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

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MEMORANDUM

DATE: November 3, 2009

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of October 13, 2009

The following actions were taken by the Planning Commission on October 13, 2009. 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 Motzenbecker, Cohen, Huynh, Luepke-Pier, Schiff and Tucker – 6

Not present: Bates (excused), Gorecki (excused) and Nordyke

Committee Clerk: Lisa Baldwin (612) 673-3710

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7. Midtown Greenway Rezoning Study (Wards: 2, 6, 7, 8, 9, 10 and 13), (Amanda Arnold). This item was continued from the September 28, 2009 meeting.

A. Text Amendment: Amending Chapter 521, Zoning Districts and Maps for the purpose of implementing the following adopted plans: The midtown Minneapolis Land Use and Development Plan, The Industrial Land Use and Employment Policy Plan, The Midtown Greenway Land Use and Development Plan, The Seward Longfellow Area Land Use and Predevelopment Study, The Uptown Small Area Plan and the Lyn-Lake Small Area Plan. The proposed rezoning affects primary and overlay zoning districts contained in Plates 18,23,24,25,26,27, and 28.

Action: The City Planning Commission **continued** the item to October 26th in order to gather additional comments.

Staff Arnold and Mogush presented the staff report.

President Motzenbecker: One of the things that was curious to us as we went through this process and I know it's been brought up a lot through some of the comments that have been received to date and I know you touched on it a bit, but to clarify, in a little bit more detail, the R1, R2 to R3 pieces…there seems to be a lot of those type of changes and it's been outlined quite well in the staff report at the bottom of page three and the top of page four for those following along, but I just want to kind of hear from staff a little more about that, maybe what the typical dwelling units an acre are and those lower…because you gave the typical for medium density as 29 but maybe just so we can compare and contrast and hear a little bit more about that.

Staff Mogush: I'd be happy to speak more to the medium density and R3 issue. It just so happens that in the example I showed about the decision making process you can see that connection from the policy to the zoning recommendation, I don't think I need to go over that again, but I think part of the question you're asking is the density that's allowed…

President Motzenbecker: Building heights, things that can happen.

Staff Mogush: For the R3 districts in particular? The R3 district allows medium density housing and the way the zoning code deals with density in terms of the number of units on a particular property is actually not in this dwelling unit per acre, it's the inverse. It's the number of square feet of lot area per dwelling unit and the way R3 is at 1500 square feet of lot area per dwelling unit, which translates to 29 dwelling units per acre. If you think about what that means in terms of the number of units, a block in Minneapolis that is 100% single family homes is in the neighborhood of seven to eight dwelling units per acre. If it's a block of entirely duplexes it's obviously twice that. That gives you an idea. Coupled with that, of course, are regulations that deal with building bulk and height and so on and setbacks. The residential setbacks in R3 are similar to or the same as R2B and R1A. The maximum floor area ratio is 1.0, which among the multiple family districts R3 and above is the lowest. I think most importantly is the maximum as of right height allowed in the R3 district which is two and half stories which is the same as the residence district just below that. I think you had some other points which maybe I didn't touch on.

President Motzenbecker: I think that covers it for now. I have one more question that I want clarified before we move on. Was the zoning recommendation change on the 35 and

Bloomington Ave section along the greenway between 4th Ave S and Columbus…there's a large section of some industrial and R5 and R2B that is going to R4. One of my questions is that it seemed that the western half of that kind of up to Park Ave made sense to go to R4, I was curious to hear your thoughts on why that eastern side of Park Ave should also be R4 and if that can maybe be R3 and also that little bit of R6 right in there. Just staff thoughts.

Staff Mogush: If we could direct the screens to the overhead here. The zoning recommendations in this are based on the adopted future land use map and the Midtown Minneapolis Land Use and Development Plan which for this area shown as R4 here, that plan showed medium density housing for that area. The Midtown Minneapolis Plan is one of the plans that does not [tape ended]…for making the recommendations out of this plan, we relied more heavily on the text for that piece of it, the development intensity piece of it. It was our interpretation for this area within those two medium density choices of R3 and R4; R4 was most appropriate. This R6, if I could get a copy of the plan map…the R6 area, that's this area here is high density housing.

President Motzenbecker: Why not have a step down piece in there? It seemed that particular section seemed a little bit more R3-ish where you're going from R5 and OR is in the other one so it seemed a little more appropriate but if that's the answer it's the answer. Before I open the public hearing, I just want to make sure that what we're hear to listen to testimony about tonight…land use policy has been outlined by the staff presentation. The decisions about that that underline land use, what's desired in the future, that's been decided, it's gone all the way through City Council. If you have items before us today that dispute whether or not the area in question should be high density or low density or urban or otherwise, those items have decided and we don't want to get into a large debate about that because it's out of our purview today. What we're deciding is the zoning changes. If I could respectfully ask those who are here to testify, if you could keep your items focused on the zoning changes that are being recommended, not whether it's an adopted policy, it would help us a lot in our decision. Otherwise, I will stop you and I will redirect you because that's what we really need to decide on tonight. I would also ask, it seems there are a lot of people here to talk tonight. I would respectfully ask that you please kind of, in fairness to us and to your fellow testifiers, if you can keep your testimony brief, two to three minutes each so we can have a fair hearing for everyone. That'd be great.

President Motzenbecker opened the public hearing.

Joseph Spangler (2920 15th): These comments are related to the neighborhood-oriented district of Midtown and East Phillips. Our previous submitted comments are contained in the neighborhood preferred plan for targeted growth and sustainable zoning. A revised parcel zoning request is also being submitted today. We contend that for the vast majority of single-family homes a zoning change is not mandated or warranted and may be detrimental. The current housing stock is 96% single-family in classification and the plan states that we are an established single-family neighborhood. As to satisfying the future land use designation of the plan, our current housing stock now and at the time of the plan's formation falls within the plans definition of medium-density of 10 to 50 dwelling units per acre. Within the piece that you have copies of, you'll see the percentages broke down there. Additionally the area will substantially increase the housing unit per acre equation with the development of industrial/commercial properties to housing stock.
This plan and the Midtown Minneapolis Land Use and Development Plan used a 10 to 50 DU/acre for medium-density districts. With the application of this range the plans were accepted

as meeting the neighborhood goals and adopted. Although later plans in the rezoning area used a different number, additionally later plans to a great extent subdivide the neighborhood-oriented district's future land use map with a low density contingent. During the plans formation, the only dialogue of that option was that it would only be relevant to the large concentration of chiefly RI housing around Lake of the Isles. The Midtown and East Phillips neighborhood is entitled to the range within the plan and consideration is warranted as to the neighborhood organization's understanding as to its anticipated application. The current housing stock is 70% owner occupied - this is an extraordinary accomplishment for our area and is a key element of our recent stabilization. The blanket R3 rezoning threatens what we have all invested resources in. The effects of blanket rezoning of current properties should not be marginalized. In response to the mailing of our working group the first responder was very concerned of the effects of multi family zoning and expressed that she had considerable resources of money and time in her home. The second person said she had recently moved from her home, a converted single-family built house, now a legal duplex and she wanted to know how to get approval for a third housing unit in the structure's finished basement. In this process, when permissible, we should not be allowing complicated and in some cases conflicting in appearance wording prohibit this zoning plan from obtaining the greatest benefit while doing the least damage. We must ensure positive development and protect existing stake holders. The Midtown Greenway Land Use and Development Plan process was a substantial undertaking and the planning department staff should be commend for their work, especially under strong pressure from lobbyists for the highest possible development densities during the process. In more recent plans a number of single-family areas in the neighborhood-oriented districts and the same or very similar to our area are retaining R2B zoning; a number of the areas are closer to activity centers and transit stations then our area. The Lyndale plan was a year after our plan. Our plan was a year before it was adopted after it was finished. I participated extensively in the formation of the plan, it was absolutely clear that our neighborhood-oriented district would include diverse zoning classifications; a reading of the full plan document also makes this clear. We contend that our area with the benefit of the greater refinement accorded later plans clearly is entitled to R2B through R4 zoning in the neighborhood-oriented district. Commissioners your attention to our plea is appreciated.

Carol Pass (2536 18th Ave S): I'm the president of the East Phillips Improvement Coalition. I lack the precision of Mr. Spangler. Last night at our committee meeting we unanimously passed his, well our, neighborhood preferred plan. It's a more varied plan, it is not blanket zoning and I want to emphasize some of the things that he said. We have worked for 10 years to stabilize our neighborhood with greater single family housing, assuming that that would be a future. We have affordable home ownership that we have worked extremely hard…we have worked with PPL, PRG, Greater Metro Housing Corporation, the various neighborhoods, we've sunk lots of NRP money into this effort and a lot of elbow grease. We've worked extremely hard and we've moved our rental from 90% to 73%. This almost never happens in an urban neighborhood. We are very protective of this; we view it as our heritage, we view it as our legacy to bring affordable, modest home ownership. Little house, inexpensive, lots of people, high density in a certain way. The blanket zoning doesn't help us protect this, it does as Mr. Spangler said, encourage slum dwellings. We keep seeing people turning attics into this and basements into this and doing egress windows all over the place. We really don't want that, it's really not helpful to us, it's substandard. We know there are basements with seven or eight people living in them. This is not ok and this plan encourages that. We'd like a more varied plan. One of the things I really want to say is that we were not involved in this plan. When the public hearings occurred they were basically to inform us not to take in any sort of input from the neighborhood. The plan was

finished, the recommendations were there and these public hearings were basically to explain these things to us, not to listen to us. We have worked very hard on our neighborhood, we want to have input. The other thing that didn't happen and is critical to us is that we have an almost 40% Hispanic population, many of these people are home owners and business owners. They are invested in the neighborhood. These are the people that spend their money there and they were not informed by translations or outreach. This is also true of the Somali population. We have an enormous Somali population. We have a large Native American population. We have only about 20% white people. These are the people that heard all of this and no one else did. We were not provided with the time. It was very short, we had to push even to get this meeting pushed back. We were not provided with the time to work through our own neighborhood organizations and get the input from these people. I know what you're condemning us to is fights over all of this. You will have so many people down here mad at the triplexes, angry that we can't put the R4 units where they should happen. We want greater density in some places, much less in others. We want protective density around our corridors and on Lake Street and along the greenway. We want very protective lower density internal to our neighborhood. This accomplishes none of this and we were never consulted. I have to say that every time I see the city do things without consultation to the people that have spent their money their, live there and know what's happening there, it's always a problem. It generates all kinds of anger, all kinds of division and all kinds of work for you guys so I'm hoping that you will simply set this plan aside, talk to us and try to work with the neighborhood. We aren't impossible but we get impossible when we have to do things like this and we aren't consulted.

Sherry Heyer (?) [not on sign-in sheet]: Planning staff said this was based on the small studies that have been done in this area; by choice we did not do a study that cost about $90,000 to put Midtown Phillips housing goals and planning into the Minneapolis Plan. We used our NRP money on a three quarter million home improvement grant program. We did develop our housing guidelines and over the years we have developed some very good guidelines that CPED has adopted. It has improved the housing stock of our new construction instead of the run of the mill, run down, plain looking buildings. The other point I wanted to mention is that every month at our monthly meetings the police give a report. At our last meeting, Don Greeley, who is our SAFE officer, or CCP officer, mentioned that duplexes cause 95% of the police calls in our neighborhood, triplexes are going to triple that. There are problems with drug dealers, prostitutes and noise. It's the single family and owner occupied buildings that have been fighting this issue and this is a huge expense for the city and for our neighborhood, both in lives and hurt and so on. We have worked for ten years to stabilize this problem and it is much better there so I would consider what Carol said, let's set this aside and come work with us and figure it out. Joseph and I sat down with the two planners working on the density discussions three years ago and they put in everything that we wanted and now we get a rezoning plan that wipes it out.

Dave Davolis (333 Washington Ave N): I'd like to thank the Planning staff and commission for working on this. I've had a privilege of working on several projects on the greenway and the effort they made was tremendous and it's not easy to do. I'm glad to see what's being pulled together and what's happening. I'm going to speak for the Midtown and East Phillips neighborhood in that the planning is a good start, but what the neighbors really requested is a finer look at the zoning. They're ok with accepting density and modification as long as it's done in more of a sensitive fine grain matter as opposed to broad interpretation of R3. If you look at density at the major intersections and major corridors and bus stops where R3 and R4 could be accepted but preserve internal neighborhood areas that the R2B will protect those and try to work something where you can achieve the overall density levels but yet keep the single family areas

strong and intact, I think we can achieve the density, the complex interest of the urban environment and yet protect the corridors that are working. I believe the neighbors aren't against eh plan, they just want a further refinement, enhancement, of it to get more to a specific detail instead of the parcels identify more to the current zoning that exists and to enhance where the opportunities can lie along the edges. Thank you.

Mary Jane Mueller (2626 30th Ave): I was the chair of the Seward neighborhood group NRP Committee in 1995, which first began exploring the issue of rezoning the particular area where I live which is referred to as the island of residential in the Seward Longfellow land use…such a long title it's ridiculous, I also sat on that committee. I don't believe that the proposed R4 zoning for this particular area is consistent with the land use study. The land use study called for, and the residents have always called for, retention of the jobs that the industry in that area provides and live/work possibilities which R4 does not allow. I believe that OR1 or C1 would be more consistent with the land use study. Also, zoning this particular area to R4 would put quite a few small businesses in noncompliance with that zoning and possibly impact their futures as tax paying businesses and job providers for the city of Minneapolis.

KJ Starr (2636 29th Ave): I'm here to talk about the island of residential which is the blocks abutting the greenway at 29th and 30th Ave S on both sides. During the study period, when the land use plan was written, residents expressed comfort with their industrial neighbors and resisted the idea of high density housing. With public input, the plan called for transition from high density housing between the greenway and now proposed R2B housing at the end of the blocks. They also called to limit residential density along the greenway by providing a live/work opportunity by allowing studios and offices and that was the vision, having live/work space along the greenway and this transition down the blocks. Planners appear to have applied a blanket zoning category of the highest possible zoning category fitting in the urban oriented development district designation. This approach ignores public input as expressed in the plan and the public comment which voiced opposition to the R4 zoning of the parcels nearest the greenway. A more appropriate zoning approach would apply the language of the plan text the development district categories. Such an approach would result in zoning parcels applying to what was truly envisioned in the plan rather than applying the highest possible zoning category to all plots. The plan envisions our neighborhood as urban oriented with medium density housing. The urban oriented building types in the plan which support medium density housing are types two and three. Type two buildings are row houses and town houses which are specifically named and called for as a transition on 29th and 30th Avenues. Type three buildings are small apartments and allow for mixed office studio space on the ground floors. These building types are best zoned as R3 on the 29th and 30th Ave transitional spaces and OR1 along the greenway. The staff report states the transitional row houses and town houses are best zoned as R3. They rationalize zoning the plots as R4 based on R4 zoning of the parcels on the greenway and the urban oriented development district designation, which they say best matches the R4, but right on their map it says that the building type two, rowhouse/townhouse, is specifically included as a building type that is urban oriented. Since the staff admit that rowhouses and townhouses should be zoned R3, even if the greenway is still kept at R4, these transitions should be zoned R3. There's no requirement that we just have a blanket brush and allow a larger development than what was envisioned in the plan. Regarding the zoning along side the greenway, the staff thinks that R4 would allow the use of residences as offices and studios because such uses are allowed by the home occupation standards. If the intent of our neighborhood plan was to simply allow residences to have office spaces and studios, I don't think there would be a specific mention of mixed use. One purpose of zoning is to encourage growth in specific directions. The plan

specifically envisions a development concept of mixed residential and office studio space with an island of residential and that's in contrast with other blocks in the plan which call for multi-family residential. Zoning all the plots, the mixed use plots and the multi family residential plots to R4 is not consistent with the plan. Zoning the plots as OR1 better fits the vision as expressed in the plan. That category exists to encourage moderate density, residential and office studio space just as the plan envisioned. I support the findings in the staff report with the exception of findings one and two, which would I would amend to say that zoning OR1 and R3 in the lots that I discussed is consistent with the Comprehensive Plan because the Seward Longfellow area land use and pre-development study is incorporated into the Minneapolis Plan to the extent that the area plan is adhered to in the proposed zoning changes is consistent with the Minneapolis Plan. The area plan does not envision blanket rezoning of the neighborhood allowing for four story residences. Rather for the island of residential, the plan envisioned studios, offices and residences on 27th St along the greenway and a transition in the form townhomes and rowhouses along 29th and 30th Ave. So then you have R3 on 29th and 30th Ave and OR1 on 27th St and that's consistent with the plan. Further, I believe the zoning of R3 and OR1 is consistent with the following policies from the Minneapolis Plan for Sustainable Growth: 1.1.5, 1.1.7, 1.2.1, 1.8.1, 1.8.2, 3.2.2, 3.2.2, 10.4.2, 10.6.3 and finding two whether the amendment is in the public interest, it is not solely for the interest of a single property owner. The changes recommended are contemplated in the plan and affect the neighborhood labeled "island of residential." This amounts to approximately 70 parcels and are not in the interest of a single property owner. The island of residential is a community of people who are all affected by proposed zoning changes abutting the greenway. As expressed in the public comments submitted to the City Planning Commission, the community is opposed to the blanket zoning. Thank you.

