

**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
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: October 31, 2007

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 29, 2007

The following actions were taken by the Planning Commission on October 29, 2007. 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, El-Hindi, Huynh, LaShomb, Mains, Nordyke, Norkus-Crampton, Schiff and Tucker – 9

Not present: Williams (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

1. John Wolf (Vac-1496, Ward: 8), (Jim Voll).

A. Vacation: Application by John Wolf to vacate part of the north-south alley lying south of Lake St and running parallel to and between Chicago and Elliot Aves S.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the vacation, subject to retention of easements by Xcel Energy and Qwest.

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 recommendation (Nordyke seconded).

The motion carried 7-0 (Schiff not present for the vote).

4. “Delisi’s” Building Parking Lot (BZZ-3801, Ward: 5), 2310-2312 Penn Ave N (Janelle Widmeier).

A. Rezoning: Application by Mary Armstrong, on behalf of The Ackerberg Group, for a rezoning to add the TP Transitional Parking Overlay District to the R4 Multiple-Family District for the properties located at 2310-2312 Penn Ave N.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the properties of 2310 and 2312 Penn Ave N to add the TP Transitional Parking Overlay District.

B. Conditional Use Permit: Application by Mary Armstrong, on behalf of The Ackerberg Group, for a conditional use permit to allow the parking lot located at 2310-2312 Penn Ave N.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a surface parking lot for the properties located at 2310 and 2312 Penn Ave N, 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. Closing of the parking lot between the hours of 10:00 p.m. and 6:00 a.m. shall not be required. However, a secured gate or other appropriate mechanism shall be provided at the entrance to have the ability to close off the parking lot if problems arise. The applicant is encouraged to post the hours the parking lot is open to the public at the entrance.

C. Variance: Application by Mary Armstrong, on behalf of The Ackerberg Group, for variances of the TP overlay district standards requiring that the parking lot abut the property being served and that the parking lot not exceed 75 feet in width located at 2310-2312 Penn Ave N.

Action: The City Planning Commission adopted the findings and **approved** the application for variances to reduce the front yard requirement along Penn Ave and the interior side yard and rear yard adjacent to the alley to allow the parking lot, bike racks, walkway and a trash enclosure for the properties located at 2310 and 2312 Penn Ave N.

D. Variance: Application by Mary Armstrong, on behalf of The Ackerberg Group, for variances to reduce the front yard requirement along Penn Ave and the interior side yard and rear yard adjacent to the alley to allow the parking lot and a trash enclosure located at 2310-2312 Penn Ave N.

Action: The City Planning Commission adopted the findings and **approved** the application for variances of the TP overlay district standards requiring that the parking lot abut the property being served and that the parking lot not exceed 75 feet in width for the properties located at 2310 and 2312 Penn Ave N.

E. Site Plan Review: Application by Mary Armstrong, on behalf of The Ackerberg Group, for a site plan review of property located at 2310-2312 Penn Ave N.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a parking lot with 23 spaces for the properties located at 2310 and 2312 Penn Ave N, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 7, 2008, or the permit may be revoked for non-compliance.
3. A fence between 3 and 4 feet in height shall be provided along the alley to comply with CPTED principals as required by section 530.260 of the zoning code.
4. The parking space at the far, east end of the parking lot shall be designated and signed as a compact only space in order to comply with Table-541-4 of the zoning code.
5. To deter graffiti, the trash enclosure shall not be constructed of plain-face concrete block and the applicant is encouraged to apply a paraffin wax or other substance that removes graffiti more easily.

Staff did not present a report since the item was pulled off for a Commissioner question.

Commissioner Norkus-Crampton: Generally, I support this development and I support of the parking lot. My only concern is a few things in the staff report stating that one of the goals of the plan in requiring the transition...the TP overlay, talking about parking lots on that overlay district are subject to standards that are intended to minimize the impact of nonresidential parking lots on surrounding properties. From the staff report, there wasn't a police report that was included, but you guys did state that there were some nefarious activities that were happening in that parking lot. There was mention that one of the requirements was to encourage the use to build in a gate mechanism but not necessarily to use it unless it becomes necessary. I guess I'm trying to understand if there is a history of problems in that parking lot, why wouldn't we just automatically just make it open or some kind of thing that we could make it open to people who are actually using the building, but not necessarily open to the public at all hours of the night if there is a history of problems at this parking lot. I guess I'd like more of a definition of what

nefarious activities are; what exactly we're talking about. If we're going to move forward in that way, who would monitor it and how would we decide when to use that gate?

