

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

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**MEMORANDUM**

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DATE: June 19, 2014

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of May 19, 2014

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The following actions were taken by the Planning Commission on May 19, 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, Forney, Gagnon, Kronzer and Slack – 7

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

Committee Clerk: Lisa Kusz (612) 673-3710

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**6. Village Market (BZZ-6475 and Vac-1614, Ward: 6), 912 E 24<sup>th</sup> St, 2301 Elliot Ave S, 2218-20 10<sup>th</sup> Ave S, 1000 E 24<sup>th</sup> St and 2321 10<sup>th</sup> Ave S ([Hilary Dvorak](#)). This item was continued from the April 23, 2014 meeting.**

**A. Rezoning:** Application by Scott Nelson, DJR Architecture, Inc., on behalf of Omar Sabri and Eagle Management, for a rezoning to add the TP Transitional Parking Overlay District to 2218 10th Ave S.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to add the TP Transitional Parking Overlay District to the property located at 2218 10<sup>th</sup> Ave S.

**Aye:** Bender, Brown, Forney, Gagnon, Kronzer and Slack

**Absent:** Gisselman and Luepke-Pier

**B. Conditional Use Permit:** Application by Scott Nelson, DJR Architecture, Inc., on behalf of Omar Sabri and Eagle Management, for a conditional use permit for a parking lot in the TP Transitional Parking Overlay District for properties located at 912 E 24th St, 2301 Elliot Ave S, 2218-20 10th Ave S, 1000 E 24th St and 2321 10th Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a parking lot in the TP Transitional Parking Overlay District at the property located at 2218 10<sup>th</sup> Ave S, subject to the following condition:

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.

**Aye:** Bender, Brown, Forney, Gagnon, Kronzer and Slack

**Absent:** Gisselman and Luepke-Pier

**C. Nonconforming Use Expansion:** Application by Scott Nelson, DJR Architecture, Inc., on behalf of Omar Sabri and Eagle Management, for an expansion of a non-conforming use to add approximately 12,000 square feet of floor area to an existing shopping center in the I1 Light Industrial zoning district for properties located at 912 E 24th St, 2301 Elliot Ave S, 2218-20 10th Ave S, 1000 E 24th St and 2321 10th Ave S.

**Action:** Notwithstanding staff recommendation, the City Planning Commission **denied** the expansion of a nonconforming use application to add approximately 8,805 square feet of floor area to an existing shopping center in the I1 Light Industrial zoning district located at 912 E 24<sup>th</sup> St, 2301 Elliot Ave S and 2218-20 10<sup>th</sup> Ave S, based on the following findings:

1. The expansion could contribute to existing livability issues, including littering, loitering and property damage problems.
2. Nearby residents demonstrated evidence of significant traffic congestion and circulation impacts associated with the existing use, including bicycle and pedestrian safety problems caused by double-parking in public streets.
3. The applicant is lacking a completed Travel Demand Management Plan, which would potentially address the traffic and circulation problems demonstrated by nearby residents and that would address finding #3 in the application for expansion of a nonconforming use.

**Aye:** Bender, Brown, Forney, Gagnon, Kronzer and Slack

**Absent:** Gisselman and Luepke-Pier

**D. Site Plan Review:** Application by Scott Nelson, DJR Architecture, Inc., on behalf of Omar Sabri and Eagle Management, for a site plan review for properties located at 912 E 24th St, 2301 Elliot Ave S, 2218-20 10th Ave S, 1000 E 24th St and 2321 10th Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the site plan review application to allow for an 8,805 square foot addition to an existing shopping center at the properties located at 912 E 24<sup>th</sup> St, 2301 Elliot Ave S and 2218-20 10<sup>th</sup> Ave S, subject to the following conditions:

1. Approval of the final site plan, landscaping plan, elevations and lighting plan by the Department of Community Planning and Economic Development
2. All site improvements shall be completed by June 27, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The building entrance located on the north side of the building near Elliot Ave S shall be connected to the public sidewalk via a walkway at least four feet in width and a minimum of three feet away from the building.
4. The gate located on the north side of the parking lot shall remain locked except for when snow plowing activities need to occur.
5. There shall be at least 15 trees and 76 shrubs provided on the site as required by section 530.160 of the zoning code.

