

**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: July 6, 2006

TO: Steve Poor, Manager, 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 June 26, 2006

---

The following actions were taken by the Planning Commission on June 26, 2006. 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, Krause, Motzenbecker, Nordyke, Schiff and Tucker – 7

Not Present: Henry-Blythe, Krueger and LaShomb (excused).

---

**16. 4100 Sheridan Avenue South Building (BZZ-2919, Ward 13), 4100 Sheridan Ave S (Janelle Widmeier).**

**A. Rezoning:** Application by Kris Broberg for a rezoning petition from R1 Single Family District to R4 Multiple Family District to allow a multifamily dwelling with 4 units for the property located at 4100 Sheridan Ave S.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and deny the petition to rezone the property of 4100 Sheridan Ave S from R1, Single-Family Residential District to R4, Multiple-Family Residence District.

Staff Widmeier presented the staff report.

President Martin opened the public hearing.

Tina Broberg (4100 Sheridan Ave S): This is my husband, Kris Broberg. We are the owners and the residents of the building at 4100 Sheridan. We didn't know there was this high-tech technology so we made packets that contain everything that we will be going through here today. I'll start us out with key points at the top. The building is owner/occupied. We live in the first floor unit of the building. The rezoning and variances are all supported by contiguous neighbors. We have obtained letters of support from every neighbor that is directly affected by this rezoning and they are all in support of it. Those letters are attached to the packet and we'd like to read through those letters.

President Martin: You don't have to read through them, we have copies.

Tina Broberg: They are all in favor of it. These are people that lives as close to us as 10 feet from the building and they are fine with it. Currently, the building is undergoing an exterior renovation, keeping in character with the neighborhood. The photo that was put up was before the renovations started. We are restoring it within the character of the neighborhood with the cedar siding and the rest of it we're stripping the woodwork and we'll be repainting it so it does definitely fit in with the character of the Linden Hills neighborhood. We've taken each of the staff findings and we've done some of our own research on each of the findings and have things to present on each of them.

Kris Broberg: I'd like to put up a map. The green units are other multi-family housing in the area, including a five unit directly across the street from 4100 Sheridan. That one is green and pink slashed. The pink represents letters of support from our neighbors and those are the neighbors that have written us letters of support.

Tina Broberg: Those are the neighbors that would be directly affected.

Kris Broberg: We believe, yeah. We found that those nine multi family housings within the 350 foot radius and one really close to that to make ten, we did a little bit of research and this isn't all of them, but in the two blocks around us we found 37 multi family houses within about two blocks of the property. There's a map showing those, including one block away being zoned R4. Many examples of spot-zoning to R2B.

Tina Broberg: The page preceding the map is a list of all the specific street addresses of all of these units that are multi family housing, not single family. The report stated there was only like two duplexes. The case is, it's actually quite a mixed use neighborhood.

Kris Broberg: Some of the things they had pointed out were about two to two and half blocks from a recognized neighborhood commercial node, which comes from the city... I have the city stuff on that. We're three blocks from a community corridor and we're right on a transit corridor. The number six runs down Sheridan and stops on the corner of

41<sup>st</sup> and Sheridan, right by our property. We believe the Sheridan Upton Avenue meets most of the qualifications for a community corridor per the City's definition. They're listed off of there. We did a little more regarding all of their findings in part one through three in regarding the City's things. We'll provide housing density in a very compact walkable community. We believe it fits the land use description of multi-family housing...

President Martin: Mr. Broberg, you don't have to read it to us. Want to just hit the highlights?

Kris Broberg: Ok. We believe it will benefit the City and property taxes, the people who get to live in the unit that may be of lower income or are younger and might not have a chance to live in the Linden Hills area. It'll benefit those people many times over as the tenants turn over the years. It will benefit local business and the bus. Even though it's in an R1 district, it should properly be zoned R3 or R4 for its current use. A reasonable use for the fourth unit, we think, is not available without the requested rezoning to R4. When this district was rezoned R1, it left many nonconforming use properties...

President Martin: Do you know what it was rezoned from?

Kris Broberg: I can't say I do. I believe it was a triplex. It's legally a triplex with the city right now. I don't know what it was.

President Martin: It might have been an R3 and when we did away with the R3, it probably got shifted.

