

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES
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MEMORANDUM

DATE: October 6, 2005

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division; Phil Schliesman, Licenses

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 5, 2005

The following actions were taken by the Planning Commission on October 5, 2005. 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 Martin, El-Hindi, Krueger, LaShomb, Motzenbecker, Schiff and Tucker – 7

Absent: Kummer (excused), Henry-Blythe and Krause

7. University of Minnesota Medical Center-Fairview Riverside Campus (BZZ-2579, Ward 2), 2414 7th Street South, 2406-2450 Riverside Avenue, 616 24th Avenue South, 2200 Riverside Avenue (Lonnie Nichols). This item was continued from the September 19, 2005 meeting.

A. Conditional Use Permit: Application by Signia Design for a conditional use permit for height to replace existing institutional building signage at the University of Minnesota Medical Center-Fairview campus on a medical building located at 2414 7th Street South in the OR3 (Institutional Office Residence) district.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to replace an existing sign in a location greater than six stories in height with 352 sf of illuminated (L.E.D.) wall signage, including a logo on the North façade and with 261 sf of illuminated (L.E.D.) wall signage, including a logo on an existing medical building located at 2414 7th Street South.

B. Variance: Application by Signia Design for a variance for size and amount to replace existing institutional and directional ground and building signage at the University of Minnesota Medical

Center-Fairview campus on a medical building at 2414 7th Street South, and located along Riverside Avenue at 2406-2450 Riverside Avenue, 616 24th Avenue South, and 2200 Riverside Avenue in the OR3 (Institutional Office Residence) district.

Action: The City Planning Commission adopted the findings and **approved** the variance to exceed the three hundred (300) square feet dimension limitation up to 352 sf of illuminated (L.E.D.) wall signage, including a logo on the North façade on an existing medical building located at 2414 7th Street South

C. Variance: Application by Signia Design for a variance for size and amount to replace existing institutional and directional ground and building signage at the University of Minnesota Medical Center-Fairview campus on a medical building at 2414 7th Street South, and located along Riverside Avenue at 2406-2450 Riverside Avenue, 616 24th Avenue South, and 2200 Riverside Avenue in the OR3 (Institutional Office Residence) district.

Action: The City Planning Commission adopted the findings and **approved** the variance to exceed the size and height limitation for freestanding signs by allowing two-panel signs up to 128 square feet per side and height of 18 feet located at 2406-2450 Riverside Avenue, 616 24th Avenue South, and 2200 Riverside Avenue.

D. Variance: Application by Signia Design for a variance for size and amount to replace existing institutional and directional ground and building signage at the University of Minnesota Medical Center-Fairview campus on a medical building at 2414 7th Street South, and located along Riverside Avenue at 2406-2450 Riverside Avenue, 616 24th Avenue South, and 2200 Riverside Avenue in the OR3 (Institutional Office Residence) district.

Action: The City Planning Commission adopted the findings and **denied** the variance for more than one (1) freestanding sign per zoning lot for signature walls located at 2406-2450 Riverside Avenue, 616 24th Avenue South, and 2200 Riverside Avenue.

Staff Lonnie Nichols presented the staff report. He noted an addendum of an item 7 D, with a recommendation of denial for a variance for more than one (1) freestanding sign per zoning lot for signature walls located at 2406-2450 Riverside Avenue, 616 24th Avenue South, and 2200 Riverside Avenue.

President Martin: Lonnie, just to be clear, where's the signature wall going?

Staff Nichols: Well, the signature walls in each case – we have site 3 in front of us here – would be placed in front of the freestanding sign in order to provide a theme as I understand it. I believe the applicant can speak...

President Martin: Help me to understand this – we're putting a 5-foot wall in front of the sign?

Staff Nichols: Correct.

President Martin: Alright. Yeah, I want to hear the explanation of that.

Staff Nichols presented the remainder of the staff report. He also noted that item 8 on the agenda is a similar scenario, except the hospital location is across the other side of the river and is just one site.