6. Screening that is three feet in height and not less than 60 percent opaque shall be installed along 10<sup>th</sup> Avenue South and Elliot Avenue South as required by section 530.170 of the zoning code.
7. A minimum of 10 trees shall be planted along 10<sup>th</sup> Ave S and a minimum of two trees shall be planted along Elliot Avenue South as required by section 530.170 of the zoning code.
8. The driveway shall be reduced at least three-and-a-half feet in width so the landscaped yard on the northeast side of the parking lot, south of the proposed alley, is a minimum of seven feet in width as required by section 530.170 of the zoning code.
9. Screening that is six feet in height and not less than 95 percent opaque shall be installed along the north property line as required by section 530.170 of the zoning code.
10. The existing six-foot tall solid wood fence along the north property line shall be repaired per the fence plan submitted as part of this application.
11. The refuse and recycling containers shall be enclosed as required by section 535.80 of the zoning code.
12. The mechanical equipment shall be screened as required by section 535.70 of the zoning code.
13. Permanent trash receptacles shall be located near each of the building entrances.
14. Chain-link fencing shall not be allowed on the site, existing or proposed.
15. All site lighting shall be full cutoff fixtures.

**Aye:** Bender, Brown, Forney, Gagnon, Kronzer and Slack

**Absent:** Gisselman and Luepke-Pier

**E. Vacation:** Application by Scott Nelson, DJR Architecture, Inc., on behalf of Omar Sabri and Eagle Management, for an Alley Vacation 1614 – vacating and replacing the alley in Block 2, Chicago Ave 2<sup>nd</sup> Addition, bounded by Elliot Ave, 10<sup>th</sup> Ave S, E 24<sup>th</sup> St and E 22<sup>nd</sup> S.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the vacation of part of the alley partly dedicated in Block 2, Chicago Avenue 2<sup>nd</sup> Addition, and partly deeded in said addition, bounded by 10<sup>th</sup> Ave. S., Elliot Ave. S., and 24<sup>th</sup> St. E subject to the retention of easements by CenturyLink, Xcel Energy and Comcast.

**Aye:** Bender, Brown, Forney, Gagnon, Kronzer and Slack

**Absent:** Gisselman and Luepke-Pier

Staff Dvorak presented the staff report.

**President Tucker:** Will adding the three and a half feet to the strip there change the alternative compliance requirement?

**Staff Dvorak:** No. I ran the calculations and we're still short by quite a bit. I didn't bring my full set of plans here. We were short and I couldn't get it to 20% and we would have probably had to strike all of those parking spaces in order to get that.

**President Tucker:** Is there room in the available landscaping space for all the shrubs and trees?

**Staff Dvorak:** Yes.

**President Tucker:** I'm curious why these plans came forward with so much missing material like the screening and all that. Normally those are just there and they comply or don't, but this seems to be lacking a lot of detail.

**Staff Dvorak:** In the landscaping plan, I did email the architect to ask for the landscape schedule because this does look like a landscape plan and that's when the architect told me that within the civil engineer's contract they will be doing the planting plan.

**President Tucker:** When is the TDMP going to be done? I noticed we continued this a time or two, one might expect that the plan might have been completed by now.

**Staff Dvorak:** This has been a very complicated process. I shouldn't say "complicated"; it's just that a lot of issues have come up. The application has been complete for some time. We do need action from you tonight on the project to stay within our 60/120 day timeframe. The rezoning and vacation have to go through the full City Council process. This had been scheduled for April 23 and was continued one month to allow conversations within the council offices to occur and conversations with the neighborhood organization to happen. That is why we're here. The TDMP will need to be completed and approved by both directors of CPED and Public Works prior to us issuing building permits.