Staff Widmeier: The site is currently...it has a parking area on it. I'm not sure who is using the parking area for parking right now. It doesn't seem to have a real sense of ownership right there so hopefully with the rehabilitation of the Delisi's Building, there will be employees frequently using that parking lot and they'll comply with the screening and landscaping requirements of site plan review so it won't just look like an open piece of land. As to the types of activities that are currently occurring there, I don't have details on that, but I did speak with the safety officer about this parcel. She just said that in the past it has occurred there. The parking lot proposal does include a lot of CPTED elements such as lighting and the landscaping that I mentioned. It would all comply with those guidelines. As far as the hours of operation that are being requested to be waived through the conditional use permit, staff thinks that with the use of this building it should be less likely of a problem but just in case it does become a problem, the owner of the building could work with the police to determine when the parking lot should be gated off if it should be gated off.

Commissioner Norkus-Crampton: As a follow-up question, I was looking on the preliminary development review report and the police safety recommendation was to close off the driveway access after hours and then recommend a lower fence for visibility. I did notice that the parking lot is actually behind a building facing Broadway so it's visible on Penn but it is not visible from Broadway, which is technically a busier street. It sounds like the police sort of hand some concerns along those lines too and I was just trying to understand why we have a recommendation. What's the purpose of extending the hours overnight?

Staff Widmeier: One of the tenants that's proposing to go into the building is a radio station and they operate 24 hours a day. They have employees there 24 hours a day. It's the request of the applicant to have that open for those employees. I can let the applicant explain more if you need more reasoning.

Commissioner Norkus-Crampton: Just a question for my information, I know there is some parking where it's private parking where people have passes or whatever to be able to get into a gate so you could restrict the parking to employees but not have it open for other nefarious activities. Is there a reason that that couldn't be considered for this particular site?

Staff Widmeier: We left it open to what kind of gating system could be installed here. I don't know if the applicant has an opinion on that but they could share that with you.

President Motzenbecker opened the public hearing.

President Motzenbecker closed the public hearing.

Commissioner Huynh: I'd like to recuse myself from this item. The applicant is a client although the design firm that I am associated with did not work on the project.

Commissioner Norkus-Crampton: When I look at this property and I look at the police recommendations, it sounds like there have been some problems there before. If you look at the map of how close residential properties are to this parking lot, there are residential properties across the street and directly next door. I hate to set up a situation where we're sort of asking for

trouble. It's nice that the curb cuts have been minimized so there's just one curb cut going into the parking lot, but it is hidden from Broadway behind another commercial building. I don't know who would be monitoring the parking lot, who would decide that it's not working, how we would go forward from there. I don't have anything against any of the project except I would say that we deny the condition use permit asking for the lot to be closed...asking for the hours to be extended 24 hours as opposed to just keeping it the normal hours from...keeping it closed from 10pm to 6am. We've certainly heard from other neighbors and other people in this area that the parking lots on the 24 hour businesses just tend to be a problem. It seems to me that there could be a system of a gate where there could be passes for employees to come in and out that wouldn't be such a potential detriment to the neighborhood. I hate to kind of land a situation in their laps that they're going to have to deal with later and I'm not quite sure who is accountable and how this process would move forward. That would be my motion.

Commissioner Tucker: I just had a question of Commissioner Norkus-Crampton; did you want to deny the CUP or add a condition?

Commissioner Norkus-Crampton: I have no problem with a conditional use permit to allow a surface parking lot for the properties located at 2310 and 2312; I guess I would deny the condition saying that the closing of the parking between the hours of 10pm and 6am shall not be required.

President Motzenbecker: So do you just want to change that condition to say "shall" instead of "shall not"?

Commissioner Norkus-Crampton: Exactly. I think that that, again, we're doing a conditional use permit to allow a more expanded use of the parking lot. We know we're kind of stretching that a little bit and I don't have a problem with that. I think this is a good development. I think this could be an asset to the community. I think the 24 hour parking lot could be a down side.

President Motzenbecker: I think we should take care of the rezoning first.

Commissioner El-Hindi: This question is for Janelle. Currently, the parking from the pictures, there's no screening, no landscaping and no lighting at all.

Staff Widmeier: Right.

Commissioner El-Hindi: With the new lighting configuration and the screening, would the lighting be on all night because they're asking for... or at least the hours of the night?

Staff Widmeier: They didn't specify if that was proposed or not proposed. I'm assuming that they are proposing to keep the lighting on. The lighting plan complies with the lighting requirements of the zoning code. There's not a zoning code requirement to turn them off after a certain time of night.