President Martin opened the public hearing.

Frank Hickey (Signia Design, 2395 West University Avenue): We were brought in to Fairview after they developed the new identity, which most of the time is done on a business card or stationary. With the needs of Fairview, they went from fairly simple and a few words as an identity to one that's a little bit more complicated. And what I mean by that is that in their identity, they wanted to combine the medical center as well as the children's hospital and have it all as one logo or one identifier. So our challenge was how to identify both the medical center and the children's hospital which are interwoven at both locations for the clients so that we could have clear recognition at both campuses. What I did here is I put a board together to show you actually what the logo is as was combined. So what was reviewed earlier as a simpler logo is actually half of the logo. Below you'll see what we traditionally have seen as Fairview's identifier. Above in the Serif letter style, all six lines with the two logo marks are what Fairview views as their new logo. So starting off, we took a review of how that type – because medical facilities it's critical to know where you are and know where you're going – how do we identify for an unfamiliar person with existing standards, with reading distance and the letter size, their identifier? We also wanted to be sure that with our review that we could first have their agreement – if there's a way to break these up yet still have those two identifiers together – if it was satisfactory because a lot of sign applications are horizontal or not the way you would lay it out for a business card. So different reviews led to showing it on a pylon with other information. While we were doing this – also parallel to that is looking at the way finding issues with Riverside campus primarily – a fairly busy road with a fairly complicated campus. There's three main entrances to the campus: 25th, 24th and 23rd Streets. Each one, it isn't necessarily true that you can get access to any place on the campus if you make the wrong turn at the wrong entrance. Over the years, they kept adding more and more destinations to each of these directional locations. So traffic was always people driving that weren't familiar were making the wrong decisions, entering the hospital at the wrong location and having to walk through the hospital. And that was always difficult, particularly with the emergency entrance on 23rd Avenue. So what we wanted to look at is how do we make a cleaner listing of destination. And we narrowed that list down from something like 16 to what we show in our illustration here. And then also, how do we work in having a contrast between what we have as directional destinations and the identification of Fairview Hospital. What we thought was a different applications including what we've shown here which is the preferred one – where we actually separate the identifier. So the signature bar, or the wall that we have, acts to create a gateway to say you've arrived. So through the shape and the materials and the form of it, it shows the name of both parts of what makes Fairview Hospital – it's a children's hospital and medical center. And then separate from that, which is different information, gives you destinations listed on the vertical directional side. So there's two elements, they have two different functions serving the visitors to the site. There is some questions that staff had if you would like me to continue, that we've been able to address. One was the question of site lines and what we might consider the scale of these new elements versus what is there. We did a study for what we have done in CAD of the locations that exist and then the new locations for the signage. Shown here is the 25th Street intersection. What is in red is the existing sign elements. And what is in green would be what we are proposing. Part of our design is we would cut grade away from the existing ridge that's grown up. And what is in the green car would be the site line. You'd start to see down the street sooner actually than what you can see now. At the location number 4, or the 24th Street intersection, what you see with the large pylon that is there now, we're actually set back further from the street with our wall. And this green box here which shows the cabinet – we looked at the site lines from both directions and we still have clear site lines to that cabinet. These other elements – like the existing flagpole if you're familiar with that location. The 23rd Street intersection actually is somewhat of a tight little corner. We even identified where the phone junction box is and worked around different obstructions that we have at that site. And the site lines are fairly similar because we were fairly tight at that location. The key to our design and with agreement with the client is always the issue of safety and access. So while in the confines of this with the scale of what we might consider a fairly large element as a wall, in the setting that we're talking about, in the scale of the sight, we think we're well within scale – it's a good complement. If I could continue on, I'd like to illustrate what we were doing and how we came to conclusions with our design as well.

President Martin: I don't think you need to go through the whole design, Mr. Hickey. I think if people have questions about it, that would be more helpful.