**President Tucker:** Does the net increase in parking through this rezoning and moving the alley, is that more than is needed for the 8,800 square feet for the expansion.

**Staff Dvorak:** Yes, it would be.

**President Tucker:** How much would that expansion by itself call for?

**Staff Dvorak:** The expansion would maybe need about four spaces.

**President Tucker:** So this is providing more spaces that help with the congestion created by the other space.

**Staff Dvorak:** Correct. As it was explained in the staff report, the parking requirements from 2001 to 2014 have changed. Through the reviews in 2001 and in 2004 for this project, the city granted variances so the last variance that was approved was from 244 spaces down to 102 spaces. What's required today is 160 and what they're proposing is 118 so we require less than what was required in 2004 and we have more than what was provided in 2004 so we still fall within the range of that variance. The additional parking spaces would cover the addition if we looked at it on just that basis.

**Commissioner Bender:** We've received a lot of comments about the number of vendors within the building. Could you just talk about how our zoning code regulates this use? Maybe we need a new zoning classification in the future, but at this time we're just regulating this as a shopping center and that doesn't speak to the intensity of the use inside the building, is that right?

**Staff Dvorak:** Correct. It is a shopping center. We don't have a maximum number of individual tenant spaces that can be within a shopping center. That would probably stifle economic development one could argue if we did cap that for a business owner so we don't do that. For parking purposes, in this case, we do look at the individual uses that are within the shopping center and there are four major uses. There is an office use, food and beverage use, general retail sales and service uses and then a place of assembly. We did run parking calculations for all four. The parking requirement for a shopping center is for the CUP and this is how we've done parking calculations for shopping centers historically in the city is we look at the individual uses and break them down and run the calculations from there.

**Commissioner Kronzer:** Is there any outdoor gathering space proposed on this project with the expansion?

**Staff Dvorak:** No, there isn't.

**Commissioner Kronzer:** Can you talk about the critical parking in the area and the proposed 24<sup>th</sup> Street bike boulevard plans?

**Staff Dvorak:** I can show you a critical parking map. At the end of last year, Council Member Lilligren signed a resolution for a federal funded bike project to be implemented on 24<sup>th</sup> Street from Chicago to somewhere in the east...I'm forgetting the end point. That bicycle project was supposed to occur last year, but because of weather the paint never got on the ground. The signs were installed but the paint never went down. There is a bike boulevard going in on 24<sup>th</sup> Street between Chicago and 12<sup>th</sup>; no on-street parking will be removed. There will be on-street parking removed from 12<sup>th</sup> towards the east, but in this location from Chicago to 12<sup>th</sup> no on-street parking on 24<sup>th</sup> will be removed because the street is wider in this segment. From 12<sup>th</sup> towards the east down to Cedar there will be some on-street parking removed in that segment but in this segment no on-street parking will be removed. As far as the critical parking map, this is that map and where you see the dark lines that is where there is critical parking. There are different types of restrictions in these areas. I don't know the specifics of each street segment and which restriction applies but this is where the critical parking is. Something that the TDMP is going to look at...what wasn't in effect in 2003 when the TDMP was approved was critical parking or at least it hadn't come up with far. One of the reasons we said we need a whole new TDMP for this is to take into account the critical parking that went into effect. In talking with Public Works, a lot of the critical parking is a result of the hospitals and not necessarily this shopping center. On Chicago we have all of the hospitals in this location and as a result of those intensive uses that is why the critical parking is here...or one of the reasons.

**Commissioner Kronzer:** Is there a thought that the TDMP would come back with an expansion of the critical parking area?

**Staff Dvorak:** It is property owner led for critical parking. You need about 70% of your property owners within the area that's seeking it to approve that. It could look at making some recommendations, however, if the TDMP came back and said that the restriction should be changed, those homeowners would have to agree to it; it's not just something the city could just come in and change without those consents.

