minneapolis grants, Metropolitan Council redevelopment grants, state grants, the neighborhood association, the business association and the two council members in the area are highly supportive of this project. It is a \$26m injection of private capital into this intersection. The reason we asked to discuss this is because we felt there were some issues we wanted to clarify and get your discretion on. We respect the staff's position, but I felt the need to address a couple of items. I'd be happy to come back around and answer some of your specific questions. First, on page seven of the report, I want to make sure that we are not bound by a 9000 square foot limitation on retail. I think that's a typographical error by Ms. Dvorak. We actually have a little over 18,500 total feet of which the liquor store is 8000 so we're almost 10,500 feet of retail. I didn't want this commission to put a limitation of only 9000 feet in the record. Page seven, item number two, there is approximately 9000 square feet of additional ground floor retail in the narrative. I want to make sure that's corrected to reflect a total of 18,555 square feet of retail, of which 8000 is the liquor store. The second item I want to address is because both projects, the Broadway Flats project and the St Anne's parking lot extension are symbiotic, we have entered into a very unique shared parking arrangement with the church. I'll have to talk about the next application a little to give you some background. We had to acquire certain lands from the church in order to make this project work. We started at a 74 unit project. The development staff at CPED asked us to increase the size of this project because what's left on Penn Ave north of our original design of 74 units was a less than desirable infill. We stopped, went back to the drawing board, created a brand new project that was not just 74 units but a total of 103. Because of that, we completely redesigned the project. In order to do that, we had to get some additional concessions from the staff with regard to parking for St Anne's church. We have a shared use agreement with the church. They will use some of our parking lot during our off peak times and we will use their parking lot if we need during their off peak times. Met Council was very pleased to see us do that. We will have some form of pedestrian connection between the two lots. It's because of these reasons that we'd like you to look in totality about the landscape plan. If you look at the two parcels together, we're over three acres. We're really a planned unit development, ipso facto. We well exceed the landscape requirement for that type of plan, plus you have the discretion under a PUD type concept to give us broader discretion than just alternative compliance. We are concerned that we would not be connecting the two lots correctly if we actually established a six foot high hedge with 90% opacity. That is not a pedestrian friendly connection between two shared parking lots. We would not want two trees on Broadway at the drive aisle, which we just asked to have you widen so we can get our trucks in, knowing that plows and delivery trucks will clip those two trees. We very carefully had Bob Close and his firm plan out the entire Penn Ave frontage, the Broadway Ave frontage and our connected landscape plan with the church lot, which has two parallel rain gardens so that a combination storm water management system works together. We would not want to artificially insert higher and more dense hedges in an area that is supposed to have connectivity between the parking lots. I've made a few other notes. I don't believe the staff is wrong in calling these to your attention, but we would like you adopt the landscape plan as drawn without the changes to the tree count or the shrub count, again because of the totality concept. There is one other item in the conditions, number seven, that at least 96% of the parking spaces within the development shall be designated for residents. That would not be consistent with

our shared parking plan with the church. We would, at minimum, like the 90% parking compliance because we're on a very dense transit corridor. Getting Met Council to allow us to integrate the transit shelter into our building was a real plus. We're putting commuter parking spaces on the Penn Ave frontage as part of that plan. If we had 93 spaces, that'd be 90% compliant requirement, not 96. We'd like to have 80% compliance because of the transit corridor and only designate 83 of the parking spaces for residential use. That gives us a little more flexibility to provide the church nonresident off peak parking as part of our shared arrangement with the church. Keep in mind, we have 65 dedicated residential spaces in the underground parking ramp. This would be one of the first buildings on the north side to have underground heated parking available for residents and the only one to my knowledge that is an affordable project, 100% affordable. We're kind of out there on the hook, guessing folks will pay extra for parking in an affordable complex. That has not yet been done on the north side. I want to make sure we have the maximum flexibility to meet our handshake requirements as well as our intended requirements with St Anne's church. Someone asked about the green roof. It is an intensive roof. We do not plan to have access from the residential floors, but it's a nice softening spot for that part of the building to look out on. It would be both green roof and then hopefully some public art right on the plaza. Because of its intensive construction, we're on plank and we did not want to invite water intrusion by having any type of a break on the sill where we'd have to do overlapping waterproofing and risk water so we decided to not make it accessible. We have nice big windows on it.

