APPLICATION WORKSHEET

Appellant	Name	Linden Hills Residents For Responsible Development, comprised of affected residents of Linden Hills
	Mailing Address Including City, State and Zip Code	Represented by Jane L. Prince, Attorney, Weinblatt & Gaylord PLC, 5874 Blackshire Path, Inver Grove Hts., MN 55076
	Phone Number	Jane L. Prince, (651) 308-4984
	Fax	Jane L. Prince, (651) 223-8282
	Email	Jane@weglaw.com

NOTICE OF APPEAL

Choose one:

_____ I, _____ (print name) do hereby file an exception to the Decision of the **Zoning Administrator** as provided for in Chapter 525.170;

_____ I, _____ (print name) do hereby file an exception to the Decision of the **Board of Adjustment** as provided for in Chapter 525.180;

_____ I, Jane L. Prince for LHRFRD, (print name) do hereby file an exception to the Decision of the **City Planning Commission** as provided for in Chapter 525.180;

Project Name	Linden Crossing
Project Address	4250 and 4264 Upton Avenue South
BZZ Number	BZZ-6638

Further, I do hereby request that I be given an opportunity to express my case before the Board of Adjustment or the proper committee of the City Council.

The action being appealed and the reasons for appealing the decision are attached and made a part of this notice of appeal.

Appellant's Name: Linden Hills Residents For Responsible Development

Appellant's Signature: Jane L. Prince Date: July 23, 2014

STATEMENT OF REASON FOR APPEAL

A. Linden Hills Residents For Responsible Development (LHRFRD) appeals all final actions taken by the Planning Commission, in regard to Land Use Applications submitted for the proposed Linden Crossing project, BZZ-6638, at its meeting on July 14, 2014:

1. CONDITIONAL USE PERMIT to increase the height of the building from 3 stories/42 feet to 4 stories/56 feet.

The Planning Commission erred in its approval of this conditional use permit because the application failed to meet the required criteria of Section 525.340, for the proposed conditional use; and because the Applicant also failed to meet the criteria for a conditional use permit for increased height, as provided in Section 548.110.

2. VARIANCE to reduce the north interior side yard setback from 11 feet to 9 feet for the building walls, to 6.5 feet for two balconies and awnings, and to 2.5 feet for a terrace; and a VARIANCE to reduce the west interior side setback from 12 feet to 10 feet for the building wall and terrace and to 7.5 feet for the balconies with awnings, and from 11 feet to 6 feet for two balconies, and to 5.5 feet for a terrace.

The Planning Commission erred in its approval of both variances because the Applicant failed to meet the requirements of Chapter 525.500.

3. SITE PLAN REVIEW

The Planning Commission erred in its approval of the site plan for this project, because the Applicant's Site Plan: 1) fails to conform to all applicable standards of Chapter 530, Site Plan Review; and 2) fails to conform to all applicable regulations of the zoning ordinance and is not consistent with applicable policies of the comprehensive plan and the applicable small area plan adopted by the city council.

B. LHRFRD appeals the actions of the Planning Commission on the basis that the size, scale, massing and character of the Applicant's proposal are inconsistent with the traditional urban form, overall building height, floor-to-floor heights and character-defining features of the Linden Hills C-1 zoning district.

By approving a conditional use permit for increased height and variances for setbacks, the Planning Commission has effectively ignored the Linden Hills Small Area Plan and the staff directive issued by the City Council to maintain the existing traditional urban form of Linden Hills and to guarantee that building heights for future development projects in the Linden Hills business districts adhere to this priority.

By approving a conditional use permit for increased height, the Planning Commission has effectively rezoned this portion of the C-1 district to the more intensive C-2 commercial zoning

classification, bypassing the much more thorough community and public hearing process required by a rezoning study. The effect of the Planning Commission's actions in this matter puts at risk all C-1 Neighborhood Commercial zoning districts throughout the City of Minneapolis.

