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April 5, 2006

Minneapolis City Council  
Zoning and Planning Committee  
City Hall 350 South Fifth St.  
Minneapolis, MN

Re: BZZ-2829 and BZZ 2830  
Grand Ave. Townhomes

APR | 5 2006

**By Hand Delivery**

To the City Planning Commission:

As you are aware, I filed an appeal on this matter. My duplex is across the alley from the proposed Grand Avenue development. My co-owner is Daniel Geheren. Because I cannot be personally present at the April 6 council meeting, I request that you receive this written submission of our position on this appeal.

### **Action Requested**

We request that the City Council withhold its ruling on this appeal until such time as a formal site plan has been developed which incorporates a plan for improvements to the alley and storm sewers which serve the proposed development.

It is my understanding that, at present, the plan is subject to resubmission for other reasons.

### **History of this Development**

1. We knew, by rumor and observation, as of last summer, that the three lots were on the market and had been sold. At one point, in approximately October of 2005, I contacted Norma Pietz of the Lyndale Neighborhood Association and asked her if LNA had any information about what was forthcoming. She said nothing had come to her attention and any development plans would be subject to review before anything was approved.

2. According to the Preliminary Development Review Report on file in the One Stop Office, the development plan was submitted on February 7, 2006 and reviewed at One Stop on February 15. In mid to late February, a notice was posted on the property of the March 6 Zoning and Planning commission meeting. Daniel Geheren and I attended that meeting, naively expecting that we would have a chance to review the plans and ask questions. We were unprepared for the matter to come to a vote

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within minutes of the 4:30 commencement of the meeting, which it did. We were surprised that your staff had reviewed the proposal and recommended for its approval.

Yes, I suppose we had the opportunity to "object" at this meeting, if any objection can be meaningful when there is no information available as to what one is objecting to.

3. After the meeting, I spoke with Norma Pietz, who stated that through an unusual set of circumstances, the developer had brought the plan before the LNA board on March 1, just days before March 6, and the LNA board had approved the plan. However, there had been no notice of this in the LNA newspaper, and no opportunity for neighbors to appear and review the plans or ask questions. She stated the developer would again appear before the full membership meeting of LNA on March 27. I pointed out that there is something wrong with a process whereby the adjoining property owners have no notice of the plan and no opportunity to be heard **before** the City Planning Commission votes to approve a plan, leaving no opportunity for input except by commencing an appeal.

4. After the March 6 meeting, I went to the Zoning and Planning offices and reviewed the plans. Jan Widemeier faxed a set to me, but the shrinkage made them very difficult to read. I passed on copies of the nearly illegible plans to various neighbors.

### Flooding Problems

5. After we began to review the plan, various concerns came to mind, including the density of the project in an already densely populated neighborhood, the inadequacy of only ten parking garages for units with 28 bedrooms (considering the existing problems with on-street parking), and the existing daily traffic back-ups on 36<sup>th</sup> Street at rush hour. I considered the effects of the drainage from the proposed garages into our old alley, which already floods and threatens our garage and back yard and Tom Butler's garage whenever there is a downpour.

6. I was referred to Paul Chellson of Public Works. After several emails and other communications, I finally received a substantive telephone call from him on late Monday, March 27. He stated the existing drain covers needed to be replaced with a newer model less susceptible to catching debris. He also agreed that given the placement of the drains and the slopes of the alley, a problem existed. He stated that the addition of another drain would alleviate the problem, together with a partial resurfacing of the alley to improve the flow. Also, he stated that there would be no assessments as a result of this, and that this work would be paid for from the Miscellaneous Storm Drain fund.

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7. On March 27, several neighbors and I appeared at the LNA meeting, as did the developer. When questions were raised about parking issues, the developer replied that if more parking spaces were necessary, the development would have to go four stories (rather than three) and might be built for twenty units rather than the planned ten.

We have concluded that the developer clearly has the upper hand, since he can apparently burden the neighborhood with even more density and vehicles, if he chooses to do so. We are left to try to live with the project as now proposed, but seek to avoid damage to adjoining property due to flooding of the alley.

8. I have inquired of Council Member Remington's office whether the City will in fact commit to improve the alley per Paul Chellson's statement, and that no assessments would result. Thus far, we have been advised that no such commitment will be received as a result of the Planning process.

We are left with word that our council member will "monitor" this. We can only hope that this means the necessary additional drain will be installed, the alley slope improved, and that we are not flooded with every heavy rain. And we can hope that we will not, in fact, be assessed for these alley improvements resulting from this permitted development.

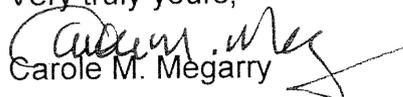
### Conclusion

This project should not be approved until the requisite storm sewer and alley infra-structure improvements are made a part of the formal site plan. The adjoining neighbors require assurance they will not be assessed for the costs of the alley improvements.

As to the other issues, I am not sure what we might reasonably have done that we did not do. I do believe that others, from the developer to LNA, might have made this a much more open process.

I regret that I am unable to appear personally on April 6, but obligations on my own calendar make that impossible. Other neighbors are unavailable either due to absence from the state, recent surgery, or business commitments.

Very truly yours,

  
Carole M. Megarry

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cc: Ralph Remington, Ward 10 City Council Member  
Norma Pietz, Lyndale Neighborhood Association  
Paul Chellson  
Daniel Geheren (3534 Pleasant Ave. So.)  
Tom Butler (3538 Pleasant Ave. So.)  
Anna Newcombe (3548 Pleasant Ave. So.)

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