

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

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MEMORANDUM

DATE: September 29, 2008

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 September 22, 2008

The following actions were taken by the Planning Commission on September 22, 2008. 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, Gorecki, Huynh, LaShomb, Luepke-Pier, Norkus-Crampton, Schiff, Tucker and Williams – 9

Not present: Nordyke

Committee Clerk: Lisa Baldwin (612) 673-3710

9. Nicollet Square (BZZ-4181, PL-231 and Vac-1550, Ward: 8), 3700 Nicollet Ave ([Hilary Dvorak](#)).

A. Conditional Use Permit: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a conditional use permit for a 42-unit supporting housing facility for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for a 42-unit supporting housing facility located at 3700 Nicollet Ave subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

B. Variance: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a variance to increase the number of residents in the facility from the maximum of 32 to 42 for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to increase the number of residents in the facility from the maximum of 32 to 42 located at 3700 Nicollet Avenue.

C. Variance: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a variance to reduce the front yard setback along Nicollet Ave from the established 42 feet to 3.5 feet for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the front yard setback along Nicollet Ave from the established 42 feet to 3.5 feet located at 3700 Nicollet Ave.

D. Variance: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a variance to reduce the front yard setback along 37th St W from the established 16 feet to 10 feet for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the front yard setback along W 37th St from the established 16 feet to 10 feet located at 3700 Nicollet Ave.

E. Variance: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a variance to reduce the off-street parking requirement from 35 spaces to 26 spaces for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the off-street parking requirement from 35 spaces to 26 spaces located at 3700 Nicollet Ave subject to the following conditions:

1. There shall be a minimum of 12 bicycle parking spaces located along Nicollet Ave.
2. There shall be an enclosed bicycle parking area for the residents located towards the back of the building.

F. Variance: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a variance to increase the size of one neighborhood serving retail sales and services use from the maximum 2,000 square feet to 2,535 square feet for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to increase the size of one neighborhood serving retail sales and services use from the maximum 2,000 square feet to 2,535 square feet located at 3700 Nicollet Ave subject to the following conditions:

1. The largest neighborhood serving retail sales and services space within the building shall not exceed 2,535 square feet.
2. If the 2,535 square foot space is utilized as a food and beverage use there shall be no more than 30 seats.

G. Variance: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a variance to increase the maximum permitted height of the wall signs from 14 feet to 16 feet for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to increase the maximum permitted height of the wall signs from 14 feet to 16 feet located at 3700 Nicollet Ave subject to the following condition:

1. All of the signs shall be limited to individual letters or elements and shall be either internally or externally illuminated.

H. Site Plan Review: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a site plan review for a new three-story, mixed-use building with three office/commercial spaces on the first floor for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for the property located at 3700 Nicollet Ave subject to the following conditions:

1. There shall be a minimum of 30 percent windows on the first floor of the building facing the on-site parking lot.
2. At least 30 percent of the window area in the commercial portions of the building facing the public streets shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of Section 530.120 of the zoning code.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by September 22, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
5. The proposed Honey Locust trees located in the right-of-way along Nicollet Ave shall be replaced with a different species of canopy trees.

I. Plat: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a preliminary plat for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission adopted the findings and **approved** the preliminary plat application for the property located at 3700 Nicollet Ave.

J. Vacation: Application by Kirk Moorhead, on behalf of Plymouth Church Neighborhood Foundation, for a vacation (Vac-1550) of the boulevard reserve along Nicollet Ave for the property located at 3700 Nicollet Ave.

Action: The City Planning Commission recommended that the City Council accept the findings and **approve** the application to vacate all that part of the Boulevard Reserve easement as dedicated in the plat of Park Addition to Minneapolis, being a 20.00 foot strip lying south of the north line of Lot 1 as extended east, and lying north of the south line of Lot 6 as extended east, all according to the plat of record at the Hennepin County Recorders office, Minneapolis, Minnesota.

