

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

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MEMORANDUM

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

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

6. Church of St. Anne (BZZ-6260, Ward: 5), 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N (Hilary Dvorak).

A. Rezoning: Application by Steve Minn with Lupe Development Partners, LLC, on behalf of the Church of St. Anne – St. Joseph Hien, to rezone the properties located at 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N from the R4, Multiple-family District to the R5, Multiple-family District.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N from the R4, Multiple-family District to the R5, Multiple-family District.

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

Absent: Gagnon, Schiff (excused) and Wielinski

B. Conditional Use Permit: Application by Steve Minn with Lupe Development Partners, LLC, on behalf of the Church of St. Anne – St. Joseph Hien, for a conditional use permit to allow an expansion of an existing parking lot serving an institutional/public use located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow an expansion of an existing parking lot serving an institutional/public use located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Ave N and 2527 Penn 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. The curb cut for the existing alley on 26th Ave N shall be closed. The sidewalk and green boulevard shall be repaired.

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

Absent: Gagnon, Schiff (excused) and Wielinski

C. Variance: Application by Steve Minn with Lupe Development Partners, LLC, on behalf of the Church of St. Anne – St. Joseph Hien, for a variance of the front yard setback along Penn Ave N from 15 feet to 7 feet for the properties located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the front yard setback along Penn Avenue North from 15 feet to 7 feet located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N.

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

Absent: Gagnon, Schiff (excused) and Wielinski

D. Variance: Application by Steve Minn with Lupe Development Partners, LLC, on behalf of the Church of St. Anne – St. Joseph Hien, for a variance of the corner side yard setback along 26th Ave N from 8 feet to 7 feet for the properties located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the corner side yard setback along 26th Ave N from 8 feet to 7 feet located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Av N and 2527 Penn Ave N.

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

Absent: Gagnon, Schiff (excused) and Wielinski

E. Variance: Application by Steve Minn with Lupe Development Partners, LLC, on behalf of the Church of St. Anne – St. Joseph Hien, for a variance of the south interior side property line from 5 feet to 2 feet for the properties located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the south interior side property line from 5 feet to 2 feet located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N.

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

Absent: Gagnon, Schiff (excused) and Wielinski

F. Site Plan Review: Application by Steve Minn with Lupe Development Partners, LLC, on behalf of the Church of St. Anne – St. Joseph Hien, for a site plan review for an expansion of a principal parking facility located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for the property located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Ave N, 2215, 2219 and 2223 26th Ave N and 2527 Penn Ave N subject to the following conditions:

1. The curb cut for the existing alley on 26th Ave N shall be closed. The sidewalk and green boulevard shall be repaired.
2. The landscaping requirements of Chapter 530, Site Plan Review shall be met on site, however, in addition to the boulevard trees shown on the plans, a total of 20 canopy trees need to be provided on site.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development.
4. 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.

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

Absent: Gagnon, Schiff (excused) and Wielinski

Staff Dvorak presented the staff report.

President Tucker opened the public hearing.

Commissioner Slack: Does staff have any recommendations of where to locate the 27 trees?

Staff Dvorak: We have the green spaces along the perimeter of the parking lot. They are gaining seven feet from the vacation of the alley. Through the plat, this property line isn't shifting so we're vacating 14 feet of an alley. They're gaining seven feet. Some of those trees that are on the other side could be planted here. I totaled the tree and shrub count for both projects, do you want to know those?

Commissioner Slack: The southern portion of the parking lot is in play as well, it's just not the parking lot that has the three proposed variances around the three sides. I was thinking that we had to...

Staff Dvorak: No, sorry. This is the entire parking lot.

Commissioner Slack: I was thinking the applicant had to accommodate 27 trees within that small portion.

Staff Dvorak: The total tree and shrub requirement for both projects is 45 trees and 225 shrubs. That's the totality of the landscape requirement for both projects.

Commissioner Luepke-Pier: What are the tree and shrub requirements just for this parking lot?

Staff Dvorak: Twenty seven trees and 133 shrubs.

Commissioner Luepke-Pier: I know we can't include the boulevard, but what are they showing in the boulevard? Are they even getting close to their requirement in there?