Frank Hickey: What I wanted to talk about though with this is consideration because it always is an issue of scale. When we design for clients, we always design from what's readable out – not necessarily what we view as the right scale from the outside in. So with the logo, for readability, we wanted to look at the letter sizing and what distance we could read the lettering from the setback. With traffic speed and what we need to do, we're thinking it's 120 to 150 feet. That determined the size of the type and then building out from there that determined what the size of the wall would be. And this is what the board illustrates.

President Martin: OK. It doesn't look like there are any questions. Thank you. Anyone else wishing to speak to item number 7? OK, I'll close the public hearing.

Commissioner LaShomb: I'll move the conditional use permit (Tucker seconded). I guess you got to have signs. If I were Augsburg, I probably wouldn't be happy seeing the University of Minnesota signs over there, but that's... I guess it was there anyway. Being a former Lutheran, I still have sensitivities for our alma mater. But in any event, I think the sign change is fine.

The motion carried 5 – 0 (Krueger not present for the vote).

Commissioner LaShomb: I'll move approval of B and C (Tucker seconded).

The motion carried 5 – 0 (Krueger not present for the vote).

Commissioner LaShomb: I'm going to move the staff recommendation on item D (Tucker seconded). Well, I have a little trouble trying to figure out what the hardship is here. I guess all of us know if you go to a hospital or any other big facility, that where you drive in and drive out and whatever is always going to be a problem, but I see some really bad precedents having signs behind signs and trying to get down to more signs to do directions into facilities. And while it probably might be appropriate for a hospital, other people are going to come back and want to do all the same stuff. I just think you might have to decide one way or the other which is the most efficient way of getting people to understand where they are. But doing both on the same site doesn't work for me.

Commissioner Motzenbecker: I would have to agree. Signage is always a challenge, especially on hospitals. And way finding is critical. And the less clear it is, the more difficult it becomes with multiple choices. And I understand what they're trying to accomplish and it's almost creating gateways into the hospital demarcating a consistent vernacular for this is the Fairview campus. But I think that can be done – you could do it with walls – you could do it with 3-foot walls that all have the consistent material on them and give that rhythm and vernacular to the campus without necessarily having to have the writing on them. So it can be accomplished, the intent, I think. So I would agree with Commissioner LaShomb.

The motion carried 5 – 0 (Krueger not present for the vote).

8. University of Minnesota Medical Center-Fairview U of M Campus (BZZ-2585, Ward 2), 500 Harvard Street Southeast (Lonnie Nichols). This item was continued from the September 19, 2005 meeting.

A. Conditional Use Permit: Application by Signia Design for a conditional use permit for height to replace existing institutional and directional ground and building signage at the University of Minnesota Medical Center-Fairview campus located near East River Road and near the top of an existing building located at 500 Harvard Street Southeast in the OR3 (Institutional Office Residence) district.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to replace an existing sign in a location greater than six stories in height with 405 sf of illuminated (L.E.D.) wall signage, including a logo on the North façade on an existing medical building located at 500 Harvard Street Avenue Southeast.

B. Variance: Application by Signia Design for a variance for size to replace existing institutional and directional ground and building signage at the University of Minnesota Medical Center-Fairview campus located near East River Road and near the top of an existing building located at 500 Harvard Street Southeast in the OR3 (Institutional Office Residence) district.

Action: The City Planning Commission adopted the findings and **approved** the variance to exceed the three hundred (300) square feet dimension limitation up to 405 sf of illuminated (L.E.D.) wall signage, including a logo on the North façade on an existing medical building located at 500 Harvard Street Avenue Southeast.

C. Variance: Application by Signia Design for a variance for size to replace existing institutional and directional ground and building signage at the University of Minnesota Medical Center-Fairview campus located near East River Road and near the top of an existing building located at 500 Harvard Street Southeast in the OR3 (Institutional Office Residence) district.