**Commissioner Kronzer:** The parking currently on site is not paid parking. The proposal is for the entire parking lot to be paid parking or reimbursed parking? Can you go through that in a little more detail?

**Staff Dvorak:** As I understand it, it will be paid parking and for some of the larger tenants there would be a two hour validation for those patrons. I would like the applicant to speak to that in more detail. That's a question that we asked the traffic consultant to give us their opinion on – how they think the parking should be rated. We wouldn't want them to charge a high amount per hour and then have no one parking in it. We want it to be efficient. At the Karmel Plaza shopping center, a lot of these similar changes have taken place and Public Works has been working with the owners. That parking lot put in pay boxes and a one-way drive from Pillsbury to Pleasant. The changes have improved on-street parking congestion and on-street traffic issues. It is a lot better over there from what Public Works has said. Modeling this somewhat after some of those issues, they're hoping these improvements will have the same result.

**Commissioner Kronzer:** With an expansion of nonconforming use, why are the parking requirements what they are?

**Staff Dvorak:** The variance that was granted was for a greater amount.

**Commissioner Kronzer:** It was varied down to 102 in 2004 when it became a shopping center.

**Staff Dvorak:** It went down from 240 to 102 spaces. The requirement today is less than the total that was required then. In 2004, it was 244, 160 is the requirement now. Our parking chapter has significantly changed too.

**Commissioner Kronzer:** The expansion of a nonconforming use has no bearing because of the way the parking has already been variance...there is nothing we can do about that.

**Staff Dvorak:** Correct. However, if we did look at it that way, the 16 additional parking spaces, even with the net loss of the six, still covers the addition. The differential would be the 16 parking spaces that they're adding and that would cover the addition.

**Commissioner Kronzer:** The chart on page 12 of the staff report where it says "total minimum requirement" is 160, that number is confusing me. That number is higher than 102 plus 16. Maybe that variance math is hidden in all of this.

**Staff Dvorak:** No, there is nothing hidden in the math. I don't know if all the bullets printed, but under "off street parking loading" on page 12 in the written section above, that's where we explain the variance process that has happened on parking.

President Tucker opened the public hearing.

**Scott Nelson (not on sign-in sheet):** I'm with DJR. We've been working with Hilary for quite some time and the project has gone through a number of different iterations. I'd like to thank Hilary for her patience in helping us through this process. In speaking with Omar, we're fine with all of the conditions that were recommended, with the possible exception of the one about doing the entire addition on the corner in brick. We'd like to work with staff and recognize that there's already a significant part of the building with stucco and be able to revise that corner addition which really addresses both sides as some combination of brick and stucco. We're more than willing to look at painting and doing some other treatments on all four sides of the building. As it started its life as a bakery and has been remodeled over the course of a decade as a shopping center, it's seen lots of different materials. They've done some exterior remodeling in hopes of continuing that and we'd be happy to make that part of the whole of the completion of this project. The parking increase in flow and increase with landscaping...we hired a landscape architect. Omar would be willing to talk about the parking.

**Omar Sabri (2436 Chicago Ave) (not on sign-in sheet):** Paid parking will be implemented on the site. We did observe Karmel doing the paid parking and we've seen the benefit behind it. The cost would be pretty minimum. It would encourage people to move on. It'd be about a dollar an hour for restaurants and coffee shops it would have the first 30 minutes for free and after that they'd be charged. That will hopefully help to move people around and create more parking for everyone.

**Goth Ali (1915 Clinton Ave):** I support this project. I'm a business owner here. The city and community will benefit from this expansion.

**Abdikarim Esse (38432<sup>nd</sup> Ave):** We hired this year or last couple of years three people and we contribute business. We are in favor of this expansion so we can hire more. We believe we contribute tax wise and to the business of the city.

**Farhan Farhan (1630 S 2<sup>nd</sup> St):** I have a small business here. I believe the improvement of the new construction will help traffic and bring more business to our mall so I support that.

