

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

350 South Fifth Street, Room 210
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2728 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: November 4, 2004

TO: Blake Graham, Manager, Community Planning & Economic Development -
Planning Division; Phil Schliesman, Licenses

FROM: Neil Anderson, 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 25, 2004

The following actions were taken by the Planning Commission on October 25, 2004. 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:

ATTENDANCE

President Martin, Vice President Hohmann, G. Johnson, Krause, Krueger, Kummer, LaShomb, MacKenzie and Schiff – 9

INTRODUCTION TO PUBLIC HEARING

PUBLIC HEARING

**REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis**

The attached report summarizes the actions taken at the City Planning Commission meeting held on October 25, 2004. The findings and recommendations are respectfully submitted for the consideration of your Committee.

The Minneapolis City Planning Commission, at its meeting on October 25, 2004, took action to **submit the attached comment** on the following items:

6. Master Engineering (BZZ - 1991, Ward 12) 4556 46th Street East (Jim Voll).

A. Rezoning: Application by Master Development LLC to Rezoning from C1 Neighborhood Commercial District to OR2 High Density Office Residential District for property located at 4556 46th Street East.

Action: The Planning Commission recommended that the City Council adopt the findings and approve the rezoning application from the C1 Neighborhood Commercial District to the OR2 High Density Office Residence District for property located at 4556 46th Street East.

Staff Voll presented the staff report.

President Martin opened the public hearing.

Tom Nieman (4516 E. 46th St.): We own the reverse frontal lot that is directly to the west of this proposed contract. First of all, I would like to say that our house is set back 15 feet from the sidewalk and not 13 feet. We would like to hand out a petition that was signed by the immediate neighbors about this variance. This is a petition, not against the development of the project, just the variance allowment. We feel that this project is way too big for this small area and would not be beneficial to the neighborhood at all. We would like to have taken into consideration that our sewer runs direction in connection with the property next door. There is only one sewer for these four square city lots. We were told by Paul Chellsen of the Minneapolis Water and Sewer Department that if these properties share one common sewer that the developers would have to give us our own sewer because this is a development that is being taken over, not by our doing. We brought this up at the neighborhood meeting to Master Developers and they said that they were unaware that the sewers were conjoined and that we would have to discuss this at a later date. We're asking that this issue be resolved in writing before any rezoning or development of the property is authorized. Another thing is that the proposal is to put balconies on the back side, or west side, of the building which directly overlooks our backyard and the property would be ten feet from our back yard, but they still, according to their plans, want to put balconies that extend four feet into that ten foot bumper zone, but they have not applied for a variance to that. I'm not exactly sure what their plans are there. I was hoping they could be more specific with that. Other than the fact that we would be having a three story building right next to our house and we would lose the view we have had for 27 years and sunlight until 10 o'clock in the morning, I guess that's all that I have to say at this time.

Bob Constant (4556 45th Ave. S.): When we were first approached by the developer on this at a meeting a couple weeks ago they looked at it as the gateway to Minneapolis out of St. Paul. My only comment is that I drive that route a lot. Coming across from St. Paul you see nothing but single family homes primarily in the neighborhood. This would be a concrete and brick block set right in beginning of the residential area. To me it looks like it would be totally out of place and not fit in at all. Thank you.

