

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

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MEMORANDUM

DATE: April 21, 2016

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of March 28, 2016

The following actions were taken by the Planning Commission on March 28, 2016. 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.

Committee Clerk

Lisa Kusz - 612.673.3710

Commissioners present

Matthew Brown, President | John Slack, Vice President | Alissa Luepke Pier, Secretary
Lisa Bender | Ryan Kronzer | Nick Magrino | Sam Rockwell | Amy Sweasy

Commissioners absent

Rebecca Gagnon | Scott Vreeland

1. Harriet Avenue Apartments, 2903, 2905, 2907, 2911 Harriet Ave S & 2900, 2904, 2910, and 2912 Grand Ave S, Ward 10

Staff report by [Lisa Steiner](#), BZZ-7587, PL-303 and Vac-1652.

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Tushie Montgomery.

A. Rezoning.

Action: The City Planning Commission recommended that the City Council **approve** the application to rezone the property located at 2903, 2905, 2907, and 2911 Harriet Ave S from the I1 District to the R5 District and the property located at 2900, 2904, 2910, and 2912 Grand Ave S from the R2B District to the R5 District.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

Not Approved by the Commission

B. Conditional use permit to increase the maximum permitted height.

Action: **Approved** the application for a conditional use permit to increase height from 4 stories or 56 feet to 6 stories, 74 feet in the in the R5 District, 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.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

C. Variance to reduce the required front yard on Grand Ave S.

Action: **Approved** the application for a variance of the required front yard on Grand Ave S from 20 feet (established) to 14 feet for the building, 2 feet for a loading area, and 0 feet for stairs, landings, and the green roof of the parking garage below, subject to the following conditions:

1. The proposed loading area shall comply with the established 20 foot required yard.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

D. Variance to reduce the required front yard on Harriet Ave S.

Action: **Approved** the application for a variance of the required front yard on Harriet Ave S from 15 feet to 4 feet for the building and 0 feet for balconies.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

E. Variance to reduce the required south interior side yard.

Action: **Approved** the application for a variance of the south interior side yard from 15 feet to 5 feet.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

F. Variance to reduce the loading requirement.

Action: **Approved** the application for a variance of the loading requirement to allow a space narrower than the required dimensions for a small loading space, subject to the following condition:

1. The loading zone shall be designed with visual separation between the public alley and the private loading area and shall be signed as a loading area with private signage.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

G. Site plan review.

Action: **Approved** the application for a new six-story, 111-unit building, subject to the following conditions:

1. All site improvements shall be completed by March 28, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED staff shall review and approve the final site, elevation, landscaping, and lighting plans before building permits may be issued.

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3. The plant materials, and installation and maintenance of the plant materials, shall comply with sections 530.200 and 530.210 of the zoning code.
4. All mechanical equipment shall be screened in compliance with Section 535.270 of the zoning code.
5. A lighting plan indicating compliance with Section 535.590 of the zoning code shall be provided.
6. In accordance with the plans submitted in the application, as well as the applicable policies of the comprehensive plan and small area plan, gates along Grand Ave and Harriet Ave shall not be incorporated in the design of the promenade.
7. The final landscaping plan shall incorporate 41 shrubs on the developable site.
8. The final landscaping plan shall provide a seven foot landscaped yard along Grand Ave that incorporates one tree and screening of the loading area that is three feet in height and not less than 60 percent opaque, as required by section 530.170 of the zoning code.
9. The final landscaping plan shall provide screening of the loading area that is three feet in height and not less than 60 percent opaque in the outlot area.
10. The rock mulch on the outlot shall be replaced with turf grass, shrubs, perennials, wood mulch, or a combination thereof to create a more attractive buffer from the adjacent residential use.
11. The applicant shall work with staff to make the promenade sidewalk as public feeling as possible. Suggestions to achieve this include but are not limited to reducing the 90 degree bends in the sidewalk and removing the rocks directly adjacent to the public sidewalk.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

H. Preliminary plat.

Action: **Approved** the preliminary plat.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

I. Vacation of part of the existing alley (Vac-1652).

Action: The City Planning Commission recommended that the City Council **approve** the vacation of the portion of the alley, subject to the retention of easements by CenturyLink.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

Staff Steiner presented the staff report.

President Brown opened the public hearing.

Jason Lord (701 N 2nd St): I'm here for any questions you may have.