Action: The City Planning Commission adopted the findings and **approved** the variance to exceed the size and height limitation for freestanding signs by allowing a two-panel sign up to 182 square feet per side and height of 16 feet located at 500 Harvard Street Avenue Southeast.

D. Variance: Application by Signia Design for a variance for size to replace existing institutional and directional ground and building signage at the University of Minnesota Medical Center-Fairview campus located near East River Road and near the top of an existing building located at 500 Harvard Street Southeast in the OR3 (Institutional Office Residence) district.

Action: The City Planning Commission adopted the findings and **denied** the variance for more than one (1) freestanding sign per zoning lot for a signature wall located at 500 Harvard Street Avenue Southeast.

Staff Lonnie Nichols presented the staff report.

[tape end]

President Martin: And Lonnie, where exactly would that wall be? I can't tell from the site plan.

Staff Nichols: The sign would be along Harvard Avenue, just off of...

President Martin: Location 2?

Staff Nichols: Right, location 2 is where the ground signage and proposed signature wall would be. And one additional note on that, Ms. Littman from the Prospect Park East River Road Neighborhood Association sent an e-mail in today, which I believe was included in your packet, in essence stating support for the staff recommendation – and also wanted to voice the need and support for upgrading the signage and supporting that part of it, but not all of it.

President Martin opened the public hearing for item 8.

President Martin: Mr. Hickey, you want to talk some more about this or not? Not. Your choice, you don't have to.

Frank Hickey: I think the conditions are very similar with the use of materials, et cetera.

No one else requested to speak to the item.

President Martin closed the public hearing.

Commissioner LaShomb: I'll move the conditional use permit (Tucker seconded).

The motion carried 5 – 0 (Krueger not present for the vote).

Commissioner LaShomb: I'll move the variance on B and C (Tucker seconded).

The motion carried 5 – 0 (Krueger not present for the vote).

Commissioner LaShomb: I'll move the staff recommendation on D (Tucker seconded).

President Martin: Lonnie, I wanted to ask on that one, the wall...? What's that across the street from? It's the dormitories, right?

Staff Nichols: I believe you are correct.

President Martin: Alright, just checking.

The motion carried 5 – 0 (Krueger not present for the vote).

9. Saint Sabrina's Parlor (BZZ-2593, Ward 10), 2645 Hennepin Avenue (Becca Farrar).

A. Rezoning: Application by Laura Boyd, on behalf of Super Circus, LLC, to rezone the subject parcel from the C1 district to the C2 district to allow a tattoo and body piercing parlor in the existing building located at 2645 Hennepin Avenue. St. Sabrina's would relocate from their current location at 2751 Hennepin Avenue following application.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **approve** the rezoning petition to change the zoning classification of the property located at 2645 Hennepin Avenue from the C1 district to the C2 district based on the following findings:

1. The rezoning request is consistent with the comprehensive plan. Specifically, for example, the rezoning is consistent with policies 4.4 and 4.5;
2. The C2 District fits the City's vision for commercial corridors, so the rezoning is in the public interest; and
3. Hennepin Avenue, including the immediate area, has a wide range of zoning districts, including C2.

Staff Becca Farrar presented the staff report. She also noted that the Lowry Hill East neighborhood Zoning and Planning Committee had forwarded correspondence in support of the rezoning which was included in Commissioner packets.

President Martin opened the public hearing.