Kevin Sullivan (4528 46th Ave. S.): My house is four houses north of the proposed development. I have a map to hand out. I had a chance to take a look at the other Master Engineering developments in town. I was struck by the similarity between in the terms of the design of the building that is being proposed at 46th and 46th and the design of the other four developments. Like 50th and Xerxes, 28th and Nicollet, 20th and Nicollet and the 38th Street Lofts. The thing that I was struck with was in each of these four developments that Master Engineering has done, they are done in the middle of a commercial district. I think they are great developments. When I looked at them, they really bring together each of those neighborhoods and put in a big residential presence in those neighborhoods that are predominately commercial and there is no setbacks to those commercial buildings. They are great developments and I can see when a developer of this caliber comes before you that you take them seriously and look seriously at their proposals. The point I want to leave you with today is this fifth development, the development at 46th and 46th. Even though the building itself is similar to the designs you have seen in the other four developments, the location is totally different. The reason I have this map I passed out here is because I think it shows you the distance between the proposed development and any commercial establishment. It's five city blocks. As you can see, the zoning C1 is five city blocks down towards the LRT from this development. Everything else in this neighborhood within the five city block radius is residential, mostly single family homes, and there is one 11 unit apartment building. The nature of this development in this neighborhood, in this location, I do not think is really consistent with the neighborhood. We're talking about five foot setbacks and a 40 foot high wall that goes right down the sidewalk on the way to Minnehaha Park. I would like to give a little bit of context to the location of the development as it relates to the fact that there are no commercial buildings, other than the one they are building on, within five blocks of this location. The other thing I would like to point out is that the Planning Division in their report on page five shared the concerns that some of the neighbors have. They said, and I quote: "However the size of the proposed building may be out of character with the surrounding area that is predominantly single and two-family homes while units may be in appropriate density that would not be detrimental to the public, this number of units may not be attainable on this site if the building is limited to an appropriate scale with the surrounding neighborhood." I heartily concur with that opinion and I ask that the plan as presented to you be denied and that a small plan, perhaps an OR1 zone, with 10 or 12 units, which would be much more appropriate to this small 2 ½ city house lot, would be presented and hopefully approved by you Commissioners. Thank you very much.

Jim Morrisson (4524 46th Ave. S.): I live five blocks directly north of the proposed development. I would ask for an extension of decision. I think this is a prime piece of real estate for our neighborhood. I think getting more community involvement in decision...(stepped away from microphone – my notes say that he is opposed to the project and had short notice regarding the project).

President Martin: Mr. Morrison, we have a petition here...or a letter from Longfellow Community Council. Were you folks not involved in that discussion that went on in the Longfellow Community? We have a letter from Longfellow Community Council about this development, so you're saying you only found out about it 13 days ago, we have a letter dated October 14 from (audience responds)...

Jim Morrison: October 12 is the first time any of the members knew about anything.

President Martin: I'm getting the idea that people don't like it, so is there anybody that has something else to say? Is the developer here?

Don Gerberding (Developer, 2104 4th Ave. S.): I'm here this evening to discuss a new residential project in the Longfellow neighborhood. Master Engineering is seeking approval for a very high designed, 20-unit, three story condominium project with underground parking located at 46th and 46th in the Longfellow neighborhood. We view this as an opportunity to create for the Longfellow neighborhood and we will call it a gateway project as one enters Minneapolis off the Ford Parkway bridge. We think can do it with graceful residential design elements. The site offers the opportunity to provide homeownership in a lovely setting. It's a park-like location and we hope to incorporate a fitting design that provides some public space on the corner. It is a compliment to the three and a half story apartment building directly across the street. Although it's predominantly residential to the north of the corner, there's a three and a half story apartment building on one corner and we are proposing a three story condominium residential project on the other corner. Considerable...during the design process is directed towards incorporating major elements of the 46th Street stationary master plan into this project. The project redevelops a previous gas station site most recently used as a tree services company. We're hopeful that parking for trucks and equipment will be replaced by homeownership. Also, the additional property taxes generated for the proposed uses is just under \$100,000 a year. The following elements of the 46th Street stationary plan were looked at very closely by the development team. A transit oriented project located just a half mile from the 46th stationary master plan. The plan we devised by the community. The plan also called for locating higher levels of density near transit corridors and transit venues. The project provides appropriate levels of parking for the residents, all underground. The building is pedestrian-oriented by design. It's built closer to the street with incredible views of the neighborhoods and the parks. We are thoughtful about our designs and thank you, Mr. Sullivan, for talking about our previous projects. Those were commercial projects. This is a residential project. Those were mixed-use projects with the design of those to incorporate both commercial and residential. This will have no commercial so it's a residential project, not a commercial project.