Staff Dvorak presented the staff report.

Commissioner Norkus-Crampton: Do you know what the capacity is for the sheltered bike parking?

Staff Dvorak: The applicant has said that that there will be one bike space per unit so I would assume 42.

Commissioner LaShomb: Hilary, do you know how many supportive housing facilities there are within a half mile of this?

Staff Dvorak: A half mile? I didn't go past a quarter mile so I can't answer that question.

Commissioner LaShomb: Let's go quarter mile then. Are there any other facilities within a quarter mile?

Staff Dvorak: No.

Commissioner LaShomb: No application is being made here under the terms of the Fair Housing Act?

Staff Dvorak: That is correct. Reasonable accommodation is not being sought for this.

Commissioner LaShomb: That's because of the type of tenant? If they get a chance maybe they can tell me.

Staff Dvorak: Had they been located within a quarter mile of one of the uses that it has to be spaced from, then they would've needed to ask for that, but because they're not, they do not need reasonable accommodation.

Commissioner LaShomb: They're not asking for it, but it's possible that individuals who are in this facility would come under the standards of that that federal act.

Staff Dvorak: It's very possible, but it would be on a case by case basis. This population isn't, but individuals could be.

President Motzenbecker: I am going to open the public hearing. We are going to hear from the opposition and we're going to 15 minutes a side for this. What we're going to do is similar to last time. Each side has 15 minutes.

Kirsten Dunstan (3656 Nicollet Ave) [not on sign-in sheet]: Our property was not represented in any of the pictures that they gave to you and it's directly across the street from this building. We aren't opposed to the whole thing. We're not opposed to the idea of what they're trying to do. We're not opposed to building. We've lived across the street from a vacant building for three years so we're not opposed to that at all. What we're opposed to is the size. We don't feel that they actually presented enough information to us that they're ready to this. I have a background in working with children with these kinds of needs and they have not presented enough information to me that says they're ready. It is actually their first facility working with this age group; not their first facility with working with people, just this age group. I don't think they're quite ready for this size. We think that sticking with the original variance of 32 would be much better, and less of an impact on the community.

Paul Dunstan (3656 Nicollet Ave) [not on sign-in sheet]: From a variance standpoint we feel that PCNF has not provided sufficient proof that they're prepared to handle such a large facility. We recommend that you stay with the 32. Minneapolis is also currently beginning to realize the importance of maintaining and encouraging the incorporation of greenspace into development. This current variance for this site has 42 feet of greenspace in front of the building. It is much better for the environment and storm runoff if this variance is not reduced to the proposed three and a half feet. That is a large amount of currently green, grassy, porous space to allow these developers to cement over and cause more runoff into our sewers and lake systems.

Kirsten Dunstan: So really we're not asking for...we understand that what they're trying to do is pull it forward but they showed you pictures unfairly of the two corners that they agreed with, not all three. All three corners are set back, including the funeral home. We are all set back. We are one of the four corners. We're obviously not ever going to move our house forward that was a built a hundred years ago. What we're asking is that they compromise and set back. If what they really want is a coffee shop, people are going to want to sit in a green area, not cement. I have to tell you, after living there for 10 years, you're not going to want to sit in a front yard with buses going by, but it would be better if you had a tree to cover up some of the bus and air...right now the funeral home is well taken care of and is beautiful and what they're proposing is a red brick building for us to look at.

Paul Dunstan: That same variance argument could be used for the side street as well. Going from 16 to 10 feet. The proposed off-street parking variance is quite out of line for the sized dwelling they are developing. They continually talk about how the other buildings in the area do not have nearly the parking they are proposing, but those buildings were set back before the car was so heavily used. Obviously if those buildings were being built today we wouldn't recommend this minimal amount of off-street parking for them. A development of commercial space on this property is an unrealistic goal for PCNF. They have proposed that they will open a coffee shop on the corner of 37th and Nicollet, which would be a good idea, but we've had a couple of failed coffee shops within a two block radius of that vicinity in the last two and a half years.

