

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

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MEMORANDUM

DATE: September 11, 2014

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of August 11, 2014

The following actions were taken by the Planning Commission on August 11, 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, Forney, Gagnon, Gisselman, Kronzer, Luepke-Pier and Slack – 8

Not present: Brown (excused)

Committee Clerk: Lisa Kusz (612) 673-3710

11. Theatre Garage and Marquee Apartments (BZZ-6675, Ward: 10), 2004-2018 Lyndale Ave S ([Mei-Ling Anderson](#)).

A. Rezoning: Application by Master Properties MN, on behalf of TGMA Developers, LLC, for a petition to rezone the properties located 2008-2018 Lyndale Ave S from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification at the properties located at 2008, 2012, 2014, and 2018 Lyndale Ave S from the C1 Neighborhood Commercial District to the C2 Neighborhood Corridor Commercial District.

Aye: Bender, Gagnon, Kronzer, Luepke-Pier and Slack

Nay: Forney, Gisselman

Absent: Brown

B. Conditional Use Permit: Application by Master Properties MN, on behalf of TGMA Developers, LLC, for a conditional use permit to increase the maximum allowed height in the C2 Neighborhood Corridor Commercial District from 4 stories/56 feet to 73 feet-6 inches for the properties located 2004-2018 Lyndale Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to increase the maximum allowed height in the C2 Neighborhood Corridor Commercial District from 4 stories/56 feet to 6 stories/73 feet-6 inches, subject to the following conditions:

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.

C. Variance: Application by Master Properties MN, on behalf of TGMA Developers, LLC, for a variance to reduce the rear yard setback from 15 feet to 3 feet for the properties located 2004-2018 Lyndale Ave S.

Action: The City Planning Commission adopted the above findings and **approved** the application for a variance to reduce the minimum rear yard setback from 15 feet to 3.5 feet at the properties located at 2004-2018 Lyndale Ave S.

D. Variance: Application by Master Properties MN, on behalf of TGMA Developers, LLC, for a variance to reduce the south interior side yard setback from 15 feet to 5 feet for the properties located 2004-2018 Lyndale Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the south interior side yard setback from 15 feet to 5 feet at the properties located at 2004-2018 Lyndale Ave S.

E. Site Plan Review: Application by Master Properties MN, on behalf of TGMA Developers, LLC, for a site plan review for a six-story, mixed-use building with 82 dwelling units for the properties located 2004-2018 Lyndale Ave S.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application to allow a new, six-story, mixed-use building with 82 dwelling units at the properties located at 2004-2018 Lyndale Ave S, subject to the following conditions:

1. Approval of the final site, elevation, landscaping, and lighting plans by CPED staff.
2. All site improvements shall be completed by November 15, 2016, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.
3. All signs are expected to comply with Chapter 541 of the Zoning Code. All new signage requires a separate permit from CPED.
4. The west and south walls of the parking garage shall be completely enclosed, shall comply with the blank wall limitations of section 530.120 of the zoning code, and shall include a densely planted landscaped area immediately to the west of the wall.
5. A minimum of 73 parking spaces shall be designated for the on-site residential units and shall be signed as such.
6. The final plans shall be revised to show that no fewer than two (2) long-term bicycle parking spaces will be provided for the theater as required by section 541.180 of the zoning code.
7. The applicant shall perform an existing building survey and monitor said report during construction.
8. The applicant will work with staff regarding the ventilation system that would be controlled by mechanical louvers on the south or west wall.

Staff Anderson presented the staff report.

President Tucker opened the public hearing.

Don Gerberding (2747 Emerson Ave): We've been working on this project for over a year. The project has seen multiple design improvements as a result of meetings with staff, council members and seven meetings with three different neighborhood organizations. I have a quote that says "every project improves because of that process with the neighborhoods" and this is clearly the case here. This is a very complicated project programmatically with all these varied uses. I wish to thank staff for all their hard work and professionalism. We're here to answer any questions or go into further detail if needed. This project has been in planning for a long time and I believe everyone is pretty well versed in the project so I won't go into a lot of detail. Regarding the condition of approval for number four regarding the west wall of the parking structure, the applicant agrees to accept that that condition that we will enclose that west wall of the parking structure. There is a clarification that I think we all know but I just wanted to bring that point forward in that. An enclosed parking structure requires a ventilation system and that system is required by code to provide a source of fresh air so in accordance with industry standards, a source for the fresh air must be provided. It will be designed with louvers to be architecturally pleasing but we need to get air in there so there will be one opening.

Commissioner Kronzer: Do you have thoughts on how you might enclose the south and west walls of the parking structure?