**Commissioner Slack:** Why was the one tree removed along Broadway?

**Steve Minn:** Our belief was that the trees on either side of the drive aisle would get either clipped by our plows or by delivery trucks making the turns. We felt by distributing it elsewhere within the site, which we've done rather evenly, we would get both better canopy cover and better likely to succeed. We wouldn't have the type of high salt intrusion into the root system right there at the curb that you would get with all that plow activity right at the drive aisle.

**Commissioner Slack:** So the alternative compliance trees technically would be on private property in the landscaped areas and not in the boulevard? Ok. I was thinking they would be in the boulevard. In the graphics there was a tree closer to the intersection, essentially right in line with the commercial use. On the landscape plan it's removed.

**Steve Minn:** The landscape plan is the accurate plan. We asked Close to evenly distribute all along Broadway all the way up Penn. Part of our arrangement with St Anne's church is we're providing the landscape plan all the way to 26<sup>th</sup> North.

**Commissioner Slack:** It's a good landscape plan. I think you've done well, especially within the public realm adding trees. It looks like there is a large gap there and without being able to measure it on these plans it could be 80-100 feet from the intersection to the first tree along Broadway. I would like to see that tree just put back in.

**Steve Minn:** On the Broadway corner? I think we could do that. Happy to do that. Thank you for the suggestion.

**Commissioner Luepke-Pier:** Bike parking. Where is it, how many do you have and what are the amenities?

**Steve Minn:** We have three or four places to park a bike. We have the resident bike parking. There is a dedicated bike room in the lower garage. There are two locations for bike parking; one is on the inner side of the parking as you approach the retail from the parking lot. There is a flat plaza area where there are bike racks to be installed.

**Dennis Sutliff [not on sign-in sheet]:** The bike racks that Steve was referring to on the public parking side are right here at the end of my finger. There are additional bike racks on the Penn Ave frontage near the bus stop. There are the bicycle lockers that Ms. Dvorak referred to. There nine bike lockers. As Mr. Minn pointed out, there is an enclosed bicycle storage room for residents within the building that meets the requirements of .6 per apartment or something. We have a lot of bike parking space.

**Commissioner Kronzer:** Sometimes doing lockers in combination with racks is very effective because some people who don't have access to the lockers...you're covered underneath that building where the lockers are so that might be a good place to put more bike racks as well. I want to understand more – the landscaping between the two parking lots, you're asking to have the design that you proposed approved. Can you explain a little bit further what that landscaping is?

**Steve Minn:** We have the benefit of an existing storm water pond from the existing church parking lot, which provides about 80% of the drain field storage for the church lot including the addition. Rather than fight grade, we decided to put parallel rain gardens at the boundaries of the two properties. This is why we wanted to call to your attention that the hedging that you would normally separate between properties, hedging would be screening because you didn't want your neighbor to see into your property...that's not the case here. We want the parcels to be connected. We want there to be a synergy between the two lots. The landscape plan provides shrubbery and the normal and traditional linear rain gardens along the property lines on both sides. Ours drain towards our storm tank and the St Anne's parking lot would drain into their storm pond, which we have to make deeper for the expansion of the parking lot, which is item six tonight.

**Commissioner Kronzer:** The landscaping that is parallel with Penn Ave and then perpendicular to Broadway between the two lots, is that a series of over story trees and shrubs and perennials? Staff is recommending six foot high...what is it that you have on your plans here?

