

**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

7. 129 Plymouth Ave S (BZZ-6276, Ward: 5 and 7), 129 Plymouth Ave S (Hilary Dvorak).

A. Conditional Use Permit: Application by Plymouth & Second, LLC for a conditional use permit to allow a shopping center located at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit to allow a shopping center located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier

Nay: Cohen

Abstain: Slack

Absent: Gagnon, Schiff (excused) and Wielinski

B. Conditional Use Permit: Application by Plymouth & Second, LLC for a conditional use permit to allow a fast food restaurant located at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit to allow a fast food restaurant located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier
Nay: Cohen
Abstain: Slack
Absent: Gagnon, Schiff (excused) and Wielinski

C. Conditional Use Permit: Application by Plymouth & Second, LLC for a conditional use permit to allow an accessory parking lot located within the DP Downtown Parking Overlay District at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit to allow an accessory parking lot within the DP Downtown Parking Overlay District located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier
Nay: Cohen
Abstain: Slack
Absent: Gagnon, Schiff (excused) and Wielinski

D. Variance: Application by Plymouth & Second, LLC for a variance to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District located at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the variance to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier
Nay: Cohen
Abstain: Slack
Absent: Gagnon, Schiff (excused) and Wielinski

E. Site Plan Review: Application by Plymouth & Second, LLC for a site plan review for a new principal non-residential building located at 129 Plymouth Ave N.

Action: The City Planning Commission adopted the findings and **denied** the site plan review for a new principal non-residential building located at 129 Plymouth Ave N.

Aye: Brown, Huynh, Kronzer and Luepke-Pier
Nay: Cohen
Abstain: Slack
Absent: Gagnon, Schiff (excused) and Wielinski

Staff Dvorak presented the staff report.

Commissioner Cohen: Refresh my memory. We were talking about a Dairy Queen at one time. All of the problems we had, had to do with exits and entrances and how you got around the lot. Since that time, there has been a good deal of residential development on Washington nearby this area. It just seems to me that it makes sense there should be some kind of development going in there to accommodate the people that are in these residential developments. This seems to meet the market needs of what's going on there. I'd like to see something happen and I'm sorry to see that we're recommending denial on it because I think it's ripe for development along the lines I just mentioned.

President Tucker opened the public hearing.

Steve Minn: You are correct. This is the exact parcel that we were here with before in 2009. Notwithstanding the small area plan that was adopted that makes these changes somewhat more cumbersome, the North Loop Neighborhood Association has embraced us bringing this project forward. Not only did the economy tank, the Plymouth Bridge went out which was the main corridor to getting to the Boom Island traffic we wanted to get to across the river. We did complete the Standard Heating project. It's a lovely project. It's the same ownership group that is trying to improve this entire intersection in terms of the impact, but there is a

reason why this particular superfund site has been vacant for 40 years; its physical geometries are complicated. That's why we pulled it out of the industrial zone. It never worked as an industrial building because getting large trucks in the back in and out was difficult. It never worked as a residential plan because we've agreed with the City not to do a residential plan. They didn't want residential on this particular parcel next to the StarTribune plant where they believe expansion is possible once the Portland Ave properties are sold. We are stuck in a retail mode. We believe retail works. We believe service retail is what needs to happen here. I'd like to show you something from the 2009 review. We did not just decide that parking up front was a win. We've considered nine iterations of how to make this lot work with parking in the back and trying to get a drive-through. It's awkward. We showed it to potential tenants and nobody wanted to lease from us. Other than what I think is an appropriate edge of street concept which we do in every other project that we do in the city...it's a triangular space and I have to get cars in. We did step back from the 22 parking space requirement and we gave up one. We are pursuing 21 instead of 20 so that's why we had to make an application to vary the downtown overlay. Getting a building to the edge on this parcel is a mystery. What we would like to suggest...the North Loop group supports this, council members Good man and Samuels have indicated support in the past and I've renewed that support with Council Member Goodman who believes this is the right thing to do at the right time. We have interest in the site which is good news. The market is bouncing back. One thing we must get forward on is that the applications for grants for environmental cleanup are pressing. If we don't get approvals on this, we'll probably be disqualified from that grant consideration. We'd hate to send money back to the state. Notwithstanding what I think are Ms. Dvorak's really well thought out adherence to the master plan and small area plan, we have an unusually shaped parcel which is unique in its characteristic and its layout. It's identical in every other way. You approved the rezoning. This parcel even came up on the 40 acre study from two years ago that was suggested that it be rezoned back to industrial by the staff and Council Member Goodman resisted that. I think this can only be one thing. It's going to be a 10,000 square foot box with parking in the front.

Commissioner Luepke-Pier: Why the need for drive-through parking stall? It seems to me you could have a lot more options if it was just a parking lot and a building and you could get the building up to the curb if it wasn't for the drive-through.

Steve Minn: That is a really salient point. The issue is we're not on Washington Boulevard. That would be the retail corridor. I need a hook otherwise this lot is going to stay vacant like it has for the last 40 years. I need something to make it a destination and to attract a food anchor with a drive-through or a bank with a drive-through would be that hook. I'm not on Washington and if I were I wouldn't have the problems of trying to get traction on this site. I think there's enough traction in terms of population to make people interested in doing secondary streets rather than just primary retail, but we are going to need a hook.

Commissioner Luepke-Pier: So the kind of hook you're looking for is a fast food or bank?

Steve Minn: Something that could anchor the center. I would love to put a pharmacy there but it's not a big enough parcel for that. Something that people can make as part of the destination in their travels is what makes an off the primary route site viable.

Commissioner Brown: I was just going to ask the applicant, if this development does have the parking in front, what kinds of things are you proposing? Maybe if you could talk a little about how you are creating that street edge whether it's with decorative elements, landscaping...it is very important in this area which is becoming more residential.