The Appellant reserves the right to raise additional issues on appeal.

Jane L. Prince

Jane L. Prince, Attorney, for LHRFRD

Date: July 23, 2014

Anderson, Mei-Ling C.

From: Andrew W Smoley <andrew@smoley.com>
Sent: Monday, July 14, 2014 3:37 PM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

The Linden Hills community has already spoken up. Why we're here revisiting this is a mystery to me. The SAP has been defined and should absolutely NOT be bypassed for the service of this developer.

Andrew Smoley
4418 W Lake Harriet PKWY #307
Minneapolis, MN 55410

Anderson, Mei-Ling C.

From:	Kelly, Karla <Karla.Kelly@biworldwide.com>
Sent:	Monday, July 14, 2014 3:51 PM
To:	Anderson, Mei-Ling C.; Palmisano, Linea
Cc:	nolindencorner@gmail.com
Subject:	Deny the "Linden Crossing" CUP for C2 height!
Importance:	High

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

We are long-time, devoted residents of the Linden Hills neighborhood and we are in strong opposition to allowing any "special" allowance to Linden Corner.

In my line of work, signing off on a project and then making changes so that project results in a different product is called "bait and switch". I am not suggesting anything was knowingly represented by the then City Council to appease both parties with the intention of allowing a special accommodation after a change in representation but you may understand in our minds it feels like a deceptive tactic by the developer. The name change from "Linder Corner" to "Linden Crossing" is indicative of what the developer has in mind-it is easier to market to prospective retailers when the location sounds more like a Mall over a quaint street direction.

Our wants are clear-we need the developer's application to be denied; not only so the original Small Area Plan is maintained but that the Planning Commission understands this "village within a city" needs to be respected with future development in mind.

Respectfully submitted,

K. Kelly and F. C. Houston

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Anderson, Mei-Ling C.

From: Claudia Nanninga <CNanninga@gmx.de>
Sent: Monday, July 14, 2014 5:23 PM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Linden Crossing

Dear Council Members,

I was vehemently opposed to 'Linden Corner' and I am not sure I understand why there is a new discussion concerning the height of the building supposed to be constructed, now named 'Linden Crossing'. The right to build up to a height of 56 feet was denied once and nearly everybody in the neighborhood is opposed to the developer's plans. So why force it upon us?

Linden Hills will lose it's entire 'small twon charisma' that is so attractive to its current residents. My husband and I just bought a house around 3 blocks from Linden Crossing, and we really don't want any drastic changes like this project in our neighborhood. A buidling of 56 feet simply doesn't fit in downtown Linden Hills.

Please, please keep our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height for the Linden Corner project! DENY extending height in this C1 zone to 4 stories and 56 feet.

Sincerely,

Claudia Nanninga
4110 Washburn Ave S
Minneapolis, MN 55410
612 987 8450

Anderson, Mei-Ling C.

From: Charles Bjerken <cibjerken@yahoo.com>
Sent: Monday, July 14, 2014 5:49 PM
To: Anderson, Mei-Ling C.
Subject: Re: 4250 and 4264 Upton Ave S

To those it may concern.

Hello my name is Charles Bjerken and I live at 4221 Upton Ave S. My wife and I are now in favor of the new building at 4250 Upton. Why Mark Dwyer would originally try to build a 5 story square block building is beyond me. With the new revisions the building now has some appeal for the neighborhood. The 4th floor condo's may end up with one of the worst views of roof tops in Minneapolis, but that is their business. I also believe that when it is time for the first owners to sell they will be lucky to get half price of what they paid.

Thank you. Charles Bjerken
Reply, Reply All or Forward | Sign in to Yahoo

Sign in to Yahoo

Yahoo makes it easy to enjoy what matters most in your world. Best in clas s Yahoo Mail, breaking local, national and global news, finance, sports, m usic, movies and more.