Laura Boyd (533 148th Avenue NE, Ham Lake MN 55304): I'm appearing today on behalf of Leslie Bock, who is the owner of the building. She recently purchased the building in August of this year for the purpose of relocating her business St. Sabrina's to this location. Miss Bock is in the audience today – she's here to my left. Miss Bock has owned and operated St. Sabrina's at 2751 Hennepin for the past 12 years. She's a tenant in the building. And she has resided in the city for the past 15 years. For probably about the last 2 years or so, she's been seeking a permanent home, if you will, for St. Sabrina's. A building that she can own and make improvements to. She's looking for a long term stake and an investment in the community and wishes to own the building in which her business is located. She really wants to keep this business in the same area of the city, preferably within a block or so on Hennepin Avenue. She's had an extremely difficult time finding C2 property within the area. Either it's just not coming up for sale or if it is, it's not appropriate for her use. St. Sabrina's does draw patrons from the immediate area and the city overall as well. And her business does employ many of the people who live in the immediate neighborhood. This building was originally built in about 1884. In 1960, the first floor was converted to a commercial and/or office use. Prior to 1999, the building was zoned B3S3 which allowed a much wider range of commercial uses than what we are seeking today which is the C2 district. B3S3 would have allowed uses not currently allowed into the C2 district such as used car sales, a limousine company, a mission or a free-store, fast food restaurant with a drive through. As you know, the 1999 rezoning was guided by your policies where an existing land use was the key determinant in re-mapping decisions. The creation of nonconforming use was avoided if possible. If a body piercing or tattoo facility would have been in this location in 1999, the property would have been rezoned to the C2 district. So if C2 zoning was considered appropriate then in 1999, we ask you to consider it appropriate at this time as well. I'd just like to take a few minutes to run through our response to the findings. Is the amendment consistent with the applicable policies of the comprehensive plan? Our response is yes. It is in conformance and consistent with the goals and policies of the comp plan for the area. All of Hennepin from Franklin to Lake Street is designate a commercial corridor and might I add a major commercial corridor. And the plan does not make a distinction for [a] particular segment of the roadway or side of the street. By definition, a commercial corridor does offer a wider range of goods and services which includes not only the immediate neighborhood but goods and services which appeal to and draw people from all over the other neighborhoods and areas of the city. Rezoning this to the C2 is consistent with several of the policies such as it does expand the range of goods and services offered in the area by promoting owner occupancy and investment in the building. The C2 zoning also enhances the street character of Hennepin Avenue and the surrounding area. I just also want to briefly mention – I know there was the Hennepin Avenue Strategic Plan – while it's not been adopted by the city, I think several of the principles can be applied to this application. Developing this parcel in a commercial corridor, tailoring it to a pedestrian friendly environment, it reinforces the retail and service character of the avenue. It also lends to the adaptive reuse of older buildings. I know there's also discussion of extending the Pedestrian Oriented district to Franklin Avenue which would of course capture this parcel. It does exemplify the pedestrian nature of the area. Also, if this were to be adopted, it would disallow many of the auto-related uses that could be in a C2 district which I know does cause some concerns for residents. The second finding: Is this amendment in the public interest? We do acknowledge the rezoning is in the interest of the applicant; however, we also would add that it's in the public interest for the following reasons: It does promote the investment in, and rehabilitation of an existing commercial building; it will provide a wider range of goods and services to area residents; it adds to the overall livability and viability of the area, which is always in the interest of residents and property owners and business owners as well. Third – Whether the existing uses of property and zoning classification...

President Martin: Wait, you don't need to read – we've got all of that. You don't need to read it.

Laura Boyd: As you know, the surrounding area is a mix of uses. Across the street on the west side of Hennepin, almost two blocks of C2 zoning on that side. We believe that C2 district would be