Staff Dvorak: They're just showing a landscape plan for the expanded portion. This is the property line. There are 10 boulevard trees. This is the rain garden area. There are some plant materials here. I have admit that along the shared property line it was difficult to know what was on what side of the line and what was on the other because it wasn't very clear. That's why we are conditioning that everything be met and then when final plans come in I'm going to make sure that I can discern what's where and on what property.

President Tucker opened the public hearing.

Steve Minn (1701 Madison St NE): Our questions on the staff report are the mirror accommodation of the less dense opacity, less height order landscape and that we be allowed to have the curb cut retained where we're vacating the alley. We had suggested to staff that at peak times, the outlet to get traffic out on to 26th rather than trying to funnel all the additional parking through the same ingress/egress on Queen would only create a real problem bottleneck at the intersection of 26th and Queen or Queen and Broadway. Having an outlet with a gate that we put on that we could control ourselves would preserve some outlet up on 26th that could exit out toward Penn. What Ms. Dvorak did not point out to you is that we have eliminated two curb cuts on the existing lot at 2511 – one is on Penn and one is on 26th. If we're not going to get the preserved curb cut of the alley vacation, we would like the flexibility from the commission today to come back and relay the parking lot out with the same stall count, but to restore one of the curb cuts either on Penn or on 26th. My colleague and client, Mr. Laux, did a quick hand sketch here. Something like this where we could put the cut back in on Penn if we're not allowed to cut where the alley is right now, we think is in the best interest of safety, traffic control and what is really only going to be limited peak demand. It's unfortunate that the boulevard trees get discounted as not being part of the city streetscape because we look at this three acre project in its totality and we have really worked hard to over-deliver to you what I think is a really quality landscape plan with some real care and thought about storm water management and spacing and the canopy. To burden a church, which is not rolling in funds, with 24 additional trees to satisfy what I think is an altruistic objective when we have plenty of landscaping right on the sidewalk, might be an overkill. I might suggest maybe scaling that back a little bit to something more reasonable, maybe less requirement of trees on the private property.

Peter Rickmyer (2118 25th Ave N): My first concern about the parking lot layout is that there needs to be a number of handicap parking spaces per every four and then there is supposed to be one van accessible. What happens here is that when you add the parking spots with the church parking lot, even if you put handicap spots where the church parking lot is, that's not considered accessible to the building. I haven't seen the actual number of spots that's going to be closest to the building. The second problem that I see with this layout is that Monday through Friday, the school which used to be St Anne's, their employees park there along with guests and at times it's full. The third problem is, I think there are two or three events a year that go for like three days and everything is full. They have like two or three annual celebrations. I believe the number of bushes and trees that they're not going to be able to put on their lot that I would just suggest to offer it to the people who live closest to the project so that way they can still meet their 100%, it's just not on their lot. Thank you.

Jeff Laux: I'm the trustee for St Anne's St Josephine parish, which is the subject of this request. To close the discussion on trees and shrubs on our property versus not on our property, in addition to the ten or so canopy trees that were placed on the boulevard...I love the plan and I love the urbanness of boulevard trees. We take care of our site. I would propose that instead of making us put in an additional 24 trees in the site, in deference to the staff recommendation maybe we put 10 trees inside the site so that we have a net add of 10 so we're not blocking the door but we're trying to be good citizens in making the compromise more tolerable. When we had our first parking lot approved, during the course of the meeting we were asked to make our lot a little smaller to accommodate the white house that did not want to sell. As a parish, we have to be very careful how we conduct ourselves in the community on these matters. We did not force them to sell, we moved our parking lot and allowed them to use our land to park their car, never took their driveway away, we just tried to be very passive in the way that we neighbored our one holdout. Then the tornado happened. I'm happy to say that the most profitable act of selling a house in north Minneapolis occurred on that site because they got a great big insurance settlement and then we came along and gave them a crazy sum for their house and it was

more tied to them having enough money to go buy a new house than anything to do with what the substandard house was worth. It was a great outcome and I think we're socially responsible. It's clear to me tonight that for a long time, for several hundred years, Juliet balconies have been the cause of outbursts.

President Tucker: But there are no Juliet balconies in this parking lot, are there?

President Tucker closed the public hearing.