Commissioner El-Hindi: As I understand, the main key here is that those employees work 24 hours in this radio station, that's why the application is in front of us. If we denied them the extended hours, basically I think that would really affect their business as I understand. Is that correct?

Staff Widmeier: That's my understanding. It would affect the employees who work for that radio station. The radio station isn't open to the public during those hours, just to the employees.

Commissioner Norkus-Crampton: I guess what I'm suggesting is that it is gated during those times, not that it's closed. That it's gated so it's not open to the general public. I'm assuming, because I've seen other parking lots operate this way, that people have passes so they can get into the gate. We'll be limiting the access to the employees and the people who have business there and eliminate the potential problem of people who don't belong there that might be carrying on some nefarious activities. That would be my amendment on there.

Commissioner Mains: I'm concerned about the solution of having it gated with cards because this is a community radio station and I'm not sure that everyone who would be working there are necessarily employees. It causes another level of confusion for a community radio station to do that. I'm a little concerned about that in this specific case since we're dealing with a nonprofit organization that deals with volunteers.

Commissioner Nordyke: I like the idea that there be some mechanism. I'm a little curious about the wording here that we put down originally which is to require this gate, the ability to close off the parking lot if problems arise. I assume that that would be at the sole interpretation of the property owner when he wants to shut the gate and when he doesn't want to? Would it be possible for us to require that the gate be shut at midnight until 6am and only accessible with a swipe card? There's a restaurant there? So how did we imagine that a gated parking lot was going to work to support the restaurant? The restaurant is closed at 10pm, is that the deal?

Staff Widmeier: There's not currently a restaurant there. The building is vacant right now. It's proposed to be redeveloped and there is a chance a restaurant could go in there so potentially this could also affect other future tenants.

Commissioner Nordyke: I'm going to speak against the current motion that's on the table. I do like where Commission Norkus-Crampton is going with regard to providing a secure gate there for a certain period of time. I think 10pm is too early; maybe it should be just from midnight until 6am. My suspicion is that this is operated like any other radio station. There's probably one, maybe two, people there from midnight until 6am. If they do secure a restaurant that's open past midnight then they come back and we can talk about it again. When we get to the point of making a motion, I'd be happy to do that and I'll wait until we get through the zoning piece.

Commissioner LaShomb: I'll move the rezoning (Motzenbecker seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 6-0, 1 abstention (Schiff not present for the vote).

Commissioner LaShomb: I'm going to move the conditional use permit and I'm going to move it as it is presently written and if people want to make amendments I'm not going to support them because I think the situation, basically, is that the reason you've had nefarious activities there is because it's been an empty building and probably an unsupervised parking lot. Now you're going to have a building where you're conceivably going to have a radio station, a restaurant and I forgot what else was in here. I also remember reading in the packet that the city is involved in this project so the city can't exercise some leverage on police security up there. I don't know

who can. I think what this language basically says is that the parking lot is going to have a gate and that the people who manage the building are going to decide whether there are incidences there and if there are incidents there, I suspect that the city and the police department are going to lean on them to do something with the gate. If you put a restaurant in here and then you try to put up a gate, it's really going to be a problem. I think the basic problem with the nefarious events, if you will, is that it's been an unused piece of property which the city is now participating in the development of the property and so the parking lot is going to get a higher degree of supervision. I would assume they're going to have lights in this parking lot, probably a good deal of the night because they will have employees who are coming and going, but to try and squeak this thing in a way that you think you're going to provide a higher degree of security, that's an issue for the alderman in that district and the police department, not an issue for the Planning Commission. For that reason I would oppose any amendments to this language. I think the language is pretty clear. If there's a problem, a gate will be used to control the problem (Mains seconded).

Commissioner Nordyke: I think Commissioner LaShomb is right. This is an extremely respectable developer. They have a great track record. Trying to anticipate on our part what's going on up there or could happen, probably isn't very effective and I have every bit of faith that if something goes wrong they will deal with it. I'm going to speak in favor of the motion as it is.

Commissioner Norkus-Crampton: I just wanted to add one thing to what's been said here. That is, in the preliminary development review, which was assessing potential problems and issues of this development as it was moving forward, did state that from a police safety standpoint they thought it would be best to close off driveway access and I'm assuming that means to the public other than employees, after hours and then recommended a three foot fence along the alley which was a little lower than the three to four foot. I'm assuming that this is dealing, because of the nefarious activities that were mentioned before and to increase the visibility of the area after hours. I think it's perfectly appropriate to have a larger parking lot than what would normally be allowed to accommodate this development. I think it's a good development. My only concern is that I want to make sure that if there's a history of problems on this site and our responsibility in citing these kinds of parking lots is, quoting the city's code, is to "minimize the impact of non-residential parking lots on the surrounding properties" and we do have residential properties surrounding this and there is a history of problems that the police don't seem to think this will end with the businesses being filled and I'm just concerned about the 24 hours access. I would prefer that they close from 12pm to 6am, that would certainly be reasonable for any restaurant as well. Most restaurants won't be going past midnight anyway. I will be voting against this motion.