Pete Keely [not on sign-in sheet]: I'm with Collage Architects. I think that's an excellent question. With the precast structure we do have a couple opportunities because the width and depth of the beams is different than the width and depth of the walls so we have the ability to play with some wall depth. As was per the original, which was adding a green screen so there would still be a combination of green screens and trellis work on that which would form a lattice and a broke up façade...in addition to that what we would do is bring that wall in and out to create a pattern. It is a three story wall so it has shrunk. We do have some ability on the top of that wall since it's an open ramp to do some of that. There would be a railing detail on the top. I think we have the ability to make a nice line along that edge. We're assuming that the openness goes to the height of that 42 inch guardrail height but there would likely be some sort of delineation along the top which would provide some openness to light. I found out about this about an hour ago and it requires a whole lot more thought.

Commissioner Kronzer: You're thinking it would be a precast concrete wall with some texture pattern play versus taking the existing design and filling it in with something else?

Pete Keely: That's kind of what I'm saying actually. The precast design is the post and beam system and that would be infilled with a certain set of panels that were that wall depth and so that design that's there would have a separate set. It may still be precast or CMU, but we can still have the ability to kind of modulate that wall rather than build a poured concrete wall.

Commissioner Kronzer: I'm wondering if you have more development on the fins on the corner of Franklin, what they're for, what they're made of and why they're there and could they go away?

Pete Keely: It's perforated metal panels. It's doing a couple things. It's coming from the recesses of the buildings. It's screening the magic packs. The intent on the entire project and the modulation within that is to provide patterns and shadows to create a play of light. Yes, they could go away, but the intent is to provide some screening of the magic packs and provide animation of the building.

Commissioner Kronzer: There are some examples around where they haven't executed architectural details very well so do it well or save your money and do something different.

Julia Curran (1325 W 25 ½ St): I tentatively support this. I support higher density in Minneapolis. I think it's good for the neighborhood, I think it helps bring more services in, it increases the frequency of public transit, it provides more people on the streets. I have a slight concern about the sidewalk on the Franklin side, which has been poorly shoveled historically, but I would hope that's something that'd be addressed both in how the area was built as well as how it was maintained. I am very hesitant about the amount of parking involved. I don't know what the air quality is if you're allowing fresh air into a parking garage, I suppose there is disgusting air going out. I know that people idle a lot, especially in winter. I don't know how that would be kept down in a parking ramp. It seems that the majority of the footprint is for cars. I can understand where the neighbors have a very legitimate complaint about what their view is, what their air quality is and what noises they're hearing, but I support the height variance because since it's a lower location I think it makes sense for that space and I very much support more density in Minneapolis. If this is the way we get it, even with that much parking, I just hope there is a way of getting rid of it very soon and there are ways of making sure it doesn't negatively impact the air quality, which is already not great.

Nick Magrino (215 Oak Grove St) [not on sign-in sheet]: The intersection is pretty dismal if you're walking through it. This project will be a pretty big improvement over what's there right now, which is basically a surface parking lot and a couple low slung buildings. It's nice that the developer was able to incorporate the theater into the new project.

Aaron Eisenberg (709 Douglas Ave): This is a major intersection and it is an embarrassment. It's two major streets that should have a quality high density development. The developer has graciously listened to neighborhood feedback and bent over backwards to make this happen. They tried to make it affordable, work with the neighborhood and making it economically feasible. They did a good job with that. I appreciate what the developer has done to make it work and I want to see it built.

Michael Roden (2841 Bryant Ave S): The reason I came to Minneapolis and wanted to stay in Minneapolis is because Minneapolis is an exciting place to be and it's growing. I think our city government is looking for ways to grow Minneapolis in a sustainable and economically better way and part of bringing our city into the future in a healthy way economically is density and is getting rid of so many accommodations for cars and car storage. I share the sentiment that I'd like to see even less parking, I think this is a great stepping stone to that future. I think Franklin and Lyndale are two very important thoroughfares in our city and I think if we can't grow at that intersection then I don't know where we can grow. There's a lot of concern in the neighborhood about affordability and I share that concern. I'm a board member of LLENA and I was one of the votes to approve this project. It was a respectful, but close vote. There's a lot of people who share the sentiment of wanting to grow and a lot of them don't know or don't have the time to make their voice heard.

Matthew Curran (1724 Emerson Ave S): Increasing the residential population in the neighborhood is going to make walking across the intersection a nicer process.