Kris Broberg: Could have been, yeah. We have all the letters, which I was planning on reading, but you can see them. They come from the neighbors across the street on 41<sup>st</sup>, all three including the people doing the five unit building, the person that shares our back yard with us... they all support the rezoning. One thing on the parking, we were under the impression from reading our copy of the staff report, that they actually recommended approval for both parking spaces... am I right on that?

Tina Broberg: There's two difference variances. There's one variance for the first spot and a second variance for the second spot and that's why there are two different requested variances.

Staff Widmeier: Just to clarify, those variances are saying that only one space is recommended for approval to accommodate that third unit.

Tina Broberg: We misunderstood how it was written then.

Kris Broberg: Our neighbors support two spots. The neighbor next door parks in the driveway too. I've had the property ten years and I've always parked in the driveway as it is now. I assume it's been that way forever and no one has any problem with that.

Tina Broberg: This photo we have here is a picture of the garage with the house next door showing that there is space for two cars in the driveway and the residents of the house next door do park in the driveway as well.

Commissioner Tucker: If both variances are granted, how many legal parking places will be on this parcel?

Staff Widmeier: For clarification, you're saying if both variances are granted as the applicant is requesting... they would have up to four spaces.

President Martin: Anything else?

Kris Broberg: Thank you for your time.

Commissioner Krause: Is the fourth unit currently occupied?

Kris Broberg: It was until the city inspector told us we should shut it down. We gave those people the option. She said they could stay until after the rezoning process, but given the uncertainty we gave them the option to leave and they left.

Commissioner Krause: We'd have to find some reason other than just simple economics that would justify this.

Tina Broberg: To justify keeping the fourth unit?

Commissioner Krause: To justify the rezoning. If it's simply based on your economics of owning the property, that isn't sufficient for us to make the findings we need to in order to rezone the property.

Tina Broberg: We actually, listening to the hearings prior to this and what we found in the plans of the city, we feel that this fits with the city's plan of increasing the density of housing. It allows people to live right near a commercial node on a bus line. The bus is directly across the street from the building. It allows people to move into the Linden Hills area that normally wouldn't be able to afford to live here potentially. That's our position.

President Martin: Do you consider that fourth unit an affordable unit?

Tina Broberg: We rented it out for a thousand dollars for a two bedroom. It's a very large unit. The city inspector said it's a beautiful unit and she's the one that recommended that we go through this entire process of the variances and the proposed rezoning.

Staff Wittenberg: Commissioners, just a brief reminder, it's always easy to focus on the project before you, but obviously you need to think about the scope of a project that

could be constructed under the proposed zoning which in this case could be a four story building with five units.

Kris Broberg: We would put a stipulation on there that we won't do that.

President Martin: You won't own it forever and zoning is forever.

Tina Broberg: Oh, ok. We have no intention of demolishing the building.

President Martin: Anyone else for item 16?

Mike Huck (4112 Sheridan Ave): I am here to speak in support of the variances and the rezoning. The reason we chose to move back from the suburbs to Minneapolis three years ago was the attraction to the city and its neighborhoods. Our neighborhoods include a variety of residences, types and the good fortune of bus services and the small village nature of the commercial area at 43<sup>rd</sup> and Upton. The neighborhood variety adds to the quality of life and the community ambience that reminds one of a small town existing in a large city. One aspect of the variety that I appreciate is the mix of housing on my street, both single family and duplex multiple unit buildings. Apartments and townhouses are grouped down near the commercial node. As an affordable housing and public transportation advocate, I am pleased that the Broberg's are providing quality housing in my neighborhood in a way that compliments a mixed density approach to housing in our area. His units and the quality of renovation work in no way detracts from the other units on my street. The fact that the work on the building continues the aesthetic feel of the building with the narrow wood lap siding and the trip will perpetuate the historical value of his house. I admire Kris and his wife for the sweat equity that they're putting into the house. Not unlike the neighbors directly south of them, have done the same thing. I urge the City Planning Commission to grant the requested variance and the rezoning to R4.

President Martin: Thank you. Anyone else?

President Martin closed the public hearing.