Lonnie Nichols (2644 35th Ave S): I'm a block club leader in that area. I want to thank staff and the commission for taking this on. I want to agree for the area I live in, which is 35th Ave S, but the block club area is 33rd Ave S over to W River Parkway on the north side of the greenway. I would also support possibly allowing staff to work with interested neighborhood organizations and residents to try to do a little more detailing on the plan. A couple examples I can show, in the area here which we agree with the R1 zoning which is proposed in most of the area, but there are existing properties where it seems that they could be upzoned to match their existing use. For example, there is a duplex here, a duplex here, there is an R4 apartment building here that is proposed to change to R1. That's where I think residents are saying there are examples where we could all work together and maybe make more detailed improvements to the plan where we're working more with a scalpel than an axe so to speak. Specifically, some comments that I'm going to make and that some others in the audience, fellow block club members, I hope come up and say their piece as well. Our subject property most being discussed is this I1 property located right here which is the Empire Glass Building and that's our block club name, the Empire Block Club. It's currently zoned I1 in the future land use map this area is shown as split and the reason for that is that in 2007 as it went through Planning Commission and also City Council when the Seward Longfellow land use plan was adopted, it was adopted with the following change, that on the development districts map, eliminate category two, urban oriented, from the area east of 34th Ave and north of the Midtown Greenway. This area will be changed to category one, neighborhood oriented, also amend the future land use map to reflect low density in that location. That's the reason for all the R1 zoning that's being proposed in this area. The same property, we have that split again where this is neighborhood oriented for 34th E and then its urban oriented for the section right down the middle of the street is west of 34th Ave and then when it goes to the overlay district in a point that we don't think is appropriate is for the entire parcel to go to the industrial living overlay district which would mean, at least the way I understand it, more intense

potential housing development than R4 as well as other uses which would not be neighborhood oriented. So instead of the interpretation including all, I thought the intent of the motion in 2007 was more to include both sides of 34th Ave or the properties that face 34th Ave including as they ran back to the Midtown Greenway. As was mentioned by a few other people up here too, we're also interested in maintaining a high percentage of homeownership in the area as well as our relatively low crime levels that we are experiencing in the area now and we think the proposed changes could shake all that up and we could end up with very different results in terms of livability for this area. I just want to point out that this is the area during land use planning process which was labeled by proponents of the land use plan and increasing housing development along both sides of the greenway there that these industrial properties were causing problems and it just doesn't shake out in the reported crime statistics by CCP Safe and so that sort of been a point of contention back in the land use planning process. That's a background for some of our frustration.

Jim Bregge (?) (2715 29th Ave) [not on sign-in sheet]: I'm president of Doppler Gear Company and we own and operate a facility along the Midtown Greenway. We've been happy to participate in the Planning Division study and impressed by its output, however, upon careful review of the documents submitted, it appears there may have been an oversight or misunderstanding with regard to the proposed zoning of our property, ID 3602924410099, right here, this yellow block. Please review page 11 from the proposed future land use maps. As you can see, this section of the greenway is overwhelmingly slated to continue as light medium industrial, shown in purple. As you will also see, directly centered in this cluster of industrial operations is Doppler Gear, Donnelly Stucco facility, cast in medium density housing. It was our understanding, that like Metro Produce Distributors and Ace Worldwide Moving and Storage to our west and Howenstine and Burmeister to our east that we would be granted continued I2 light medium industrial land use with the understanding that this would be transitional industrial. That over time it would be adaptive reuse and residential redevelopment as conditions supported. Almost half of our staff live in the neighborhood, most of them walk to work. Several years ago Donnelly Stucco moved its operation into our building and has improved the exterior and grounds around the plant while providing additional jobs and services to the community. Since the Planning Commission began its study, Ace Worldwide Moving was granted a major expansion and created sort of a paved truck farm 30 feet from our westerly property line that extends the entire length of the block. We support the work of the commission and agree that that the current residential dwellings and sections along the greenway should be reconsidered for zoning changes in light of future potential needs. As conscientious employers and good stewards of our facility we are simply asking that the recommendations be consistently applied. We request that 2720 30th Ave S remain zoned I2 and fall under the same classification as the Ivy building to our northwest, Metro Produce, Howenstine and Burmeister that surround us as the traditional industrial and retain the rights to industrial use while adding rights to residential uses. While this may seem trivial in the grand design of city planning, I assure you it has a very real and serious consequence for our small business ability to operate, provide jobs, obtain financing and allow market forces to determine the pace of conversion away from industrial land uses. Thank you.

Tom Donnelly [not on sign-in sheet]: I'm from Donnelly Stucco. I've lived and worked in Minneapolis most of my life. I think what a person should do is walk through the neighborhood, it's unique. The crime rate is low. The people walking down there at night are safe. We go in and out of our building, which is a low profile building, day and night. You can't move in that neighborhood without somebody keeping track of you. You start planning high-rise buildings in there and that's going to change their lives. If you meet the people down there you're going to

find that you got something rather unique in a neighborhood that could be loaded with crime. You don't see police cars there very much unless they're just cruising by saying hi. I don't have the statistics to back it up, but I'm there a lot. We don't lose equipment like we have in other areas. Thanks for your time.

Pete Wagner (2633 29th Ave S): You might have heard of me, I've done political cartoons for many years and been an activist, graduate of the Mama D's school of political activism. I think the last statement was the best. Everything that's been said here has been pretty much everything I would want to say. I've been a home owner in the island or residential, also disdainfully referred to sometimes as south Seward distinguished from the people who have money north of 25th. We have fought very hard to make that neighborhood as crime free as it is. When I was first there in 1986 we had a crack house next door and I stayed and called the police constantly for four years until we had a big gang of people from the crack house out in front of my house with numchucks and chains and loudly talking about what they were going to do to me. The changes that will occur as Mr. Donnelly suggested are something to consider. I think that you really have to go back to the drawing board because the planning was done is obsolete. It was done when the housing market and economy were completely opposite of what they are now. Every time I go cross the Ford Bridge and see that giant eyesore at 46th and 46th this condo project that got started and now there's just this awful foundation of concrete and bricks there in one of the most beautiful spots in the city. I think what makes you think we're going to be able to populate high density housing along the Midtown Greenway? There are all kinds of other half completed or completed condo projects like down on Minnehaha or between Snelling and Hiawatha that are half empty. The other consideration is just the legitimacy. You don't even talk to us. Nobody came in and really talked to the people who live there. This is just poor design. This is just a poor way of designing something. They didn't do their research. They didn't do their homework. I have a Master of Fine Arts and a PhD in design. I would give them an F for just failing to get in and talk to us. There may have been some mailings in mid-August, what Minnesotan is home in mid-August?

President Motzenbecker: On that point, you're active in the neighborhood organization or work with them a lot? In our records, email notice was sent to all neighborhood organizations on the 17th of August and on September 18th to participate in these.

Pete Wagner: I'm just saying between mid August and Labor Day I was hardly home at all. I probably still have mail I haven't been able to go through from that time.

President Motzenbecker: I would say "whose issue is that?" Thank you.

Pete Wagner: But for those few weeks you think that's enough?

President Motzenbecker: No, those are when the notices went out to make you aware and if you were engaged in your neighborhood organization, they should be making their very engaged residents aware of this. I'm just saying. I don't want go get into a back and forth about this, but I do want to stand up a little bit for staff in this sense because the public process was good and we always here this and I respect it. I respect that neighbors sometimes feel they don't hear it. We can't go out and monitor it as commissioners so we don't know. If you have some focus on some exact zoning things we want to change that would be helpful.

Pete Wagner: I want to say I think the legitimacy of the process is in question and I hear what you're saying but I disagree with you. I grew up in a suburb of Chicago and when I moved here 35 years ago I thought the city government was so clean here but after watching the way things have been done it's like this cycle of the tiny elite coming up with the plan and then they do a superficial eyewash to make people think…

President Motzenbecker: I get your point and I respect it, can we move on?

Pete Wagner: As far as zoning goes, I think everyone agrees that lives in our neighborhood that we don't want to see four story or four and a half story buildings suddenly going up that it would be very abrupt and wouldn't fit into the neighborhood at all. I like a lot of our commercial neighbors like Donnelly and Doppler, Midwest Lock and Safe…I do have serious problems with some of the properties with pollution. Howenstine and Burmeister is a huge polluter. If you put a bunch of people on the end of that block you're probably going to have an outcry and they're going to be pushed out like Flour City was because the stuff that they put out is so bad. If you walk down to the end of the block, wow. The other thing is, I've had pollution problems with Ron Green's properties which are the three right next door to me. My house is going to be zoned with the R4 which doesn't make sense at all. Even if you could somehow build a two and a half story residential rowhouse or whatever, the sketch shows an alley or driveway or something going right next to my house which would ruin my yard. I wonder about solar. I really wanted to put in solar this year and I can't even think about it now because I have to wait and see what's going to happen. We have 70 year old trees. If you excavate next to that they will have their roots chopped off. For me there are all kinds of personal reasons to be very worried about this and kind of put a halt to improvements. I was going to build a garage this fall.

President Motzenbecker: So in summary you would prefer to keep the lesser zoning categories than the higher pieces?

Pete Wagner: If there has to be something there, if they take out the buildings there and replace them, I would like to see residential but residential that encourages homeownership and not rental and that isn't going to block sunlight and that isn't going to bring car traffic next to my front room window. I guess that's about the gist of it. I appreciate all the work you're doing. I wish there was more of an effort at it because it's just something I've seen as an observer of Minneapolis politics. They say they will get you involved but then they don't really listen to you and then they just shove down your throat whatever they first wanted to do. You're going to get better design if you really listen to people. Thank you.

Dan Turner (2633 34th Ave S): I've lived here since 1982. During the 90s I was very involved in the Seward neighborhood group. I was chair of the housing committee for SNG during that decade. I've not been particularly involved since then. During the time I was there, one of the visions we had for the neighborhood was to increase the amount of housing that was family oriented. At the time, during the early 90s we had a lot of housing that was very small houses. [tape ended]…effort of the housing committee was to provide grants to people to enlarge their houses and make them more family oriented. I think that's gone up. We've been fairly successful and we've had crime rates go down and we've had parts of the neighborhood really improve in terms of livability and so forth. If you look at the maps as Lonnie showed there is this very abrupt transition being proposed between the low density housing and then boom R4 or higher. It's kind of like that district has a thumb coming out into the residential part of our neighborhood. There's no transition. We've got nice two stories or less and the proposal here is

going to push right up against us. I think that would have a detrimental affect on the area of the city where we live. I support Lonnie and the others.

President Motzenbecker: I think we understand about this particular area about the difference between the industrial and the housing so we don't need to hear more on that. We appreciate the input but new information would be helpful for us.

Brinsley Davis (2625 34th Ave S): I encourage people, when making the decision between neighborhood oriented and urban oriented, to really think about traffic patterns in the neighborhood because there are a lot of one block streets and it's already fairly convoluted. Our part of Seward, there aren't a lot of through streets through the greenway so it's just something to think about. I live on a one block street so if there is an R4 at the end of it, it means there is one way to get to that.

President Motzenbecker: We are not closing the public hearing. We are leaving it open, but we are finishing testimony right now. We leave it open until the 26th at which time we will hear about 35W west and at that point we will do some more extensive deliberations. I do want to offer commissioners a chance to talk back and forth a little bit if they have some things they want to clarify about what's been said today so we don't lose that information amongst ourselves. We will need a motion to continue this on.

Commissioner Cohen: These comments were very articulate and the result of a good deal of research and study on the subject and were very impressive. One thing that Ms. Pass said and I'd like to address this a bit…looking at the make up of the audience today and taking into consideration what she pointed out in terms of the ethnic make up of the area, I just want to clarify what we did as a city government to outreach to our Somali and Hispanic communities because it isn't evident from the make up of the audience today and I'd like to know what we did in this area.

Staff Arnold: As I mentioned, these rezoning recommendations follow a small area plan process. I was not involved in all of the small area plan processes that we're dealing with tonight so I don't know the amount of outreach that was done for some of these plans to various populations. I would say that we do make a concerted effort with all of our small area plans that I've been involved in to try to get the word out to various populations. I do know for the rezoning study notice, we had translation services listed at the bottom and that went out on the notice in August and September offering translation services.

Commissioner Cohen: It didn't seem to result in a successful turnout as far as this meeting is concerned.

Staff Arnold: That I know of, we did not receive a request for any translation services.

Commissioner Schiff: I want to thank everyone that came down here today and for all the emails that have been sent over the past several weeks and the neighborhood meetings that have been held. I know there have been a lot of people who have dived into this to learn what the different zoning categories mean and to look back at the plans that many of you have been a part of. For my colleagues, I just want to say I think we have to understand the history of rezoning in this area and the impact that the current zoning has had on quality of life. Since representing the Phillips neighborhood for the last four years, I've become very familiar and had a lot of my

misperceptions corrected of what is reality with zoning and what are the lofty ideals of zoning. When I see what happened in the 60s when R2B zoning was spread over wide swaths of Phillips and Powderhorn and I see how homes that were originally as single family then had an economic incentive to be subdivided and to be turned into rental property and how fragile that balance was in neighborhoods and how quickly it fell with the quality of life. I look back at what we've achieved recently with the homicide rate at a 25 year low. We look at the number of revocations that the city has to do on rental licenses every year in order to get tough on landlords and to hold them accountable and how many resources we've had to put that into. We have made some incredible gains, particularly in Phillips and some other inner city neighborhoods and I know that the balance is still fragile and we're not where we need to be. I think if we were to give more economic incentive for people to continue to subdivide existing buildings we would lose those gains. I think we should look carefully at the staff recommendation and I encourage everyone to go through the neighborhood and talk to some of the activists that are here who have been fighting for livability in their neighborhood for so long and really consider carefully between the ideals of this plan and the reality and what happens once you enter into an economic marketplace. I'm not in favor of the R3 zoning. I think it would encourage attic and basement units and more subdivisions and I don't think that's going to increase property values or quality of life and it's not going to give us the quality density we need for transit oriented development. I think we should proceed carefully and recognize the history and really aim to encourage good development and not just make very quick decisions.

Commissioner Tucker: I move we continue this item to the October 26, 2009 meeting (Luepke-Pier seconded).

President Motzenbecker: I want to echo Commissioner Schiff's thoughts. I want to thank you all for taking the time to come out tonight and for all the thoughtful and respectful comments and the way they were presented and the focus with which they were presented. That helps us a lot and I thank you for that. We will continue this to the 26th and hear more comments and then deliberate and move it forward. All those in favor? Opposed?

The motion carried 5-0.

President Motzenbecker: Commissioner Bates wanted me to apologize for her not being present. She did have a school board meeting tonight and she will be watching on video to bring herself up to speed for next time.

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
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MEMORANDUM

DATE: November 16, 2009

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of October 26, 2009

The following actions were taken by the Planning Commission on October 26, 2009. 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 Motzenbecker, Bates, Cohen, Huynh, Schiff and Tucker – 6

Not present: Gorecki (excused), Luepke-Pier (excused) and Nordyke

Committee Clerk: Lisa Baldwin (612) 673-3710

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8. Midtown Greenway Rezoning Study (Wards: 2, 6, 7, 8, 9, 10 and 13), (Amanda Arnold). This item was continued from the September 28 and October 13, 2009 meetings.

A. Text Amendment: Amending Chapter 521, Zoning Districts and Maps for the purpose of implementing the following adopted plans: The midtown Minneapolis Land Use and Development Plan, The Industrial Land Use and Employment Policy Plan, The Midtown Greenway Land Use and Development Plan, The Seward Longfellow Area Land Use and Predevelopment Study, The Uptown Small Area Plan and the Lyn-Lake Small Area Plan. The proposed rezoning affects primary and overlay zoning districts contained in Plates 18,23,24,25,26,27, and 28.

Action: The City Planning Commission **continued** the zoning map amendment to the December 14, 2009 meeting.

Staff Arnold and Mogush presented.