Terri Burks (2115 Aldrich Ave S): We're committed to the community and the quality of the neighboring buildings. We do appreciate the interest of the builders and property owners to improve and invest in the corner. We'd like to see the improvements, however, we'd like to ask that it be done according to the zoning that was developed by the city and community leaders just a few years ago so that it would be four stories high instead of six. We think that four stories is very acceptable. We are in support of density and get that it's going to happen, it is happening, but we want it to be respectable. We think that a six story building on this corner would look out of place. If you were to drive from this area over to Hiawatha there aren't any other six

story buildings. As was noted earlier, if you like to build buildings similar to other buildings, four stories would be more appropriate and consistent with what has been along the Franklin Avenue Corridor. We think that the high building will dwarf neighboring buildings, shadow streets and back yards, block views and we are concerned about the setback. When it's that close to the property line it's very hard to do any maintenance. Already, as was noted earlier about spaces that are small and made smaller, they do become habitats for vagrant activities and we see that on our block. The other thing that's important to note here is that we don't have any alleyways to buffer this kind of height. On the south side of the wedge, you have that kind of special buffer with the Midtown Greenway and the bike path, but up at this end we are butting right up against the residential properties and that's where we're concerned. We are in favor of a four story building and if the developer were to propose a building in that height, we would be open to more variances or responding to those questions that would help them have a better project. Maybe if they reconsidered some of the mixed use they might be able to gain the density they want by eliminating the garage space and maybe some functions that may not be fully in use throughout the period that would add to the residential and still meet a four story building height.

Deanna Hagg (2009 Aldrich Ave S) [not on sign-in sheet]: I've sent a letter you should have. Our co-op building is three stories and there are six units on the front and six in the back. I'm in the back. I would be facing into the wall of the parking garage. I just bought my place in October. I would have not bought my place had I known I was going to be looking into a wall. There is no reason that I see for the developer to receive the rear setback variances that they requested or the rezoning or conditional use permit that will allow them to build six stories. They'll encroach on my front yard and bring the parking garage a car length away from my front windows as well as five other neighbors in my building. It's unfair and unjust my neighbors to this just because it's more economically feasible than for them to build outside of the current zoning laws. I'd like to request that the developer just build everything within the current zoning laws as they are written. I'd like to also ask, if the soil conditions are so poor that they cannot build the parking structure underground as the developer has stated, then I'd like to ask how it's possible the same soil can support a six story structure. It would make more sense to me for them to build the parking garage underground and then they can add on 100 extra spaces. If you note that there are actually only 20 of them that are public spaces, of all that parking. If they wanted to add additional spaces for the public they should go underground where they could add more and then simply build retail, restaurant and apartments in three stories as opposed to six. They'd make a ton more money if they had more parking spaces underground. I also have concerns about increased traffic congestion. The in and out of where the parking garage is is right across from The Wedge and they already have a traffic cop sitting there directing traffic so I'm really concerned about that. The other concern is the impact that the construction will have on my 100+ year old home. We would like to ask that the developer be sure that we are not getting more destruction when the construction is happening. Thank you.

Michael Friedman (2105 Aldrich Ave S): What I see in this project is there is a lot being requested. This is a pretty big ask. There is no one here to testify how this project improves equity, access to low income housing, disability housing. Given the lack of anything positive, what it seems like is it's the right of one property owner versus property owners who are in abutting parcels and where you draw the line.

Susan Bode (2750 Dupont Ave): All pieces of land are not created equal and this one has some major problems, one of which is severe flooding. The soil is so poor and unstable in this location. Because of those two issues, the normal place where you put parking is underground, especially for residential. All the buildings in uptown have underground parking for residential. They sometimes have a separate area for commercial that is not mixed in with residential parking so that the residential parking is secure. A lot of the problems that this building has is that the parking structure has to be a tall, above ground structure. There has been criminal activity here and I would be insecure about sharing a parking space with anyone from the public. I think it'd be best to have secured parking for the residents. Thank you.

John Bode (2750 Dupont Ave): I don't think the city actually has a plan of what they want to do. The Lowry Hill Neighborhood Association over a year ago requested the city to go over the zoning and try to do some rezoning with our neighborhood. The city now isn't interested in doing that because they are looking at an overall bigger project for the whole city. By the time that happens the Lowry Hill Neighborhood Association will no longer be necessary to study because it will all be developed. I'm in favor of developing this corner because I think it needs it, but why don't we stick with the zoning we've got. I have a vision of a four story building, maybe townhouses down Lyndale Ave, something that will attract families. We've got enough apartments along the greenway which just attracts the young, single, urban professional but we're trying to gentrify our neighborhood by not making any housing for families or low income people. Pretty soon all the people that work in Uptown won't be able to afford to live in our neighborhood anymore. I think the city should take a look at what they're doing. This is just too much. Thank you.

Sarah Romanishan (2111 Aldrich) [not on sign-in sheet]: I'm also on the LHENA board and I did vote to not support this project. People are moving here from New York City to get away from buildings like this. We want to be unique. We will have no tourism if we look like everyone else. This well publicized development does not fit with the surrounding buildings. A four story building would be acceptable; something a little more unique, something that fits in with the surrounding area. The garage is way too close to the buildings behind it. There is no alley and there's nothing else to say about that, it's just too close. Thank you.