**(Name and address not on microphone):** I support this mall expansion. This is where we go and pray, it's the only place we have to go and pray and I wish that you will support this since it's a place for praying. Thank you.

**Mohamed (1920 4<sup>th</sup> Ave) (not on sign-in sheet):** I'm a business owner here. I support this project and the parking. It's important to us. Thank you.

**Mohamed (920 E 19<sup>th</sup> St) (not on sign-in sheet):** It's not only for business, there have been a lot of issues in Somalia. This is a place where everybody meets, all those with issues and problems come and meet here. We want this parking area because a lot of people come here to meet, mingle, talk and sit. It's not just the business point of it, it's as very community oriented place where everyone comes and meets. Thank you.

**Commissioner Bender:** As a leader in your community, is there a way to encourage some people that live closer to the mosque to walk instead of driving since the parking and driving is such a problem for the traffic nearby. I don't know how many people coming live nearby.

**Mohamed:** They actually do walk. If everyone drove, they would not have parking so they actually do walk.

**Shavisi (1045 Aldrich Ave) (not on sign-in sheet):** This project is good for the Somali community. The addition is basically outside of the mall where people gather. They can put trash outside of the mall. If we get the new building, the trash will be reduced and nobody will meet outside the mall. Everything they throw away is going to be inside the mall. We will get more customers and there will be more taxes for the city and the state. The new parking lot will be beneficial. The new parking system will be helpful. Thank you.

**Abdi Katar (2625 18<sup>th</sup> Ave S) (not on sign-in sheet):** Sometimes the parking lot is full. I park my car on 10<sup>th</sup> Street and walk to the mall. If I park by the mall, it takes up space for my customers. Thank you.

**Abdullah Getti (not on sign-in sheet):** I have a business here. I support this development and paid parking. We've been having a problem with customers not having enough parking and there is traffic congestion on 10<sup>th</sup> and Elliott. This will help our customers have parking and reduce traffic problems. Thank you.

**Corrie Zoll (2411 11<sup>th</sup> Ave S):** I live about 500 feet from the mall. In 2001 when we found out that the mall was coming to the neighborhood, we were excited. The site was vacant for a while. Having activity on the corner there brought crime down. We got new entrepreneurs and startup businesses into the neighborhood and a lot of really cool stuff into the mall. As the mall really took off my neighbors and I were glad this place was going to be successful. At some point we heard that instead of the 37 stalls that were approved there, there were over 100. We heard that there are between 125-150 different vendors in that space. I'm sure that when the city originally approved this they didn't know exactly how to fit it in and thought the impact would be like having 37 farmer's market stalls, but it's clearly a shopping center with 125-150 vendors and that number maybe changes. It has the impact of a shopping mall. We saw litter get a lot worse, the parking got worse. The staff report really grossly underestimates the impact of the mall on parking. The additional critical parking areas that were added to this in recent years was in response to parking at the mall, not the hospital. Snow emergencies are just a nightmare. There are folks that come in and out and park in the plowing zones and aren't there long enough to get ticketed and towed. I didn't want critical parking. Adding 16 spaces is really nothing. This site has less than half than the amount of parking the city would normally require for a

shopping center of this size. This addition could bring more vendors than expected. There is really no argument that this is going to have a large negative impact on my neighborhood. It sends the wrong message to the developer. It rewards bad behavior for 13 years on this site. You're telling new American entrepreneurs that this is the way we do business here. It's really not what I want for my neighborhood.

**Beth Steen (2211 Elliott Ave):** Omar spoke to the fact that the paid parking would encourage people to move on and out quickly, but that seems in contradiction from the comments Mohamed Mohamed that this is a community gathering center. I don't believe that paid parking would encourage people to move on. I believe it would encourage people to park on the street which is already quite congested. We watched an ambulance struggle to arrive at and leave from an apartment building immediately next to us and I have concerns about the traffic congestion and emergency vehicles navigating that. Thank you.