compatible with the surrounding uses and zoning and is appropriate for the following reasons: Again, C2 zoning is consistent with a wide range of commercial uses in the area that include both C1 and C2 zoning. The rezoning to the C2 district would lead to a greater investment in the existing building and enhance the street character as well. And we do have a representative here today from DJR Architects who would like to show you a rendering of what the owner is proposing to do with the building – the façade. This would not result in additional late hours of operation as the hours in the C1 and C2 districts are identical. It would not lead to the establishment of a larger commercial use than now exists. The lot area is just 2,400 square feet and that's similar to the size of the lot to the south. The floor area ratio of both C1 and C2 districts is 1.7. Maximum floor area allowed in either district is the same. We will not have a large, contiguous area of C2 zoning as a result of this which I know has also been a concern that was expressed. The C2 zoning will not result in the establishment of an auto service use or any use with a drive through facility because you need a minimum lot area of 12,000 square feet which we don't have, nor if we combined with the southern parcel would we have either and any drive through, fast food facility would need a lineal frontage of 660 feet minimum, which nor can we provide that at that location or on that block. The C2 zoning is compatible with the residential neighborhood across Girard because it is fully separated by a street, by Girard Avenue. It does not detract from the residential character of Girard Avenue. There's actually more separation on this side – on the east side of Hennepin – than there is on the west. On the west side, we simply have an alley dividing the C2 zoning and residential uses. Whereas on the east side of this location we have Girard. As Miss Farrar mentioned, the neighborhood group is in support of the application. We also had 25 letters of support – they were a form letter which the owner went around to surrounding residents and owners and asked for their support. I believe you have those in front of you. 10 of those are from people who reside directly behind them on Girard Avenue and I think that's important. Also, we received – and I'm not sure how many of these you already have – but we received four additional letters of support from residents, business owners and property owners in the area. I'll hand them to the clerk in the event you don't have these.

President Martin: That's fine. Is that all you have to tell us, Miss Boyd? Actually, you can give it to Tina after you're done.

Laura Boyd: Other reasonable uses of this property. You know, we do acknowledge there are some reasonable uses of the property under the current C1 zoning. The C1 district allows a range of commercial, primarily retail and residential, but it does not allow for a greater variety or diversity of retail and services as would the C2 district. And we would say that a tattoo and body piercing facility is also a reasonable use in this location. Development trends in the area. We think the trends and transitions in the area remain strong and the proposed use of the property would be consistent with that trend. And finally, we think there are other rezonings in the area or in South Minneapolis that lend support to our request today. The first example being 2120 Hennepin Avenue for Main Street Bank and to allow for a drive through facility there; 2309 Lyndale Avenue South – the Le Parisien project approved from a C1 to a C2 district; and 506 East 24th Street for the Open Eye Theater which went from an R4 to a C2 district for use as a theater. And then this one is not actually on a commercial corridor as 2645 is. We thank you for your time and consideration of our application. Do you have any questions?

President Martin: It doesn't look like it, thank you. OK, others who wish to speak to item number 9.

Daniel Sharrett (2641 Hennepin Avenue North [sic], 1st floor, west side [not on sign in sheet]): I do not feel comfortable with this application.

President Martin: You don't actually live at Hennepin Avenue North?

Daniel Sharrett: I'm sorry, Hennepin Avenue South.

Jolane Dahlheimer (2717 Hennepin Avenue South, proprietor of Plan B Coffee House): I'm strongly in support of rezoning 2645 Hennepin for the use of St. Sabrina's and my reasons are as follows: St.

Sabrina's has been in Uptown for over a decade. It's a destination business for the area. And people come from all over the metro area to patronize this business and their customers frequent my business as well as several others in the area. If the rezoning request is denied, and if they decide to move out of Uptown, area businesses will most likely notice a decrease in customer traffic. Plus, the neighborhood will lose one of its most loved tenants. We need to support strong, independent businesses in this area as we are the cornerstone of our area's success as a popular shopping and living district. Encouraging such businesses to stay in Uptown is a definite benefit to other businesses and its residents. In the years that I've been familiar with the area, 2645 has housed at least three different businesses – one business was pretty successful, but it hasn't been there in a few years...

President Martin: Ms. Dahlheimer, we've got your letter, so you don't need to read it.

Jolane Dahlheimer: I'm sorry; I didn't know you guys had it. Thank you.

President Martin: Thank you.