Kirsten Dunstan: Right now there are two coffee shops within about a half mile that are thriving right now. If you open another one you're basically going to kill them because they're going to have subsidized workers in theirs. Our neighborhood community is going to suffer from that. If they don't open a coffee shop, we have an empty space across the street from our house. We have five within two blocks. With the greenspace, the vacation of the boulevard reserve; our neighborhood has worked really hard to bring this forward. I bought my house ten years ago. It was in foreclosure at the time. I brought it up from a boarded house to a point now where people stop me when I'm outside and say tell me that I did good work and made it look nice and being a part of the community. Then they come in and they want to tear down... it's great that they want to replace what is dilapidated, but what they're trying to do is then bring it all the way to the corner. It is a beautiful corner of green grass, old trees that have so far survived Elm disease and everything and here they are trying to move in and take that away and trying to tell us that they know how to make that better. It's a little frustrating that in all the meetings that we've had with the neighborhood, they have never stepped forward except to say they won't make it into this modern looking building but they haven't heard us at all when we said to set it back a little bit. All we're asking is a compromise in between 42 feet and three and a half. There has to be a compromise in there somewhere.

Jim Goodman (3629 Blaisdell Ave): We're not opposed to the development itself, but the size is a big deal. We attended all of the meetings that the Kingfield Neighborhood Association convened for the neighborhood to give their input and they were very well attended through some very cold months. Several occasions there were 80-90 neighbors in the room. There were lots of issues because it's a rather controversial project, but it comes down to the size again. When we challenged Plymouth Congregational on it, they said they could do a much bigger building. The only variance they said they required was the parking. They showed a slide of a much larger building showing the 63 units. It was horrifying and that took the wind out of our sails. I think people quit coming after that point because we thought it was a lost cause. I was very surprised to see that there was a variance needed to get to the 42 units. It's way out of scale with the neighborhood. It's a very large building; it's a half a block long, three stories high, mostly single-family residents, some apartment buildings in the neighborhood. I can't speak to the concerns about the program itself, I don't have that kind of background, but just suffice it to say that there remains significant neighborhood opposition, mainly to the size of this development.

Lee Blons: I'm the Executive Director of Plymouth Church Neighborhood Foundation representing Housing 115 Nicollet LLC, the owner of the property. We're asking for your approval of the conditional use permits, variances and site plan for Nicollet Square and we want to let you know that we're glad to comply with all the conditions recommended by staff. Our architect, Michelle Baltus Pribyl from Cermak Rhoades is here to answer any technical questions that you have, but given how late it is in the evening we won't make a technical presentation from here. Nicollet Square will be a wonderful new development at 3700 Nicollet Ave, which will provide housing, retail and office space in the Kingfield neighborhood. As mentioned, the housing will provide 42 studio apartments at modest rents. Our target population is young adults transitioning from homelessness or foster care. YouthLink, which is a very experienced agency in our community, is our selected social service partner to provide comprehensive onsite supportive services for the young people to help them become stable in their housing, employment and increase their education. As a part of the focus on employment, we plan to utilize one of the retail spaces for employment