Commissioner Tucker: There were a number of parcels or groups of parcels I was curious about the analysis that Paul just explained and I'm wondering if he can review that for us so I understand the thinking. I'm looking at your maps. I start with the Midtown Greenway Rezoning Study, France Ave to Thomas Ave…maybe I will just list them all and you can plan your responses and start with the first one, but the Cedar Lake townhomes going from R1 to R5, the second parcel is on Dean Parkway 2901-15 going from R6 to R5, 2622 W Lake proposed to go from OR2 to R5, Hennepin Ave to I-35W thinking of extending the PO overlay district on Hennepin north towards 28th how far you took that, another is this little parcel on Fremont and 31st R4 to R3, four parcels on the northeast corner of Bryant and 31st there was a suggestion they should have been downzoned to R3 from R4, then just a little review of the area between 28th and Lake between Lyndale and Blaisdell. I know you're creating higher density along the greenway and then transitioning to the neighborhood. One last item is the R6 on 1st Ave S between the greenway and 28th.

Staff Arnold: The Cedar Lake townhomes are right here. This is the Midtown Greenway Land Use and Development Plan and you'll see that the future land use designated in this plan is for high density housing and it is urban oriented. We recommended R5 here. We felt like our options for high density housing were either R6 or R5 and we went with R5 because of the urban oriented designation. It's worth it to take a minute to talk about these townhomes and the issues here. I know people have concerns about potential redevelopment but each of these individual parcels since they're condos is under 5000 square feet and it's also a planned unit development. We as staff feel that those two issues really make the wholesale redevelopment of the site highly unlikely. Some of these recommendations are made for consistency and to implement the plan. I don't know that there's a real impact on the ground here. The next one is right here. It's a future land use of high density housing. Here it's kind of interesting. The development districts there are two of them in this area, part of them is transit oriented and part of it is urban oriented and so again we went with R5 on the urban oriented and R6 in transit oriented. Next is 2622 W Lake St right here. Same thing, high density housing is the future land use, the intensity is urban oriented. You may remember that there was a development proposal for this site and the way we made decisions in dealing with those cases where there were development proposals previously is that if the development proposal came through before the small area plan was adopted we went with the guidance in the small area plan rather than…in this case, a rezoning was not part of the land use approvals but we didn't take the previously approved project which is now not existent anymore and the approvals have fun out. We just went with the planning guidance. Next is in

the Uptown Area map, extending the PO district north on Hennepin to 28th. Our decision was to match the PO with the activity center boundaries and that's the activity center boundary in the Uptown Small Area Plan. Here is Fremont, this is the from the Uptown Small Area Plan, I think we're talking about these parcels right here, this is Fremont…we're talking about right here. The reason for that is in the development intensity map for the Uptown Small Area Plan, those parcels fell under transit oriented and not urban oriented so that's why they differ from the other parcels on the block. The northeast corner of 31st and Bryant, that whole area is designated as medium density housing so we went with R4 there. This was general discussion about Lake St between Lyndale and Blaisdell having to do with transitions, this area right in here…this is the Midtown Greenway Land Use and Development Plan so you see there is generally high density housing along the greenway and then medium density along 28th St. It's more intense at the activity center and then along the greenway less intense up here and we've tried to correlate that to the rezoning suggestions. This area in our LynLake Plan, the approach we took is we weren't going to revisit the recommendations from the Midtown Greenway Land Use and Development Plan, we were willing to tweak or discuss them but we weren't eager to throw out the process that people had already worked on in a plan that was relatively freshly adopted. It is included in both plans but I think it's important to note that the base policy was first established with the adoption of the Midtown Greenway Land Use and Development Plan which took place in 2007. Here we have a recommendation for a swath of R5 through here and R3 along 28th St which correlates with this.

Staff Mogush: For the most part you have two policy combinations there: one is the combination of high density housing with urban oriented development intensity and the other seems to be medium density housing with the neighborhood oriented development so that's why you're seeing R5 in the former and R3 in the latter.

Staff Arnold: It's interesting to note there are some places where we're kind of doing a switch along 28th St between Grand and Pleasant. You'll see there's R5 already existing along 28th St and our proposal is to downzone that to R3 but then change the industrial parcels just to the south to R5 so there's a little bit of flipping around but there is the addition of more R5. The last is 1st Ave S between the greenway and 28th St, that's right here. This is designated for high density housing.

Staff Mogush: The reason for R6 on one side is that is the breaking point, the dividing line on the development intensity map between the transit oriented designation to the west and the urban oriented to the east.

Commissioner Tucker: So the rest of that transit oriented is a C3A parcel with R6 on one edge, is that how I'm reading that?

Staff Arnold: Yes, that's right. Here's the C3A, here's the R6 and then here's R5.

President Motzenbecker: Before I open the public hearing I just want to sort of lay it out a little before us. Some of you may have been here last time. For those who haven't, we had a really amazing public hearing last time. Everyone gave great comments, kept on focus and I would like to make sure we do that again this time. I want to reiterate for those out there, policy has already been passed. We're not here to reopen that can of worms whether you think it should be high, medium or low density. We're here to talk about whether the zonings that go with those categories are something you agree or disagree with. I just want to say that if we start drifting into commentary about policy that has already been passed, I'm going to stop you and ask you to

refocus your comments on what we have before us because that's going to help us, it's going to get us all out of here at a reasonable hour and still be able to hear everything you have to say. With that, if you would like to frame your comments, part of the things we have to decide upon are the findings for this rezoning, you can find those starting on page 11 of the staff report. If you want to frame your comments in those bullet pointed headings, that would be helpful for us. I will open the public hearing for this item.

Aaron Keith (2815 Stevens Ave S) [not on sign-in sheet]: I've lived in the neighborhood over 30 years and am employed in the city, I think I know the area pretty well. I've got three children in public school, my parents live in the area and we are rental property owners and I think we know the market pretty well. What strikes me about the plan, when we use words like sustainable vision and long-term, that there are some key factors that are completely missing, that haven't been mentioned by staff. Even if you have approved it, really this is your day and your decision as leaders to refocus what's going on. You've got the opportunity to give people the American dream with home ownership or you can make American's scream. If you look at the census reports for the last 30 years, equity is going backwards.

President Motzenbecker: Mr. Keith, can we bring it to the point.

Aaron Keith: I'm getting to the important point here, which is as this thing sits right now, it's a land grab for 10% of the people who probably don't even live in the neighborhood. These areas right now are extremely high rental. The Whittier neighborhood is 90% rental. When you talk about R5 in our current economic condition, you're not talking about home ownership or people who are going to build equity in the neighborhood, you're talking about making profits for people who may likely evade taxes in Switzerland or export the money to China to pay some debt on some developer's bill. I don't want to get too crazy about it, but the Census Bureau, equity is going down, home ownership is doing down. What's missing in this plan is a way or mechanism to make sure that if you want to build R5 there that it ends up being 10,000 new home owners and not 10,000 new tenants who will never have a piece of the American dream because you've sold their opportunity today with a vote. You've taken away the opportunity for someone to own a home and have a piece of the American dream, to have some equity in the American dream. The plan to go multi-use here is probably not all that bad. I've been in this area and I've owned property there over 20 years, I think it's maybe 15-30 years ahead of itself. I think the light rail should be done first, not last. I think what happens anytime you put a bunch of home owners right next to a construction project they're going to be your biggest nightmare. I think you want to get the rail in first and then come back with construction and I think you need to insist, not just zone R5 and let that 1% at the top of the pyramid come in and continue to exploit everyone as renters forever. It's almost futile Europe over again. You say you got it, but here we are…

President Motzenbecker: I got your point, sir. We don't need to go over it and belabor it. If you want to continue with some new information that would be helpful for us.

Aaron Keith: There are homeowners right now in this area and as soon as you allow this to happen they're going to be threatened with eminent domain so the little bit of home ownership that is going on all up and down this area, the entrepreneurs, the little one mom and pop shop stores around Lake St that are filtering in and starting to strengthen the economy and really build something that's going to last, is all going to be challenged by billionaires coming in and making a profit. This is not unique, this is not just the Midtown Greenway. This is a mistake that we keep making over and over again. About 15 years ago I was at a tax forfeited land auction and watching a parcel of land in back of our federal reserve bank, so it's touching Park Board land,

looking over the falls, federal reserve bank and we've got a lot right there in back of the Itasca building that sold for $800,000. They put up dozens of units that I later watched sell for half a million to a million a piece and now I'm watching foreclosure rates go crazy. When I have a child that acts immorally, I give them a time out to encourage them. What I encourage you to do is give the developers and banking industry a big time out, they have not performed well. When you talk about sustainable plans, this is not sustainable, this is just keeping the same thing going again, selling this land for less than a penny on the dollar. That's not an investment in our community. Thank you.

Art Higinbothom (3435 St. Louis Ave): I'm board chair of the Cedar Isles Dean neighborhood association. I'm here to discuss a resolution which was approved by our board of directors on October 6 of this year opposing rezoning parcels north of the Midtown Greenway in the Cedar Isles Dean neighborhood area. This would be the greenway going through here so we're talking about the parcels shown on this side. South of the greenway, most of the rezoning is retroactive, there is already high density construction that's happened. Two exceptions, there is the Lander property that's been abandoned and there is a downzoning in back of the original Calhoun Beach Club. Plus, these properties on the west side of Dean Parkway, which has already been upgraded. We're talking about the CIDNA area which is north of Lake St all the way east to East Lake of the Isle Blvd and running to the north of the Cedar Lake Shores townhomes that you heard about earlier. The resolution goes as follows:

WHEREAS the City of Minneapolis proposes to change the zoning of the following sets parcels north of the Midtown Greenway in CIDNA:

1. Cedar Lake Shores Townhomes from Rl to R5, a drastic increase for an already developed single family area.
2. Six parcels between Chowen Ave S, Chowen Place, and St. Louis-Ave from Rl to R3, these are the parcels shown here, not in an urban designation for land use, but in a neighborhood designation. We're not sure why these are being sorted out as different from the other R1 properties in the area.
3. Three parcels at the corner of Drew Ave S and W Lake St from R2B to R3
4. Dean Court (presently Calhoun Isles Association) from R5 to R6, this is the property that has the grain elevator town, but it also has many single family residences that border on the corridor and on the greenway.
5. Eight parcels on Xerxes Ave S north of 29th St. (All but one of these is a down-zoning to R3. The 8th parcel is from R2B to R3.)

WHEREAS the stated intent of the rezoning is to bring the zoning into alignment with Current uses and/or approved small Area plans, BUT the proposed zoning for the parcels north of the Midtown Greenway exceeds both existing uses and the small area plan as currently understood,

WHEREAS Rl residences are located next to all parcels in 1 through 4 above. CIDNA has received numerous comments from owners of these single-family residences who bought their property expecting that their property and adjacent property would not be up-zoned proposed maximum density of all these parcels would increase dramatically, adversely affecting the livability of the single-family residences nearby, and

WHEREAS property owners included in the parcels in 1 through 5 above have expressed concern that the Midtown Greenway Land use Study notification of the rezoning proposal lacked clarity,

it gave no details in the notice for the hearing for example and did not indicate what the justification for the upzoning would be, that inhibited residents from understanding the gravity of the issues that appear to have a significant impact on the community,

NOW THEREFORE BE IT RESOLVED that CIDNA opposes all of the proposed zoning changes to parcels in the neighborhood located north of the Midtown Greenway; as indicated above. Not included in this resolution, but important to point out is that both the Cedar Lake Shores townhouse association and the Dean Court properties border the Kenilworth corner and that currently is occupied by bike and pedestrian trails as well as a railroad. The bike and pedestrian trails would be adversely impacted by upzoning the residences on either side of a very narrow 52 foot wide corridor. If LRT replaces the railroad as Commissioner Dorfman and her group at the county propose, again, allowing high-rises to be constructed along side the bike and pedestrian trails which are to be maintained in that corridor by some mechanism, would be adverse to the community. Lastly, to the north of Cedar Lake Shores is the bikeway system, the only urban national scenic byway and to have high-rises visible from that area which is used by many bikers and pedestrians, not only from the city but from the balance of Hennepin County, would be an adverse upzoning. Thank you.

Stan Kagin (2905 Dean Parkway): I live at 38th and Beard in South Minneapolis and work on 29th and Dean Parkway. I'm here to address the area 2901 through 15 Dean Parkway. I did make some enlargements of the maps and I'd like to, I have a copy of…

Stan Kagin: Ok, I have …

President Motzenbecker: You can give them to the clerk and we can pass them out.

Stan Kagin: And I've made it so you can kind of follow along where I point. Well good evening to everybody and I guess first I'd like to commend Amanda, all the staff that has done many, many hours in taking care of this. I understand the goals and I was at the last meeting just to listen, but you want consistency, increased density along the Corridor and with some reason, neighborhood input. And with that I'd like to reference the properties at 2901 through 2915 Dean Parkway, which are two smaller three-story apartment buildings directly north of the Calhoun Beach Club. And I'm asking that the zoning does not change and to leave things at R6 and I'd like to explain why. Will this go on?

President Motzenbecker: We see it, yeah that's great, thank you.

Stan Kagin: OK. The property you noticed is, I have an arrow to it. It's pointed at R5. Okay, this particular map was created from two other maps which are the next two pages. The next page being the Midtown Greenway Future Land Use Plan, which is figure two. And I wanted to point on that one that that treats our area on Dean Parkway the exact same high density as to the east, to the west, little bit to the north, but everything south of the Corridor is the same high density area, which is one of the reasons I'd like to stay as we are. The next map is the Development District Map Plan 8 and that one takes out a little corridor where I have an arrow and changes it to urban oriented. Now these two maps make up the first yellow map and I have some issues with this Development Map that I guess I just think is somewhat flawed. One of it is the area to the east of me, which is still urban oriented and has been down zoned to R5, in effect, can't be, there's a ten-story brand new building that the Calhoun Beach Club just built a few years back. And so what's happening, that gets left and the effect of it, it makes our little parcel property to the east of us, to the west of us, to the south of us all can be R6 but we're locked into R5. Two more areas bother me on this thing. One was just presented where you have parcel number two, which is all these town homes, making that R1 to R5 is an unlikely situation just as well as this plan has got an Area One, it's got neighborhood oriented, and that's all Park Board property. And I talked to the Park Board, which is part of the dog park, et cetera in there, that they have a no policy sale. And the effect of raising some of the areas and putting in housing where you can't put it in, negates the plan which is the plan is to increase

density along the Corridor and you can't increase the density in areas where there is the park. Therefore, I feel that that gives me some merit in asking that our property remains the same. The other thing is, is that our property is probably the oldest in that area. It was built before the Calhoun Beach Club in 1925, it has got some issues with the building. The City back a number of years ago made us take out the garage because of flawed land and this building has some issues with it that I feel will be probably one of the next places to be built up and that's why I feel it's important to have consistency and keep it at R6. So we're left with two maps that created the first yellow map. I feel this one is somewhat flawed and the, relative to the two, and the future land use ought to be stronger in its role of creating R6. It gives consistency with the area, it gives aesthetics because if you change it it will be the only piece of property on East or West Dean Parkway to be changed to R5. Therefore, I'm asking you to keep it, keep it at the R6. One of the things that Amanda pointed out the beginning, was the greenway fit for higher density housing. This would be lowered from R6 to R5, and I think it's about 40 per cent because you go from one unit per 400 to one unit per 700. And I think it would be a promising investment in the greenway Corridor and keep its consistency. Thank you very much for listening.

President Motzenbecker: Thank you for your comments.

Eric Gallatz (2622 W Lake St): Chair Motzenbecker, Commissioners, I'm Eric Gallatz. I'm representing the owners of 2622 West Lake Street. Might as well stay on the same corner for a little while. This is just the Land Use Plan from the 2007 Plan. I guess the primary point I'd like to make is as Chairman Motzenbecker requested. We're not objecting at all to the policy, we like the Plan. We thought the Plan was consistent with what our development plans for the property were in 2007. As a few people have already mentioned, I want to be clear, I represent the property owners, not the Lander Group. The Lander is out of the picture at this point and I'm representing a property owner who tore down a building in hopes of having someone else come in and redevelop this property. It never happened. He's sitting there with a vacant lot and facing what he thinks is a down zoning that will affect the value of his property and the potential uses of his property. We're currently zoned OR5. We think that, I'm sorry, OR2. With a proposed rezoning to R5. The OR2 is consistent with the 2007 Midway Greenway, the Midtown Greenway Plan. It allows high density residential development. The illustration from both the Land Use Map and the Development District Map show this parcel of land being used the same, and being guided the same, as its neighbors. Its neighbors are the Calhoun Beach Club Apartments at 20 plus, I'm sorry, a high density residential project with substantial commercial uses on the ground floor next door to the Calhoun Beach Club itself, which is again, a primarily an apartment use with a health club and restaurant and other commercial uses on the ground floor. OR2 designation would allow us to develop our property with similar consistent uses. The guide plan calls for keeping uses consistent with viable existing uses. The R5 designation only takes away the ability to meet some of the goals of the greenway Plan. It doesn't allow the mixed uses that are stated as a goal and doesn't allow development consistent with existing development, and just state the obvious, is a very bad time to be reducing the number of options a property owner has for redevelopment of their property. Thank you.