Patricia Fitzgerald (Master Development): We met with the Longfellow Community Council with a few neighborhood representatives at the end of June. That's when we were initially looking at this site and we wanted to get some early input into our design. It was a small group of neighbors, people who were invited by the Longfellow Community Council. It's unfortunate that not all the neighbors could have been present, but we didn't have an efficient way of contacting them so we worked through the neighborhood association. At those meetings we heard a few things. We heard that high-design would be important so we brought on board a quality architect, Brian Lubben. We're doing a very high quality design with a lot of glass and brick on the building. We also heard that density would be a concern and height. Whereas we were initially looking at a 25-28 unit development of four stories... we cut that back to three stories and 20 units. In addition, we decided to put in a public feature at the corner and we cut back our building on the corner to allow for a fountain or a public art component or something that would better address the street and provide an amenity to the public. We also came back to that small work group of Longfellow Community Council reps with a draft design and we got some additional feedback about how to lay out the parking and what other concerns might be brought up at the neighborhood meeting. We did have a community meeting in October. Some of the concerns we heard that night were regarding parking. Just to point out briefly that we do exceed the city zoning

requirements for parking. We're providing 23 stalls for our 20 units. We feel that while this is located just outside the half mile station area for the LRT station, that the condo buyers will be attracted to LRT so it is a transit oriented development. Based on our experience with other condominium projects, buyers of condos typically have fewer cars. Often even if it's a two person household, it's a family or a couple that has decided to reduce their reliance on automobiles. This site is also located on three major bus routes so we looked at that carefully in looking at this site. I think density is a big concern and we looked at the 46th Street station area master plan which does call for higher density housing. While 20 units may seem a bit denser for some of the neighbors, compared to some of our other projects it's smaller in scale. We've also tried to keep the height down so the height of the building will match, approximately, the house to the west. In addition, there is an apartment building directly across the street to the east that's a three story building. In comparing the density of our proposal with that building, that apartment building has 720 square feet per unit and we're providing 718 square feet per unit. In terms of density, it is comparable in the neighborhood. We understand that privacy is a concern and we will do our best to accommodate the neighbors and do some screening and landscaping wherever possible. In summary, I wanted to point out some of the ways we have tried to address neighborhood concerns and overall have planned what I think is a thoughtful development of medium density ownership housing.

Brian Lubben (Walsh Bishop Architects): It might be helpful to give you a little background on how we came to the position of the building and what our setbacks are and why we need them to be there. We're looking to get parking underneath the building and to get two rows of parking down in the lowest level. To do that we need a building that's about 65-70 feet wide. That's how we came up with the massing that you see here. Even though the building is pushed out to within five feet of the property line on the east and south side, there is an additional 12-14 feet of boulevard before you hit the street curb there in both directions. There are some mitigating factors there. We do step out slightly in front of the house that's immediately to the north of the project and the house that's immediately west of the project. That's where the massing of the project. That's what makes it possible for us to get units in there and build the parking to accommodate those units. We think that the massing is maybe becoming more and more appropriate to this area. There is a lot of traffic on 46th Street. It's a busier street and has a lot more going on there. We feel that it's appropriate to this type of development that this be located closer to that and that echoes some of the things that we talked about with 46th Street master plan. I think this building type is maybe becoming more and more appropriate in that area because of that fact. We think the character of the building with two stories of brick and a lighter story above it blend well with what's in the neighborhood there.

President Martin: You have a picture of it there?

Brian Lubben: Yes I do. We think the massing of this with two stories of brick and a lighter story above mimics a lot of what's going on in the neighborhood. There are a lot of two story houses with steeply pitched roofs that would approach 35-36 feet in height so this not out of character with the neighborhood. There certainly are houses that are smaller than that in the neighborhood, but there are houses on this same scale. We think the people who use this site will also take advantage of the transit opportunities at the 46th Street station. The parking we provided is adequate and we feel it's appropriate for this building and this number of units.

President Martin: Let me ask if the Commission were to follow all the recommendations of staff, we would deny two of the variances... how would your project change if you have that requirement to live with?

Brian Lubben: Once we lose about 10 feet on the east/west dimension, it makes it impossible to get the amount of parking down below. We'd be limited to one aisle of parking and one travel lane. Parking would go from 25 spaces to about 10 spaces because we still have to get in and out of the parking garage. I don't know that the project works at 10 spaces and maybe the same number of units.

President Martin: Commissioner Schiff.

Commissioner Schiff: I don't know the building code all that well, but could you have the parking as is below grade and then having the building above grade set back further?