Steve Minn: We will let you take a look at the rendering that Tanek prepared. We have rain gardens and green spaces and plaza spaces that we think are quite attractive.

Matt [not on sign in sheet]: We're trying to bring in the green space on the front to create that buffer and screening from the parking lot in the front. We've also added in the rain garden and then the buffering around the whole perimeter of the site here with green space, landscaping and as you can see in the rendering the decorative fencing as well.

President Tucker closed the public hearing.

Commissioner Luepke-Pier: Hilary, the site is currently zoned C2 and I noticed we're denying a shopping center. What kinds of uses would be allowed on this site in the C2 zoning?

Staff Dvorak: C2 pretty much allows any commercial use like restaurants, residential, offices, small scale production and processing types of uses. It's our general...

Commissioner Cohen: Banks.

Staff Dvorak: To be fair to the applicant, I should probably go through my conditions of approval because they may want to respond to some of them.

President Tucker: These are your conditions if we were to approve it?

Staff Dvorak: Yes, I guess we should wait. They would be suggested conditions. I can wait though.

Commission Luepke-Pier: I will move staff recommendation on A, B and C (Kronzer seconded). I see that there are other uses for this site, it's not necessarily restricted by the zoning. This is really dovetailing into a niche of fast food. I look at the warehouse district and how it's developing and all the new residential uses going in there and how this is referred to as being at the top of the neighborhood and I think it doesn't have to be a destination for automobiles, which is really what fast food places with a drive-through are. This seems like it could be a destination for pedestrians and bicycles and people navigating the city. It's right on Plymouth Ave which is quite possibly the best bridge to cross across the Mississippi north of downtown because you get an awesome view of the skyline. I see it as a destination in and of itself. I don't think that fast food would make it a destination. I think it would actually clutter up what is becoming a nice pleasant place and an access point to the river. North Minneapolis doesn't have many access points to the river and this is one of the few we have. I'd rather not have to go by a fast food establishment to get there. At the same time, I don't necessarily consider it the top of the neighborhood, I think of it as kind of the bottom of my neighborhood and the access point that my neighborhood to the river. I won't look at it as that we need to bring more fast food establishments to this area. I want to see commercial there and business there, but because I don't think it needs to be automobile oriented and I feel like the parking lot is separating pedestrians and bicyclists from getting to the businesses they have to navigate through a parking lot. If the drive-through is gone and they put their building up against the curb the way we'd want it in an urban environment, they could easily accomplish their goals of still having a plethora of business there, just not ones that are geared towards automobiles, but ones geared towards people who live in the area. That's my reasoning.

Commissioner Brown: I am a little bit hung up on not having the building at the corner or at least close to the street. I could see arguments either way on this one. It is a C2 zoning district, which does allow a drive-through and does allow some more intense commercial uses. I guess a drive-through could be ok there. I do have some concerns about having the parking in the front, particularly in an area is becoming very densely populated. I have a few concerns with the lack of a pedestrian connection on the site plan as it's shown between the sidewalk along 2nd St and the building. I would say if we are headed in a direction for approval that we would add that.

Commissioner Cohen: I would like to ask the applicant a question; how is the Community Bank on Washington doing? Do you have any sense of it? I see this as a financial office as some kind or another. Wells Fargo or US Bank; they don't have anything down there. There's a lot of money going up down there and I think it'd be a convenience for people living down there rather than having to go downtown for a banking connection.

Steve Minn: You're talking about what used to be the Franklin Bank and is part of the Sunrise group. That's a growing bank and they're doing quite well. The Reiling's are very happy with their performance on Washington. We do business with them. I think there are other banking institutions that are attracted to the Washington corridor. Problem is there are limitations on what you can do on Washington now.

Commissioner Cohen: I could see a professional office of some kind whether it's a bank, a shared office with architects or lawyers, but I don't see it as fast food. I think it's too high-end of clientele to attract a potential fast food usage. I see it as professional in some way.

Steve Minn: The Boom Island Park network that's operated by the Park Board across the river attracts over 1.1m visitors a year. That's what attracted us and the Dairy Queen people initially for this particular amenity. We are a block away from the parkway. Plymouth now has a bike path on it. We have connections, both pedestrian and bike, on our site.

Commissioner Slack: As a former North Loop resident and in my capacity on the Planning and Zoning Committee for the North Loop, we've had the opportunity to see this project for many years. I commend the applicant. He has worked diligently with the neighborhood and presented multiple alternatives and come back to the committee on numerous occasions and tried to develop a concept for the site that he feels best works for his needs and also for the neighborhood. It's a tough site. We've been having these conversations since 2009. The site plan hasn't changed much since then. I think commercial could work on the site. It is a key gateway site to the North Loop neighborhood from the north. The use and lack of pedestrian connectivity is still tough for me to deal with. Traffic circulation in that area is getting heavier now and access off of this site and on to river road...there is a lot of concerns there. I will thank the applicant for all the work he's done with the neighborhood.

Commissioner Huynh: In 2009 I voted against the application. My opposition isn't necessarily the uses being proposed. I think that there needs to be some flexibility as far as proposed uses, however, I'm not willing to compromise as far as the building. I hope that's something the applicant would consider, but I think that's a stickler for me and the reason I'd deny the application in front of us.

Aye: Brown, Huynh, Kronzer and Luepke-Pier

Nay: Cohen

Abstain: Slack

Absent: Gagnon, Schiff (excused) and Wielinski

Commissioner Luepke-Pier: I will move staff recommendation for D and E (Huynh seconded).

Aye: Brown, Huynh, Kronzer and Luepke-Pier

Nay: Cohen

Abstain: Slack

Absent: Gagnon, Schiff (excused) and Wielinski