Commissioner Huynh: I will move staff recommendation for items A, B, C, D and E (Luepke-Pier seconded).

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

Absent: Gagnon, Schiff (excused) and Wielinski

Commissioner Huynh: I will move staff recommendation on item F. I'd like to strike condition three (Luepke-Pier seconded).

Commissioner Slack: I do see this project as a holistic project and I think the applicant has done a good job preparing a landscape plan for both projects that meet the intent of the comprehensive plan. I would like my fellow commissioners to consider maybe counting a portion of the trees within the boulevard as part of that number. If we count each boulevard tree that's represented as a half, technically then they would have five trees as part of the project. At that point the requirement would then be to add 20-22. I do have issues with the landscaping within the parking lots. I think the smaller of the two parking lots is approximately about a half an acre and there are no trees within it. At the very minimum there should be four to six trees within the parking itself. The larger parking lot, kind of the same thing. It's more of a three quarter size. That's a consideration I'd like to put on the table.

Commissioner Luepke-Pier: I think that's a great idea. It's hard to tell because the landscaping plan we got was just for that corner and there was nothing for the rest of the parking lot in its entirety so it looks a little barren to just be approved as is. I think the boulevard trees are nice. I think allowing them to meet their requirement at maybe a half credit is a good gesture and also that would require that trees be present in the site as well. I don't know if he's intending it to pertain to shrubs as well but I'd support that too.

President Tucker: Let's clarify with staff. Your condition number two would require 27 trees on site, is that correct?

Staff Dvorak: Correct.

President Tucker: If want to modify this would specify some other number of trees.

Commissioner Luepke-Pier: I think you could just say that each tree is worth one unless it's in a boulevard then it's worth a half a point and then they could just add to 27.

Commissioner Slack: Are there four being shown on this site plan?

Staff Dvorak: They have trees in the four corners; they are not canopy trees, they are ornamental trees. All of the landscaping that is in this area is on the Broadway Flats site given that they only have that two feet on their side of the line. Looking at it, they have four ornamental trees on site.

President Tucker: I think we're better off saying a number of trees rather than credits and this, that and the other thing. If you want to give a credit at five trees, we're at 22.

Commissioner Luepke-Pier: I'd rather give them the percentage if they want to be creative how they do it. If that ends up being more trees for north Minneapolis since we lost 2000 in the tornado, I don't think that's a bad thing. Right now their number is 27 in the site. If they want to accommodate some of that in the boulevard by getting creative, that's up to them. It gives them flexibility while still accomplishing what our intention is.

President Tucker: Is there room on the boulevard for additional trees that need to be planted?

Staff Dvorak: There is room along Queen for additional landscaping both on and off site.

President Tucker: So you're suggesting that the 27 can be accommodate with a credit of .5 per new boulevard tree approved by the Park Board? Is that something we can work with?

Commissioner Kronzer: I just think when push comes to shove it gives an incentive not to do boulevard trees. Based on cost is cost, you get a credit for one tree if they put it on site and credit for a half a tree if they put it in the boulevard. When push comes to shove they are going to put them on site and not in the boulevard.

Commissioner Luepke-Pier: The goal of the City's site plan development is to have them on site instead. On one hand then it's directing them to do it the way it is in the site plan review chapter, but also gives them the flexibility to do what they want to do if they want to break that rule a little bit.

Commissioner Slack: I will make a motion to modify condition two to state that the applicant must provide 20 additional trees (Brown seconded).

Staff Dvorak: I'd like to clarify.

President Tucker: Meet that except 20 trees will suffice.

Staff Dvorak: Maybe it should be something more along that line except no more than 20 trees are required.

President Tucker: Yes.

Commissioner Luepke-Pier: Are saying in addition to the ones that are showing on the boulevard or including the ones showing on the boulevard?

Staff Dvorak: I think you're just saying 20 trees instead of 27.

Commissioner Luepke-Pier: Why don't we just keep it at 27?

Commissioner Slack: Twenty additional trees, in addition to the trees that are already proposed in the boulevard.

Staff Dvorak: Ok, in addition to the trees that are already in the boulevard – 20 trees shall be provided on site.

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

Absent: Gagnon, Schiff (excused) and Wielinski

