

**3. Lyn-Lake Plan Small Area Plan (Ward: 6 and 10), ([Amanda Arnold](#)). This item was continued from the April 20, 2009 meeting.**

**A. Small Area Plan:** The City of Minneapolis has worked with area stakeholders to develop a long range land use planning document (a Small Area Plan) for the Lyn-Lake area.

**Action:** The City Planning Commission recommended that the City Council **approve** the Lyn-Lake Small Area Plan and **amend** the policy guidance for the area into the City's comprehensive plan, with the following amendments:

On page 41:

Building height and character is discussed in the context of each character area below. However, some general principals apply to the whole study area. Higher heights should be concentrated in the Activity Center, and height above six stories (84 feet) should be substantially set back from the lower floors.

On page 42:

Thus, it is recommended that when new development is constructed the building face along Lyndale Avenue South or West Lake Street not exceed six stories (84 feet) in the Activity Center so that the new construction will fit into the existing context at the street level and not detract from the existing character.

If additional height is proposed, the additional stories should be substantially set back from the lower floors so they do not increase the amount of shadowing that would be created by the six story facade. However, there may be situations in which the provision of quality amenities may be a trade off for increased shadowing.

On pages 45 and 59:

On the north side of West Lake Street, buildings should be encouraged to provide setbacks to create additional space for outdoor seating and other amenities. In particular taller buildings should offer additional public outdoor spaces compliant with the Comprehensive Plan's Winter Cities standards as an amenity.

If proposed buildings exceed the height of the base zoning, the potential impacts should be balanced by the provision of street level public amenities, such as privately owned, semi-public open space that opens up and connects to the existing sidewalk on the north side of West Lake Street having the effect of creating an expanded sidewalk, public alcoves/plazas, or other public amenities to substantially enhance the pedestrian realm. The resulting spaces should be designed in compliance with Winter Cities standards as stated in the Comprehensive Plan and the Plaza Standards, when applicable, in promoting four-season use.

**Department of Community Planning and Economic Development – Planning Division**  
Small Area Plan/Comprehensive Plan Amendment

**Date:** May 18, 2009

**Project Name:** Lyn-Lake Small Area Plan

**Submitted By:** CPED Community Planning Division

**Planning Staff and Phone:** Amanda Arnold, 612-673-3242

**Wards:** 6 and 10

**Neighborhood and Business Organizations:**

- Lowry Hill East Neighborhood Association
- Calhoun Area Residents Action Group
- Whittier Alliance
- Lyndale Neighborhood Association
- Lyn-Lake Business Association

**Current Minneapolis Plan Designations:**

- Activity Center – Lyn-Lake
- Commercial Corridors – Lake Street, Lyndale Ave. S from Franklin Avenue to 31<sup>st</sup> Street
- Community Corridors – Lyndale Avenue S., south of 31<sup>st</sup> Street

**Background**

In early 2008, the Planning Division began work on the Lyn-Lake Small Area Plan, following the adoption of the Uptown Small Area Plan after a two year planning process. Early in the Uptown planning process, a decision was made to follow up the Uptown Small Area Plan with a Lyn-Lake Small Area Plan so that there would be detailed planning guidance for both of these “sister” Activity Centers.

During the Lyn-Lake planning process, City staff worked with a Steering Committee made up of representatives from the four surrounding neighborhoods, the Lyn-Lake Business Association, and the Midtown Greenway Coalition. Council Members Ralph Remington and Robert Lilligren each appointed additional individuals who did not represent specific groups. During the year long development of this plan, five steering committee meetings and four community meetings were held. Other outreach included direct mail, an online survey, regular e-mail updates, a project website, and a total of fourteen updates at regularly held neighborhood and business association meetings.

The 45-day public review period began on February 21, 2009 and ended on April 6, 2009. The draft plan was discussed at the March 26, 2009, City Planning Commission’s Committee of the Whole meeting. Edits were made to the document in response to feedback received during the 45 day public comment period and at the Committee of the Whole meeting. A public hearing was held at the City Planning Commission meeting on April 20<sup>th</sup>, 2009 and the item was continued in order to allow for more discussion about building height and the overlap of plans. At the May 7<sup>th</sup> Committee of the Whole meeting details of the plan content were discussed again. Edits were made to the document following the second Committee of the Whole meeting. These edits are detailed in the first attachment to this staff report.

