

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

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MEMORANDUM

DATE: February 13, 2014

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of January 13, 2014

The following actions were taken by the Planning Commission on January 13, 2014. 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, Bender, Brown, Cohen, Forney, Huynh, Kronzer and Slack – 8

Not present: Gagnon (excused) and Luepke-Pier (excused)

Committee Clerk: Lisa Kusz (612) 673-3710

4. Harriet's (formerly Crooked Pint Ale House) (BZZ-6342, Ward: 10), 4000-08 Lyndale Ave S (Hilary Dvorak).

A. Rezoning: Application by James Smart with Smart Associates, on behalf of Paul Dzubnar, for a rezoning of 4008 Lyndale Ave S from the R1A district to the C1 district for the property located at 4000-08 Lyndale Ave S.

Action: The City Planning Commission recommends that the City Council adopt the findings and **approve** the rezoning of the property located at 4008 Lyndale Ave S from the R1A, Single-family District to the C1, Neighborhood Commercial District.

Aye: Bender, Brown, Cohen, Huynh, Kronzer and Slack

Absent: Forney, Gagnon and Luepke-Pier

Staff Dvorak presented the staff report.

Commissioner Kronzer: The trash enclosure at the southwest corner of the parking lot, the pavement widens; can you talk about the functionality of the pavement widening like that?

Staff Dvorak: There are two parallel parking spaces located right there. There are 12 spaces here.

Commissioner Kronzer: Has the applicant submitted a lighting plan for the parking lot yet?

Staff Dvorak: No, I do not believe so, but we will require one upon formal submittal for building permits.

Commissioner Brown: When we considered the original site plan for this project, we granted a variance for parking and I believe it included a condition for requiring valet parking, does that variance still stand or has anything changed with respect to the parking situation now that they have onsite parking?

Staff Dvorak: The variance still stands with the property. If something were to happen that this wouldn't get approved, they do have their parking variance someplace. I'm not going to remember the condition verbatim but it went something along the lines that they either need to provide the required parking on site or through a contractual valet service somewhere in the neighborhood. They do have assigned contractual location, but I'm going to assume they won't actually be utilizing it moving forward with the parking lot construction but we could ask the applicant that.

Commissioner Slack: Did we approve ten stalls with that variance?

Staff Dvorak: No, I believe it was 13.

Commissioner Slack: Ok, 13 is what's required by the ordinance. I had ten in my notes for some reason.

Staff Dvorak: I think the number ten appears because that's what they thought they could fit on to this site when they were initially thinking about the rezoning.

President Tucker opened the public hearing.

Jim Smart (2568 Upton Ave S) [not on sign-in sheet]: I'm the applicant, here for questions.

Commissioner Kronzer: Could you walk us through the design elements starting from the southern property line that's adjacent to the residential?

Jim Smart: I will turn it over to my associate.

Daniel Dolan (4105 13th Ave S) [not on sign-in sheet]: I was the project manager for the Crooked Pint, now Harriet's project. Starting on the south end of the site we have a six foot screening fence that is along the residential property. We do have a retaining wall there as well because there is a significant change in elevation. South of the retaining wall, north of the fencing, is where we have screening vegetation. The overstory trees are located here, here and here. Those are also meant for additional screening. In the parking lot property, it drains to the east. We do plan to light the parking lot with wall mounted lights on the south wall of the building. If it's determined we need additional lighting we will add short posts to the south landscaped side of the site.

Commissioner Kronzer: Are you proposing to use full cut-off lighting on that south wall.

Daniel Dolan: We are; shielded lighting only.