Craig Callegheri (DJR Architecture, 333 Washington Avenue N. [not on sign in sheet]): We were approached by Leslie Bock to redesign this property and prior to submitting the application, we've done a little bit of work on the façade and we thought we'd share it with you how we feel we're trying to improve and recapture the Tudor house that's sort of buried behind a block wall structure that's currently existing. On this side here you can see the existing building with the commercial addition that was put on in the 60's. And on the right is the owner's intent to sort of add to the Tudor structure and bring sort of a Swiss kind of concept to the building. And that's basically... just wanted to share where we are in that area.

Derek Lowe (2729 Aldrich Avenue S, #3): I should mention I am the general manager of St. Sabrina's. I'm not originally a resident of Minneapolis, but I currently live a few blocks from the area in question. I've lived there for about three years. Throughout my life, I've lived in various large metropolitan cities as well as spent time in some others that I haven't lived in. And those people who haven't spent much time outside of this particular city may not realize kind of how special and unique Minneapolis is. The combination of diversity, friendliness and openness of the citizens is something that I've not experienced in any of the other cities that I've lived or visited. The atmosphere and uniqueness of this city is something that should be highly valued and supported. St. Sabrina's is an example of a successful business that has not only coexisted with the surrounding neighborhood for the past 12 years, but has served to benefit the neighborhood in terms of diversity and uniqueness it offers, as well as being a destination business for those who live in other parts of the city and the surrounding metro. It is the type of unique integration of neighborhoods and businesses that helps Minneapolis stand apart from other cities and something which should be promoted and encouraged. The zoning change we're requesting does not negatively impact the face (we believe) or nature of the neighborhood and in fact, approval for the zoning request would serve to benefit the area. I apologize if I repeat here at all. The building in question has long been an eyesore for area residents, businesses and visitors and that's something we've discovered as we were sort of doing our research and talking to people who live in the area and who own businesses – because the building has not been well maintained over the years. In addition, the building, as has been mentioned, has seen numerous businesses go in there and generally not last very long. They kind of come and go and people tend to not really notice that they're there. Also in our research, we found a lot of residents expressed a concern over potential illicit activities that were taking place in the residential part of the business in its previous use. By approving our zoning request, you allow a long time resident of the area and a mixed use business that provides job opportunities to the area residents, the chance to help improve both the form and function of the building. With an owner-occupied building, there would be pride in improving and maintaining the appearance of the building and the use would be predetermined for the foreseeable future. You will also demonstrate to other business owners that the City of Minneapolis is dedicated to supporting its homegrown small businesses which strive to improve and support local neighborhoods. Thank you.

President Martin: OK, I think I'm going to close the public hearing.

Commissioner Schiff: This is reminding me of that joke. What do puppet theaters and body piercing parlors have in common? According to the Minneapolis zoning code, both are only allowed in the C2 district. I'm sorry this application is here, because again, like the puppet theater we had a few weeks ago that needed a C2 rezoning, I think this would be appropriate in a C1 district and our code should reflect these kinds of small scale uses. So I'm going to move approval however of the rezoning and will cite a few parts of the comprehensive plan in support of it. Specifically, policy 4.4 and policy 4.5 which is Minneapolis will identify neighborhood commercial nodes providing shopping, environments of small-scale retail and commercial services that are compatible with adjacent residential areas. And specifically, the staff report says that this will be compatible. And also in 4.4: Minneapolis will provide a wide range of goods and services for city residents to promote employment, to encourage the use and adaptive reuse of existing commercial buildings and to maintain and improve compatibility with surrounding areas. C2 zoning really would be appropriate anywhere on Hennepin Avenue from Franklin to Lake Street and even if this was an auto use, where else would we put those except on major commercial corridors? Recently Council President Ostrow questioned whether or not C1 was appropriate on any commercial corridor because it has such a small scale of uses and was better for scattered neighborhood commercial nodes rather than having so much C1 on our commercial corridors, which is an interesting comment. I see some surprise there, but interesting comment from the Council about how we are coming to realize our commercial corridors really are appropriate for heavier commercial uses (Tucker seconded).