**Dennis Sutliff:** The areas we're discussing are here and here. As staff has pointed out, there is surface parking of St Anne's in this area, which is part of the next application. This is our surface parking here and here. Mr. Minn just referred to an existing storm water retention pond serving the St Anne's lot which is a triangular parcel here that is part of the St Anne's application and not a part of this. What we have done in these areas is create one landscape design that kind of spans across the property line that splits those areas. The species are a couple different trees, some shrub rose, Broadmoor junipers, shrub rose carefree sunrise, swamp white oak...there are a variety in there. Staff was recommending six feet and 90% opacity. That does not meet the six feet and 90% opacity. The understory is lower and therefore lesser opacity because he wanted the visual connections between those lots.

**Commissioner Kronzer:** You have a lower story, but you have the upper story which isn't necessarily the zoning code requirement.

**Steve Minn:** We have juniper gray owl, shrub rose, champlin shrub rose, swamp white oak, sunshine shrub rose and then the pattern repeats. We have an adler, prairie, juniper, white oak, sunshine and then the pattern repeats. You're getting some depth and salt resistance capabilities and we're getting some evergreen.

**Commissioner Kronzer:** How many of the units have access to balconies?

**Steve Minn:** Thirty-five percent.

**Commissioner Kronzer:** Why so low?

**Steve Minn:** I would turn the question around. It's unusual to have affordable housing projects with any balconies. We're investing a considerable amount of money in the façade on the balconies. My clients have spared no expense to make this a really heavy value add investment in the intersection with quality that has not been built there before. The type of balcony system we have variegates the building. We've spread it out as much as we can, we have it on all sides, in all unit sizes, but the cost – at some point we need to make a break – so we decided to do about a third.

**Commissioner Luepke-Pier:** How deep are the balconies?

**Steve Minn:** There are five feet by eight feet.

**Commissioner Luepke-Pier:** The landscape plan is very small. If we're not having a six foot tall 90% opacity hedge along there, what is the opacity? I don't see a benefit to seeing across seas of parking lots and think it'd be nice to break it up, but if you broke it up in a different way that met the same spirit [tape ended]...

**Steve Minn:** I am not a landscape architect, but I pay Mr. Close to do it right and he was told that we wanted a good spread of trees. I can assure you that the swamp white oaks are going to be your crown trees.

**Commissioner Luepke-Pier:** How many of those are there?

**Steve Minn:** From Penn moving to midblock, I count three.

**Commissioner Luepke-Pier:** We're just talking about that dividing point between the two parking lots; how many of those are taller trees?

**Steve Minn:** I count three trees in this strip here; three oak.

**Dennis Sutliff:** In the segment between the two parking areas, there are four swamp white oaks and alders. Those are both over story trees.

**Commissioner Slack:** I think some of the confusion is that we can't see the layout of the adjacent parking lots. Under the context of shared parking, how do they access parking between the two lots?

**Steve Minn:** There is a pathway that we would have in the plan once we've integrated the two landscape plans. There was a callout for a pervious landscaped pedestrian connection path between our lot and the finished church lot.

**Commissioner Slack:** Would it just be north of the rainwater garden area?

**Dennis Sutliff:** We have two. There is one up at the northern end of the site and one near where they converge at the midpoint of the site. Since you have not seen the St Anne's application, the area that I'm circling with my finger right now is an existing parking lot that is remaining intact. We are expanding that parking lot in this area to increase capacity for both uses and the paths I mentioned connect the new portion and the existing portion here.

**President Tucker:** A map showing all of it in one would have been helpful.

**Peter Rick Rickmyer (2118 25<sup>th</sup> Ave N):** There are periods of time where there is congestion on Penn and on Broadway. Part of this congestion is McNair Ave where the Broadway liquor store really needed it open

because of their business. When the city shut it down, the liquor store lost money and we had to reopen up the street. Because they aren't doing 100% of the greenery that they should, my proposal is to vacate the stoplight in the street that goes down McNair and to make that kind of shrubs and grass. This should be able to get good timing between the 26<sup>th</sup> Ave N stoplight and Broadway stoplight. It should also get the Broadway traffic to flow better through that intersection. The problem that I see is that with this amount of commercial space it's going to create more traffic in the neighborhood which is going to create more carbon dioxide, which is poisonous gas. The international agency for research on cancer did...