President Motzenbecker: Thank you very much.

Ed Bell (3300 St. Paul Ave): Hi, my name is Ed Bell and I'm on the CIDNA Board. I just want to say that the Board blew it by not notifying the neighborhood that we were supposed to do an outreach. I don't think the Board was aware of this until the first Tuesday in September. I live at 3300 St. Paul Avenue which is directly across from the 57 town homes which I developed under and RFP from the City which was to be single family density. We have you know 5,000, 57 times 5,000. So again I blew it because today I could put 402 units there. I've practiced architecture for, from '65 to '90. I've been doing real estate sales and development from '90 to currently. I live across the street from the development. I've watched the town home values escalate. Currently, right now, I mean the last two sales prior to the light rail, heated light rail selection, the sales prior to the last two have been north of 350 for the same unit. Now we're approaching to the low 300's. So if you don't think light rail and rezoning will have an effect I

can prove it based on sales. I'm here to say that we gave CIDNA, to counteract what we, the outreach, I personally contacted everybody affected north of Lake Street. We held a meeting in October prior to the Board meeting. We sent out mail. We had in attendance representatives from the Calhoun Isles Association, the Cedar Lake Shore Association, a resolution was adopted and created by those people present, including property owners. That was sent to Amanda but that was not included in your packet. That was also copied to the managers, it was copied to the Alderperson, but that's neither here nor there. Art did a good job of presenting it. My first year of architecture after graduating the University of Minnesota I spent at Victor Gruen in land planning. It seems to me that over the course of the years I've seen the City of Minneapolis do transition in terms of neighborhood integration. If you're going to have R5, R6 much like was done on Aldrich to Bryant, Bryant to Colfax, whatever we want to call that, we went from R5 to R3 to R1. On the first meeting in September I realized that I'm going to have an R5 right across the street from me and we moved in there, I've sold town homes at 16 per cent interest to people who understood it's a cluster development, it's an odd shaped parcel. We actually reaped the benefits early on in the early 1980's of water storage, collective water storage on low area at the end of the property. We are saving the town home association, they've saved about $10,000 a year. The Plan integration, and I'd like to point out two things before I'll make some other points and hopefully I'm not redundant. If I am please cut me off. This area, which is designated R1 category, has not been addressed equally as the 1 category over in here. The only difference that I know of really is land, excuse me, price of home. None of those homes along this area north of the greenway and between Lake of Isles and that portion in there, equal the value of the little cluster which is at Chowen and Lake. There are seven property owners, there are three, four single-family and three town homes which are all zoned R1. If you look at this rezoning, and this is not the best one, the rezoning map in here, the Chowen Place and that is designated R3. I gave you a copy of the CIDNA resolution, I gave you a copy of the Cedar Lake Shores, and I gave you a copy of the Calhoun Isles. I met with the Calhoun Isles Board. The President sent out 20 e-mails to members and basically they're the town homes. Only one understood the packet that was sent out. Again, I met with the Board. They had, not a resolution, but they have comment that they could not render a decision based on the information set out. In addition, to that I have included the allowable density analysis that was included in the Staff Report of the Midtown Greenway, and if you look at, I expanded it and added some columns. If you look at it, the old Zoning Code, and I don't when the transition was changed for density, and maybe Jason can enlighten me on that. But the old Code when Cedar Shores was developed, was either 5 or 6,000 square feet per unit. But if you go down, we have density of R3 at 2,500. Now we're crediting 1,500. We had an R4 1,500 now crediting 1,250. Then the R6 did not change, but R5 was 900 goes to 700. In addition, staff sent out this report which says 17 units per acre. If I do a calculation, it's actually 29. So they've sent out information which is incorrect to 5,000 homeowners, or property owners, excuse me, which is incorrect. The increases of density per acre err between seven and nine from and R1 to an R4, excuse me, an R5 which gets up to 62 and you can see the related percentage increases. Lastly, I've covered the point about the Planning Department saying it was CIDNA's responsibility to contact the neighborhood. We did contact the neighborhood. We're giving you resolution that these property owners do not want it rezoned. Hopefully we can achieve that. Number two is: none of the adjoining property owners were notified. We were told by the Planning Department this is too much work to notify affected property owners. I am a stake owner. I live across the street from something that is going to change to R5. If I were to rezone a property I would be required to notify people within 350 feet. I don't know how the City, even though it's mandated by the Met Council that they have to up the land use plan, can negate notification to affected property owners. Number four. Notices were sent to affected property owners by CIDNA and none of the property owners understood the notices sent by the City and CIDNA did hold that land use meeting which was mentioned. Staff

has chosen to up-zone properties that have been clearly developed, but I might say while they say that Cedar Lake Shore Town Homes it's not feasible to make it R5, when you get land values sliding down to 300 and you can build 62 units per acre versus nine, I guarantee you there might be a point in time where may transition for development. In addition to that, the light rail has suggested that they could take, because they only have a 52-foot corridor that they could take under eminent domain, part of that development. Cedar Lake Shores has a wetland area which could be developed for further density. None of the residents would want to do that. But I can tell you that it could transition into feasible. I mentioned before staff has made no zoning transition into the neighborhood. The town homes when they were developed and purchased on a contract from the City in '83, '84 in three roller subdivisions, was mandated single-family density.

President Motzenbecker: I think we're clear on that.

Ed Bell: And the last point is that we as a neighborhood don't have access to the light rail. If the light rail goes down to the Kenilworth, there is no stop, there is no mitigation at Cedar Lake Parkway. We are choked by the trains. We are choked by Lake Street. On a summer day, and even winter day, traffic goes out to Highway 7 and backs up around the lake and backs up to Sunset Boulevard. Thank you, and I hope I didn't duplicate.

President Motzenbecker: Nope, I think we did pretty good. Thanks.

Brad Path [not on sign in sheet]: Good evening Commissioners. My name is Brad Path, 18073 Ingram Way, Eden Prairie. I'm a partner and co-owner of Calhoun Village Shopping Center. The first notice that I've received regarding the study was September 17, 2009 and it was my understanding that this was going to be a meeting with the Planning Commissioner's staff and not a Planning Commission meeting. Our taxes are over $500,000 a year in real estate taxes on that property. I find it hard to believe that we weren't notified sooner than this. I may for the project, I don't know if I'm for it or against it. I'm just wondering is someone can fill me in as to how it will affect Calhoun Village. Part of this report says the future use is going to be commercial, the other part says high density residential so I have some concerns. Thank you.

President Motzenbecker: Thank you.

Gary Farland (3145 Humboldt Ave S): I'm a member of the ECCO Board. First I wanted to say that a resolution was passed by the ECCO Board but is not included in your packet. And that was to ask that this planning process of rezoning be extended to enable each neighborhood proper time for scrutiny and a public hearing and comment. Originally we had 2 ½ weeks and so that was extended out to two hearings. This is supposed to be a public hearing and I think a public hearing would have more access and more notification. We are concerned about the rezoning going down Hennepin Avenue from 31st Street to 36th Street. It's going from R2B to R3 largely and it isn't obvious to people, but this enables developers to ask for a conditional use permit to build apartment buildings along that stretch of Hennepin Avenue. We're not sure if this is a good idea or not. We're going to have a meeting of the Zoning Committee this week and the ECCO Board will meet the following week. What the ECCO Board is saying to you is that we do not feel that we've had sufficient time to analyze these changes and that we feel that a proper planning process would be to really encourage each neighborhood board to publicize it through their newspaper, hold a public hearing, really explain to people what the changes are. These area plans do not directly translate into rezoning. They are in general language. We had an instance at Knox and Lake in which we were told that what's in those plans is just general guidance. So this

opens up that it's very debatable, the translation from one of these plans to actual rezoning. I would also like to address the Weisman property that was discussed here before. The Uptown Area Plan calls for an observance of Shoreland Overlay District Ordinances and this property, if you put a six-story building right on the edge of the lake in the most visible part of the chain of lakes that is not abiding by the Shoreland Overlay District Ordinances. I think that if you're doing rezoning you should observe that Shoreland Overlay District Ordinances and zone accordingly. Thank you.

President Motzenbecker: Thank you.

Kristine Martinson (2930 Harriet Ave): I am in the, with this whole rezoning thing I live in the area of the Lyn Lakes small area plan. I am here to shine a light down to my fellow neighbors and any other citizens who live east of 35W to hear a couple of the things I discovered in researching this whole rezoning thing. Okay. At the public hearing on September 1st regarding the proposed zoning changes CPED reiterated over and over that they had a legal obligation to make the zoning changes. That statement is completely deceitful. I spoke with Met Council planning sector representative for our area. There is no State agency breathing down the City of Minneapolis' neck to make, to force you to change the zoning in our city regarding the Comprehensive Plan. Okay. Our, as far as the State statute that you, that CPED referred to our current zoning already conforms to what the Met Council is looking for as far as our Comprehensive Plan. Furthermore, the planning sector representative stated that the Minneapolis and the St. Paul Comprehensive Plans were the most vague comprehensive plans in the whole seven county area and they actually had to come back to the City of Minneapolis and ask for further information so they could get everything they needed. So that's kind of the viewpoint of this whole Comprehensive Plan's looking at it from a Met Council's viewpoint. Okay? And it's, you know, it really is upsetting that our city, I mean, the Comprehensive Plan is basically the bible now when they're referring to it. You know, when they're communicating about the Comprehensive Plan, that the citizens, it's so intricate in detail now, you know, for us, you know, in their viewpoint. Speaking of legal obligations, there's a statute 39 – State Statute 394.24 and this State Statute, in regards to official controls, official controls are zoning changes, are the lingo they use for official controls. The Comprehensive Plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly and staged development and redevelopment consistent with the Comprehensive Plan. And here's the guide, I believe these are the guidelines that were, or their in our city Comprehensive Plan. It's from Chapter 11 Implementation. These are what the State Statute requires and *short term* is defined as 0-5 years. So short term in regards to code and regulatory framework it states, at this time no major changes are needed to implement the plan. And that's for 0-5 years. And under Urban Design for zoning and subdivision ordinances, for the short term at this point no major changes are needed to ensure the ordinances are consistent with the Comprehensive Plan. That's what our Comprehensive Plan states. And this is required by this State Statute. Lastly, in my particular neighborhood, we are being rezoned from R2B to R5. We had a very intensive 40 acre study in the 1990's which downgraded our zoning from R3 down to the R2B level. We down-zoned from R3. Now all of sudden we're up to R5. So when you're looking at it from a critical thinking, you know looking at this whole thing critical thinking, with critical thinking you always look at what is the motivation behind this change. So that's been bothering me a lot because it's totally against the vision of and what our neighborhood has been striving for for years. And I would like to inform the public about, if they haven't heard about it, but I thought that this was a good motivation and I would also further like to state that as far as the Lyn Lakes Small Area Plan was concerned it was initiated, orchestrated and written by CPED. They were pretty much in control of the language and how it developed and I, when we were piecing all of what has transpired, you

know, in regards to the zoning changes, you can start seeing the pieces of the puzzle fit together. But CPED has two, and I would like you to put this up on the board please so that the public can see these and they can research on those for themselves. But there's, CPED has two recently developed land acquisition programs. They are described as programs that address the need to assemble sites for development. These initiatives allow the City to gain control of land for dispositions to developers. Okay, so that, that says it all to me right there. Those funding programs, I would really appreciate it if you could put it up on the boards so people can write these down. But this is really like the bias that I would say that I can see is proof of what they were looking for with the rezoning in my area. I would further encourage all the different neighborhoods to look at these programs and then when they're looking at their changes in their particular neighborhoods to see if this is something that they can tell that seems why it would explain some of these zoning changes. And the last thing that I would just like to mention is when Barbara Sporlein, who is the Planning Director for CPED, or for the City of Minneapolis at the, I came across a quote from June26, 2008 when she was talking to Zoning and Planning about the Comprehensive Plan. She was quoted when she was speaking regarding the Comprehensive Plan. She said that throughout the process CPED staff kept both existing and planned developments in mind. These included neighborhood small area plans, public land acquisition, capital improvement and other infrastructure projects. So this was like a plan land grab for our neighborhood and I just wanted to bring that to light and thank you very much.

President Motzenbecker: Thank you very much.

Phillip Qualy (3021 Emerson Ave S): I'm speaking for myself as a resident. I did serve as CARAG chairman and active on the CARAG board for about 10 years from the mid 80s to the early 90s. Today I would like to request that you set aside and not approve this zoning request. I mentioned my history in the neighborhood because I recall the rezoning and studying rezoning that went on in the mid 70s. It took some time and it was a thoughtful process. I don't know that due diligence and process has gone on here to bring you to this point this quickly. I was at the first small area plan meetings for the Uptown area and I recall looking at the Lake St parcel to the south and seeing a bright red line in where some changes would be between zonings. I recently learn that my house is part, that line has moved and includes my house to be rezoned. With all due respect, I will finish by saying that Ms. Arnold is quoted in the Southwest Journal, October 5-18, 2009 as saying "it's the implementation of a lot of plans that took years and years. It may seem fast but it's really a technical implementation measure. We've been planning along the Midtown Greenway almost nonstop for five years. We don't feel this is a new concept for folks." I think that her choice of words is unfortunate because when I find out that my house is suddenly set to be rezoned and that the bright line has moved to include my home, that's more than a concept. I ask the committee to set aside the report. I would prefer that a new City Council have the opportunity to take a good long in-depth look at this proposal. Thank you.

Robin Bischoff (2932 Chowen Ave S) [not on sign-in sheet]: Just to reiterate some of the other comments about notification, as far as I know, August was really the first time I got a notice that started mentioning zoning changes. I would have to say that the information we had was very vague, it says your property may be rezoned but you have to go to this website and find the maps. I really think as part of this process, it should have been sent earlier but also included some kind of map so it made it easier to understand what was happening in the neighborhoods. Some of this has already been brought up about the townhomes along St. Louis Ave, the likelihood of those being rezoned where taking advantage of the rezoning is highly unlikely. If it did, it would be groups of these would destroy the whole fabric of what they have developed in this area. I'm a little concerned just looking at how the map was developed. There's actually a green space down

here and there is no road that cuts through there, there is no R1 on that little corner piece. Lake Street is a bridge at this point so there is a definite separate between the street and some of this area back here with the residential areas. That's the only reason I can think of why there were upping the zoning is they were saying it's off Lake Street. This bridge starts up right about here and it's 10 to 20 feet high by the time it gets so this corner. It just seemed a little arbitrary because of that setback. I had a feeling people were probably just looking at zoning maps and not really looking at neighborhoods themselves for both those items. Along Chowen Ave and Chowen Place there is single family residential properties affected by the proposed zoning changes. We see no benefit in tearing down single family homes and believe higher density housing creates many negatives, this includes more traffic, more residential turnover and less concern for the community due to the transit nature of the residents. Regarding the townhomes, increases the housing density but we don't feel that would ever really be developed. The zoning change is not really a realistic proposal because of that. I'd just like to say there are a variety of housing types currently available in this area. The proposed zoning changes would only impact single family homes and do not benefit our neighborhood. We recommend keeping the existing zoning.