**Evan Hall (2436 Elliott Ave S):** I am in support of the Village Market. I believe it is an anchoring institution to our neighborhood. The issue I have with the expansion is mostly architectural. On page nine of the report, it says that 30% of the Elliott facing façade is glazing. The Elliott facing façade is about 5000 square feet, it's on the elevations, it's 5000 square feet of vinyl siding. This property has used a lot of residential materials [tape ended]...and other commercial grade materials. My other comment is specifically to the proposed façade on the structure. They are planning to use brick and plaster possibly. I'm more concerned about the inside and what it's being constructed of, maybe you can answer that. Is the building being constructed out of concrete or 2x4's? Is it in compliance with a commercial grade building? I believe when they said brick façade they mean a brick veneer on a wood constructed building.

**President Tucker:** That's how we understand it, yes.

**Evan Hall:** That, in my opinion, is a residential material. I'd like to see more commercial grade materials used for commercial grade buildings in our neighborhood.

**Katherine Blauvelt (2411 11<sup>th</sup> Ave S):** I speak on behalf of the Midtown Phillips Neighborhood Association tonight. You have some pictures before you of the parking around the mall. The bike lane going down 24<sup>th</sup> Street, there are cars that park on 12<sup>th</sup> and beyond that go to the mall. We've heard tonight that those parking spaces will go away from 12<sup>th</sup> Ave on. That parking will have to be pushed somewhere and you should add that to your 16 space number. There is no place to park on this street. There is no place for people to go. This is a view of 10<sup>th</sup> Ave. On the right hand side, past the first car you see in the middle of the street is another double parked car. This is 10<sup>th</sup> Ave at 11:00 on a Sunday morning, not during a time of worship. It gets worse during worship. I would like to note that on the conditions there are no limits on the new tenants. That is the history of the mall. When you approved it as a shopping center, I'm pretty sure there wasn't a mosque in there and that brings hundreds of visitors to the mall. That's great, but I request that you consider that use in your calculation of parking numbers. If you believe that those 16 parking spaces are going to be enough and you put it as a condition that there's a limit on new tenants...we deal with the consequences every day. When you approve a nonconforming use, it may go away for the city as a consideration but we live with the negative impacts every day. It's so unfortunate. I would ask that you put this on hold and not approve it today and allow us to work with the city to bring this site to a place that makes some sense to the neighborhood and for the people within the mall as well. The expansion is out of character for the neighborhood. This is a 40,000 square foot building and there's no other building like that around in this residential neighborhood. This is not a commercial district and adding on to that is out of character. Thank you.

**Jim Bloom (2410 10<sup>th</sup> Ave S):** I agree with what has been said in terms of the congestion. I think our heart is with the businesses that are there and not opposing that. The fact that nothing has been done over the past 10 years that we've been there to help alleviate that problem and so there hasn't been anything proven that the

developer or management are willing to deal with the congestion that's taking place there. In the analysis, it says "The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion." That simply is not even close. The fact that there's no limit to how many vendors can be in the building just means it's going to increase that much more. Right now it's already having a huge impact in our neighborhood in terms of the parking spaces and congestion. It was already mentioned that the 16 parking spots won't even make a dent in to what the parking is right now where it's clogging up every single street around from 12<sup>th</sup> to Chicago, from 22<sup>nd</sup> down to 25<sup>th</sup>...it's all being used and we have no space to have friends over and be able to park there. The safety issue of kids and pedestrians with a bike lane coming through is a real concern because of traffic. Basic courtesies are ignored on a regular basis on the street. The littering, loitering, noise level, trespassing has increased over the past ten years. We live right by there. The increasing number of people loitering and trespassing on surrounding properties has risen. The loud noises, illegal activity, honking and traffic because of people parking in the middle of the street. We ask that this be postponed until a traffic plan is really shown to be helpful and that something be done before the actual building takes place so that we know that the management and developers really do care about the traffic piece in our neighborhood rather than making it one bundled thing where they will only look at it once it's built.