## **Plan Summary**

The primary purpose of the plan is to provide more detailed policy direction for land use and development in the Lyn-Lake area. The plan builds on the existing land use policies in the *Minneapolis Plan for Sustainable Growth* and the *Midtown Greenway Land Use and Development Plan*. The plan focuses on the area surrounding the Lyndale Avenue South and West Lake Street intersection but also speaks to a larger “influence area”, a large part of which is addressed in the *Midtown Greenway Land Use and Development Plan*.

The plan development process began with several exercises designed to establish a vision statement that describes the desired character of the area. That statement, which was crafted from public feedback, is:

*The Lyn-Lake area highly values its independent and diverse business mix. This colorful destination will be supported and enhanced by encouraging the continued development of a clean, dense, and vibrant district. Lyn-Lake’s diversity and urban character is valued; it will continue to be an artsy enclave that serves as a home to a diverse population. It will continue to be a place where people choose to walk, bike, and take transit to enjoy all that the area has to offer.*

Principles that guide the plan include the need to:

- Maintain and grow an independent and diverse business mix.

- Promote a clean, safe, pedestrian friendly urban environment.

- Maintain and cultivate a residential and commercial identity that is uniquely Lyn-Lake.

- Support a dense environment with housing options for a variety of incomes and lifestyles.

- Encourage incremental greening through the development of small urban green spaces and environmentally sensitive design.

- Balance the needs of automobile, bicycle, and pedestrian travelers while recognizing the exceptional nearby amenities of the Minneapolis Chain of Lakes and the Midtown Greenway.

- Continue to plan for the parking needs of area businesses, residents, and visitors while balancing the need for a walkable, well developed area.

The plan includes a demographic and real estate market analysis conducted by Joe Urban, Inc. and a series of development case studies and conceptual “build-out” sketches created by Bonestroo, Inc.

The plan contains a series of recommendations designed to strengthen the business core, provide design considerations in the case that rail service is implemented within the Midtown Greenway, further historic preservation efforts, encourage incremental additions of green space, and provide guidance on building scale and design.

## **Analysis – Major Considerations and Issues**

**Business Core** The plan is focused on the intersection of West Lake Street and Lyndale Avenue South which is major destination for shopping and entertainment. The plan speaks to the need for a larger daytime population and stronger business synergy. However, these are issues that are influenced by market forces in addition to land use policies. The land use recommendations support commercial development with a preference for mixed-use development around the intersection of West Lake Street and Lyndale Avenue South. The plan also contains several recommendations related to the Garfield parking lot, which is publicly owned and could reach its capacity to accommodate “parking credits” purchased by nearby businesses. Recommendations include planning for the development of a ramp and potentially expanding the area in which assessments are issued to support the lot.

Land Use The land use plan map reflects the principles found in *Minneapolis Plan for Sustainable Growth* and the *Midtown Land Use and Development Plan*, with a few exceptions:

This plan specifically recommends that the existing fabric and feel of Lyndale Avenue South between West 24<sup>th</sup> Street and West 26<sup>th</sup> Street be retained. Several residential structures are found in these blocks. This section of South Lyndale Avenue is a Commercial Corridor, and preservation of housing stock on Commercial Corridors is not typically a priority. However, in this case, the existing fabric is strong and offers a unique opportunity for preservation.

- Alterations to the future land use map in the Midtown Greenway Land Use and Development Plan represented in this plan relates to the following areas:

- Between Colfax and Lyndale Avenues South and between West Lake Street and West 29<sup>th</sup> Street. Previously parcels not fronting West Lake Street were previously designated for high-density housing. While it is still the desire to have housing along the Midtown Greenway and commercial uses along West Lake Street, these blocks may be redeveloped as part of a larger project in the future that contain both retail and residential uses, and thus they are designated for commercial mixed-use to allow for greater flexibility in design and zoning options.

- This is also the case on the eastern side of Aldrich Avenue and the western side of Garfield Avenue, between the Midtown Greenway and West 28<sup>th</sup> Street.

- This plan changes the previous future land use of the Garfield parking lot from high density residential development adopted in the *Midtown Greenway Land Use and Development Plan* to commercial with a preference for mixed-use.

This plan does not outline specific residential densities for the parcels on Aldrich and Garfield Avenues that share an alley with parcels that front Lyndale Avenue South, north of West 28<sup>th</sup> Street. Instead, it designates those parcels as “Urban Neighborhood”, as designation used in the *Minneapolis Plan for Sustainable Growth* to indicate that a variety of densities exist and that existing buildings should be replaced with those of similar density.