View on us-mq5.mail.yahoo.com Preview by Yahoo

On Monday, July 14, 2014 5:46 PM, Charles Bjerken <cibjerken@yahoo.com> wrote:

To those it may concern.

Hello my name is Charles Bjerken and I live at 4221 Upton Ave S. My wife and I are now in favor of the new building at 4250 Upton. Why Mark Dwyer would originally try to build a 5 story square block building is beyond me. With the new revisions the building now has some appeal for the neighborhood. The 4th floor condo's may end up with one of the worst views of roof tops in Minneapolis, but that is their business. I also believe that when it is time for the first owners to sell they will be lucky to get half price of what they paid.

Thank you. Charles Bjerken

Anderson, Mei-Ling C.

From: Ellen Rutchick <ellenrutchick@gmail.com>
Sent: Monday, July 14, 2014 6:57 PM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

We fought this project proposal once, and we deeply resent the developer's continuing attempts to circumvent the will of the neighborhood. Please oppose the pending Conditional Use Permit request.

Ellen Rutchick
4221 Upton Avenue South #301
Minneapolis, MN 55410

Anderson, Mei-Ling C.

From: Nola Foss Wheeler <njfoss1@comcast.net>
Sent: Monday, July 14, 2014 7:47 PM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

Please, please KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

Thank you very much!!

Anderson, Mei-Ling C.

From: maria franklin <msfranklinmaria@gmail.com>
Sent: Monday, July 14, 2014 9:44 PM
To: Anderson, Mei-Ling C.; Palmisano, Linea; Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

Are you Serious?!!! After all the time and effort we put into getting petitions signed. Absolute overwhelming LH opposition to this development, and then after a few months the developer goes back and re-applies for the same thing again?

Why do we even stay in this city?

there should be a law passed for a period of time to pass before the same proposal is submitted again.

Maria Franklin
30 year resident(and voter) on West 43rd Street Mpls.,
612-927-8773

Anderson, Mei-Ling C.

From:	Patrick Smith <patsmithconsulting@gmail.com>
Sent:	Monday, July 14, 2014 10:20 PM
To:	Anderson, Mei-Ling C.
Subject:	Planning Commission - Linden Corner
Attachments:	Letter to Palmisano.docx

Hi Mei-Ling, I drafted this letter to Councilmember Palmisano, but could you also forward it to the Planning Commission?

Thanks!
Pat

--

Patrick Smith
SMITH & MAIN, LLC
Planner/Historic Preservationist
T 612.767.6533 F 612.337.5843
Email: patsmithconsulting@gmail.com

Anderson, Mei-Ling C.

From: Mike Hunter <mlh55410@aol.com>
Sent: Tuesday, July 15, 2014 7:27 AM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

Minneapolis Zoning

I understand progress and change with neighborhoods, however, we desire to keep the charm within our neighborhood.

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

Regards,

Mike Hunter
4648 Upton Ave. South
Minneapolis, MN 55410
612-718-7926

Anderson, Mei-Ling C.

From: Lyonel Norris <johnlaw32000@yahoo.com>
Sent: Tuesday, July 15, 2014 8:33 AM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

At what point does no actually mean no? The developer agreed to abide by the present zoning arrangements and now, for reasons that are wholly unclear, they have decided that the agreement is void. Please. Only children get to continue to ask when they have been told no. Enough.

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

Anderson, Mei-Ling C.

From:	Palmisano, Linea
Sent:	Monday, July 14, 2014 12:49 PM
To:	Anderson, Mei-Ling C.
Subject:	FW: If you get a chance . . .
Attachments:	Besty Hodges- Linden Hills Small Area Plan copy.pdf; ATT00001.htm

Linea Palmisano | 13th Ward Council Member | City of Minneapolis

350 South 5th Street – Room 307 | Minneapolis, MN 55415
612.673.2213 | linea.palmisano@minneapolismn.gov

Subscribe to 13th ward newsletters & updates here.