Ann Lynch (4012 Lyndale Ave S): I live next door. I would like to call your attention to Policy 1.2 in the Minneapolis Plan. It says “ensure appropriate transitions between uses with different size, scale and intensity.” Policy 1.2.1 says “promote quality design in new development as well as building orientation, scale, massing, buffering and setbacks that are appropriate with the context of the area.” The proposed project is surrounded by single family residential properties. It isn’t the same as an uptown business district. The size, scale and intensity of the bar restaurant and the customer or staff parking lot are obviously different from the neighboring residential uses. I expect to see appropriate transitions buffering and setbacks in that context. Policy 1.2.2 says “ensure that lighting and signage associated with nonresidential uses do not create negative impacts for residential properties.” We are going to feel the negative impacts if there is a parking lot right under our windows, especially if the business is open until midnight. Our adult son who lives with us and is autistic and suffered from a brain injury when he was attacked at a bus stop in 2010 is super sensitive to noise. The daily noise of such a business and parking lot is going to be difficult for him and for us as well as the odors from the cars and the odors from frying meat, which is nauseating for vegetarians such as myself, and a party going on next door every weekend until midnight would bother anyone in this neighborhood. People move to this neighborhood because it’s quiet. Policy 1.7 says “limit new or expanded auto oriented uses in the city so impacts on form and character of commercial areas in neighborhoods can be minimized. Discourage new and expanded high traffic auto oriented uses in neighborhood commercial nodes.” A parking lot in use seven days a week and until midnight on every weekend on what was a residential lot is a new and high traffic auto oriented use which will very much affect the character of the neighborhood. Considering the fragile state of our environment, at this point in time I really don’t understand why you are even considering paving over a residential lot in a desirable neighborhood for a parking lot for what is supposed to be a neighborhood business. Also in the Minneapolis Plan Executive Summary it says, “Minneapolis will be a safe place to live, work and play.” I worked together with my neighbors for years to make this a safe intersection for those of us that live, work, play and cross the street daily. It took a lot of effort from neighbors and City staff to develop the Lyndale Redesign Plan which has made the intersection much safer. I question the safety of a parking lot with cars pulling in and out of Lyndale at that point, particularly with the huge gas filled trucks pulling out of the SuperAmerica parking lot across the street. We finally have a good quality of life in our area of the neighborhood and relatively low crime compared to what it was previously. I resent having to go back to what has not been a good experience with high intensity businesses on that corner. I’m also concerned that a parking lot squeezed between our house and businesses will attract crime and it will be right up against our yard and house. Concerning the air pollution in a parking lot, I would like to know what protection will be provided for my family and home. I’m concerned about breathing the gas fumes. We experienced that after the SA at 4000 Lyndale tore down the house next door to us. We were suddenly exposed to the SA parking lot and exhaust fumes from the cars, even with an empty lot between properties. Worse yet was the noise and exhaust from idling trucks. They are not supposed to be left idling but the rules don’t apply to refrigerated trucks that deliver food and beer. We see and hear daily trucks that are left idling for an hour or more across the street at the SA while the drivers unload their goods and then hang out in the store or eat or nap in their trucks. When the city issues an air pollution health alert residents are informed on the City of Minneapolis website. Young children, the elderly and individuals whom are physically active are considered especially sensitive to elevated levels of air pollution. Ozone and fine particles can be drawn deeply into the lungs so reduce activities that lead to deep or accelerated breathing, such as mowing my lawn with our push mower. Even individuals that are otherwise healthy may experience health effects when air pollutant levels increase. Air pollutant levels are obviously going to increase in our home and our yard if this plan goes through. Besides creating the health concerns, a parking lot next door to us will greatly reduce our property value and quality of life such as being able to enjoy our yard opposed to if there were a house built on the residential lot. The bar restaurant is in this to make money and we will lose money big time because of it. I would like to propose a more positive alternative for the vacant residential lot at 4008 Lyndale should he be willing to sell and should you be willing to skip the parking lot. Imagine an environmentally green Habitat for Humanity house on the site. I would volunteer on that project. It would be a much more positive action than paving over

the land for a parking lot. In regards to the current proposal, I urge that you follow the guidelines set in the Minneapolis Plan which supports livability in the neighborhoods and the environment. We should be able to breathe clean air, sleep at night in our homes, use our yards and live in a safe and healthy environment.

President Tucker closed the public hearing.

Commissioner Huynh: I would like to move staff recommendation to approve the rezoning from R1A to C1 (Brown seconded). The development is off of a community corridor on Lyndale and C1 would be supportive at this intersection of having smaller scale residential commercial uses similar to what is being proposed.

Aye: Bender, Brown, Cohen, Huynh, Kronzer and Slack

Absent: Forney, Gagnon and Luepke-Pier

Commissioner Huynh: I will move staff recommendation for items B and C (Kronzer seconded). I want to note that the applicant had come previously but did not have a parking lot. I am assuming the applicant is coming back just from pressures of previous residents to have parking on site. Initially we didn't have parking on site and I feel that these conditions would properly buffer your residential home to the project location.

President Tucker: I wonder if we can add under condition four to specify the east end of the north side of the parking lot. Thank you.

Commissioner Kronzer: I would like to add a condition to item C at the end of condition one or a new condition requiring that all parking lot lighting be full cutoff fixtures.

Aye: Bender, Brown, Cohen, Huynh, Kronzer and Slack

Absent: Forney, Gagnon and Luepke-Pier