

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

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**MEMORANDUM**

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DATE: January 9, 2014

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of December 2, 2013

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The following actions were taken by the Planning Commission on December 2, 2013. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Tucker, Brown, Cohen, Gagnon, Huynh, Kronzer, Luepke-Pier, Schiff, Slack and Wielinski – 10

Committee Clerk: Lisa Kusz (612) 673-3710

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**11. 4525-4529 France Ave S (BZZ-6286, Ward: 13), 4525-4529 France Ave S ([Janelle Widmeier](#)).**

**A. Rezoning:** Application by ESG Architects, on behalf of France Development LLP, for a petition to rezone the property of 4525 France Ave from C1 Neighborhood Corridor Commercial District to R5 Multiple-family District to allow a 3-story multiple-family dwelling with 31 units and 41 parking spaces.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 4525 France Ave S from C1 Neighborhood Corridor Commercial District to R5 Multiple-family District.

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

**B. Variance:** Application by ESG Architects, on behalf of France Development LLP, for a variance to reduce the front yard requirement to allow the proposed building, balconies, patios, canopy, and transformer for the properties located at 4525-4529 France Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to reduce the front yard requirement adjacent to France Avenue South to allow the proposed building, balcony, canopy, and transformer locations for the properties located at 4525 and 4529 France Ave S.

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

**C. Variance:** Application by ESG Architects, on behalf of France Development LLP, for a variance to reduce the minimum drive aisle requirement from 22 feet to 2 feet for the properties located at 4525-4529 France Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to reduce the minimum drive aisle requirement from 22 feet to 2 feet for the properties located at 4525 and 4529 France Ave S, subject to the following condition:

1. The width of the surface parking spaces shall not be less than 10 feet to allow adequate room for maneuvering.

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

**D. Site Plan Review:** Application by ESG Architects, on behalf of France Development LLP, for a site plan review for the properties located at 4525-4529 France Ave S.

**Action:** The City Planning Commission **approved** the site plan review for a new 3-story multiple-family dwelling with 31 units for the properties located at 4525 and 4529 France Ave S, subject to the following conditions:

1. Department of Community Planning and Economic Development staff review and approval of the final site, landscape, floor, building elevation, and lighting plans before building permits may be issued.
2. All site improvements shall be completed by January 24, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

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

Staff Widmeier presented the staff report.

President Tucker opened the public hearing.

**James Lundberg (4521 Ewing Ave S):** I did email Commissioner Schiff a letter and I faxed a statement to the commission. I would like to point out that one would have to create new facts out of a whole cloth to arrive at the necessary factual basis for obtaining a zoning change in this instance. This property, in 2010 or 2011, there was a proposal to build a Six Flat with commercial use on that property by the same developer. That same developer later abandoned the plan, however, the viability of that plan is hardly in question. They pursued it and obtained permission for it. The use of that property and the creation or operation of two units on the site is 100% in compliance with the current zoning, is consistent with the Comprehensive Plan and it was found in 2012 when a larger project over four adjoining lots with roughly the same density and mass. We now shrink the same project down roughly to two lots, but with basically the same dimensions, massing and density. You don't change the fundamental fact that those two lots were found in 2012 by this committee to not meet the requirements for rezoning. There is no fact that has changed since 2012. There are uses for the site which are within the current zoning and that's how this property should be developed if it is going to be developed. There are some critical issues that are ignored by the planning process and one of those is the impact on single family units immediately across from the alley. The property at 4524 is located directly behind the thickest part of this plan. Giving that homeowner virtually no room to move her car in and out of the garage, the clearance just isn't there. The application has been made in the interest of the property owner. We understand that, but the project does not meet any articulated public interest. If we look at section 525.20, there are five elements that must be met. I identified those in my letter. None of those elements were met previously in 2012 and none are being met now. This is a request to rezone, this is radical surgery and it is unnecessary development. It is overdeveloping a very small site. It's too small a site for the scope of this project. We

encourage you to deny the application. The argument was given today on agenda item four, 4529 is an R5 building which currently houses 15 affordable units. Linden Hills is routinely criticized for not having adequate affordable housing. This is the only remaining site in Linden Hills where affordable housing is available. Look at the map and the plans and the situation. This is a project that is too big and it doesn't meet the zoning requirements and should be denied.