President Motzenbecker: All those in favor of the CUP as it stands? Opposed?

The motion carried 5-1, 1 abstention (Schiff not present for the vote).

Commissioner LaShomb: I will move C, D and the site plan (Mains seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 6-0, 1 abstention (Schiff not present for the vote).

7. Olin 4, LLC (BZZ-3757, PL-219 and Vac-1534, Ward: 12), 5310-5334 Minnehaha Ave and 5329 48th Ave S (Janelle Widmeier). This item was continued from the October 1, 2007 meeting.

A. Rezoning: Application by David Crockett, on behalf of Olin 4, LLC, for a rezoning from C1 and R1A to OR2 for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the properties of 5310-5334 Minnehaha Ave and 5329 48th Ave S from the C1 District and R1A District to the OR2 District.

B. Conditional Use Permit: Application by David Crockett, on behalf of Olin 4, LLC, for a conditional use permit to allow a multi-family dwelling with 83 units for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 83 dwelling units for the properties located at 5310-5334 Minnehaha Ave and 5329 48th Ave S, 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. Variance: Application by David Crockett, on behalf of Olin 4, LLC, for a variance to reduce the minimum lot size requirement for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum lot area requirement by 9.7 percent for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Ave S.

D. Variance: Application by David Crockett, on behalf of Olin 4, LLC, for variances to reduce the established front yard requirement along 48th Ave to allow the building and stairs and landings that extend more than four feet above the adjoining natural grade for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for variances to reduce the established front yard requirement along 48th Ave from 20 feet to 6 feet to allow the building and to reduce the front yard requirement to allow a patio area, and stairs and landings that extend more four feet above the adjoining natural grade for the properties located at 5310-5334 Minnehaha Ave and 5329 48th Ave S.

E. Variance: Application by David Crockett, on behalf of Olin 4, LLC, for variances to reduce the front yard requirement along Minnehaha Ave to allow the building, balconies, and stairs and landings that extend more four feet above the adjoining natural grade for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for variances to reduce the established front yard requirement along Minnehaha Ave from 17 feet to 4 feet to allow the building and balconies, and to reduce the front yard requirement to

allow stairs and landings that extend more four feet above the adjoining natural grade for the properties located at 5310-5334 Minnehaha Ave and 5329 48th Ave S.

F. Variance: Application by David Crockett, on behalf of Olin 4, LLC, for a variance to reduce the interior side yard requirement adjacent to the alley to allow the building located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement adjacent to the alley from 11 feet to 8.5 feet to allow the building for the properties located at 5310-5334 Minnehaha Ave and 5329 48th Ave S.

G. Variance: Application by David Crockett, on behalf of Olin 4, LLC, for a variance to reduce the rear yard requirement adjacent to the alley to allow the parking garage for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the rear yard requirement adjacent to the alley from 11 feet to 4 feet to allow the parking garage for the properties located at 5310-5334 Minnehaha Ave and 5329 48th Ave S.

H. Variance: Application by David Crockett, on behalf of Olin 4, LLC, for a variance to increase the maximum building lot coverage for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum building lot coverage from 70 percent to 77.9 percent for the properties located at 5310-5334 Minnehaha Ave and 5329 48th Ave S.

I. Site Plan Review: Application by David Crockett, on behalf of Olin 4, LLC, for a site plan review for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a multi-family dwelling with 83 units for the properties located at 5310-5334 Minnehaha Ave and 5329 48th Ave S, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 7, 2008, or the permit may be revoked for non-compliance.
3. At least two of the first floor units of the first phase facing Minnehaha Ave shall have entrances and stairs connecting to the public sidewalk in addition to those already proposed for the rest of the development as required by section 530.110 of the zoning code.
4. Proper low level lighting shall be provided in the courtyard area as required by section 530.260 of the zoning code.
5. In the area south of the building and east of the alley, the primary ground cover shall be sod where trees, shrubs or perennials are not proposed as required as an alternative compliance measure for section 530.160 of the zoning code.