Comprehensive Plan Land Use Features The only proposed change to a land use feature found in the *Minneapolis Plan for Sustainable Growth*, is the expansion of the Activity Center boundary by one block to the north along Lyndale Avenue South to West 28<sup>th</sup> Street.

The block of Lyndale Avenue South between the Midtown Greenway and West 28<sup>th</sup> Street is currently part of a Commercial Corridor. When comparing the existing policies to those that would be in place if the Activity Center boundary was expanded, the following commonalities and differences can be found:

Commercial Corridor policy supports a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial- where compatible with existing and desired character. Whereas, Activity Center policies encourage a variety of commercial and residential uses that generate activity all day long and into the evening.

Commercial Corridor policy encourages commercial development, including active use on the ground floor, where Commercial Corridors intersect with other designated corridors. Whereas, Activity Center policies encourage mixed-use buildings, with commercial uses on the ground floor and secure entrances for residential uses. Activity Center policies also specifically support active uses on the ground floors of buildings.

Commercial Corridor policies discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors. Whereas, Activity Center policies discourage automobile service and drive-through facilities throughout, not just at intersections of corridors.

Commercial Corridor policy encourages high-density housing along the corridors and medium density housing on properties adjacent to properties on Commercial Corridors. Whereas, Activity Center policy encourages the development of high to very-high density within the boundaries of the Activity Center, and medium to high density housing immediately adjacent to Activity Centers.

Activity Center policies support other land use and design efforts that Commercial Corridor policies do not specifically support such as district and shared parking facilities and architectural design, building massing and site plans to create or improve public and semi-public spaces.

Staff presents this recommendation because:

The expansion of the Activity Center can further support the business mix and strengthen Lyn-Lake as a city-wide destination.

Expanding the boundary of the Activity Center provides stronger support of the addition of the Pedestrian Oriented Overlay district in the added block.

Both Commercial Corridor and Activity Center policies encourage high density housing. Very high density housing, which is supported by Activity Center policies, is appropriate near the Midtown Greenway where alternate transportation is easily accessible.

Existing, adopted policy already supports high density housing along the eastern side of Aldrich Avenue South and the western side of Garfield Avenue South.

- Future zoning options in an Activity Center such as C3A would support fewer auto-oriented uses, higher density, and smaller retail spaces.

The existing uses in this block contain a large mixed-use project, a regional arts destination, and restaurants, all of which are typical of an Activity Center.

Several of the existing parcels span the distance between Garfield and Lyndale Avenues; so as redevelopment occurs, policies designed for an area versus a corridor may be more appropriate.

### **Public Comments**

During the 45-day public comment period eight letters were received. Since the close of the comment period, staff has made edits to the document to add clarification and address public comments where feasible within the intent of the original drafting of the document. Updated versions of the following chapters: Analysis of Issues, Recommendations, and Implementation are attached. Alterations involving the substance and message of the document are highlighted. In addition, a summary of alterations made since the release of the 45 day public comment period draft is attached.

### **Future Related Actions**

Implementation of the plan recommendations is part of planning staff's 2009 work plan and will likely continue into the future through various partnerships.

Comprehensive plan changes. This small area plan will be incorporated into the update of the city's comprehensive plan, and its Future Land Use map will be incorporated into the comprehensive plan's citywide Future Land Use map.

Rezoning study. Zoning changes compatible with this plan's land use recommendations will be made through an upcoming rezoning study.

Development review. Future development proposals for property in the Lyn-Lake area will require Planning Commission review of development applications such as rezonings, conditional use permits, and site plan review. Thus, the Planning Commission also has a role in the incremental implementation of the

plan.

**Reference Materials/Attachments**

A summary of the alterations made to the draft after the 45 day public comment period and alterations made after the May 7<sup>th</sup> Committee of the Whole meeting.

Revised drafts of Chapter 5 – Recommendations and Chapter 6 – Implementation which reflect changes made after the May 7<sup>th</sup> Committee of the Whole meeting. The edits made after the 45 day public comment period and March 26<sup>th</sup> Committee of the Whole meeting are highlighted in yellow. Changes made after the May 7<sup>th</sup> Committee of the Whole meeting are highlight in blue.