Commissioner Bender: One of the biggest concerns I've heard is about the pathway. People are excited to see the pathway along the greenway, but wanted to make sure it was publicly accessible. Can you talk about the status of that conversation with the gate?

Jason Lord: We've had some great commentary and feedback. We met with the Midtown Greenway Group and Whittier Alliance. We relocated the gates towards the patios of the units so the public

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walkway is always going to be open. We've extended the width of the public walkway. It's five feet in most areas with a two foot rock mulch buffer and perennials on either side and trees in the walkway. There aren't any gates on the walkway. It does jog similar to some of the walkways that were built to the west and that's mostly because of the bridge embankment and slope and existing retaining wall. We have some decorative historic limestone that's lining the entries and jogs of the walkway to create some of the contemplative landscape experience. We have lighting and bollards designed on the walkway to create a safe walking space.

Commissioner Kronzer: The promenade, is that standard concrete?

Jason Lord: Yes, it is.

Leo Whitebird (2825 Harriet Ave): I'm going to request that you do not approve the conditional use permit for the additional height. This project is way out of scale for the neighborhood. A six story glass wall at the end of this block is not complementary to the neighborhood. A majority of the neighborhood is R2B. The R5 properties that are on the Grand Ave side are only three stories. The building across the greenway that is currently R5 was supposed to only be four stories. If this conditional use permit is granted and this development is allowed six stories, that is carte blanche for other developers who are eyeing parcels along the greenway to be able to say "they got six stories so why shouldn't we?" This is going to create the Grand Canyon effect. We've already seen it between Lyndale and Hennepin Aves. It's contrary to what the greenway is supposed to be doing and it's extremely out of proportion to what's around it in the neighborhood. I know density is the big mantra. I would take issue that this is near an activity center because it's not, it's in the middle of a residential neighborhood. I think six stories is excessive. Four stories, I could see that, but it's still a little over the top. We already have huge traffic problems in the area. Grand Ave is almost impassable at times. If this development with its 111 units is granted, the one that's currently being proposed on the adjacent block between Pleasant and Grand will probably be granted and that one is 127 units. There has been no provision by the city for any kind of traffic handling. We haven't had any introduction of traffic signals or any ways to mitigate traffic problems that we have. The concept of vacating the alley at the end of the block is going to be problematic because people often use that alley to skirt and circumvent the traffic problems that we're having. It's often an alternate way to get to Lake St. We need a traffic study to see how this is affecting our infrastructure because it is severely impacting the quality of life for those of us who live in the neighborhood who have a long term investment in the neighborhood and care about the future of how our neighborhood is being developed. The greenway development is all very exciting, it's wonderful. I'd like to see it advance, but I'd like to see it advance responsibly and without allowing developers to come in and run over the residents. This is luxury housing. This is a neighborhood with rental properties. I urge that you deny the CUP, reconsider the alley vacation and not to change the zoning until we have sufficiently addressed the infrastructure problems. Thank you.

Cindy Wong (2932 Harriet): This project does not fit into the character of the existing neighborhood, which is an eclectic mix of single family homes, duplexes, small businesses and apartments. All in all this neighborhood has made many small but steady improvements. This project is too large a scale for the neighborhood. Six stories is too massive and unprecedented in this neighborhood. The zoning does not support a project a project of this magnitude for good reason. We find not only the actions, but especially the inactions of the developer highly offensive. We would like to see a plan more reasonable and appropriate to this particular site. We would like to see a plan that would benefit all parties involved and being an actual asset to the neighborhood and Minneapolis as a whole. Thanks.

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Chris Martinson (2930 Harriet): I'm opposed to the development. We prepared a statement that says we believe the proposed development at 2905 Harriet Ave S violates provisions in Minneapolis ordinances 520.30 and 525.340. I will not read this aloud right now. If you are going to move to approve the zoning change today, I would request that you allow me to read this. We have a history in our neighborhood of being deceived by developers. This is a project on Garfield, US Internet. We worked with the developer. They proposed a brick building like you see in the picture, they did not show those really ugly silver things on top of the building.

President Brown: We are familiar with past project so it'd probably be best if you focused on this application.