Brian Lubben: Yeah, they don't have to align with each other.

Commissioner Schiff: Ok.

President Martin: Commissioner LaShomb.

Commissioner LaShomb: You just said that you could set it back. Mr. Voll on page seven of the document indicates that it's a possibility, but it would increase the cost of the project significantly. What would be the impact of setting it back on 46th and 46th? You going to lose units, what's going to happen?

Paul Meadows (2122 Hartford Ave.): I'm with Master Engineering. Council Member Schiff just suggested that we could potentially have the parking underlie the entire site and step back the building. The issue with that is there is a quite a bit of expense associated with waterproofing that decking so we have been advised against that by our construction folks. As far as the setback goes, we actually have a drawing here. Here's the edge of those far parking spots and here's the curve that the van would need to reach its spot. That's part of how we reached our width for the building and the parking deck which drove the width of the building.

Commissioner LaShomb: But the number of units wouldn't change... the size of the unit... I mean... what...

Paul Meadows: If we lost 10 feet off of the unit configuration we currently have, we'd have units that are 20 feet wide by ...it'd be very strange.

Brian Lubben: Problems with that is that, right now we have a parking garage that is sort of half in and half out of the ground so even if we could keep the full parking footprint, it would stick out of the ground about four or five feet on the south. I don't think it accomplishes what we are trying to do there. It would be set back, but on top of this large plinths level that's up above.

President Martin: Commissioner Schiff does that answer your question?

Commissioner Schiff: It does. In fact, I thought it was too good to be true when I got the first answer. It seemed so easy. I thought it brought up a second question for me, but I think I'll hold off.

President Martin: Commissioner Kummer did you have a question for the applicant?

Commissioner Kummer: Yes, thank you Madame President. What is the height of the new building? I'm going back to "per floor" from a discussion we had previously. How does that compare to the height with the existing apartment building there?

Brian Lubben: The height of our building is approximately 12 feet floor to floor and the tallest point above grade for our building is about 40 feet. The other building, I have to assume, is fairly close to that between 35-40 feet over there.

(There is a lot of "no" responses coming from audience)

President Martin: So it's different.

Commissioner Kummer: It is and I'm very familiar with that site and drove by just two days ago to double check. The existing building does sit down a little bit further because it's in that little dip there. Why are we going from a C1 to an OR2 when there is no commercial or no office that's actually slated for that?

President Martin: Neil, can you explain that?

Staff Anderson: Commissioner Kummer, the reason they are going for the rezoning is that in the existing C1, they need 1500 square feet of lot area per unit. In the OR2, it's 700 square feet per unit so instead of having 9 units in a C1, they want to go for 20 units in the OR2. That's the reason for the rezoning. Higher density.

Commissioner Kummer: So then it doesn't match up with the classification?

Brian Lubben: I think it's a permitted use in the OR2.

Commissioner Kummer: To be strictly residential in an OR2?

Staff Anderson: Both of the zoning districts would allow residential. In the OR2, it allows some office. In the C category, it allows commercial along with residential.

President Martin: It's not completely beyond the pale of what we often do. Commissioner Hohmann.

Commissioner Hohmann: Given the staff recommendations on frontages and whatnot, have you gone back and looked, for instance, if you had to move it back on the two sides by ten feet – you'd end up with what looked like roughly a dozen spots or 12, 13, 14 spots. If you stayed C1, you could build, what, 11 units?

Brian Lubben: It's probably physically possible to do that, but I don't if it's economically feasible to do that, I think that's the problem.

President Martin: Ok. Thank you. Commissioner Schiff.

Commissioner Schiff: On the parking aisle stuff, can you go through it once more? I mean, are all the parking stalls on the east side striped for...how big are those? Are they compact size?

Brian Lubben: All the stalls we have drawn here, I believe are 9x18.

Commissioner Schiff: Is that standard? My question is more for staff than it is for the architect. The width of the spaces here, is this standard or is it already compact?

President Martin: Neil can...

Commissioner Schiff: Either Neil or Jim Voll.

Staff Anderson: The drive aisle width for going in two directions is 22 feet wide. They have enough space for that.