Tim Springer (Midtown Greenway Coalition): Thank you for your efforts to thoughtfully guide development along the Midtown Greenway. The Midtown Greenway Coalition's land use and transportation committee and its board of directors have been involved with these land planning efforts for many years and been discussing the rezoning study since it has been shared with the public early this year. We submitted a letter to you on September 17 and I have a surprise for you tonight, there is a change in our position. The board decided through discussion last Thursday evening to retract our support, or rather retract our recommendation that you adopt the staff recommended zoning changes and simply remain silent on that issue. Here's why, we wanted to focus all of our effort on what's most important to us, the proposed Midtown Greenway zoning overlay district. This is something that is recommended to you in the Midtown Greenway land use and development plan. The first of the two handouts, which is a letter on our letterhead with the green border, you'll see we identify what the staff resistance has been related to the zoning overlay and address their reasoning for protecting the greenway through other means. The first issue regards building height limits to maintain solar access on the Midtown Greenway cycling and walking trails. The staff claim that for the most part there wouldn't be anything more than a four story building on land south of the Midtown Greenway. The Midtown Greenway zoning overlay would address building height limits on the south side of the greenway along the trench segment of the greenway so you do not have buildings shading the trails. Four stories, whether immediately on the property line or south of 29th St, shades the Midtown Greenway in the winter when sunshine on the trails is needed most. City staff claim that another tool to address height limits would be the conditional use permit process or the planned unit development process, both of these are arbitrary and would be enforced on a case by case basis and neither of them would be required to observe building height limits to maintain solar access. It'd be implemented on a case by case basis which provides uncertainty for staff, developers, neighborhoods and others involved. You may or may not realize that the Rainbow Foods development that you approved tonight shades the Midtown Greenway and is basically one block long. Throughout the Midtown Greenway land use and development plan and other land plans there are numerous references to the pursuit of a public walkway along the street level room of the trench segment of the greenway. This is in keeping with our chain of lakes having a public edge all the way around it, better access, visibility, keeps it more of a public amenity, keeps is safer and much more accessible to get into and out of. That's a goal that's wholeheartedly endorsed by everyone that's been involved with planning along the greenway. We simply do not believe that private land owners are going to give up 15 feet of their land without a requirement to do so. We think a

zoning overlay is necessary to make that happen. There could be tools to compensate them for that. The last element is signage and the staff's response was that billboards would not be allowed on the greenway and we're not talking just about billboards we're talking about many advertising signs that might be much smaller in nature. A lot of those on the greenway might change the character and decrease its value. If you turn your attention to the other handout, it's sample language for a zoning overlay. To protect the usability of the greenway, ensure adjacent development enhances its visibility of and access to the greenway and maintains a safe and pleasant environment. The boundaries would be parcels that are immediately next to the greenway and on the south side of the greenway parcels that are within 200 feet of the greenway property line. We've got provisions on the setback to maintain solar access to the trails. You'll see here that we're recommending that a shading study is done and observe the setback based on the solictice sun angle of 22 degrees. If someone wanted to have a bell tower or elevator shaft poke above that here and there that's fine as long as it doesn't occupy more than 15% of the greenway frontage. Northside setback, buildings located on the north side of the trench segment of the greenway shall be set back a minimum of 15 feet from the property line. That may not be too much more than might already be required but 15 feet would offer enough space for a walkway and then if they do that, the next thing here is development credit for land dedication. If a property owner dedicates land for a public walkway or other open space, the development rights from the dedicated land shall be transferred to the remainder of the parcel so the maximum number of units or floor area ratios shall be based on the original parcel size so they wouldn't give up development opportunity that way if they dedicated land for a walkway. This is something that you might not be able to act on tonight because it's brand new language for a whole zoning overlay. If you feel like more study is needed, please set the wheels in motion tonight. The Midtown Greenway is a goose that's laying golden eggs, please don't kill the goose.

Larry Ludeman (2817 Garfield Ave S): I have received some information from the city that suggested that they were shocked there was so much surprise on behalf of the citizens that the citizens have been engaged and involved in this long process through the small area plan, but I want to make it clear that we did not address zoning whatsoever in the Lyn/Lake plan we only addressed density. When the open houses occurred in the latter part of August and September there was great reason for great shock for many of the citizens and in Whittier specifically those who were being upzoned from R2B to R5. Since that open house I've discussed frequently with my neighbors and fellow citizens and Whittier Alliance board members and other members about what they're upset about. There seems to be a betrayal on behalf of the city that in fact they were encouraged 10, 20 or 30 years ago to go in as single family homeowners or duplex owners, reside there, owner occupy their homes and now they're concerned that the whole picture is going to change with an R5 zoning. We also in Whittier have a number of unscrupulous developers who it wouldn't beyond them to buy a few homes and do some block busting and put the squeeze on people to get out of the neighborhood, besides that, I think there is also some Sinicism that this has been floating around that this has been driven by the city to increase the tax base. I want you to know that this has caused a lot of ill feelings. I would also request that this be set aside with further study. Thank you.

Thatcher Imboden (5845 Irving Ave S): I was on the Uptown Small Area Plan steering committee when I was a resident and a business person at that point and I wanted to speak briefly on a couple issues. One is on the concept of this rezoning. I also want to briefly respond to the proposal from the greenway Coalition. The concept of rezoning the greenway to accept higher density growth makes a lot of sense. I know we're not discussing that tonight but I just wanted to say I support the concept of focusing our growth. [tape ended]…they are positioned to aid what is already there in the commercial districts, these businesses, the retailers and office users are

looking for more vibrancy and more consumers and services to support their existence. When these districts were first created many years ago, at the turn of the century, the densities of Minneapolis were higher, more people walked places, people were primarily using transit so their needs…the market area that they drew on to get people to their businesses was much smaller. Now with the automobile and household sizes being smaller they need a much larger area so infilling these areas is essential to their long term sustainability and so going back to the 70s when we upzoned huge swaths in neighborhoods and had ill will that was created from old Victorian houses being knocked down in the center of neighborhoods and three or four story buildings with lots of units being put right next to these houses. I understand the frustration that those people must have had at the time and still have. To continue to move forward and to continue to work to reduce the rezoning in the center of some of these neighborhoods and focus that energy in those units on the corridor makes a lot of sense and I think that was the vision these plans, especially the Uptown Small Area Plan, was trying to create was really focused on putting the density where it should be. The Ackerberg's position is that we have a number of properties such as 3001 Lyndale Ave which will be rezoned from C2 to C3A, we support that and we have a couple of properties in the core Uptown area on the major streets there that we support as well. I don't think there's any controversy on those things, the properties around there, if they aren't already C3A they're currently C2 and will be upzoned to C3A and we support that. In relation to the Midtown Greenway proposal, in the event that you do go that direction, I would encourage you to slow down the process and allow a larger discussion to occur because I think there is a lot of varying interest in the Midtown Greenway's solar access and other goals that these plans have outlined such as activating the corridor. I am a biker myself, I bike year-round and use the corridor frequently and to get more people to use it and more eyes on it is critical. Solar access is definitely an important aspect too so I think there needs to be a discussion about how to balance those needs. Originally, way back in the 1880s when rail was first brought through the Midtown Greenway corridor before there was a trench it was the southern edge of the city and there were very few uses there and the first uses were industrial. In the early 1900s when they were starting to have people getting killed at the crossings that went all the way across this corridor, there was a major decision in court battle about putting the rail in the trench. The industry at the time was very much against it they wanted it elevated and the residents didn't want the rail there at all and ultimately the decision was made to build the trench and the industrial uses along the corridor either had to adapt or a new industrial use came along. This corridor, it's interesting from a change perspective. It used to be heavy industry, we're talking about three story coal elevators…I guess the point is that things have changed in these corridors and when the corridor was designed to serve industrial needs, we went to great efforts to serve those needs. Now, over time, when people weren't interested in the city's industry changed and some of the users started moving out to the suburbs, it was kind of a derelict area that was ignored. Now all of the sudden we have a huge interest in renewing our city and it's a great opportunity for us to build off of. A huge opportunity to capitalize on that we can put the growth where it should be and build our city into the future. Please keep that in mind. Thank you.

Nancy Ward (3532 Holmes Ave S): I'm on the ECCO board and I'm speaking for myself this evening. I do want to acknowledge Gary Farland about the official position we've taken, personally I would also like to ask you to slow down the process to allow the City Council that is incoming to make the decision rather than pushing it through right at the end of a term. I have a couple of comments about the rezonings that are proposed in the ECCO neighborhood. On 31st and Holmes there is an OR1 zoning and it's proposed to move to R5. I would ask you to look at the zoning that's around it, which is R4, and to make it consistent with that zoning. That would be something that respects the surrounding neighborhood and also the intention to have transitions be gradual into the neighborhoods. Right now it's a parking lot but it's the transition

point between the business district of Uptown and the neighborhoods. Please pay attention to that corner and along Hennepin Ave between 33rd and 36th particularly. The zoning now is R2B and it's proposed to be R3. There really isn't justification that I can tell to make that more dense urban zoning. It is also impacting the transition into the neighborhood that is single family and duplexes and it has a very strong effect on the neighborhood as a whole to have an apartment building in your back yard.

President Motzenbecker: I want to clarify so I know we're talking about the right thing because you said 33rd to 36th?

Nancy Ward: On Hennepin.

President Motzenbecker: I don't see that on the maps that we have. I don't think there's anything changing down there.

Nancy Ward: Along the west side of Hennepin between 31st and 36th.

President Motzenbecker: Thirty-first and 32nd it looks like. I want to clarify that with that, but continue for now, please.

Nancy Ward: According to the maps I was looking at, the whole west side of Hennepin…I have a different map I guess, the whole west side of Hennepin was scheduled to be rezoned to R3.

President Motzenbecker: We found it.

Nancy Ward: I'd like to reconsider that to maintain neighborhood integrity and allow it to continue to be R2B, but also to slow down this process. Thank you.

Cindy Wong (2932 Harriet Ave S): Back in 1992 when I was about to purchase my home, I recall my sister grabbing me by the shoulders at a family gathering and saying "if you never listen to anything I say ever again, listen to me now, don't buy that house." I had fallen in love with the house at first sight and was intent on buying it so I did a little research. I worked downtown at the time so I went on my lunch break to knock on doors to get a feel for people who resided here and get their takes on the neighborhood. One man who answered invited me in to show me the renovations he was in the process of doing in a house across the street. It was beautiful and he was very nice, the kind of person I would love to have as a neighbor. I called the Police Department to get a crime report for the area and it was ultimately suggested that I take a walk around the neighborhood on a Friday or Saturday night after dark and check my gut. I did just that with my parents and had a really good gut feeling. I saw a lot of promise for this neighborhood though it had some pretty rough spots. I was shown the house on a Wednesday and signed the purchase agreement on Saturday morning. I have never regretted that decision and I have, in the 16 years I've lived here, been a witness to the slow but steady and remarkable transformation of this neighborhood. The Soo Line Garden was born, the greenway was inspired, Whittier School was built, the house across the street, which had been badly vandalized beyond repair was demolished, sat vacant for a while and then was replaced by a cute little Victorian style house complete with a front porch. My next door neighbors did a life and hold on their late 1800s home to put a solid foundation in and they have been going to town ever since restoring it inside and out. A man down the street finally bough the carpenter's dream home that used to make me cringe every time I walked by it and I'm amazed at the transformation.

President Motzenbecker: I respect your story but can we just cut to the chase?

Cindy Wong: Can I just say something about the drug houses? The apartment building next to my next door neighbor, it used to be there was a fire truck, ambulance or squad car or a combination of those summoned to that property on a pretty much daily basis. There were many nefarious activities taking place in that building. Finally the day came when all but two tenants were evicted which put an end to all the 911 calls. My point is this, my neighborhood has been steadily improving since the day I moved in. Almost all of the houses have had or are currently going through interior improvements and exterior improvements. Seven of them have had made or are in the process of making interior renovations or remodels. I'm saying we have a stake in this neighborhood. We are putting in time, energy and dollars into our homes. To blanket upzone all of the properties on our street would be a slap in the face to all of us who have worked so hard at making this neighborhood a great and safer place to live. I can't even recall the last time I called in gunshots that used to be a fairly common occurrence. We have already seen examples of what high density can do to a neighborhood and high density seems to be the mantra around all of this, but this massive rezoning is not the answer. Making the regrettable play into then hands of developers would be a huge mistake. We really need to reexamine our goals here and we are just one of the many neighborhoods affected by this massive rezoning proposal. We're hearing some similar stories from them. The city really needs to listen to its constituents, many of whom have been around a long time and have a very large stake in the outcome. There are huge livability and quality of life issues to consider, not to mention traffic and parking and crime. I urge you to seriously consider all the testimony you've heard today and the testimony presented on October 13th as well. Thank you.

Lonnie Nichols (2644 35th Ave S): My comments deal more with the findings themselves and I'll just jump to finding number four where the question is whether there are reasonable uses of the property in question permitted under the existing zoning classification where the amendment is to change the zoning classification of particular properties. Staff has noted that proposed zoning identifies reasonable changes to fulfill long term land use objectives of adopted city plans. I guess given the amount of time staff has put into that, which I certainly recognize all the great effort they've done, I don't argue that point, but I also offer another finding and that would be that there are other reasonable uses of the property in question and that, in most cases, would be the status quo or the existing use is not necessarily a bad thing and I know there are probably instances where it's not good and over time things can be changing and updated but a lack of a Midtown Greenway zoning corridor did not stop rezonings or development in the past, particularly over the past ten years in the Uptown area and if and when the market demands more housing as it undoubtedly will in future years, the existing zoning should not necessarily prevent future zoning changes based on needs and adopted plans at a future time if this MGRS study is put on pause for a little while. For finding number five, whether there has been a change in the character or trend of development in the general area of property in question, I'm sure there has been a lot of changes. Some of these properties have had their zoning for decades most likely as it stands now, but a city-wide rezoning was done in 1999 and that city-wide rezoning did not push this like sort of blanket rezoning along the whole corridor of the Midtown Greenway. On a more personal note, I give Tim Springer a lot of credit for being here tonight and speaking and saying what he said. Some years back I remember when the Midtown Greenway overlay proposal first came forward and all the challenges with that that still exist. I'm glad Tim and company still have the drive to make the greenway a great asset and amenity in the city. To finding number one, staff has done a really thorough job on that finding but I also would question that I imagine there are a lot of other things in the Comprehensive Plan or adopted plans that could also be listed there in a more neutral or even challenging way to say as a rezoning really needed in all these

cases, in the area east of 35W which is where I reside. The commercial corridor application is less relevant because the greenway moves further north from Lake Street at that point to 27th St instead of in the trench on the 29th St corridor. Thank you for your time.

President Motzenbecker closed the public hearing.

President Motzenbecker: I do want a question answered from staff before we go. One of the things I wanted clarified for us and for the public is the intention behind zoning categories and recommendations that are assigned to park space and why that's happening and what could happen in that instance.

Staff Mogush: Several of the land use plans show parks and open space as a future land use category on specific parcels, in some cases those are existing parks whether they are Park Board parks or other green open spaces, however, in some cases they're visions for newly created green space and in the cases where it's existing…

President Motzenbecker: For instance the dog park at Lake of the Isles.

Staff Mogush: In cases where it's privately owned property that has parks and open space as the future land use designation, we chose to either leave the existing zoning or match the zoning proposed on adjacent parcels, however, for publicly owned future open spaces and parks, we went with the zoning district that is most commonly applied to Park Board parks in the city which is R1A, that includes the greenway trench itself actually.

President Motzenbecker: My next question was one of the questions that was risen from public commentary, about the Calhoun Village shops. I didn't those were covered in the study, but I just wanted that to be addressed so we can get that off the table

Staff Arnold: On these maps, the parcels that are being recommended for change are shaded and you will see that we are not recommending change there.

President Motzenbecker: How do you feel that some of these changes would affect that current zoning? Do you think it would have positive/negative…

Staff Arnold: I think theoretically, down the line if you had more infill, there's certainly a larger population base around that shopping center and that could be beneficial.

President Motzenbecker: I would like you to clarify the legal reasoning for doing the rezoning.

Staff Mogush: In the presentation Amanda outlined the three main reasons and we site those reasons every time we do a rezoning study. The first reason we do one is to allow the vision to be implemented. Second is to disallow changes that are inconsistent with that vision and the third is to ensure consistency more generally between our Comprehensive Plan, these small area plans and the zoning map. That is a legal requirement in state statute that cities have consistency between their adopted land use plans and their zoning maps. There is not to my knowledge any language in that statute that mandates a particular timeline in terms of implementing that consistency requirement. The timing of this rezoning study is not connected to any specific statute language.

President Motzenbecker: Can you talk a little bit to the clarification in the recently passed comp plan that was brought up and shown to us about the housing and urban design and the no change needed at this time, can you speak a little bit to how your pieces are reflected in that piece?

Staff Mogush: The comments that were brought up along those lines were also included in the written comments and we reviewed that. The sections that were sited from the implementation chapter of the Comprehensive Plan and those comments were related to building code issues as they relate to implementing the housing policies of the Comprehensive Plan. The Comprehensive Plan is very clear that land use policy changes do require zoning changes.

Commissioner Schiff: What is the process that you propose moving forward since we have over 2000 rezonings in front of us and we've just taken another three hour public hearing with comments?

President Motzenbecker: What I would like to do is to get a feel from my fellow commissioners if they feel they would like to forward this without recommendation, if they would like to ask staff to look at particular changes or if they would like to approve it and hand it over to Z&P.

Commissioner Schiff: One of my prime concerns is we've received so much public input from so many members of the public who took time to review this and this is just a summary of what I have in front of me of just the public comment and there is emails as well. I'd like to have all the public comments organized by staff for all the properties that people spoke about where they had an objection or a suggestion for an alternate rezoning. I think it could be organized in an Excel spreadsheet and we could have a list of those parcels with the proposed zoning and then the comments and suggested zoning by the people who spoke. Clearly the more specific the testimony is the better we'll be able to know what the property owners were advocating for. Other than that, I'm worried if we move forward at this time we're going to miss as parcel that one email was regarding that was very good points that were made but that we don't have a catalog in front of us in which to organize all this public input and I'm worried any action today is going to be error prone.