Commissioner Schiff: I'm speechless. Usually rezoning from R1 to R4 would present so much outcry from the neighborhood that we would be deluged with opposition. The lack of opposition doesn't make this any closer to being approved. If we were to allow this rezoning, we would basically set the precedent for all of Sheridan Avenue to be rezoned to R4 and all these properties would then be subject to demolition from developers who would see how many units they could fit on an R4 and the whole street would be at risk. This is not a community corridor; it's not close to being close to a transit corridor. Having a bus line near does not equate a transit corridor in the city's planning. This is a spot zoning, plain and simple. The other examples of the R2B used creatively to justify this one, was a nice try, but those were bad things that should not have happened and we don't want to do other spot zonings similar to this in other neighborhoods. I'm surprised

by the lack of outcry by other neighbors over this, but I guess that just shows different understanding of the impacts of what one zoning can bring to an entire neighborhood.

President Martin: Is there a motion in there?

Commissioner Schiff: Yeah, that's a denial, an adoption of the staff report (Tucker seconded).

Tina Broberg: Just one question, is there a possibility that we should try to go through this process to apply to a rezoning to R3 such that if something would happen such as a natural disaster to the building that we would rebuild it in its current state or is that a lost cause?

Commissioner Schiff: Check with your neighborhood association and the city council member about rezoning the entire street.

Staff Wittenberg: The R3 district would require more lot area than what you have. Staff can do an analysis of whether R3 district with up to a 30% lot area reduction variance would apply here, I'm not sure offhand whether that would be applicable. I suspect that the questions you have now should be addressed to Ms. Widmeier after the hearing.

Commissioner Schiff: Maybe the legal nonconforming route is the way to go to get legal use of these units if they've always been in existence and if you can prove that.

Commissioner Krause: I just had an additional suggestion because this struck me as bizarre too. This kind of rezoning you'd have half your neighborhood out here in opposition to it. I'm wondering if you maybe shouldn't speak to the council member and see if there is a way to work around this. If there is that much support from the neighborhood, our job is to try to enforce the city zoning code and the regulations and this one's really hard to find any opening to grant this. I suggest you talk to the council member's office and see if there's another solution.

President Martin: I think Jason's suggesting to talk to staff and figure out, rather than...

Commissioner Krause: You do have the right to appeal our decision. We hate to have our judgments overturned, but it does happen occasionally. You can always do an appeal too.

Commissioner El-Hindi: I'm very surprised as well. I used to live on 41<sup>st</sup> and Upton. I'm very familiar with this spot. My question to the applicant would be, has this gone through the neighborhood process at all? I didn't see a letter in there. I am very surprised that the neighborhood wouldn't completely against this rezoning.

Kris Broberg: I informed the neighborhood council via email and never heard back anything from them. I did find out this last Tuesday that we could go to the

neighborhood council and present this and I would certainly be willing to do that. I think we have a lot of support even beyond the people that have written the letters in the packet. I haven't talked to one person that has any problem with this, even from people who didn't write letters. I feel very confident that I at least have the neighborhood support.

President Martin: Understand that even having the neighborhood support for the rezoning still doesn't justify a rezoning to this level. You should talk to Janelle and figure out if there is some other route other than the R4 rezoning that might get you closer to where you want to be.

Kris Broberg: Would you be open to that? I mean, as a panel? It's important to know before I spend all the money...

President Martin: We don't have such an application before us right now. This is a future discussion.

Commissioner Tucker: I want to congratulate the applicants on a very good presentation. You laid it out very nicely, but so clearly, that it just becomes obvious that R4 is a huge spot zoning and rezoning is forever and that's what we're afraid of. Any neighborhood group that's paying attention would object to that particular spot zoning no matter how good a job you have done with that property. I can't think of how you can bring this back and get what you want. I think you've got your three grandfathered units and deal with those as well as you can.

President Martin: I think we should vote. All those in favor of the motion to approve the staff recommendation to deny the rezoning? Opposed?

The motion carried 6-0.

Staff Wittenberg: Just a quick note to the applicant, the rezoning moves on to the city council regardless of the outcome and is not an application that can be appealed.

President Martin: We now have two variances.

Commissioner Schiff: I'll move approval (El-Hindi seconded).

President Martin: Discussion? All those in favor to approve the two variances? Opposed?

The motion carried 6-0.

Staff Widmeier: Can I get clarification? Was that approval of the staff recommendation or the...

President Martin: Yeah, staff recommendation. Yep. What it says on the green sheet we approved. Staff recommended approval and we approved it.