(The full updated draft can be found at <http://www.ci.minneapolis.mn.us/cped/Lyn-Lake.asp> )

Comments received

Land use map from the *Midtown Greenway Land Use and Development Plan*

**RECOMMENDATION OF THE DEPARTMENT OF COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT – PLANNING DIVISION:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council **approve** the *Lyn-Lake Small Area Plan* and **amend** the policy guidance for the area into the City’s comprehensive plan.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 1235 4th St NE from R2B Two-Family District to C1 Neighborhood Commercial District to allow for an art gallery.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

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

The motion carried 7-0.

**3. Lyn-Lake Plan Small Area Plan (Ward: 6 and 10), ([Amanda Arnold](#)). This item was continued from the April 20, 2009 meeting.**

**A. Small Area Plan:** The City of Minneapolis has worked with area stakeholders to develop a long range land use planning document (a Small Area Plan) for the Lyn-Lake area.

**Action:** The City Planning Commission recommended that the City Council **approve** the Lyn-Lake Small Area Plan and **amend** the policy guidance for the area into the City's comprehensive plan, with the following amendments:

On page 41:

Building height and character is discussed in the context of each character area below. However, some general principals apply to the whole study area. Higher heights should be concentrated in the Activity Center, and height above six stories (84 feet) should be substantially set back from the lower floors.

On page 42:

Thus, it is recommended that when new development is constructed the building face along Lyndale Avenue South or West Lake Street not exceed six stories (84 feet) in the Activity Center so that the new construction will fit into the existing context at the street level and not detract from the existing character.

If additional height is proposed, the additional stories should be substantially set back from the lower floors so they do not increase the amount of shadowing that would be created by the six story facade. However, there may be situations in which the provision of quality amenities may be a trade off for increased shadowing.

On pages 45 and 59:

On the north side of West Lake Street, buildings should be encouraged to provide setbacks to create additional space for outdoor seating and other amenities. In particular taller buildings should offer additional public outdoor spaces compliant with the Comprehensive Plan's Winter Cities standards as an amenity.

If proposed buildings exceed the height of the base zoning, the potential impacts should be balanced by the provision of street level public amenities, such as privately owned, semi-public open space that opens up and connects to the existing sidewalk on the north side of West Lake Street having the effect of creating an expanded sidewalk, public alcoves/plazas, or other public amenities to substantially enhance the pedestrian realm. The resulting spaces should be designed in compliance with Winter Cities standards as stated in the Comprehensive Plan and the Plaza Standards, when applicable, in promoting four-season use.

Staff Bernard presented the staff report.

Commissioner Norkus-Crampton: Thank you for your work on this. I think we have a much better picture of what our goals are as a city in relation to this node and the Lake Street corridor and the Lyndale corridor. I'm pleased with a lot of what came forward on that. I have a couple of minor amendments I'd like to offer when it's appropriate but overall I'd just like to thank staff for the work they did to tweak this a little bit. I've been getting good feedback from people and I think that these corridors really matter. We spent a lot of money and energy on this corridor and I'm pleased with the progress we're making.

President Motzenbecker: Joe or Hilary, I don't know if you were able to see it, but we got a letter from the Lyndale Neighborhood Association. There were some questions that I thought were valid and I just wanted your insights on them. They were about parties, responsible parties, in the implementation chart. There was a question of if it was an oversight of if it was conscious that in all of those responsible party pieces that neighborhood groups were excluded. The letter reads "there was not a single mention of neighborhood organizations as responsible parties for implementing the plan, even the business associations, Midtown Greenway developers and other non-city organizations are listed multiple times. Hoping this is an oversight and not an effort by the city to move away from working with neighborhood organizations on planning issues." I did find that interesting. I know we didn't ever really talk about that. If you could just give us some insight into that.

Staff Bernard: I'm not familiar with the particular comment that you're sharing. Without having had a chance to review it, I would guess that it's an oversight. We certainly value partnering with the neighborhood groups and implementing all of these things. I think as the amendment process moves along we can give more details and that'd be perfectly appropriate.