Commissioner Bates: As I understand it, of the neighborhoods along the greenway, the only two neighborhoods who have completed small area plans are Uptown and Lyn/Lake?

Staff Arnold: No. With the Midtown Greenway Land Use and Development Plan and the Seward Longfellow Plan, those involve many neighborhoods and there were steering committee meetings for both of those that had neighborhood representation on them as well.

Commissioner Bates: I understand that, but did they have those neighborhoods have an opportunity to do a small area plan or is that in place of a small area plan like Lyn-Lake did and Uptown.

Staff Arnold: We consider the Midtown Greenway Land Use and Development Plan, even though it's linear, a small area plan like the Lyn-Lake Plan or the Uptown Small Area Plan.

Commissioner Bates: So Lyn-Lake and Uptown get to have two runs at this and two says about how that area goes?

Staff Arnold: I can give you some context for why that happened, but yes, in each of those plans there is overlap with the Midtown Greenway Land Use and Development Plan.

Commissioner Bates: So those other neighborhoods will not have small area plans?

Staff Arnold: They are not part of the work plan right now.

Staff Mogush: They do have adopted small area plans in the form of the Midtown Greenway Land Use and Development Plan, the Midtown Minneapolis Land Use and Development Plan, the Seward Longfellow Greenway area land use redevelopment study…

Commissioner Bates: That's like the Marcy Holmes Plan and all of those sorts of thing.

Staff Mogush: That's correct.

Commissioner Bates: Even though they're under the guise of a Midtown Greenway Plan?

President Motzenbecker: They were separate, they were just done earlier than the Midtown Greenway Plan.

Staff Arnold: They had different study boundaries, they just overlapped in part.

Staff Sporlein: I think one thing that would help is if we had sort of naming protocols, but we leave it up to each steering committee and neighborhood process to sort of name the plan. They have different names so one says predevelopment plan and that sounds different than a small area plan or a greenway plan, but they are all considered small area plans because it's much more detailed work other than the Comp Plan. The entire city has land use policy on the Comp Plan, but the areas that have small area plans have more detailed work. The entire city is not covered, that would take many more resources than we have available but…

Commissioner Bates: So I'm correct though in assuming that the Lyn-Lake Area Plan and the Uptown Area Plan have had two goes at the same property around the greenway.

President Motzenbecker: Just in two very small locations. There is very little overlap kind of in the middle of them but not the whole each of them.

Commissioner Bates: I'll go on to my second question. How do you respond to the change of the Midtown Greenway Coalition regarding the solar access issue?

Staff Mogush: If you'd like us to reiterate the points in the staff report about the reasons why…about how since the adoption of the land use plan, there have been several changes to the zoning code as we outline in the staff report that get at those goals. As outlined in the staff report, the staff analysis showed that an overlay district wouldn't be necessary to achieve those goals. I don't think there is a difference of opinion on what those goals say.

Commissioner Bates: But there does seem to be a difference of opinion regarding the solar access to the greenway.

Staff Mogush: I think there is on one content point. Largely it's on what are the most appropriate tools for achieving them. Reading the comments and listening to Mr. Springer's

testimony, it's the staff analysis of the language of the plan, but it was not the intent of that plan to limit the height across the entire southern frontage of the greenway, that it was not the intent of that plan to limit height as a whole to something less than four stories which that overlay district proposal would do from my quick reading of it right now…

Commissioner Bates: I understand that about the overlay proposal but the issue in front of us right now is the rezoning proposal which in many cases would provide a new zoning that would allow for that four story plus development right? How do you respond to that piece, not the overlay issue?

Staff Mogush: Our analysis is that that's exactly correct, there are many places along the southern edge of the greenway where the proposed zoning does allow four stories without a conditional use permit and that that four story height where it's allowed in the proposal is consistent with the policies of the Midtown Greenway Land Use and Development Plan and that while there are places where the policy suggests there could be buildings that go higher than that, that's when the conditional use permit process comes into play. The required shadow study gets submitted and the Planning Commission, City Council and staff analysis look toward those policies in the plan about shadowing.

Commissioner Bates: It's an issue like on the east side and it's ok to talk about the east side tonight given that…

President Motzenbecker: I just want to finish questions first but then we can go back and…

Commissioner Bates: My question is, there's a number of parcels of land on the east side that would be taller than, could be four stories right up to the greenway so that would be a significant solar access impact. What is the process that staff used to say it's ok to have solar access here but not here? How did you determine that?

Staff Arnold: By looking at the future land use maps and looking at the use and the development intensity so that just lead us to the zoning district which lead us to the base allowed height.

Commissioner Bates: So the issue about solar access to the greenway wasn't figured in?

Staff Mogush: Absolutely it was. Issues about solar access to the greenway were in the planning process. It was a huge issue that was part of those processes. Those considerations then went into that companion map, which is development intensity, which shows the different buildings.

President Motzenbecker: There was a lot of discussion in all three of those plans about that and I think there may be a misperception that the four story height and shadowing of the greenway was ignored, I was a participant in those plans and it wasn't. That was the main use why they set that land use district that they did there because they wanted to keep it below the shadowing. There are shadowing studies that are required when there is new development that goes in there, there are CUPs that are required and I think those land use application pieces are what staff is referring to to be able to use if there is something that is going to go above that.

Commissioner Bates: In terms of comments, I would be interested in your sense about the Midtown Greenway Coalition's decision to withdraw their recommendation.

President Motzenbecker: We can talk about that later, I will add it to my sheet.

Commissioner Cohen: I would say that our general welfare charge in the Comp Plan gives me a little rope here to ask about a subject that really hasn't been broached which is, what is the economic impact of all this? This is a city starved for revenues; assuming that something on the order of these rezoning changes is passed in some form, have we done any kind of work in this area to tell us what affect it's going to have on the assessed valuations in the city, what will the long term effect of it be?

Staff Mogush: If I understand the question correctly, you're asking if the development vision were built out to a certain level, by what factor would that increase the assessable value of the land in the study area and therefore increase in tax base. The short answer is no, that analysis has not been done.

Commissioner Cohen: Should it be done by someone in order to give some impetus to this or some positive or negative because the bottom line is, apart from making the city more livable, it's also enhancing the values for the people that are going to own property in the city.

Staff Mogush: Certainly redevelopment or investment in property of any kind increases the value of the property and I would presume them the amount of tax revenue then is part of that.

Commissioner Cohen: Do you have the resources to do it or does the council have the resources to do it?

Staff Mogush: We certainly don't have a study like that on our work plan but I think what's most important to point out is that the land use planning that's done in the city and the rezonings that take place, the land use policy is aimed at directing where the growth ought to be in the city and it's not based on any particular benchmark or goal about a dollar amount that the city is trying to get.

Commissioner Cohen: I understand that, but shouldn't that analysis be made at some level? It's a big deal and it's going to affect the city economically for better or worse, shouldn't someone make a projection of some kind in this area? Just a though.

Staff Arnold: I don't think it would be a bad idea. We should note that when properties are assessed, zoning isn't part of that calculation, but it's based on comparable and new development and so that does influence property value in a way but the zoning itself doesn't go into the assessor's calculation as I understand it.

Commissioner Cohen: It does when someone invests in the property.

Staff Arnold: Sure, they're making the decision based on what the zoning is, I just meant for tax purposes.

Commissioner Cohen: Question of the time table on the light rail, can you give us kind of a heads up on a timeline for that?

Staff Arnold: Right now the decision making process is happening for the southwest light rail line, the Technical Advisory Committee and the Policy Advisory Committee have recommended the Kenilworth Trail, not the Midtown Greenway alignment, but that still has to go through

Metropolitan Council and also be ratified by the Hennepin County Regional Rail Authority so there are a few other steps still but it is leaning towards the Kenilworth Trail over the Midtown Greenway. I think the decision will be in in the next couple months. The construction, I think, is 2014.

Staff Sporlein: If it follows the FTA process, as predicted, the earliest operational date would be 2016. Year 2014 is Central Corridor.

Commissioner Tucker: I'm wondering how long it would take to organize the comments as Commissioner Schiff was suggesting.

Staff Mogush: I'm sure you all read in the staff report our approach for summarizing and responding to public comments, to get it to that level of detail it would take substantial staff time.

Staff Arnold: There are more than 100 letters and each letter contains many points.

Commissioner Schiff: I'm going to propose a two month postponement and going to ask for staff to bring the organized comments in three chunks to Committee of the Whole meetings where we can discuss and ask more questions of staff and then we have those meetings in November and December and we break it down from Hiawatha to the river, 35W to Hiawatha and then 35W to the west. We then bring those items back to the Planning Commission. The City Council is not going to get through this before the end of the year, that's just impossible with the budget hearing still proceeding and we don't know what the tax levy is going to be for 2010. There is no way there is going to be time for the council to dive into over 1000 rezonings. The best thing to do would be to take the next two months and come up with modifications to the staff recommendation based on the public input that we've seen so far (Tucker seconded).

Commissioner Bates: Would you be willing to allow staff to continue to receive testimony on this for the next month?

Commissioner Schiff: Because this is a legislative action, there is no time limit on when they have to stop sending in feedback. Unlike the other hearings that we hold where the closing of the public hearing closes the public record, this is a legislative matter so everyone can continue to petition their council members and members of the Planning Commission until final action is taken.

Staff Sporlein: All of this is subject to substantial resource issues. You can pass that action, but we have to do some analysis of resources. Keeping the record open, we wouldn't be able to complete the task at hand. If it's open and every day comments are coming in and you're asking for documents and all these additional meetings, we have to look at the resources. We have an adopted 2009 and proposed 2010 workplan so all of that would get pushed off by several months and we'd have to notify all the other neighborhood groups and those processes and elected officials and others about that delay so we'd have to do some substantial review of resources.

Commissioner Tucker: On keeping the hearing open, I think part of our problem with these big rezonings is we keep that open until the last minute and then we arrive where we are today with a lot of fabulous testimony and good ideas and critiques what what's been going on and a lot of us to absorb all in one session so we need to close the public hearing at some point so we can absorb it. I think that was the idea of Commissioner Schiff was to have staff organize this in a way that would help us think about it because this is a huge rezoning and I think it's very wise for us to

consider this in Committee of the Whole, not just each section but also how the Planning Commission wants to play a role in this. I would not want to send this forward to the City Council without a recommendation. I think that would be a dereliction of our duty. We were brought here to think about things in a very citywide manner. This rezoning has seven council members who are affected by it one way or another and they are all people of great integrity but there is a tendency for them to look at just their own ward. I think we can play a very valuable role at looking at this from a citywide point of view. We've been doing that all along; we've been doing that as we pass review and pass the small area plans, we're thinking about the future of the city and that's what we want to continue doing as we recommend…it's just a recommendation to City Council on zoning matters, but recommend how we think the city should move forward, not just for one year, but for decades. I'm very much in favor of that. I'm sorry today that we don't have all our commissioners here. This is one of the biggest issues to come before this commission and we all want to be there when we make our final recommendation.

Staff Sporlein: My staff reminded me that our attorney advised us that as long as the public hearing is open, the commission can't discuss it in Committee of the Whole because all the discussions have to be on the public record.

Staff Wittenberg: If I could just clarify the date that we're proposing to continue to because at this point our last scheduled meeting is December 14th, we don't have dates for 2010 at this point. It might be the safest bet to go to December 14th.

President Motzenbecker: I just want to ride on what Commissioner Tucker was saying a little bit in that our charge up here, and with not only the zoning but with the Comprehensive Plan with other plans that have been mentioned, is to help steward the growth of the city. I know some of you…it's difficult. There's moments where there's growing pains. There's a lot of mention tonight about markets and market driven things and those are tough for long term growth. We don't want to plan for short term, we want to look at the long term vision. We want to look at 15 and 30 years out and what the city is going to evolve to as that is our charge to grow the city. We want to move forward on this and I think some great points have been brought up and I think we can think about this some more. I just want to put out there that as we move forward and as we act on this down the line, we are going to be acting on a consensus and by its very nature, a consensus is not a unilateral agreement. Not everybody may be happy in the end but most people will agree with the point of view and that's our goal. To this point of closing the public hearing, I think I will close the public hearing because I want to ensure that those who have already testified that their pieces were heard. I'm also a little frustrated. A lot of what we heard, both in this process and in other processes is that "we weren't notified", "we didn't hear", "we've never gotten grasp of this"…a lot of this is coming from some of the most active, engaged neighborhoods in the city. Part of me says, what are you doing? Why aren't you helping out your neighbors? Why aren't you really getting in here and doing this? I've been involved in these neighborhoods in these plans, I know how active you are, I know how engaged you are so the fact that you keep saying you don't know anything, I don't believe that 100%. I believe there is a kink in the system somewhere because I see what the city has to do to notify neighborhoods, we know what it is, we see it, it's in the books and there is some disconnect somewhere because we keep hearing this over and over and over. I'm sure Commissioner Schiff hears it over and over at City Council and it's starting to get a little frustrating to me and I want someone to take a little responsibility on both sides. I would ask staff maybe as a directive, maybe there's some way in all your staff time you're going to have now to find out what's going on; why with the processes in place does nobody get informed? I would also ask the neighborhoods to make a little more effort and a little more engagement and make sure that your neighbors know what's going on

because I know that you get notified. I was on my neighborhood board for six years and we got every notification the city put out. You may agree or disagree but that's my point of view and my opinion and I think it needs to be focused on. With that, we have before us a moved and seconded two month postponement until December 14th.

Commissioner Huynh: I support the motion to be able to research and validate some of the points that have come in. I think that overall staff has done a wonderful job and that wasn't perhaps the focus of a lot of the comments that had come previously. I think the overall direction and intent of the Minneapolis Plan and the direction where the city of Minneapolis should go was addressed in the rezoning. I think that being able to revisit and review and be able to hear a lot of the comments that every neighborhood has individual groups and stakeholders I think is part of our process in terms of being able to just ensure that we are double checking our process. I support closing the hearing if that is an action item. I want to reiterate that part of the process is looking at long term goals. Someone addressed the economic portions of sustainability but there's also social and environmental impacts of the LRT and the greenway and I think of all of us understand and interpret it in different ways of what you do with solar access with a five story building versus a three story building and how do you start to look at design guidelines that start to shape or shade areas that are very crucial and important to the city so I think that as we move on in the next couple months we can start concentrating some of those answers back to the neighborhood and so I just want to thank everyone that's been a part of this process.

Commissioner Schiff: I just want to clarify that we can close the public hearing but we can still discuss this in a public meeting and if neighborhood organizations continue to refine their suggestions they can still bring those forward to us in writing, none of that is contrary to process as suggested by the City Attorney's office. Until it is finally acted one way or the other by the City Council, neighborhood organizations can continue to hold meetings. What I've heard is it's not just a lack of notice it's a lack of adequate notice. It's a lack of working with neighborhood organizations to understand the breadth of the changes that are coming forward. Yes, people got a notice in the mail saying a rezoning public hearing will happen in nine days but that doesn't really tell the whole story and I don't think there was a substantive engagement before these zoning changes were put forward. I have neighborhood organizations that received a letter and don't know what it means, don't know what to think of it and can't come up with a recommendation yet because they need a lot of understanding of zoning law first and that's not the type of stuff they deal with on a day to day basis. I don't think it's the fault of our neighborhood organizations. I think that they are committed to giving us feedback to the best of their ability in time and volunteer efforts. I think they have certainly been engaged in good faith and there's a lot more we could have done to break this down into manageable chunks rather than throwing this out across the city all at once. I hope the next two months give us time to do that.

President Motzenbecker: The motion before us is a two month postponement to December 14, it is then broken down into three chunks of comments per Commissioner Schiff's direction for study before CoW. All those in favor? Opposed?

The motion carried 5-0.

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
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(612) 673-2157 TDD

MEMORANDUM

DATE: December 29, 2009

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of December 14, 2009

The following actions were taken by the Planning Commission on December 14, 2009. 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 Motzenbecker, Bates, Gorecki, Huynh, Nordyke, Schiff and Tucker – 7

Not present: Cohen and Luepke-Pier (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

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13. Midtown Greenway Rezoning Study (Wards: 2, 6, 7, 8, 9, 10 and 13), (Amanda Arnold). This item was continued from the September 28, October 13 and October 26, 2009 meetings.