opportunities for the residents to provide a first job experience. The other two office and retail spaces will be rented to neighborhood businesses. We're appreciative of the support of the Kingfield neighborhood association. We participated in a series of five community meetings to share information about the residents, the housing and the program. We understand the concerns about crime and property values that neighbors have expressed. As a landlord, we share the same concerns. Our development will add light and life to a quarter of a block that currently sits vacant. We have made a commitment that we will not be part of the problem; we will be part of the solution. We wish to publicly commend the Kingfield neighborhood association on one of the most planned and thoughtful processes which we've ever participated in. We made a number of compromises on the site plan and design. We completely changed the architectural design based on a neighborhood preference for a more traditional brick design. We added additional parking for the retail site. We also developed a community benefits agreement that's in your package that incorporates the commitments that we've made regarding the development, including an ongoing relationship with the neighborhood association. We believe that affordable and supportive housing can and should be built in all neighborhoods. I'd like the Planning Commission and the City Council to note that this supportive housing is located in a non-impacted neighborhood. Perhaps one of the most significant variances is the one that's not in front of you today. We are not asking for a variance of the quarter mile spacing ordinance because there are no other supportive housing facilities within that quarter mile of Nicollet Square. In regards to the question of reasonable accommodation under the Fair Housing Act, it depends. The variance request for 42 rather than 32 units potentially could become a request under the Fair Housing Act, but we didn't feel that that was necessary to approach it that way and hope that you will approve it today. You'll also hear from Westminster Presbyterian Church and we'd like to commend the commitment of Westminster and Plymouth churches that contributed the first \$350,000 that allowed us to take out the loan to buy the property. The committed leadership of these two churches that have spent almost two years researching and developing the concept for this wonderful project and who will continue to help us secure all of the necessary dollars to build and operate it. I'd also like to thank all the other congregations that are here tonight, for their support as we make our commitment to homeless youth. I know the Planning Commission is supposed to be about bricks and mortar, but I also know that you give your time because you care about the city, not just how it looks, but how it works for people who live here. I want to end with a short story about a young woman who I met last spring. She became homeless in her senior year in high school because her mother had become mentally troubled after a brain injury and would fall into horrible rages. As soon as she was on the streets, older men tried to prey on her. Fortunately, a Metro Transit bus driver took pity on her and let her ride the bus all night long so she would be safe. She was so ashamed of her situation that although she was going to high school, she didn't tell any of her teachers that she was homeless. After winning a spoken word contest and flying to New York City with other winners, she finally broke down and told an adult that when she got back to the Twin Cities she would be homeless again. They helped her get into a program like Nicollet Square will offer. She not only finished high school, she's been accepted into Augsburg this fall. One of her spoken word pieces was entitled *If Home is Where the Heart Is, I Must Be Heartless*. I don't think she's the heartless one. I hope we can show her and the 550 youth that are homeless tonight in our streets, that we have a large enough heart to care for our young people with compassion and dignity.

Commissioner LaShomb: How much square footage are these studio apartments going to have and are you going to have one person per unit?

Lee Blons: It's 380 square feet. As Hilary Dvorak shared, they have their own bathroom and their own kitchenettes so they're complete apartments for each person.