Chris Martinson: I've got two other projects where we were deceived and I just want to publicly declare it was Murals on Lyn-Lake and then Karmel Village on Grand. We've been through this before and we recognize deception. They want a variance to push this building just five feet from the small business that's right next to it. Just five feet, that's incredibly small. These apartments right here are about 500 square foot apartments. The multiple apartments in this building are 500 square feet. I invite you to go tour an apartment of this size. If this gets built here, this five feet, this little veranda area with these doors will not exist, there will be no windows in these apartments there. Right here, it's showing their vision. This is where they want to have the five feet. This is the tallest building in our neighborhood, you can see how massive this project is. It is incredibly massive for this neighborhood. What's the deal with these balconies there? Are they going to overlap this building or are they going to leave them out? What about these apartments that smash up against the building? We have questions about the shadow study. This pictures shows a nice slope down to the greenway and this is very deceptive. The actual landscape goes almost straight down. This building would be pushed directly on the edge of the greenway with a sharp incline down here. Here's another example of a deception. This is Karmel Village, the one where we were deceived before. The neighborhood approved a four story, Sabri illegal built on a five story that we tried to communicate to the city about it and the city just allowed it to happen and let it get approved. This is five stories here. This is basically on two and a half lots. This is showing one lot, two lots and then the other half is this alley. We'd like you to deny the zoning change at this time.

Rob Schmidt (2809 Harriet Ave): I've witnessed the urban renewal of this area. I support this project. It will continue to bring more urban renewal to the area and bring Harriet more into the core of what's happened over on Lyndale. The traffic is mostly on the Grand Ave side. I just wanted to express my support for this. Thank you.

Peter Bajury (3055 22nd Ave S): I'm speaking on behalf of the Midtown Greenway Coalition of which I'm a board member. In your packet, you have the letter in your packet dated March 15 which is before the developer made the changes to the public walkway. We were asking them to move remove the gate and make the path wider. We wanted to thank them for working with us to make that happen. We have some concerns with shading on the greenway, but ultimately we're happy they stepped the building back from the greenway. We're also happy about the eyes on the greenway. We do support density along the greenway. The biggest concern is the size of the walkway and the landscaping rocks. If it could be made to be eight feet wide and a straight path it'd look more like a public walkway than it might with those landscape rocks. Thank you.

President Brown closed the public hearing.

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Commissioner Magrino: I have a question for the applicant about the walkway. It takes a jog on Harriet, did you say that's because of the grade there?

Jason Lord: There are two historic retaining walls that will remain on the slope down towards the greenway. The bridge embankment is that solid black line that continues right up to the walkway. So as you're entering the walkway on your left side will be the concrete of the bridge. The jog then moves it away from that bridge and closer towards the greenway.

Commissioner Magrino: This is maybe the first building of many on this side of Lyndale and on the other side we have pretty much a continuous wall on the north side of the greenway between Hennepin and Lyndale and we maybe didn't coordinate that pedestrian environment as well as we could have between all those buildings. There aren't pedestrian curb cuts or anything, there's a tree kind of in the middle of one of them. It's fine to walk across.

Commissioner Slack: The one story workout facility and this outdoor workout patio, to me that's really what's creating a lot of movement on the sidewalk. The ends as they hit each street, the fact that it does jog makes it look like it's private. I would almost prefer that they go straight out to the street and I don't know what you can do with that one story component. The comment that was made about widening it, I think that would be great too. It just feels like it's a private sidewalk and I think the intent here is to make it as public and accessible as possible.

Commissioner Kronzer: How tall are the tombstone rocks?

Jason Lord: They are limestone rocks salvaged from our building we're doing in the north loops. We're planning to bury them in the ground so they're knee height or lower. One of the ideas of the walkway as we looked back on historic research on the greenway and it was inspired by the philosophers walk and since this area doesn't necessarily connect to anything else we designed similar surrounding perennials on either side. The rocks on the entry space make it a contemplative space and also serve to guide the walkway towards the light. The bollards are all along the walkway so we hope it's inviting and people travel through it. We also hope it keeps traffic on the paved areas. They are 18-24 inches tall. They are jagged and uneven thick rocks. They'll look more natural embedded in the landscape.

Commissioner Magrino: The fitness center does jut out and it looks like there's empty space there. If you arrange that like a rectangle you could probably get just about the same amount of space but keep the sidewalk going straight right there.