Commissioner Schiff: I see the minimum there at the south side of the site, but it's a little wider at the beginning for the turning radius so, ok, it's about as narrow as they can get.

President Martin: I think we have heard enough opposition from the applicant so I am closing the public hearing. I wanted Neil to share with us, remind us, what other things could be done in a C1 district if there was no zoning change here.

Staff Anderson: Commissioners, as you know, a C1 district is a commercial district so there is all different kinds of commercial that can go in the C1. Everything from general retail sales and services through banks and child care centers, grocery stores, pet stores, clinics, video stores, restaurants, small medical clinics as well as residential that we talked about with a 1500 square feet of lot area per unit, which limits this to about nine I believe. There is also some educational facilities that could go in with a conditional use permit. That's generally it.

President Martin: Ok. Thanks Neil. Commissioner MacKenzie.

Commissioner MacKenzie: This site is an interesting site. It has these unique attributes that make it more than just a site on a corner in residential in Longfellow neighborhood – 46th Street is a huge piece of that. The connection to St. Paul is another huge piece. It makes me think we need to look at what will happen on this corner in the future because something inevitably is going to happen. What I am struck with and what's a struggle for me is the question of density and the feeling or impact, if you will, that neighbors are going to get whatever happens on this site. When you look at the site plan that the applicants have submitted here, it's basically a 15,000 square foot site. It's very close to an existing single family home on its immediate west side. Whatever goes in there is going to cause some friction in the immediate surroundings. I'm not disinclined to consider change on it, I'm just a little concerned about the relationship between whatever comes on the east side of that block face versus what's there on the existing. What I'd like to ideally like to see there is a proposal that looked at both parcels together so you didn't have that immediate impact. The other thing I note of this proposal is that the FAR that you would eventually get, which is

basically how much square footage is on that footprint, is about 1.8 FAR. That's really high. It's really high in Minneapolis. It's what we're looking for on our designated corridors and 46th Street is a busy street, but I'm not sure it's a designated corridor. I feel like we are often here trying to lead the way with change coming at us. We want to keep the change coming, but we get to this point where we have 10 pounds of flour and maybe we have an 8 pound sack this time. I have a big concern that this is too much though the intent is the right direction.

President Martin: Commissioner Krause.

Commissioner Krause: Madame Chair, my concerns with the project are, I don't believe the developers have met the findings for the rezoning. As I read through the report, I got the sense from the staff that this is somewhat of a close call on some of these issues. I reviewed it carefully and the first one is really arguable in terms of consistency with the applicable policies in our plans. Number two, whether the amendment is in the public interest and not solely for the interest of the single property owner. It doesn't appear to be the case. In fact, the developers architect diluted the fact that it was more of a financial outcome, or was more of a financial concern for them, that they be able to have this level of density. Even looking at some of the other findings, whether the existing uses are compatible with those other land uses around it and it's pretty clear to me while looking map that this is somewhat of an island in that case. The OR2, because it is designed to be mixed use and it is designed potentially for office uses as well, seems a strange classification to be seeking on this site to begin with. If it's being driven just by the density, and that density is being driven primarily by the finances of the project, it falls short of the findings that I think we have to have in order to rezone it.

President Martin: Commissioner Hohmann, were you...

Commissioner Hohmann: I concur with what both commissioners have said so far. I also agree real strongly with staff on the need to maintain the setbacks because this is a real residential neighborhood and without those setbacks I think you really lose a lot of that. I guess I am not real inclined to go with the rezoning.

President Martin: Ok. Commissioner Schiff.

Commissioner Schiff: I'm wondering if we're reading the same staff report. Staff doesn't recommend approval for rezonings if they don't think it's consistent with the comprehensive plan. I agree with a lot of what Commissioner MacKenzie said, we have to think about the future of 46th Street because 46th Street is not your basis residential street. It has amazing infrastructure. That boulevard is just dying to be planted and landscaped down the middle of it. That implies that 46th Street has a different purpose than 45th or 47th Streets. I drove by last weekend and parked on 46th Ave. S. and faced my car south and I was just amazed at the river of cars coming off the Ford Parkway Bridge and how amazingly heavily traveled 46th Street is and I really agree with the findings in the staff report that a project of this type and size will really buffer the rest of the residential uses further north. As staff said, this is not the kind of project we'd put in the middle of the neighborhood, but I think 46th Street really is, particularly on the very small stretch from 46th to Hiawatha, very different on the east side of 46th Street than it is on the west side of Hiawatha. We're looking at two different things here. Particularly because of the bridge and light rail. I think we're dealing with a very unique,