Tim Hart-Anderson (4753 Emerson Ave S) [not on sign-in sheet]: I'm a pastor at Westminster Presbyterian Church. I came in here with about 80 people to speak in favor of this proposed variance request. The good news is, I've been selected to speak on behalf of all of those people. The bad news is, I'm the most long winded of the bunch. Over 150 years ago, along the banks of the Mississippi, two Christian churches began, West Minister Presbyterian and Plymouth Congregational. Since those early days, a year before the establishment of the city and a year before the incorporation of the state into the union, these congregations have sought to build and develop and grow with the city and to seek the common good of all its residents. I'm here now standing in that historic tradition urging you to approve these variances set before you. Our two congregations are in strong support of Nicollet Square. As part of our sesquicentennial last year, we created an LLC called Housing 150. It seemed like a good time to attempt to launch into a project to create 150 units of affordable housing and this is part of that. This supportive housing will provide 42 units. I think of it as 42 neighbors. You've heard that our \$350,000 from these two congregations has leveraged now somewhere around \$6 million from other agencies and foundations already in support of this project. The downtown congregation includes some 30,000 in our worshipping communities. We are all together wanting to do our part to end homelessness and to nurture this community's young people. I would like to thank all those who came. We are proud of the county wide Heading Home Hennepin plan to end homelessness by 2016. As you know, that plan includes 360 new housing units for homeless youth and young adults. So far only 18 of those 360 housing units have been built. Nicollet Square will more than double that number. Why focus on youth and young adults? Every night in our county, some 500 youth are unaccompanied and on our streets. Every year another 200 youth age out of foster care with little or no support. Nationally nearly one quarter of those discharged from foster care end up homeless within a year. We aim to change that and we want you to join us by granting the variances proposed in our materials. Those of us representing our cities houses of worship are called by our consciences and by our religious traditions to respond to the critical need for affordable housing in Minneapolis. We are committed together to seek the welfare of the city and to share with other partners in ending homelessness. We are challenged by the Prophet Isaiah to be among those who repair the breach who restore the streets to live in. We are held accountable by our faith that asks us what we have done for the least of these our sisters and brothers. We are here today to expand the partnership beyond these two historic congregations, beyond the faith community represented here, beyond those agencies and foundations that have already declared their strong support for Nicollet Square. We are here to ask your support now; your partnership in moving Nicollet Square forward. Today is the first day of fall. One of the harvest Psalms of the Hebrew tradition, the poet speaks of the harvest as the season when the future is given back to the people. That is really what we hope to do with Nicollet Square; to give back to the young people, their future. Thank you.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: I'm going to support item A; I'll move it (Tucker seconded). My only comment would be that I've served on boards of residential treatment facilities on and off for about 30 years and 42 units in a building may seem big but it's really not. It's really a management issue about how you manage 42 people. I've served on facilities where we've

had over 50 people in the facility. You mix size and adolescents and it is a strange chemistry but the whole thing is management. I think given the track record of the applicants, I think they have a very clear understanding of what they're doing. I don't think 42 units is overly large. I think 42 people are manageable in the right circumstances.

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner LaShomb: I'll move B (Tucker seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I will move C through G (Huynh seconded).

Commissioner Gorecki: I am not comfortable with three and half feet along the front. It does seem pushed right to the very edge. It's not consistent with what we're doing on the other sides of the building with the 10 foot setback, going from 16 to 10. I'd like to keep it consistent. For item C, I'd like to establish a minimum of a 10 foot setback instead of three and a half feet.

Commissioner Schiff: Could you put up the site plan and just show if this would result in less parking spaces, narrow parking spaces or less units.

Staff Dvorak: If the building footprint didn't change, moving this back 10 feet we would lose those spaces.

Commissioner Schiff: Would that trigger a parking variance?

Staff Dvorak: A larger one than what they have now.

President Motzenbecker: It would also eliminate greenspace in the back.

Commissioner Gorecki: It would create greenspace in the front. That would be the idea. I'm open to interpretation of not losing any additional parking and not causing additional hardship in that requirement, but the building is just too close to the front setback.

Staff Dvorak: The face of the building is actually six; the bay windows are the three and half so there is a series of bay windows on the second and third floor. The front is at six, but we do measure to the most forward portion of the building. You've really got six feet. One thing that didn't come up in the site plan is that they are doing the green boulevard here and flip-flopping sidewalk for green boulevard now where you don't have that there along the front.

Commissioner Schiff: Can you clarify how much space they have for the boulevard and how wide the sidewalks are?

Staff Dvorak: We have a six foot green boulevard and a five foot sidewalk. In front of the residential you have a structured planting area and then in front of the residential entrance and the commercial you've got a decorative pavement material just given the foot traffic coming in and out. There will be boulevard trees.

Commissioner Schiff: When we get to site plan I'm going to recommend a six foot sidewalk and a five foot boulevard particularly on Nicollet. Six feet is really inadequate on a commercial corridor. It really needs to be eight feet on a street like this. On the parking stalls, are those SUV size or compact size right now?

Staff Dvorak: They are 18 by eight and a half so they are Beetle size.

Commissioner Schiff: So there's no room to save by making those smaller. Thank you.