**President Tucker:** Yes, we got your article.

**Peter Rickmyer:** I was saying it so everyone can hear it. In 2010, there was approximately 200,000 deaths...

**President Tucker:** I don't want to hear this part. You have to connect this directly to this application.

**Peter Rickmyer:** It's part of the carbon dioxide problem and part of the mitigating factors and what I'm requesting this body to do. People died of lung cancer. You shouldn't put that aside and disregard it. The way I propose to mitigate the carbon dioxide within one block in each direction is to ask both Rose Development and Lupe Development to work with their landscape people and offer the residents in the neighborhood to offer some bushes and/or trees which would be limited because trees and bushes create oxygen.

**President Tucker:** Your request is noted. I don't think we can force them to do that.

**Peter Rickmyer:** What I'm asking for is that once this project is done, the carbon dioxide in my neighborhood should not be higher than what it is now. You and the developer should not put people at more risk for cancer.

**President Tucker:** I suggest you take this up with the developer if he wants to put bushes in you can discuss that with him.

**Peter Rickmyer:** The trees and bushes would also help mitigate the noise factor that would be created by the cars idling. I believe that light pollution would be mitigated by the trees. I'd also like to talk about the litter that's going to be created. Right now, on 25<sup>th</sup> Ave N from Newton to Penn we have broken liquor bottles, beer cans and it just sits there. The people that are creating the trash should be mandated by this board to mitigate that by having someone maybe once a week go and pick up the bottles.

President Tucker closed the public hearing.

**Commissioner Luepke-Pier:** I'm going to move staff recommendation on A and B (Huynh seconded).

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

**Commissioner Luepke-Pier:** I will move staff recommendation for C and D (Slack seconded).

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

**Commissioner Luepke-Pier:** I will move staff recommendation on item E with a few modifications. I want to alter condition six to say "a minimum of three additional trees shall be planted along West Broadway" and

these can be boulevard trees; I don't care where they put them, but I think there needs to be at least three more. Three additional to the three they already have. They can figure out where to put it. I want to strike condition seven, provided that the landscaping plan they've shown is the one they plan to implement for the perimeter between the two parking lots. I want to alter condition eight to say "at least 83 of the parking spaces within the development shall be designated for residents."

**Staff Dvorak:** There is a maximum parking requirement for the commercial district. It's not a percentage. I don't know if Mr. Minn was misreading or if he misunderstood our condition. We're requiring that 96 spaces be reserved for the residents. If you go over that number, they need to come back for a parking variance of our maximum parking for the commercial uses. We're taking the total parking, subtracting out the maximum allowed for commercial and what's left is 96 so what we're saying is you have to have at least 96 parking spaces reserved or you exceed your maximum for the commercial which would then require a variance. You can't condition more without them coming back.

**Commissioner Luepke-Pier:** For me it doesn't make sense to make it only for residents, but if it would trigger another additional variance perhaps they aren't interested in pursuing that.

**Staff Wittenberg:** I think what I heard from the applicant was that those excess spaces would be for other uses nearby as well. I wonder if it makes sense that we state it differently so it's clear that spaces above the commercial maximum may be reserved for other uses.

**Steve Minn:** As long as we're not prohibited from allowing shared use for any of the spaces, that's our goal. We have enough surface parking, we just want to make sure that we're not dropping below our threshold for holding surface spaces available for our residents that we might otherwise provide under the shared parking scenario.

**Commissioner Luepke-Pier:** Hilary, if they put up a sign saying that these spaces are preferred spaces for residents but not prohibited for other uses, is that technically their requirement or are we splitting hairs?

**Staff Dvorak:** The way it's been explained to me, and I've been following this project with Aly for a while, is that the shared parking is between the church and the commercial tenants within this building. I have never heard that there will be other commercial tenants on Broadway or Penn or anywhere else in the neighborhood that would be using this parking. The church could use this parking on Sunday mornings and then these commercial tenants, if they have more than the 69 or whatever it is that would be in the lot, if they overflow they could use the church parking on mornings other than Sunday. That's what has been explained to me. Just looking at our maximum parking, the maximum they can have for commercial is 63 spaces and that's taking into account the PO reduction.