**Jonathan Schwink (2211 Elliot Ave):** I agree with almost everything that was said tonight. I'm not in favor of the expansion of nonconforming use, but I am in favor of the expansion of the parking lot and returning the alley to the residential use. I think that'd be a good step in the right direction for relieving the traffic congestion in our neighborhood. On Elliot near the mall it's not just double parking but it's people using the street as a loading and unloading zone. When that ambulance came in with the sirens on and parked at the apartment building, within a few minutes five or six cars in each direction had stacked up. Luckily it wasn't an emergency that required evacuation but that ambulance took several more minutes to move the cars out of the way. Even a police car with sirens on cannot move cars off of Elliot Ave. In the case of emergency, this is an unsafe situation and I don't want anyone to be to be injured or delayed on the way to the hospital. Expanding the shopping center would put more cars on the street, there's no question about it. What you see on paper in the reports you received may not accurately represent what's happening in the neighborhood. I would encourage you all to come through and try to find a parking spot some evening around 5:00 p.m. I think the addition will cause them to lose 11 not six spaces. What you see on paper is not what you experience as a resident of this neighborhood. This is not an easy place to have people over to visit or have an emergency vehicle come rescue you from your house. People leave garbage in our yard, alley and street every day. One of the conditions is monitoring garbage pickup within 100 feet of the mall. I'd like to see that expanding since people walk from the mall and drop trash along the way.

**Raquel Bloom (22410 10<sup>th</sup> Ave S):** I'm concerned with safety here. The current situation without the expansion is forcing people to do illegal things such as loading and unloading where they're not supposed to, parking in front of my garage or in my parking spot. I've had neighbors put their trash cans out to block people from parking in their spots. The alley gets blocked because people have nowhere else to go. Once we include the bike lane going in there we will have a major problem. I agree with the applications to improve the parking. It appears they can do all the architectural changes without the expansion. I think it will be in the best interest in terms of relationship between the owner and management to address the parking issue so that it doesn't come across to the residents that there is no concern towards us. If you could postpone at least the expansion since there are no details and some numbers are really not adding up. Thank you.

President Tucker closed the public hearing.

**Commissioner Brown:** I will start with item C and I will move approval of the nonconforming use expansion with the two stated conditions that a TDMP is reviewed and approved and that the premises within 100 feet shall be inspected regularly for purposes of removing any litter found.

**President Tucker:** We do not have a second on that motion so that fails.

**Commissioner Kronzer:** I will start with C and recommend denial of the expansion of a nonconforming use (Gagnon seconded). We heard a lot of good testimony tonight. This is a neighborhood asset and a value to the community. It is a heavily used area that has some issues. My idea would be to approve every application here except for item C and have the applicant prove to us that the parking and the other issues can be addressed and then address an expansion of the facility at a later date.

**Staff Wittenberg:** I don't have a particular concern about that approach. I think that would be a possible path forward.

**President Tucker:** I believe we have a 120 day clock on this.

**Staff Wittenberg:** We do. There is some urgency to act on this today. One minor issue that I think could be overcome is that after an application is denied we typically ask that a new application not be submitted within one year, however, if there is some aspect of the proposal that has changed we would accept a new application in less than a year.

**President Tucker:** Suppose we noted the lack of a TDMP, would that allow the application to come back sooner if we state reasons it can be remedied?

**Staff Wittenberg:** That would be helpful.

**Commissioner Bender:** I'm wondering when you might think we'll have the TDMP. I wonder if the TDMP might be available within the timeframe before this goes to Z&P or Council. I think all of us are struggling a bit with the lack of detail that we have on the big issues of access to this building especially with all the parking that was varied originally.