Staff Dvorak: On the sidewalk issues, we had this discussion because there was no green boulevard. The sidewalk was all the way to the curb line and then they had greenspace between the residential portion and we had the discussion at PDR to flip that to put the green boulevard on the curb and then the Sidewalk Department wants a six foot wide sidewalk. I apologize; they're both six feet it looks like. They are both six feet. Green boulevard and sidewalk are both six.

President Motzenbecker: Just for clarification, from building face to back of curb there is 18 feet total and there is six feet from the sidewalk to the front of the building. Realizing that it is maybe a little tight to the property line, I think having been in this area and worked in this area quite a bit, I was very aware and worked on this site for some time and it's very hard in wanting to get this node to be much more of an urban edge. I think pushing that back is not going to serve that well. I think it needs to have that active space. I'm not sure what is best served by moving it back to ten feet or four more feet I guess. I'm not seeing the larger benefit of just four feet along that façade.

Commissioner Huynh: I second your comments. You can see really good precedence with other coffee shops that are south of the site that the urban street wall is actually created by the street front and whether or not you have four feet of greenspace or six feet doesn't really determine the uses that occur out on the site. It is an urban site, you're going to have buses and cars and people, but that's part of the urban neighborhood environment is that you're active. I don't see any benefit from increasing it from the front, especially when it is taking parking stalls and greenspace from the area behind the building that could service the development and be a little more beneficial than having four additional feet of greenspace in front of the building that needs more maintenance and not as much use.

President Motzenbecker: Further discussion? All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I'll move the staff recommendation on the site plan review with its four conditions (Huynh seconded).

Commissioner Schiff: I want to clarify with Ms. Dvorak, are the trees in grates?

Staff Dvorak: It's all green boulevard, no grates.

Commissioner Schiff: Is there a reason why we wouldn't want seven foot sidewalks? Sticking a sidewalk café on a six foot sidewalk really doesn't leave you much space. Can we do a five foot boulevard, which is the recommended minimum width from the Park Board?

Staff Dvorak: There is 12 feet of pavement and then the six feet of green.

Commissioner Schiff: I'll leave it as is, thank you.

President Motzenbecker: I'd actually like to add a condition that the boulevard trees...work with staff to get another species than the Honey Locust. I'd like to see some more canopy and shade trees there, especially with the uses that are going in. Honey Locust are great trees but they take a long time to leaf out and they don't have a lot of shade there. I would add that just for the boulevard, the seven trees along the boulevard (Schiff seconded). All those in favor? Opposed?

The motion to add the condition passed 8-0.

Commissioner Norkus-Crampton: I know how controversial these projects can be coming into a community. The work that has gone into this and working all this stuff out, it's impressive to me...most of the comments I'm hearing here, I think there have been some concerns about the use and what this might be doing to the community overall as far as bringing different kinds of people into the community, but I think there's been a sincere effort to try to be welcoming to different types of uses. I think mostly the concerns I heard were about character and scale and size and all those kinds of things that would be concerns that anybody would have anywhere. I hope that it's appreciated what this community has been agreeing to absorb and I just want to say hats off to them and I hope that this project is an additive to the area and really is a plus. We're counting on you guys to run it well. Thank you.

President Motzenbecker: All those in favor of the site plan review with the added condition for boulevard trees? Opposed?

The motion carried 8-0.

Commissioner Tucker: I will move the plat and the vacation of a boulevard reserve (Huynh seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

10. Campus Crossroads (BZZ-4187, Ward: 2), 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE ([Becca Farrar](#)).

A. Rezoning: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a petition to rezone the subject parcels from the C1

(Neighborhood Commercial) and C2 (Neighborhood Corridor Commercial) districts to the C3A (Community Activity Center) district for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE to the C3A district.