From: rghawthorne [mailto:rghawthorne6468@gmail.com]
Sent: Thursday, July 10, 2014 7:43 AM
To: Hecker, Ben A.
Cc: Palmisano, Linea
Subject: If you get a chance . . .

Good morning, Ben,

This is the 12.6.13 email to which Betsy replied with her attached 12.9.13 email, about which I am coming to you for some clarification, if you can give it. How should Betsy's email be taken to apply to the new request to now be able to build up to C2/56'?

Thank you.

Best,
Grant

Anderson, Mei-Ling C.

From: Donacnesser <donacnesser@aol.com>
Sent: Tuesday, July 15, 2014 3:45 PM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height. We stated our opposition to a taller building already. It is really a scam for the builders to try to override the riling now. NO! Donna Nesser

Anderson, Mei-Ling C.

From: Christopher Maddox <christophermaddox@yahoo.com>
Sent: Tuesday, July 15, 2014 10:31 PM
To: Anderson, Mei-Ling C.; Palmisano, Linea; Ziring, Emily; Kusz, Lisa M.
Subject: Planning Commission Meeting - 7/14/14

Dear Ms. Anderson:

I would like to put on record that I arrived at the Planning Commission meeting yesterday at around 5:10 pm only to find the meeting coming to an end. I had intended to speak against the proposal for "Linden Crossing" (agenda item #12). I looked at the agenda, as made available on 7/14, and anticipated being there in time to inform the Commission of my concerns; instead, I was unable to do so due to the majority of items being of a "consent" nature. This was not apparent to me from the agenda I saw.

Thank you,

Christopher Maddox
612-703-1665

Anderson, Mei-Ling C.

From: Maxwell Cavanaugh <max55410@gmail.com>
Sent: Wednesday, July 16, 2014 9:47 AM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

Anderson, Mei-Ling C.

From: Laura Houghtaling <landrewsster@gmail.com>
Sent: Wednesday, July 16, 2014 11:42 AM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

Anderson, Mei-Ling C.

From: Tony Kellen <tkcolumbus@yahoo.com>
Sent: Wednesday, July 16, 2014 11:54 AM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Cc: tkcolumbus@yahoo.com
Subject: Keep C1 for the Linden Hills Downtown

Greetings,
Please maintain our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

Tony Kellen
Ducati 996
Kawasaki ZX6R

Anderson, Mei-Ling C.

From: Courtney Faragher <cfaragher@hotmail.com>
Sent: Wednesday, July 16, 2014 12:47 PM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.

Courtney Faragher
Linden Hills Resident

Anderson, Mei-Ling C.

From: Jon Kramer <jk2surf@aol.com>
Sent: Wednesday, July 16, 2014 2:34 PM
To: Anderson, Mei-Ling C.
Subject: DENY the extra height for Linden Crossing

To Whom it May concern_

We cannot abide this insidious plan by a developer to increase the height of the building after the shorter building was approved. We need to keep a lid on this development in Linden Hills. We do not want another Uptown here!

DENY this petition please. It has serious implications.

Thank You-

Jon Kramer
4708 York Ave S.
Minneapolis, MN
NABCEP certified PV installer
Sundial Solar
office phone: 612-926-8506
cell phone: 240-463-3688
website: www.sundialsolarenergy.com

Anderson, Mei-Ling C.

From: L sobaskie <larsmpls@q.com>
Sent: Friday, July 18, 2014 5:36 PM
To: Anderson, Mei-Ling C.; Palmisano, Linea
Subject: Deny the "Linden Crossing" CUP for C2 height!

We don't need that kind of crap around here. We've had three teardown/McMansions on our block and they're all big and ugly. If someone wants 56 feet, move to Uptown, or better yet, Eden Prairie!

KEEP our C1 neighborhood commercial corner at its present 3-story 42 feet maximum height! DENY the CUP for C2 height.