6. The height of fences shall comply with the requirements of section 535.420 of the zoning code.
7. Applicant shall work with staff to provide a wider and more gradual stairway approach to the courtyard from Minnehaha Ave.

J. Plat: Application by David Crockett, on behalf of Olin 4, LLC, for a preliminary plat (the applicant is proposing to dedicate a new alley as part of the plat) for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for the preliminary plat for the properties located at 5310-5334 Minnehaha Ave and 5329 48th Ave S.

K. Vacation: Application by David Crockett, on behalf of Olin 4, LLC, for an alley vacation for the properties located at 5300-5334 Minnehaha Ave and 5329 48th Ave S.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the application for the alley vacation for the properties located at 5310-5334 Minnehaha Ave and 5329 48th Ave S, subject to the following conditions:

1. An easement shall be reserved for Xcel Energy.
2. A new alley opening to 48th Ave shall be dedicated in the final plat. The final plat shall be recorded with Hennepin County.

President Motzenbecker: Since I pulled this off, I'm happy to discuss the question and concern I had and hear a little bit more on this. Can you speak a little bit to simply the site plan review? The concern I had mainly was the public access to the plaza space and the fact that Minnehaha, the cross-section of the street itself, is a very narrow cross-section. There are buildings built right up to that. With the track in the middle it's a very tight cross-section. With this plaza wall being a six foot high wall with a very skinny stairway to it, I just wanted to explore with staff and with the developer if there might be some opportunities to reorient or work with that or if there had been any exploration to open that up as a larger, more expansive connection to the street.

Staff Widmeier: The area that you're referring to, I believe is this area right here. The top of the wall is between six and seven feet above the grade there. Right now it's shown as two staircases that are about three feet wide. You can see on the site plan that they extend up to the courtyard level connecting to the main principle entrances off of the courtyard. This exploration of an alternate proposal, additional connection to the courtyard, had not been discussed with the applicant but I did mention this concern to the applicant before the meeting and they are amenable to widening up this opening a little bit and making it more gradual. The suggestion was to have three risers still coming up from here and then having a wider staircase leading up to the area. Does that fit what you're...

President Motzenbecker: Not really. Is there a reason why you couldn't have stairs, instead of coming up this way, coming up parallel to the top of the...kind of walking straight up from the sidewalk up to the plaza instead of coming sideways up the face because you're still kind of reinforcing that tall face with the stair wall. With the public space there... these developments that have been going on are great and I think they're doing an excellent job at kind of reinforcing

the city's goals for this transit oriented development. I just had this minor issue with this connection to the street. It was very much a blank wall. The way the applicant described it with the alternate proposal was that having the staircase going up like that would eliminate one parking space because there is this parking below the courtyard and here you can kind of see the outline of the building wall above. Just for reference, we'll assume that that one is eliminated. I'm assuming that even if you straighten out the stairs like this, you're still going to lose that headroom there and it would eliminate more parking. This parking is in excess of their minimum requirement but I'd leave it up to the architect...

President Motzenbecker: Is there room where the stairs are now...is there room towards the street to go out? If the applicant can clarify that, we can hear that as well.

Staff Widmeier: Here I think the building wall is setback six feet. There would be six feet before connecting with that building wall.

President Motzenbecker: So they can't go out more than six feet from the building face.

Staff Widmeier: Without encroaching into where the sidewalk is proposed.

President Motzenbecker opened the public hearing.

David Crockett (1805 3rd Ave S): I thank you for your suggestion. I think you've improved upon the project. If I may restate what I suggested to Janelle; she's correct, we only have about six feet to work with. I would suggest we bring...we do about three risers parallel to the sidewalk and then turn it 90 degrees and go up the rest of the way. That would eliminate one parking stall but we have excess stalls to do that.

President Motzenbecker: How much wider could you get that entry up into the plaza?

David Crockett: It could be eight feet. The stall is eight and a half feet so it could be significantly wider.

President Motzenbecker: What is the opening now approximately?

David Crockett: It would have to be a minimum four feet standard sidewalk.

President Motzenbecker: It would be up to 12 feet and it would be a lot easier to view to get up in if you have lower risers. If you would be amenable to that.

President Motzenbecker closed the public hearing.

President Motzenbecker moved staff recommendation on items A-H (LaShomb seconded).

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

The motion carried 8-0.

President Motzenbecker moved the site plan review (Tucker seconded).

President Motzenbecker: I would add for a condition that the applicant work with staff to address the item as we just discussed it. Any further comments? All those in favor? Opposed?

The motion carried 8-0.

President Motzenbecker: I will move items J and K (Tucker seconded).

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

The motion carried 8-0.