Jason Lord: It was a very conscious design decision. I can let our team speak to that. We wanted the programming of that to seem a very human scale and active use on the greenway. When we were developing this project we heard a lot of safety concerns. Beyond just eyes on the street and eyes on the greenway we thought this brings it down to human scale and presents a very active use that will be sort of a glowing beacon along the greenway. We were really excited about philosophically engaging the building in a communication with the greenway by having an outdoor fitness area and an indoor area. We really wanted to connect that visually to the greenway which lead to its location.

Commissioner Luepke-Pier: I wonder if this could be as simple as a plaque or something that says it's open for public use.

Jason Lord: That is something we could do.

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Commissioner Luepke-Pier: I'm referencing the site plan, sheet two. Some of the public testimony centered on the setback request for the interior side yard of five feet. Could you clarify where that starts and stops in relation to the property line? Can you also tell us if the balconies are a conflict?

Staff Steiner: The image that was shown during the public testimony was the Committee of the Whole image of the building. Since Committee of the Whole they have removed those balconies from the south interior side yard and placed them on the Harriet Ave façade. The existing building that's to the south is about one foot off of their property line so there's six feet of space between.

Commissioner Luepke-Pier: In regard to the slope to the greenway, can you show me where the property line for this development is?

Staff Steiner: The northernmost parcels are basically the slope of the greenway. The slope starts about here and if you look at the grading plans in there, they would be altering the grade somewhat but they (unclear) match what the existing grade is, which I think is 40 or 50% grade so it's a pretty steep slope.

Commissioner Luepke-Pier: What's the extent of the actual property they own?

Staff Steiner: Here to here. Right now there's a surface parking lot on one of them and that's where the retaining wall is being rebuilt. This is the slope down right now. The alley is right here and that's right where the slope starts.

Commissioner Kronzer: I'd like to move staff recommendation for item A (Slack seconded). This is a well-designed project that takes into account shadowing of the greenway and stepping back and adding density while still allowing protection for light to get to the greenway. It meets a lot of our city goals as far as adding intensity to the city in proper locations. The greenway is a place that's evolving. This is a good project.

Commissioner Brown: We did hear concerns about height and bulk of the building. I realize along the greenway there has been a lot of sensitivity to height. The setback variance requests we're seeing for the other sides of the building are really the tradeoff for having a deeper setback than is required along the north lot line so that's good. Providing the walkway across opens up some of that area for the public and as a result the building is setback a little further and designed very nicely. I know this is a little unusual but now we're seeing projects along the greenway east of Lyndale. I think it's very exciting. This meets our policy goals for this section of the greenway.

Commissioner Bender: I'd like to thank everyone who came to speak. Overall I've heard positive feedback from folks about this project, particularly now that the issue has been solved with public access to the amenity that this project is bringing to the neighborhood which is that walkway along the greenway. I hope future projects continue that. I think it's an exciting thing to bring that asset to the community. I think that the testimony we heard today is a little snapshot of a lot of the difference of opinions in the Whittier neighborhood. It's a big neighborhood, large by population and large geographically. It's a very diverse place and people tend to have lots of different opinions. I agree that all the work the neighborhood organization and others have done over the years really helps bring that community together. Not everyone always agrees, but I think we'll continue to see folks in Whittier come together and celebrate all the great things about the neighborhood. We don't currently regulate the affordability levels of housing in new projects. I am working on a policy change that in the future would

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potentially require developments like this to have some number of affordable units in them and I think that's the right direction to move. We have staff working on an analysis of that. We want to make sure people aren't displaced in this neighborhood. I support the rezoning.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

Commissioner Kronzer: I'd like to move staff recommendation for item B (Magrino seconded).

Commissioner Luepke-Pier: Early people were concerned about the height. We discussed at Committee of the Whole the tradeoff between the four stories taking up the whole space versus or stepping back to not shadow the greenway and cover more area. The request to postpone for a traffic study would result in automatic approval because we'd miss the timing clock on this.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

Commissioner Kronzer: I'd like to move staff recommendation for items C, D, E and F (Luepke-Pier seconded).

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

Commissioner Kronzer: I'd like to move staff recommendation for the site plan review (Luepke-Pier seconded). I'd like to add a condition that the applicant shall work with staff to make the promenade sidewalk as public feeling as possible. Such suggestions could include reducing the 90 degree bends in the sidewalk or removing the rocks directly adjacent to the public sidewalk.

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland

Commissioner Kronzer: I'd like to move staff recommendation for items H and I (Rockwell seconded).

Aye: Bender, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Sweasy

Absent: Gagnon and Vreeland