**Commissioner Luepke-Pier:** I'm inclined to leave it the way it is.

**Staff Wittenberg:** Would it work to say the project shall comply with the maximum parking requirement for the commercial uses and spaces beyond that shall be designated for other uses?

**Commissioner Luepke-Pier:** That sounds great to me.

**Steve Minn:** Wonderful. Thank you.

**Commissioner Luepke-Pier:** Lastly, that condition nine that all balconies currently shown in the plan be a minimum of five feet in depth.

**Commissioner Kronzer:** I would like to encourage the applicant as costs get saved on this project to add balconies. We don't see a lot of market rate apartment buildings without access to private outdoor space and one of our goals in the city is to build affordable housing to look just like market rate housing and access to outdoor space is one of those amenities that most market rate folks expect.

**Steve Minn:** It's been brought to my attention that our second floor balconies are not going to be five feet of depth, they are Juliet's. That's an architectural necessity. The solution would be to eliminate those with the five foot minimum being offered here. We're headed in the wrong direction.

**Dennis Sutliff:** We have three tiers of balconies right now. The balconies on floor number two, which is the lowest of those three tiers of residences, are actually on areas of some narrow green roofs, but we're not allowing residents to step out on to those narrow green roofs for safety reasons. The balconies that we contemplated on the second floor are Juliet's.

**Commissioner Luepke-Pier:** If there is no way to make them five feet deep, I would almost say you'd need to move them to another area on the building and give someone else a balcony that's five feet deep. How are we adding cost if we're moving a balcony?

**Steve Minn:** I've been developing for 25 years and I'm really sensitive to cost issues. The second floor, they're not really balconies, they're Juliet spaces for the before the green roof to allow our waterproofing system with a setback and a parapet wall. To the extent that you're asking me to change a modest change in my waterproofing system to allow...

**Commissioner Luepke-Pier:** I'm asking to take away a Juliet balcony and put it as a real balcony somewhere else.

**Steve Minn:** That's a completely different structure. I'm going to hang it, have cables, decking, waterproofing...it's a completely different system than what I'm taking out.

**Commissioner Luepke-Pier:** We were thinking we were getting a lot of balconies, but we're not. I think Commissioner Kronzer had a point in saying that these hopefully won't be affordable forever. We hope that West Broadway improves and we can get some market rate livability there which would mean that these units should be just as nice as those, at least from the street. I think a few balconies isn't going to break the budget given the number of grants you have.

**Steve Minn:** Twelve years ago I built the Stone Arch Apartments that are 221 units right on the riverfront. It was the first affordable project in that area that's all high end condos and apartments now. There's not a single balcony. There's no difference between the affordable units and the non-affordable in that project. I have no trouble marketing either one of them.

**Commissioner Luepke-Pier:** Can you take some of the budget from the six foot hedge you would have been required to put in and put it towards the balconies?

**Steve Minn:** With respect, I wish my architects could design our building and not the planning commission.

**Commissioner Huynh:** Perhaps for all the balconies that the design team to plan to move ahead with that they are five feet. If it is an option to remove the Juliet balconies – my preference is to remove them and leave them as units without balconies.

**President Tucker:** We have site plan review with now eight conditions.

**Staff Wittenberg:** Can we add to that last condition that all balconies, if provided, shall not be less than five feet in depth. It sounded to me like your intent was that if balconies are provide that they be five feet in depth.

**Commissioner Luepke-Pier:** My intent was, balconies as shown should be five feet in depth. I don't want to compromise this because it's north Minneapolis.

**Staff Wittenberg:** We need to be clear about what we're requiring so the applicant understands what is required of them or whether they need to appeal if that's what they want to do.

**President Tucker:** I think where we're at is that the balconies provided will be five feet in depth.

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski

**President Tucker:** I will move the plat and vacation (Huynh seconded).

**Aye:** Brown, Cohen, Huynh, Kronzer, Luepke-Pier and Slack

**Absent:** Gagnon, Schiff (excused) and Wielinski