A. Text Amendment: Amending Chapter 521, Zoning Districts and Maps for the purpose of implementing the following adopted plans: The midtown Minneapolis Land Use and Development Plan, The Industrial Land Use and Employment Policy Plan, The Midtown Greenway Land Use and Development Plan, The Seward Longfellow Area Land Use and Predevelopment Study, The Uptown Small Area Plan and the Lyn-Lake Small Area Plan. The proposed rezoning affects primary and overlay zoning districts contained in Plates 18,23,24,25,26,27, and 28.

Action: The City Planning Commission recommended that the City Council find that obtaining consent signatures for the rezoning of properties from residential to commercial in the Midtown Greenway Rezoning Study Area would be impractical and further recommends that the City Council adopt the findings and **approve** the zoning map amendment with the following amendments:

1. Cedar Lake Townhomes, 3411-3449 St. Louis Ave, retain existing R1 zoning; deny staff recommendation of R5.
2. 2622 W Lake St, retain OR2 zoning; deny staff recommendation of R5.
3. 2915 Dean Parkway, retain existing R6 zoning; deny staff recommendation of R5.
4. 3016 and 3020 Fremont Ave S, retain existing R3; deny staff recommendation of R4.
5. For all properties located in the Central, Powderhorn Park, Midtown Phillips and East Phillips neighborhoods, properties that are recommended for rezoning from R2B zoning to R3 shall retain their R2B zoning.
6. The south end of the 2600 blocks of 29th and 30th Ave S (2633, 2634, 2636, 2637, 2640, 2641, 2644 29th Ave S, 2632 2636, 2642 30th Ave S, & 2912 27th St E); deny staff recommendation of R4 zoning and approve OR1 in its stead.
7. Doppler Gear, 2720 30th Ave. S., retain the I2 zoning and add the IL Overlay District; deny staff recommendation of R4.
8. 3145 Dean Court, retain R5 zoning; deny staff recommendation of R6.
9. 2800 block of Xerxes Ave S, 2800 through 2817 Xerxes Ave. S., both sides of the street, retain existing zoning (multiple zoning categories) and deny staff recommendation of R3.
10. Parking lot for Heart of the Beast, 2933 15th Ave. S., deny staff recommendation of R5 zoning; retain C1 and do not include the TP Overlay District.
11. 2900 through 2916 Bloomington Ave, deny staff recommendation of R5 zoning and retain R2B.

See the following link to specific addresses for all properties referenced above.

Staff Arnold presented the report.

Commissioner Tucker: I will add my words of thanks to the public for their many helpful comments as we went through this. This has been a long process and also my thanks to the staff which has been very diligent in recording the comments, evaluating them and putting them together and I think the commissioners have put in a lot of effort on this as well through three or

four meetings. What I did is I took it upon myself to come up with a scheme to handle this very complex process as simply as possible. W hat I'm suggesting is that when I'm done with this rundown I will move the staff recommendation and then allow for some amendments that have been suggested and then we can decide if we want to address them and then discuss them and vote on them. Based on staff analysis of public comment and also comment from commissioners at the last Committee of the Whole meeting, I put together this list which has 12 items. There is a thirteenth that Commissioner Huynh reminded me of and I know there are possibly others not covered here that Commissioner Schiff is interested in so I will go through these and let Commissioner Schiff introduce others that he may have. The first one is parcels called Cedar Lake Townhomes where it's existing R1, staff recommends R5 and other options suggested keeping the existing R1 or to rezone it to R3. I'm not going to do pros and cons on that if someone wants to move it then we'll get into pros and cons. The second set of parcels are just a single parcel 2622 Lake St, existing OR2, staff suggests R5, I think the owner would like to have it stay OR2. Group number three, 2915 Dean Parkway, an apartment house on the east side of Dean Parkway south of the greenway, existing R6, staff recommends R5, the owner would like to keep it R6. The fourth group are four properties on the northeast corner of 31st W and Holmes Ave S, currently OR1, staff recommends R5, the neighborhood would like R4. The fifth group is Hennepin between the Midtown Greenway and 28th St where the pedestrian overlay would be extended staff recommended extending it sort of halfway up the block and the neighborhood would like to see it go all the way up to 28th. Next group, all the R2B parcels on the west side of Hennepin Ave between 33rd and 36th St W, staff recommends them to be upzoned to R3, there is a suggestion that they be kept at R2B. The next group are 3016 and 3020 Fremont Ave S, existing R3, staff recommends R4, a suggestion that they stay at R3 along with the rest of the block. The next group is 3035, 3039, 3041, 3045 Bryant Ave S which is the northeast corner of Bryant and 31st Ave S, existing R4, staff recommends it remain at R4, the neighborhood suggests downzoning to R3. Next group is parcels immediately north of the greenway between Fremont and Aldrich, a long list of parcels, some R6, I2, I1, staff recommends going to R5, many neighbors thought R4 would be more appropriate. There are many parcels in the Central, Powderhorn Park, Midtown Phillips, East Phillips neighborhoods R2B properties, I1 properties, OR properties that the staff recommends be rezoned to R3 and many neighborhood advocates suggest keeping the existing zoning. The next group is the south end of the 2600 block of 29th Ave S currently I1, staff recommends R4, I think neighborhood suggested keeping the existing or rezone to C1 or OR1. A twelfth group is known as Empire Glass, currently I1, staff suggests I1 and overlaying an ILOD, other suggestions are that it is downzoned to R1A. There is a thirteenth known as Doppler Gear at 2720 30th Ave S currently zoned I2, staff recommends R4 but there have been suggestions that perhaps I2 and an ILOD would be appropriate. Other issues that came up were the suggested overlay for the greenway but at the Committee of the Whole meeting there was not support for introducing that so we did not carry that forward. Did you want to go through these one by one?

President Motzenbecker: Commissioner Schiff did you want to add any to the list at this point or you're ok with what we have?

Commissioner Schiff: Our motions are formatted differently. I've listed individual parcel addresses and he's described areas so it's hard at times to know what's included with Mr. Tucker's motion.

President Motzenbecker: We can handle yours separate so we don't confuse the issue.

Commissioner Tucker: I will move the staff recommendation (Nordyke seconded).

President Motzenbecker: At this time I would like to walk through the pieces Commissioner Tucker outlined and see if there are ones we want to discuss or are ok with just leaving the staff recommendation and that way we can kind of parse it for discussion. Item one, the Cedar Lake Townhomes, would that be something you'd like to discuss? We will discuss that. Number two we will discuss as well. Item three, Dean Parkway, we will discuss. Item four, the Holmes Ave, we will not discuss. Hennepin Ave, number five, extend the pedestrian overlay district. Number six, the R2B west side of Hennepin. Seven, Fremont Ave the two parcels we will discuss. Number eight, northeast corner of Bryant Ave S down R4. Nine, parcels immediately north of the greenway, the big swath, R6 I2, I1 rezone to R5. Also kind of similar for item 10, Central, Powderhorn, East Phillips, R2B, I1, OR to R3 we will not discuss. Item 11, south end of the 2600 block we will discuss. Empire Glass and Doppler Gear we will discuss. That is that and we will make sure to come to Commissioner Schiff's items as well. That leaves me with items one, two, three, seven, eleven, twelve, thirteen and whatever Commissioner Schiff has for discussion. That means that items four, five, six, eight, nine, ten will go forward with staff recommendation.

Commissioner Schiff: You said they will go forward with staff recommendation?

President Motzenbecker: Yes.

Commissioner Schiff: That's not what the motion is that Mr. Tucker made in writing.

President Motzenbecker: I thought Mr. Tucker moved staff recommendation for those items.

Commissioner Schiff: No.

Commissioner Tucker: I moved staff recommendation that we would deal with these amendments that we've chosen to talk about one by one and add those so we will now go through the amendments and vote them up or down and end up with a staff recommendation with some modifications based on the amendments.

Commissioner Schiff: Ok let me suggest this for process that we go through each of Mr. Tucker's motions individually.

President Motzenbecker: That's what we're doing.

Commissioner Tucker: As amendments.

Commissioner Schiff: I just want to make sure because you're pulling some of them out so I don't know if you're trying to fashion a consent agenda out of Mr. Tucker's motion.

President Motzenbecker: The intent from the beginning was that because we have gone through these kind of ad nauseam, we heard a lot of these already so if there was nobody really wanting to talk about them and they were fine with staff recommendation, we'd save the time and just discuss the ones we did want to talk about and send these forward as they were recommended.

Commissioner Tucker: If I could clarify, Commissioner Schiff, I don't think those items that were pulled out will be treated as a whole, they will be treated one by one because we don't know if the commissioners will approve or disapprove those amendments. We didn't want to talk about ones that nobody would even move.

Commissioner Schiff: Let's just have individual votes on each of these amendments to make sure that we all understand the intention.

President Motzenbecker: Item one, Cedar Lake Townhomes, would you like to keep staff recommendation which is R5 or consider changing that to keeping it R1 or rezoning it to R3, which were some of the other recommendations that were made?

Commissioner Schiff: I am going to move to deny staff recommendation and to remain with existing zoning for these properties at Cedar Lake Townhomes, which include 3301 St. Louis Ave and several parcels on St. Paul Ave - 3307 through 3325 as well as St. Louis Ave - 3331 through 3445 St. Louis Ave (Nordyke seconded).

President Motzenbecker: Moved and seconded for this amendment, further discussion? I'll add some of the discussion that went through in Committee of the Whole, there was some feeling that it didn't matter at this point because eventually it would be looked at again and it would probably be looked at for rezoning eventually anyway. There was also the statement made that as the Planning Commission, it's our duty and stewardship to uphold the Comprehensive Plan and the goals of that plan which, while R1 at the moment doesn't reconcile that, we felt that to be able to change the Cedar Lake Townhomes into a viable development, to be able to buy out every single one and to rezone that would be nearly impossible so changing it to R5 probably wouldn't hurt either. That was some of the discussion we had back and forth. We didn't think R3, that may or may not fit, we'd be interested in hearing more discussion there but that was some of the deliberations that occurred.

Commissioner Huynh: There was also additional comments on just laying the foundation for potential alternative modes of transportation such as the LRT or any kind of other mode of transportation that may utilize the greenway in a few years. Just to be able to rezone some areas along the greenway to be able to accommodate that for the Met Council or any kind of other means of travel that could come through to make it easier for that type of development to come through. That discussion also came through in addition to not having any kind of affect with R5 type of development density on these parcels.

Commissioner Tucker: I think a lot of discussion was what is the point of the rezoning. One of the things we're aiming at is to bring the zoning in line with all the small area plans and the policy adopted therein and the Comprehensive Plan. While it seems very unlikely that this particular set of properties would be reused in the higher R5 because of the ownership pattern there, I think some of us thought it would be good to follow the intent of the state law and get the zoning to fit the adopted policy.

Commissioner Bates: I'm of a mind to go with the rezoning to R3 because what I understood from staff recommendation or discussion at Committee of the Whole is that the current property as it is currently configured would require an R3 to be viable.

President Motzenbecker: At a minimum.

Staff Arnold: It's more correct to say that the development that is there now would not be able to be built under the R1A. I don't think that we did a thorough enough analysis to say that R3 is the most appropriate.

Commissioner Bates: What I understood is that maybe R3 is a compromise toward getting more density there to go along with the rezoning that would go along with the greenway and all of looking about future transportation and also captures some of the reality of where the people are at. I was actually looking to Council Member Schiff to see if R3 would be an appropriate compromise, or any of my fellow commissioners who are interested in having an R5.

Commissioner Schiff: If it's a motion I'll speak to it.

President Motzenbecker: We'll see if this motion carries or fails and if it does then we can look to a new motion. The motion on the floor is to deny staff recommendation and keep the existing R1 adding the parcels, I'm sorry Commissioner Schiff I didn't catch all of them, but the parcels as outline from your list on St. Paul Ave and St. Louis Ave.

Staff Mogush: If I may interject, as a resource, we do have that townhome development identified on your monitors in the cross-hatches and we have associated with that…and then following that we have a complete list of all the addresses associated with that development.

President Motzenbecker: Any further comments on this amendment? All those in favor? Opposed?

The motion carried 3-2. (Gorecki recused)

President Motzenbecker: So amendment number one, the commission has decided to keep R1 for now. On to amendment number two.

Commissioner Bates: Can we now move to say that we'd like the zoning for that property, the Cedar Lake Townhomes to be R3 instead of R1? I'd like to propose that amendment.

President Motzenbecker: Is there a second? No second.

Commissioner Huynh: For item two, just for full disclosure, a couple of years ago I did work on a design team that worked on a project on this site, however I have no more financial ties with the design team or previous developer, but I did want to speak to this property and also the next property. Item number two, 2622 Lake St and also number three is 2915 Dean Parkway. Item two, the existing zoning is OR2, staff is recommending R5 and the amendment for consideration is keeping it OR2. I'm not sure if all the commissioners have the packet from Committee of the Whole but there is a nice explanation that staff had prepared in terms of additional context options and there is a sentence brought out in terms of Lake Street as a commercial corridor and that pretty much brings me to support the amendment in terms of OR2 allowing a little more flexibility in terms of retail office space and just flexible options for that property versus just keeping it as R5, especially with it being buffered against the C3A zoning which I believe is the Calhoun Beach club to the west. I will move a motion to deny the staff recommendation of R5 and to support keeping it as is with an OR2 zoning district (Nordyke seconded).

Commissioner Tucker: I think this is an interesting property because it goes between Lake Street and the greenway so one could look at the property and decide if it pertains more to greenway functions…is that a commercial or community corridor? …and I agree with Commissioner Huynh that it should remain OR2 and allow for the commercial or mixed use.

President Motzenbecker: I also agree with Commissioner Huynh. I think Commissioner Tucker makes a good point, but OR obviously allows residential as well so you could design your parcel so you could have more residential focused on that side and stepped back and things to that nature with it being a commercial corridor and the activity that is next door I think the OR2 would work well. Any further comments? All those in favor of the motion on the floor to keep existing OR2 versus staff recommendation of R5? Opposed?

The motion carried 5-0 (Gorecki abstained)

President Motzenbecker: Amendment three, 2915 Dean Parkway, R6 to R5 recommendation and the amendment is to keep R6.

Commissioner Huynh: Similar to item number two, item number three is 2915 Dean Parkway and for the same reasons with it being on a commercial corridor and with the existing zoning being R6 and being adjacent to a C3A district, it'd seem more appropriate to have it be an R6 considering that the properties directly west of the Calhoun Beach Club are R6 both on the north and southern side of Dean Parkway are R6 to keep that consistent. I will move a motion to deny staff recommendation of R5 and move support to keep existing zoning district of R6 (Motzenbecker seconded).

President Motzenbecker: I also agree with that. It seemed strange to have R6 surrounding the Dean Parkway green space and then all of the sudden take one and put it to R5. Just for consistency, I agree with Commissioner Huynh and think it makes sense to keep it as R6. All those in favor of the amendment to keep R6? Opposed?

The motion carried 5-0 (Gorecki abstained)

President Motzenbecker: Item four, northeast corner of 31st St W and Holmes; exists as OR1, staff recommends R5, it could be considered to go to R4. Any comments? The address is 3029, 3033, 3037 and 3041 Holmes Ave S.

Commissioner Tucker: Just to note that those four addresses are in the activity area and that's why they are moved up from R4 to R5. I concur and think the commission does too.

President Motzenbecker: Ok, so those will remain staff recommendation in the larger motion of Commissioner Tucker. Item five, Hennepin between Midtown Greenway and 28th St W, extending pedestrian overlay district, staff recommendation was to extend the PO midblocks on both sides. It's going from what to what?

Staff Arnold: The heavy green boundary shows the existing pedestrian overlay; our proposed overlay was to come up here and match the activity center boundary, but it stops midblock and so the recommendation we received from the public was to carry that up to the intersection of Hennepin and 28th St.

President Motzenbecker: So then it would not match the boundary, it would be past the boundary.

Staff Arnold: Correct.

President Motzenbecker: Any comments on item five?

Commissioner Tucker: I won't move the amendment, I will leave it with staff recommendation because this was an instance of trying to align the policy of the activity center with the pedestrian overlay, leave it as is.

President Motzenbecker: So that item will stay as is. Item six, R2B on the west side of Hennepin between 33rd and 36th St W, existing zoning is R2B, staff recommends R3, amendment is to keep it R2B. Any comments? Those will stay staff recommendation. Item seven, 3016 Fremont Ave S, two parcels on the west side, exist as R3, staff recommends R4, it's requested to keep them as R3.

Commissioner Tucker: I would move the amendment to keep those two parcels R3. I understand staff was trying to align it with sort of a setback from Lake St, however, when you go to that block those are two parcels just south of an alley and it seemed to me that they belonged with the rest of the black face as R3 rather than separated by this other artificial line. The more natural line is the existing alley, that's why I move that they stay R3 (Motzenbecker seconded).

President Motzenbecker: All those in favor of amendment seven, keeping existing R3, denying the recommendation to move to R4? Opposed?