Director Sporlein: Commissioners and the public, I just want to make you aware of a couple of things: One, the other thing they have in common is that they're both under review to determine if C2 is the appropriate district. We're reviewing all of our conditional uses in the different districts and this certainly will be included and that work should be completed by year end. Also, we have on our plan to revisit the Hennepin Avenue strategic plan and possibly extending that overlay. So, just want to make people aware of that.

Commissioner Schiff: Body piercing and puppet theaters, sounds like a joke from Avenue Q.

President Martin: You're not going to get royalties for that.

Commissioner LaShomb: Well Commissioner Schiff, I have a hard time figuring out the difference between a theater and a tattoo parlor I guess. But the reason I wanted to speak was because sometime between now and the end of the night I have to say heathen because Commissioner Motzenbecker insisted. No, I think anyone who has walked down Hennepin Avenue would get the picture in about 10 seconds. And that is Hennepin Avenue is clear mish mash of zoning, whether it's good zoning or bad zoning may be irrelevant. But we got a C2 across the street here. C2 probably a block away. If you go farther north on Hennepin Avenue, all sorts of C2's. I think the basic point is that the C1 looks strange to me here. I don't know about the uses, it just looks really strange. I guess my feeling is if you've got a good business with a good reputation, it is in the public interest to keep those tax-paying businesses in Minneapolis within some reason and the reason is fundamentally that Hennepin Avenue is an appropriate place to do it. And while I don't want this business in my neighborhood, simply because...

President Martin: Your neighborhood wouldn't use it.

Commissioner LaShomb: They wouldn't use it. I just think it's an appropriate rezoning, so I agree with Commissioner Schiff, but I didn't support the small theater concept Open Eye, but that's... so it doesn't really in my mind equate as even-Stevens.

President Martin: I think as Director Sporlein indicated, there's some policy issues here. Usually we

would look at this as a spot zoning and say no, no, no – we can't possibly do that, but maybe we're working toward a position of saying no spot zoning except on commercial corridors...?

Commissioner Schiff: Actually, I do have a quote for you from the state decision on spot zoning which could clarify a few things. This came up during the discussion of the last one and it clarifies in the exact language from the courts that contiguous zoning is not the only question that we should be listening when it comes to the question of spot zoning. But whether or not the decision has any applicable public policy benefit other than the interest of a particular applicant. So as this obviously fits in with our vision of a commercial corridor and the uses thereof and I can find the exact quote for you in about two minutes.

President Martin: Well, why don't we vote on it, then you can think about findings because Jason is going to need some.

The motion carried 5 – 0 (Krueger not present for the vote).

President Martin: Now for findings. Jason, do you have enough?

Staff Wittenberg: I think the findings stated both by Commissioner Schiff and Commissioner LaShomb are sufficient.

Commissioner Schiff: And Madame Chair, just so you know and for all the Commissioners and anyone interested, the State of Rochester Association of Neighborhoods versus the City of Rochester, 1978, the courts said spot zoning is a label applied to certain spot zoning amendments invalidated as legislative acts and are unsupported by any rational basis related to promoting public welfare. It specifically says: Establishing a use classification inconsistent with surrounding uses in creating an island of nonconforming uses within a larger zoned district and that...it's a finding. We're not to look just at the island question.

11. Text Amendment (Title 20, Chapter 529; Ward: Citywide) (Micheal Cronin, Jason Wittenberg).

A. Text Amendment: Amending Title 20, Chapter 529 of the Minneapolis Code of Ordinances related to the Zoning Code: Interim Ordinances.

The purpose of the amendment is to bring the provisions of the Zoning Ordinance regulating Interim Ordinances into conformance with recent changes in State Statute.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the staff alternative to the text amendment.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

Commissioner Tucker moved approval of the staff recommendation (Schiff seconded).

The motion carried 5 – 0 (Krueger not present for the vote).