**Michael Gair (4615 Ewing Ave S):** I own and rent to a relative at 4609 Ewing. I'm here on behalf of my daughter who lives and owns 4538 Ewing. I continue to resist and protest 71 units per acre on this piece of real estate. Comparable amount of land, three lots, immediately to the east is occupied by three single family homes. We are being asked to increase the unit count on this .44 acres from 15 and 16 units up to 31 units for a unit density of 71 units per acre. The variances and the density, in my opinion, do not meet the criteria or the threshold for unique circumstance or hardship. It seems to me it's more likely that the gain here is a developer's pro forma. There is a substantial reduction in open space, about 35% less open space in this plan than what's currently on the property. Three times the amount of runoff from this hard surface rooftop and hard surfaced area will be channeled to the northeast corner of the building, dropped down a downspout and travel 11 feet out to the alley and spill into the alleyway. In January, February and sometimes March we have these things called thaw freezes in Minnesota. We get snow melt and freezing in the night. This is a dangerous situation back there. As Jim has indicated, we lose affordable units. I think we're all about lifestyle and life cycle and this market rate project obliterates those affordable units. The issue that still stands out in the mind of some of us is the issue of traffic. The way the plan is designed, about 24 stalls will have access to France Ave. It's not as centralized as it was in previous plans, but nonetheless, we have this issue with France and with the alley and I think it would be prudent to have a review by a traffic engineer on the impacts of the traffic and parking on those two locations. Janelle indicated that the property is guided urban neighborhood. Yes, it's also guided community corridor. Community corridor is 20-50 units per acre. Urban neighborhood is 8-20 units per acre. We have a very difficult situation at hand to create a transition from single family, which is 7-8 units per acre, up to the corridor. I realize the developer has made some attempt to try to work through that dilemma. It also says that the highest densities generally concentrated in and around identified nodes and corridors...the highest density in urban neighborhood is 20 units per acre, not 71. The highest density of community corridor is 50 units per acre, not 71. We are 20-30 times the allowable density within those two land use classifications. There seems to be this persistent thought that this site is entitled to high density, it's just not true. I would request you give some thoughts to a traffic study perhaps and also to hold off on this rezoning and the introduction of a 71 unit building in a neighborhood that is consistently 7-8 units per acre with commercial one to two stories in height not three or four stories. Thank you.

**Carol Hunsicker (4529 France Ave S):** Affordable housing is a phrase not customarily associate with Linden Hills and that's why it's really important to consider what would be lost if the variances were approved as requested. Right now on that site there is a building with 15 modest studio apartments. They are clean, well kept up, they have a grassy back yard, picnic table and trees and they have 10 off street parking places, but only eight of those are actually used. The building serves a population closely integrated into the neighborhood by local jobs, family ties and long residents in the area. The current building with its 15 affordable studio apartments is a unique resource in Linden Hills and one unlikely to ever be replaced. In established neighborhoods, affordable housing is preserved, it's not built. Please preserve this Linden Hills resource. Thank you.

President Tucker closed the public hearing.

Commissioner Wielinski moved staff recommendation (Huynh seconded).

**Commissioner Gagnon:** I know the application is for 31 units, but under R5 it could be four stories and 50 some odd units, correct? What is the R5 allowance?

**Staff Widmeier:** The R5 district does allow up to four stories. The minimum lot area requirement has been eliminated. They still have to comply with the parking requirements and floor area ratio so there are other standards in place that would affect the size and density of the site that could be established.

**Commissioner Gagnon:** Down the road ten years from now if someone wants to come and redevelop this they could build four stories and more units?

**Staff Widmeier:** If this project weren't constructed they could come in with a proposal. If it were a lower density zoning district, they could always apply for a conditional use permit to increase height or a variance to increase the FAR. There could be a number of scenarios.

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

**Nay:** Gagnon

Commissioner Wielinski moved staff recommendation (Huynh seconded).

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