The motion carried 5-0.

President Motzenbecker: Item eight, 3035, 3041 and 3045 Bryant Ave S, exists as R4, staff recommends to keep it R4, there is other recommendations that think it should be R3. Any comments? That will go forward with staff recommendation. Item nine, multiple parcels immediately north of the greenway between Fremont and Aldrich, variously existing as R6, I2 and I1, staff recommendation to rezone all to R5, alternate consideration to rezone to R4. Do we have further discussion on these items? Seeing none, those will remain with staff recommendation of R5. Item 10, Central, Powderhorn, Phillips, there is some R2B, I1, OR1, staff recommends moving all to R3, amendments are to keep existing zoning. Comments on these?

Commissioner Schiff: I support this motion and think this is the majority of the comments we heard from neighborhoods and encourage people to vote for it. I really don't think that changing to R3 would have substantial impact on the density in the area, but it certainly would have had substantial impact on the quality of the housing and perhaps would have encouraged more rental and discouraged more homesteaded properties in the future.

President Motzenbecker: You'd have to make a motion to go the other way.

Commissioner Schiff: The motion written in front of me says to keep existing zoning so I will move to keep existing zoning at R2B for those properties (Nordyke seconded).

President Motzenbecker: Moved and seconded, any further discussion?

Staff Wittenberg: Perhaps staff can say if this is all under control or not, but if we can make sure that we have specific addresses that we're talking about or specific boundaries between streets and the Midtown Greenway and other streets so that moving forward we can accurately capture your recommendation.

Staff Mogush: A suggestion for the motion, the commissioner making the motion could use the list of properties that we provided that meets the criteria.

Commissioner Schiff: Let me try this, to move to deny all the staff recommended rezonings for R2B properties to R3.

Staff Mogush: If I could clarify, that motion would differ from what is in the staff report categorizing this issue which states that all properties recommended by staff to be zoned R3, Central, Powderhorn Park, Midtown Phillips and East Phillips, the distinction there would be that the way included it in the staff report in that chart, that would include some downzonings as well and I believe the way Commissioner Schiff just stated it, it was the intent to leave such properties that are already zoned higher than R3.

Commissioner Schiff: My motion is only about the zonings that are proposed to move from R2B to R3.

President Motzenbecker: Let me just clarify, the motion before us is in the neighborhoods in Central, Powderhorn Park, Midtown Phillips, East Phillips that all the properties zoned R2B to go to R3 would remain R2B, is that correct?

Commissioner Schiff: Yes.

Commissioner Tucker: I do think one of the major intents of this study was to intensify the use along the entire extent of the greenway and this is one bit of that moving up rather than having all new development occurring just a couple of blocks of a couple of sites, to spread it around. I think we're trying to move towards a slightly more intense urban neighborhood adjacent to the greenway. I oppose the amendment.

Commissioner Huynh: So all of the other districts with the I1 or I would be converted, you would support R3?

Commissioner Schiff: My motion doesn't address them at this point.

President Motzenbecker: Further discussion? All those in favor of the motion? Opposed?

The motion carried 4-1.

President Motzenbecker: All the R2B in item 10 will remain R2B and not go to R3. All the other properties, I1 and OR1 will go with staff recommendation. Item 11, 2622, 2634, 2636, 2637, 2640, 2641, 2644 29th Ave S and 2912 27th SE, the south end of the 2600 block of 29th Ave S, the existing is I1, staff recommends R4, the amendment for consideration is to keep the existing I1 or to rezone to C1 or OR1.

Commissioner Bates: I would like to move that those properties, as well as all the properties in that block, the R4 block, around 29th and 30th Ave that all of those properties remain as I1. The R4 would just be too much density on that side of the greenway. There are no other R4 zones on that side between Hiawatha and the river and there isn't any other of that movement in that neighborhood between that north of the greenway so I'd like to support the residents in their efforts to keep it I1. I think that can also work toward fulfilling some of the other efforts. It is transitional in the same way from the I1A to the I1 to the I2 and the I1 over in that area. I move to keep that block as I1.

President Motzenbecker: Do I have a second for that? I do not have a second. Do I have another motion for this item?

Commissioner Schiff: The motion I passed out comes from Council Member Gordon's office who spent a lot of time working with the neighborhood and listening to people and their feedback to the proposed R4 zoning. Similarly to the motion that Commissioner Bates just moved, this would not allow the type of density that R4 proposes, but it would still allow the businesses that do exist in this area or that are proposed in the future to exist in this area to mix with residential so the zoning parcel category that Council Member Gordon is recommending and that I concur with is OR1 for these parcels and they include 2634 29th, 2636 29th, 2640 29th, 2644 29th, 2632 30th, 2636 30th, 2912 27th and several properties on 29th Ave from 2912, 2641, 2637, 2633, and 2642 (Nordyke seconded).

President Motzenbecker: Any further discussion for changing from I1 to OR1?

Commissioner Huynh: I have a question for staff, what type of density does OR1 allow? Is that more low or medium? The adopted policy for land use is calling for medium density housing.

Staff Mogush: The density allowed in the OR1 district is in that medium density category. It's a little bit lower than R4, but it is medium.

President Motzenbecker: Motion before us is to deny staff recommendation to R4 and go from I1 to OR1, all those in favor? Opposed?

The motion carried 5-0.

President Motzenbecker: Item 12, Empire Glass, 3301, 3401, 3415 E 27th St, it is an I1, staff proposes I1 with an ILOD, amendments considering going to R1.

Commissioner Bates: I'd like to propose an amendment to have those properties go to R1.

Commissioner Tucker: RIA.

President Motzenbecker: Do I have a second for that motion? None, do I have another motion?

Commissioner Tucker: I think we can go with staff recommendation. This is a tricky site because of the desire to put a connection through it and it's a single parcel. The I1 with an ILOD leaves us with lots of flexibility to accomplish that. It could go either way, but I think the staff way probably works out better.

Commissioner Bates: The reason why I support this motion is because if you look at the map, it's R1A to the east of that property and to the west of that property it's I1 so to put the ILOD there it would introduce the possibility of different kinds of housing development and that sort of thing that would change the character of the neighborhood in a significant way and also because it's a large property it would be a really good potential for that. It breaks up the continuity of the zoning in that area, the residential zoning in that area to the east of it. I would hope that my fellow commissioners would see to make this very large property zoned an R1.

Commissioner Schiff: We've gotten lots of feedback from neighborhood representatives, people who live in the area, what feedback specifically did we receive from the owners of the Empire Glass building?

Staff Mogush: I don't recall offhand if we're received comments from the property owners there.

Staff Arnold: I can find that for you.

Commissioner Schiff: The uses currently at this site are consistent with what type of zoning?

Staff Mogush: Our analysis shows that they're currently conforming in the I1.

Commissioner Schiff: I concur with much of what Commissioner Bates said. I think keeping it as its existing zoning is the best way to go. I don't want to make the existing uses nonconforming and make it more difficult for them, but at the same time I don't see this as a growth corridor. It's not planned for future rail transit, moderate density housing will just lead to increased traffic and a nice middle course would be to keep it as it is.

Commissioner Tucker: The motion was to rezone it to R1 from I1…R1A.

President Motzenbecker: That motion did not get a second. It's staff recommendation from I1 to I1 with an ILOD.

Commissioner Schiff: My comments would be to speak against that and encourage the commission to keep it as it is today.

President Motzenbecker: I hear and understand both points of view. It's kind of a teeter-totter situation and it's surrounded on the west by I2 and multi-family I1. In some senses having an ILOD over this piece could help it be a transitional piece. We would have oversight with conditional use permits and other land use applications that came through if there was a larger development proposed for this that we could put conditions on and explore, but again, connecting 34th down to the greenway was a key piece of this. I think the ILOD would be fine, I don't think it would hurt any residential to the east and it would help blend with the industrial to the west.

Commissioner Huynh: I support what you had mentioned in your comments. I'd be supportive of leaving it as industrial, however, I think that with an ILOD it does help buffer the industrial uses to the single family or whatever uses may be on the east side with R1A just to help that transition between the division of the two zoning districts there.

President Motzenbecker: The recommendation, the amendment on the floor is staff recommendation I1 to I1 with an ILOD.

Commissioner Tucker: I think we need some clarification on that. I think Commissioner Schiff's motion is…

President Motzenbecker: He didn't make a motion.

Commissioner Schiff: Just encouraging people to vote no on this motion to allow the existing businesses to remain as conforming uses and not encourage the area for moderate level residential redevelopment.

Commissioner Tucker: So if we do nothing we will be accepting the staff recommendation.

Commissioner Schiff: Correct.

Commissioner Tucker: I won't make a motion then.

President Motzenbecker: Item 12 remains staff recommendation.

Commissioner Schiff: I'm confused by the wording of this. I will move to deny the staff recommended rezoning of the Empire Glass and for it to retain its existing zoning (Bates seconded).

President Motzenbecker: All those in favor? Opposed? We're tied there so we keep staff recommendation. Item 13, existing is I2, staff recommended R4, there is an amendment to consider I2 with an ILOD.

Commissioner Huynh: Rezoning it to an R4 was to encourage medium density housing, however, if you left it with I2 and just added the ILOD, it would still meet the adopted policies in terms of the direction but still allow the existing property to remain conforming with land use policies. I would just move support of the I2 with an ILOD and deny staff recommendation of R4. The address is 2720 30th Ave S (Nordyke seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 5-0.

Commissioner Schiff: I do have other motions from my colleagues who have been in touch with neighborhoods and have been tracking this process closely. I will note that Council Member Lilligren is working closely with Whittier neighborhood on further refinements. They may bring those forward by the time this comes to the council, but nothing was ready today. The additional changes that I'd like to move included parcels between Chowen Ave S, Chowen Place and St. Louis Ave S; 2915 Chowen, 2917 Chowen, 2921 Chowen, 3518 Chowen Place, and 3504-3506 St. Louis Ave. They are currently R1 and the recommendation is to rezone to R3 and similar to the situation we saw with the Cedar Lake Townhomes, recommend denial of the R3 (Nordyke second).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion failed 3-2.

Commissioner Schiff: Parcels on the corner of Drew Ave S and West Lake St, 2933 Drew Ave S, 2929 Drew and 2925 Drew Ave S are R2B, staff is recommending rezoning to R3, we might get a couple basement or attic units but we're not going to get substantial change here in these parcels (Nordyke seconded).

President Motzenbecker: Any further discussion? All those in favor of keeping R2B and denying staff of R3? Opposed?

The motion failed 3-2.

Commissioner Schiff: Dean Court, 3145 Dean Court, Calhoun Isles Association, currently R5 recommended to rezone to R6, recommendation from neighborhood and Council Member Lilligren's office is to retain the current zoning (Nordyke seconded).

President Motzenbecker: How would that work with staff plan and things like that? High enough density?

Staff Arnold: I think this is somewhat similar to the case with the Cedar Lake Townhomes. This is a development that's in old grain elevators so the redevelopment of the site is probably unlikely.

Staff Mogush: I believe the motion was to keep existing zoning and I think the text of the motion also included that the existing is R5, I want to point out that there is split zoning on this parcel so I'd need to clarify if the motion is to keep the existing zoning or if it's to rezone the entire parcel to R5.

Commissioner Schiff: Can you point out the split zoning?

Staff Arnold: You could just make a motion to keep the existing and that would solve the issue, correct?

Commissioner Schiff: We think so, but if you could just point out where the split zoning is because split zoning is generally not good for any property owner.

Staff Mogush: This is likely a database error, I'm not seeing any split zoning on this parcel according to the zoning map. We're fairly confident that that is an error in that, in fact, the existing zoning is R5 on the entire subject parcel.

President Motzenbecker: Commissioner Schiff's motion would then be to keep R5, to downzone from R6, any further discussion? All those in favor?

The motion carried 5-0.

Commissioner Schiff: The last one in this stretch is on Xerxes Ave, properties from 2800-2817 Xerxes Ave, both even and odd sides of the street north of 29th St (Nordyke seconded). These have various…

President Motzenbecker: Keep existing, deny R3.

Commissioner Schiff: The existing includes R4, R5 and R2B so this is ironically one of the downzonings recommended by staff.

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 5-0.
Commissioner Schiff: I have a question for staff, a parking lot that's currently heavily used right now north of Lake St near 15th Ave S; it's used by In the Heart of the Beast. Staff is recommending a rezoning of that parking lot to R5. Typically parking lots need to be zoned the same as their uses and this case the uses are commercial. What is the goal here of rezoning the parking lot to R5?

Staff Mogush: The policy guidance in the Midtown Greenway Land Use and Development plan showed high density housing with an urban oriented development intensity. I'd like to consult the overlay map. On the overlay map, you can see that on that parcel we're proposing the addition of the transitional parking overlay district to keep that parking lot conforming to serve those adjacent uses.

Commissioner Schiff: The only change I see then is potentially In the Heart of the Beast could sell it off for residential development if they wanted to.

Staff Mogush: Correct.

Commissioner Schiff: I don't see them doing that. It just strikes me as an odd thing. It's a heavily utilized parking lot that helps maintain the vibrancy of this commercial corridor and entering in the possibility that it could be redeveloped in the future just strikes me as odd so I would propose that we keep that as existing zoning.

President Motzenbecker: What's the address? It's C1 today and recommended as R5.

Commissioner Schiff: I know there were license issues at times where the parking must match the zoning of the use and I'm just worried that other business uses in the future may become ineligible for business licenses in the commercial properties if the parking doesn't match. I'm not aware of all the different possibilities here, but I'd rather not learn them over time (Nordyke seconded).

President Motzenbecker: So the motion is to keep C1, deny staff recommendation of R5 for the Heart of the Beast lot.

Commissioner Schiff: I would propose we keep the parking overlay as proposed by staff.

Staff Wittenberg: The overlay is actually only relevant if you were to go to a residence district. It becomes meaningless and contradictory…

President Motzenbecker: Moved and seconded, further discussion? All those in favor? Opposed?

The motion carried 5-0.

Commissioner Schiff: I believe one of the last changes is on Bloomington Ave and that is a series of parcels on the west side of the 2900 block of Bloomington Ave. There is a series of uses here including three rather grand, one might say potentially historic, properties that are either single family homes or duplexes and singling out these parcels for R5 would be unnecessary and would actually harm some of the nicer remaining buildings in this area. I don't know if Planning Commission members had time to drive by and look at these but some of them are in the process of restoration, others are pretty much as they were over 60 years ago and represent some stability on a corridor that isn't known to have a lot of it. These have been proposed to be rezoned from R2B to R5, my recommendation is to keep them as they are (Nordyke seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 5-0.

Commissioner Schiff: On the 2800 of Cedar Ave there is a new condominium that was built a couple years ago overlooking the Midtown Greenway, really some of the best housing investment we've had over the last several years in Phillips, staff is recommending downzoning that from R6 to R5, is that going to create nonconforming uses for any of the units in that building?

Staff Mogush: No, it will not. The staff interpretation of the zoning code on that issue is that as long as the use continues to be allowed and the use is multi-family there isn't an issue with nonconforming.

President Motzenbecker: Ok, so we have the motion to recommend and adopt staff recommendation for all parcels in the rezoning study with the following amendments:

- Cedar Lake Townhomes, keep the existing R1, deny staff recommendation to R5.
- 2622 Lake St, keep existing OR2, deny staff of R5.
- 2915 Dean Parkway, keep existing R6 and deny staff of R5.
- 3616, 3020 Fremont Ave S was to keep existing R3, deny staff of R4.
- Central, Powderhorn Park, Midtown Phillips and East Phillips properties, properties that are R2B are to remain R2B and deny staff recommendation of changing those to R3, all other properties remain staff recommendation.
- The south end of the 2600 block of 29th Ave S, deny staff recommendation of R4 and approve OR1 instead.
- Doppler Gear, the amendment is I2 with an ILOD in place of staff recommendation of R4.
- The Dean Court residential development area, recommendation was R6, deny R6 and remain R5.
- The 2800 block of Xerxes Ave S, the amendment would be to keep existing zoning which is a multiple of different zoning categories and deny staff recommendation of R3.
- Parking lot for Heart of the Beast which is to deny staff recommendation of R5 and keep C1.
- West side of Bloomington Ave, those couple of residential lots there, amendment to deny staff recommendation of R5 and keep R2B.

Commissioner Bates: For amendment 11, I just want to make sure we have the addresses that Commissioner Schiff provided and to recognize that it was to go to OR1.

Staff Mogush: What was left out of that verbal summary was the In the Heart of the Beast, not including the TP was the intent of the motion.

President Motzenbecker: Correct, thank you. With that, all those in favor of the motion with the approved amendments? Opposed?

The motion carried 5-0.