President Motzenbecker: Would it be appropriate to submit this so you have it and recommend that we look at some of these suggestions as it moves forward to City Council and adding some of those? Ok. I'm not going to open the public hearing because we did close it previously. I'm just going to have deliberation among the commissioners. I want to reiterate what Commissioner Norkus-Crampton said and I also want to reiterate that there was a lot of great work done on this plan. Just to make sure that we are reiterating city policy, but I don't think we have to put it in detail in every plan. I think making references, as you'll see in Commissioner Norkus-Crampton's additions, are excellent. Our goal is to steward the Comprehensive Plans and all of the plans; the small area plans, the large plan, and so it's incumbent upon us to ensure that whenever things come forward we're paying attention to those multiple layers of all those different plans and it is staff's job to do that as well but ours as stewards in our position. I would just offer that up as something to think about as we go forward.

Commissioner Norkus-Crampton: I agree with everything you said and I think we're all entering this in a really constructive spirit. I'm very pleased with how things have moved forward here. A couple of minor things; some of the amendments that were proposed on page 45 and relating to recommendations on page 59, one of the paragraphs reads "buildings along West Lake Street should be designed with an abundance of windows and uses with the building should interact with the sidewalk" and the clarification I'd like to put in there consistent with how we've been approaching this is "on the north side of West Lake Street" that's an addition, "buildings would be" and an addition would be "encouraged to provide", on with the text "setbacks to create additional space for outdoor seating and other amenities, in particular, higher buildings should offer additional public outdoor spaces compliant with the Comprehensive Plan's Winter Cities standards as an amenity." That's just a clarification and slight amendment to that paragraph. The second one is just the paragraph following that on page 45 "If proposed buildings exceed the height of the base zoning, the potential impacts should be balanced by the provision of street level public amenities, such as privately owned, semi-public open space that opens up and connects to the existing sidewalk on the north side of West Lake Street having the effect of creating an expanded sidewalk, public alcoves/plazas, or other public amenities to substantially enhance the pedestrian realm." My addition would be, "the resulting spaces should be designed in compliance with Winter Cities standards as stated in the Comprehensive Plan and the Plaza Standards, when applicable, in promoting four-season use." I think that refers people to the latest updated plans that we've done and the standards we had to make sure that we're meeting the goals of our overall Comprehensive Plan neighborhood by neighborhood and project by project. Those are the amendments I'm offering. Thank you.

President Motzenbecker: Those amendments are verbatim both on page 45 and in the implementation chart because it's basically the same language cut and pasted in that chart just for clarification on page 59.

Commissioner Tucker: Just a small clarification, in the first suggested amendment did you removed the words "where appropriate" in the second line of your first entry?

Commissioner Norkus-Crampton: I guess I thought that "on the north side of West Lake Street" seemed more accurate than "where appropriate" because the setbacks that we're talking to provide additional space for outdoor seating, it's more appropriate to encourage that on the north side where there's actually solar access and more amenities on there and that is the same treatment that was encourage with the Uptown Plan because you have sort of built in solar access on that side and you can make the most use of those spaces. You also have protection on the north side from wind pattern so it's sort of a ready made area to do that.

Commissioner Tucker: So the answer is "yes."

Commission Norkus-Crampton: Yes.

Commissioner Tucker: The second suggested amendment says "if the proposed buildings in this district", were you proposing to remove "this district"?

Commissioner Norkus-Crampton: Yes because I didn't think that was helpful and I didn't know what the district is and I didn't think people wanted to spend a lot of time trying to find it.

Commissioner Tucker: It's in the staff report so it's implied. I think they're both fine amendments. The language is getting a little iffy by now because it's not that nice typed report drafted by staff but I think it's fine to refer back to standards for Winter Cities we worked so hard on and also for the plaza. I do support these two amendments. I think they clarify a lot of the issues that we dealt with.

President Motzenbecker: All those in favor of the Lyn-Lake's Small Area Plan approval?

Commissioner Gorecki: Are we first voting on the amendments?

President Motzenbecker: We can, sure.

Commissioner Gorecki: I have additional amendments.

President Motzenbecker: We can take them as a whole or individually. Let's take Commissioner Norkus-Crampton's amendments and then we can look at additional ones. All those in favor of Commissioner Norkus-Crampton's amendment as read and which will be submitted in writing? Opposed? Those are accepted into the plan.

The motion carried 7-0.