B. Conditional Use Permit: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a conditional use permit to allow 177 residential dwelling units for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 177 dwelling units on the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

C. Conditional Use Permit: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a conditional use permit to allow an increase in the maximum allowable height from 4 stories or 56 feet to 9 stories or 95 feet for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow an increase in height to 9 stories or 95 feet for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

D. Variance: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a variance to allow an increase in the maximum allowable floor area ratio (FAR) to 5.62 for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to allow an increase in the maximum allowable floor area ratio (FAR) to 5.62 for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

E. Variance: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a variance to allow a reduction in the minimum lot area per

dwelling unit from approximately 291 square feet per dwelling unit to 271 square feet per dwelling unit, or a variance of approximately 7% for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to allow a reduction in the minimum lot area per dwelling unit from approximately 291 square feet per dwelling unit to 271 square feet per dwelling unit, or a variance of approximately 7% for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

F. Variance: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a variance to allow an increase in the maximum allowable retail space for one use from 8,000 square feet to 14,801 square feet for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to allow an increase in the maximum allowable retail space for one use from 8,000 square feet to 14,801 square feet for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE subject to the following conditions:

1. The ground floor tenant space identified as a pharmacy on submitted floor plans shall have a minimum of 50% transparent windows that are evenly distributed on the north elevation of the structure facing Washington Ave SE.
2. The ground floor east facing building elevation adjacent to the Ontario St SE frontage shall provide the 40% minimum window requirement as well as evenly distributed windows.
3. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.

G. Variance: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a variance to reduce the off-street commercial parking requirement to zero for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the off-street commercial parking requirement from 47 to zero for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE subject to the following condition:

1. A minimum of four bike racks that accommodate four spaces shall be provided.

H. Variance: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a variance of the Pedestrian Oriented (PO) Overlay District standards for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the Pedestrian Oriented (PO) Overlay District standards relating to building placement along Washington Ave SE and width of a singular curb cut to 22 feet for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

I. Variance: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a variance to reduce the required interior side yards along the north and west property lines adjacent to the existing commercial building located on the northwest corner of the site for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the required interior side yards along the north and west property lines adjacent to the existing commercial building located on the northwest corner of the site to 10 feet, 3 inches at the closest point adjacent to the west property line and to 11 feet, 3 inches at the closest point on the north property line for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

J. Variance: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a variance to reduce the required interior side yard along the south property line adjacent to the driveway/surface parking spaces for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the required interior side yard along the south property line adjacent to the driveway/surface parking spaces to 7 feet, 1 inch at the closest point for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

K. Variance: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a variance to reduce a one-way drive aisle width from 20 feet to 16 feet for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce a one-way drive aisle width from 20 feet to 16 feet for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

L. Site Plan Review: Application by Faegre & Benson on behalf of Opus Northwest, LLC and Opus NWR Development, LLC for a site plan review for a 9-story, mixed-use development with 177 dwelling units and approximately 27,000 square feet of ground level commercial space for the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St SE.

Action: The City Planning Commission **approved** the site plan review application for a mixed-use development with 177 residential dwelling units and approximately 27,000 square feet of ground level commercial on the properties located at 810, 814 and 818 Washington Ave SE, 307, 309 and 313 Oak St SE, 312 Ontario St subject to the following conditions:

1. All site improvements shall be completed by October 24, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.

3. The ground floor tenant space identified as a pharmacy on submitted floor plans shall have a minimum of 50% transparent windows that are evenly distributed on the north elevation of the structure facing Washington Ave SE.
4. The ground floor east facing building elevation adjacent to the Ontario St SE frontage shall provide the 40% minimum window requirement as well as evenly distributed windows.
5. No shelving, signage, merchandise, newspaper racks or other mechanisms shall be placed in front of the required ground level transparent windows.
6. The applicant shall work with the adjacent property owner on the northwest corner of the lot to design/agree upon a fencing mechanism to prevent potential hiding places between the existing and proposed building walls.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the staff recommendations for the consent agenda (Huynh seconded).

The motion carried 6-0 (Tucker and Huynh recused).