small strip here that's only a couple blocks long. I'm also struck by the fact that this is a three-story condominium building, we don't see that very often. We know with stick construction, they can max out at stories. To me, this is not a developer that's trying to maximize out the site otherwise they would have gone to four stories and they would have said that is what's required to cover underground parking. I can only think of one other three story condominium building with underground parking that was approved by the Planning Commission or even proposed by a developer within in the past three to five years. I don't think this site is maxed out. I think if you look at OR1 zoning and the C1 zoning, you see that there is something unique happening here historically. Probably because of the bridge and the relationship with Hiawatha. I don't think staff has recommended approval here outside...I probably will recommend setting back the building slightly to preserve the setback on 46th if we get that far.

President Martin: Ok, Neil.

Staff Anderson: Commissioners, I just wanted to remind you that unlike the CUP findings and the variance findings, for rezoning findings you don't have to make a positive on all of them in order to approve a rezoning. That's what is unique about that, so if they don't meet some of the rezoning findings, that's ok and is not an issue at this point.

President Martin: Ok, Commissioner LaShomb.

Commissioner LaShomb: I have to concur with Commissioner Schiff because I live about four blocks away from this, up on 46th Avenue, and yes, there is certainly a lot of single home residential there, but 46th Avenue has a variety of things. I live in a building with 280 units. We also have a lot of land around it, which today probably wouldn't be granted to the project. I think the real fundamental question... we have to look at the larger policy issues in addition to the small policy issues. I think the larger policy issue is, if we're going to have density in the City of Minneapolis without tearing a lot of things down, we have to maximize our opportunities in places where we have them. I have walked by this site numerous times and for the four years that I have lived in my home, this site has just sat empty and just gathered dust. My reaction is that there needs to be something appropriate put on this site. I think Commissioner Schiff is right that it is a unique site. Forty-Sixth Street is a four lane road with a divider in the middle. There is an apartment building across the street. I guess, rather than haggle about this much longer, I am going to move the rezoning and see if the votes are there and if it's not, then we'll save some time.

President Martin: Is there a second?

Commissioner Schiff: Second.

President Martin: I don't that we need further discussion since we discussed it a lot so the motion is to approve the rezoning, all those in favor? Opposed? Tie, I'm in favor.

Motion carried 5-4.

President Martin: Ok, so we have the CUP.

Commissioner LaShomb: I will move the CUP

President Martin: Second?

Commissioner Schiff: Second.

President Martin: Discussion? All in favor? Opposed? Same four? Tie, I will approve that.

Motion carried 5-4.

Commissioner Schiff: Staff recommended a setback from 21 to 15 feet, the applicant is looking for 21 feet to 5... I am going to move to approve a variance 21 feet to 10 feet which is basically in the middle which could be accomplished either by additional cost from what the applicant said of setting the upper building back and the additional waterproofing of whatever they need above ground or just by moving everything back.

President Martin: Ok. Second for that?

Commissioner LaShomb: Second.

President Martin: Discussion? Commissioner Krueger.

Commissioner Krueger: I am going to make a substitute motion to move the staff recommendation which is to deny.

President Martin: Second to that?

Commissioner Johnson: Second.

President Martin: Ok. Discussion? Commissioner MacKenzie.

Commissioner MacKenzie: My suggestion is that we ask the applicant and staff to work on the setback dimensions that are needed if they assume they have rezoning and they assume 20 units, I feel a little nervous about picking halfway points.

President Martin: So the motion that is on the floor is a substitute motion which is to approve the staff recommendation. All in favor?

Commissioner Schiff: I have a question for staff. Since staff recommended denial, but recommended approval of the CUP, the applicant stating the number of parking stalls and the number of units will be affected by adopting the staff recommended setbacks so what did you have in mind if they were to adopt your setbacks?