Barry Flamm (2106 Lyndale Ave S) [not on sign-in sheet]: Let's follow the current zoning, it's there for a reason. I've been telling my customers for a year they have free parking next to my building. How long is this project going to go on? How is it going to disrupt the residents and business owners? I've heard that the infrastructure of Lyndale and Franklin, the sewer and water lines, will not support this development without being redone so I have this vision of this whole area that already has a horrible traffic issue being torn up and people avoiding it. We are not New York. I have a very good customer from New York that moved here that loves this city and I think we need to be thoughtful about what the impact of a development project of this scale is going to do to that corridor.

President Tucker closed the public hearing.

Commissioner Luepke-Pier: What is your understanding of the construction time and impact?

Don Gerberding: We are estimating that construction will be approximately 13-14 months.

Commissioner Luepke-Pier: Equity issues were brought up and I'm wondering what your understanding of that was and what role your building plays in that? People are concerned as though the amenities that help the people in their neighborhood won't be there and there won't be housing for them.

Don Gerberding: This is not luxury housing. This project is priced to be affordable housing and the target demographic is the people who live and work in the neighborhood. By way of rent structures, we are hoping to be in that 15-20% below what one sees along the greenway.

Commissioner Luepke-Pier: As for businesses, are they staying or going?

Don Gerberding: The Theater Garage is relocating into the project. A restaurant will occupy the corner and we have not leased any of the additional retail spaces.

Commissioner Luepke-Pier: The existing retail spaces that are currently on site are going to be moving elsewhere?

Don Gerberding: We don't know yet. There is space available if they choose.

Commissioner Kronzer: Have you considered an existing building assessment prior to construction or do you have plans to review and document the existing buildings around the site prior to construction and monitor anything you see?

Don Gerberding: As part of the presentation that we made in one of our meetings, we have contracted with a geotechnical engineer and he talked about the process by which seismographic monitoring will be done. There will be instruments attached to the surrounding buildings so we can document if there is any movement or vibration that can affect these buildings structurally.

Commissioner Kronzer moved staff recommendation for the rezoning (Slack seconded).

Aye: Bender, Gagnon, Kronzer, Luepke-Pier and Slack

Nay: Forney, Gisselman

Absent: Brown

Commissioner Kronzer: I will move staff recommendation for item B (Bender seconded). There is clear City policy to locate density along commercial corridors. This project is both at a commercial corridor and a community corridor. There is transit line at both of the major east/west roads and the north/south road so it's pretty clear there is policy to support the added density here.

Commissioner Luepke-Pier: It seems the majority of issues people had with height were regarding the parking ramp and it's my understanding that that would fall within the current zoning allowed so reducing the height wouldn't really have an impact greatly on the height of the ramp that would appease your concerns, so unfortunately it wouldn't make a difference.

Commissioner Bender: I just wanted to note the difference between a conditional use permit, which means allowed with conditions and a variance which means needing to show evidence of different criteria. A conditional use permit means this is allowed with conditions and I think the staff report details how this project meets the conditions of our CUP requirements so I will also be supporting this. I think this building was originally higher along the entire length and I think the response to removing the original request for a FAR variance and getting the building within our bulk requirements was appropriate.

Aye: Bender, Forney, Gagnon, Kronzer, Luepke-Pier and Slack

Nay: Gisselman

Absent: Brown

Commissioner Kronzer: I will move staff recommendation for items C and D (Slack seconded).

Aye: Bender, Gagnon, Kronzer, Luepke-Pier and Slack

Nay: Forney, Gisselman

Absent: Brown

Commissioner Kronzer: I will move staff recommendation on item E and add a condition that the applicant shall perform an existing building survey and monitor said report during construction (Slack seconded).

Staff Wittenberg: I ask that you consider addressing the issue of the air intake or exhaust on the west and/or south wall so we have clarity about that.

Commissioner Kronzer: I will propose an eighth condition that the ingress and egress for the ventilation be controlled by mechanical louvers, meaning that it's closed only when the system is required to function.

Staff Wittenberg: And the intent is that those louvers be allowed on the west wall, correct?

Commissioner Kronzer: That they be allowed on the west or south wall as deemed the most appropriate location for all.

President Tucker: That sounds like a motion where we add "applicant will work with staff to place the ventilation to be controlled by mechanical louvers on the west or south wall."

Commissioner Luepke-Pier: Are you proposing that they do anything with what they find as a result of their monitoring or just that they monitor it?

Commissioner Kronzer: I would suggest they follow industry standards in terms of the monitoring. There is a pretty well established industry standard for these things.

Aye: Bender, Gagnon, Kronzer, Luepke-Pier and Slack

Nay: Forney, Gisselman

Absent: Brown