**Staff Dvorak:** I believe the scope has been approved. Public Works and our office have reviewed the scope that the consultant presented to the owner for the assurance that everything we talked about was in the scope to be studied. It sounds like that has been signed so the consultant should be working on that. I don't know if they'll be able to do it...I will point out that a TDMP is not mandatory for this project. You have to build 400,000 square feet to trigger a mandatory TDMP so this is a discretionary TDMP that Public Works and CPED are requesting. This would go to Z&P in about a month. What I would guess is that we'll at least have a draft of a TDMP by June 19. I can't say that Public Works and I will have reviewed it and all of the discussions and changes have taken place to it. It is a process. We review it and give feedback, they revise, and we give feedback until we get to a point where both Public Works and CPED can sign it.

**Staff Wittenberg:** Just to clarify something, a TDMP is required at 100,000 square feet. This is still well short of that and through the findings in the expansion of a nonconforming use you can certainly request...

**President Tucker:** We have testimony from all sides that it is crowded for traffic and parking.

**Commissioner Gagnon:** When you say you do parking and you break down a shopping mall, do you break down the number of tenants in a shopping mall or is there just a general shopping mall category?

**Staff Dvorak:** It's just general retail sales and service; it has a parking requirement so we apply to the square footage within the building...that's all retail sales. There is a parking requirement for food and beverage uses, which is a higher requirement than general retail so we calculated all of that square footage...

**Commissioner Gagnon:** Square footage for a general idea of a shopping mall, not for number of tenants.

**Staff Dvorak:** No. It's based on square footage of the uses within the building.

**Commissioner Gagnon:** Ok. Given that there's 125 plus, that doesn't play into your decision on parking spaces.

**Staff Dvorak:** No.

**Commissioner Kronzer:** The lack of a TDMP being ready for this is my major problem here with this application.

**Commissioner Slack:** I think the TDMP is a critical piece of information that is we had it here available today it'd be easier to make a decision. I'm generally in favor of the expansion, but I don't think the application has really responded to or answered any specific questions related to livability whether it's safety associated with the proposed bike trail or safety related to pedestrians as well as the loitering and damage to property. I think those are some critical issues that we as a planning commission have a direct affect in the decision. I support the motion on the table.

**Commissioner Gagnon:** Will the TDMP also consider the bike path?

**Staff Dvorak:** Yes.

**Commissioner Bender:** I understood there was going to be a safety center added as part of the expansion so that a police officer would be stationed in the building, but I haven't heard anything about that.

**Staff Dvorak:** It's my understanding that there will be a safety center in the corner of the building on the retail level of 24<sup>th</sup> and 10<sup>th</sup>.

**President Tucker:** As I recall, the letter from Ventura Village talked about more management planning for this site.

**Commissioner Bender:** I don't think this is an easy decision. The small parking lot that has six parking spaces in the back, it seems to be underutilized space. I'm not even sure if you added 100 parking spaces here...it's not really the point. The point is the traffic impacts on the neighborhood. I hope the TDMP would address the issue of the traffic impacts which I'm more concerned about than the varied parking. Even if we added 100 more spaces here, the traffic might get worse.

**Aye:** Bender, Brown, Forney, Gagnon, Kronzer and Slack

**Absent:** Gisselman and Luepke-Pier

**Commissioner Kronzer:** I'd like to move approval of A, B and E (Brown seconded).

**Aye:** Bender, Brown, Forney, Gagnon, Kronzer and Slack

**Absent:** Gisselman and Luepke-Pier

**Commissioner Kronzer:** It'd like to move staff recommendation on item D and eliminate conditions 3, 4, 5, 14 and 15 and to modify condition number six that the sidewalk be added to Elliot Ave S be at least four feet wide and a minimum of three feet away from the building. I'd like to add another condition that chain link fencing shall not be allowed on the site, existing or proposed and another condition that all site lighting shall be full cutoff fixtures (Brown seconded). With the elimination of the chain link fence, I think there is alternative compliance being requested on this project, I think using a higher level of fencing is appropriate as an alternative compliance where there was nothing suggested as alternative compliance.

**Aye:** Bender, Brown, Forney, Gagnon, Kronzer and Slack

**Absent:** Gisselman and Luepke-Pier