Staff Voll: The way staff looked at it is that 20 units could be an appropriate density on the site if we could figure out a way to do it. I don't know if we... we didn't take the time to figure out a way to do it to be honest with you. One of the things we thought about was that underground parking could be in the setback, but the building would be set back. I don't have the skills to sit down and figure out whether their proforma works to do that or not, so I didn't. That was one of the things that we thought about was having the building... but the drawings I had showed the building grade. Now I have received some drawings, I think on

Thursday or Friday, I can't remember, but I didn't have a chance to go over them, but it brings up that grade issue where the underground parking would be out of the ground four feet so we would have a problem there. I don't know if that's a solution, but when I was writing the staff report based on the information that I had with the building completely at a level grade, I thought that might be a possible solution.

Commissioner Schiff: So when we get to the site plan, it's going to matter whether we're approving a site plan for a building at grade or a site plan for a building four feet above...

Staff Voll: I think it will matter if your intent is to set the building back, but put the parking underground in the setback and the building sticks four feet up out of the ground, the underground parking sticks four feet up out of the ground – that solution doesn't work. I don't think I can make those decisions based on the information I have in front of you right now. Just so you know when you get to that discussion, I don't think we'll have an answer for you.

President Martin: Ok. Alright, the motion before us is to approve the staff recommendation. All in favor?

Motion carries 5-3.

President Martin: That was for variance "D" Commissioner Krueger? Ok. Would anyone like to deal with the other two variances? Go ahead Commissioner Krueger.

Commissioner Krueger: On item E, I'll move the staff recommendation which is to deny.

President Martin: Second?

Commissioner Johnson: Second.

Motion carried 5-3.

President Martin: We have the variance that deal with the balconies, patios, fountains, etc. Commissioner LaShomb.

Commissioner LaShomb: I move the staff recommendation.

President Martin: Second?

Commissioner Johnson: Second.

President Martin: All in favor? Opposed?

Motion carries 8-0.

President Martin: Site plan. Commissioner Schiff.

Commissioner Schiff: Clarification from the applicant on which site plan we're going with, the one that shows the building at grade or with parking coming above grade, which we don't have in front of us.

Brian Lubben: The correct version is the one where the parking is about 4-4 1/2 feet out of the ground.

Commissioner Schiff: Do we have those drawings?

Brian Lubben: I think Mr. Voll does, but I am not sure they have been distributed.

President Martin: The drawings we have don't make it look that way.

Brian Lubben: I may have it here too.

Commissioner Schiff: Why did you revise your drawings from the ones we have in our packets?

Brian Lubben: The first set of drawings that we did were done without benefit of the survey. The survey came back different than what we thought so that's why the difference in elevations.

Staff Voll: This would be along the alley, the west side of the building so you can see from the north side of the site to the south side of the site. The grade changes and the building sticks up from the first floor, from the floor of the first floor. You can see that's part of the parking garage structure or the basement level that sticks up above the grade as I read the plan.

Commissioner Schiff: Given that the commission voted to deny the variances for setbacks, I would say we don't have a site plan in front of us that we can act on and so we should deny it and ... we can continue it or deny it... and either this will be handled at the appeal level or the applicant can come through with a new site plan for us to approve later on consistent with this. I'll move to deny.

President Martin: Ok. Discussion? All in favor of motion to deny site plan request?

Commissioner MacKenzie seconded.

Motion carries 8-0.

12. 1901 Lofts (BZZ-1970, Ward 1), 1901 East Hennepin Avenue (Hilary Watson).

A. Rezoning: Application by Joe Sullivan with 5th Street Ventures for a rezoning petition to add the IL (Industrial Living) Overlay District to the existing I2 District for a property located at 1901 East Hennepin Avenue.

Action: The City Planning Commission recommended that the City Council adopt the findings and approve the rezoning petition to add the IL (Industrial Living) Overlay District to the existing I2 District for the property located at 1901 East Hennepin Avenue.

Commission President Martin opened the public hearing.

No one requested to speak to the item.

Commission President Martin closed the public hearing.

Commissioner Schiff moved approval (LaShomb seconded).

The motion carried 6 – 0.