Commissioner Gorecki: Two small additions; on page 41 in the first paragraph starting with "building height", the second to the last sentence, I would suggest we say "and height above six stories should be" and then strike "substantially". I think six stories is consistent with what's already there in the activity centers and wouldn't be additional height and then "substantially", I always get nervous when we use a term that isn't defined. Substantial isn't defined. If we want to define it, let's define it. If not, I would suggest we remove it. My second amendment would be on page 42, about in the last paragraph on the page, it says "not exceeding four stories" and I would say "not to exceed six stories" again being consistent with what already exists in the activity centers. Those are my two amendments (Luepke-Pier seconded).

Commissioner Norkus-Crampton: Could you please explain the first amendment again? I wasn't tracking exactly where you were on the plan for that part.

Commissioner Gorecki: On page 41, the first full paragraph, second to the last sentence, "concentrated in activity center and height above" it's four stories, change it to six stories, and then "should be substantially set", strike "substantially."

Commissioner Norkus-Crampton: To comment to that particular amendment directly, part of trying to create an inviting pedestrian realm is, again, consistent with our Winter City standards and it's to encourage solar access to the street and to limit shadowing. Conservatively, after four stories, if you don't do some sort of setbacks, and we do shadowing studies on there anyway, but you can have six stories but you just need to shape that building back to achieve your goals. I guess the base zoning calls for four stories, certainly with a conditional use permit they could go that and we've seen that, but in the scenario as stated here, we would have more control over making sure that the massing of these buildings achieves our other goals in terms of four season appeal and uninviting pedestrian realm. That would be an argument against that particular amendment.

President Motzenbecker: It seems the intent is to allow six stories as the base piece and then anything above that would be seen through us. You were saying you would prefer a six story street wall and then step back even though you could have a six story building with a four story street wall. Alright, I just wanted to clarify.

Commissioner Huynh: I agree with Commissioner Gorecki with striking “substantially.” When you get too prescriptive it gets a little difficult and I think there are controls such as shadow studies that you have with your applications that would allow for the commission and council to determine whether or not the height is appropriate or massing, however, with four or six stories, it’s difficult to say which one is more appropriate because I think with a four story you can do 14 foot floor to floor which is pretty much equal to six story 10 to 10. Six and four stories are appropriate, it depends on the design. I’m not sure what my thoughts are at this time other than that I support density and this should fall back on the Comprehensive Plan which supports this. I’d like to hear more thoughts about this.

Commissioner Gorecki: I think you make a very good point in the sense that if we need to set a height restriction in regards to what that six story means then I think we should do that. I would put out 75 feet as a good barometer to a six story building. You don’t want someone to take full advantage of a six story at 14 feet plus and then we have a much higher scale. I don’t want that to happen.

Commissioner Tucker: I oppose this amendment. I think we’ve worked through this four stories both in the staff report and the public process and in the CoW meeting and also reinforced it in amendments just passed talking about allowing for greater height. I think everyone here is in favor of greater density; it’s more a discussion of the form that density takes so that four stories along the street, the street face, the enclosure, is sort of the character that I think we’re trying to set for this part of Lake Street, but recognizing that additional density may be desirable allowing a development to go higher than that if it is set back. The changes to the report just introduced by the staff talk about how you do increase, saying additional stories should be substantially set back from lower floors, this is on page 42, and then it’s added in blue “so they do not increase the amount of shadowing that would be created by the four story façade.” That’s the part that addresses the “substantially.” It gives you some notion. I know we discussed in CoW that we do not want to say an actual number of feet to be set back but we do want to talk about more performance standards; the Winter Cities is talking about ways to think about this when the project comes forward and we evaluate it and decide if the additional height as it’s set forward in the proposal fits. I think we got it covered, we just are deciding that we will have a four story façade on this part of Lake Street rather than a six story.

Commissioner Gorecki: I disagree with it based on what’s currently in the realm and that is six story buildings. They’re not six story buildings that are set back. I don’t know why we’re putting something in this plan that’s different than what’s already there. I guess that’s what I’m saying is lets be consistent with the make up of the existing street frontage that we have in the Lyn-Lake activity center. I don’t think this is stepping outside of what’s already in the public realm.

President Motzenbecker: Looking on page 42, for consistency purposes with page 41, if you’re taking out substantially in 41, do you want to leave it in 42? Also, “created by the four story façade”, I would assume that would bump up to six as well. That being said and to maybe address Commissioner Tucker’s point of view, would you consider, what if we kept that last paragraph on page 42 in the yellow starting with “if additional height is proposed” with your

language “created by the six story façade setback...” but leaving the four stories before that because then I think you address kind of both sides of the coins if someone wants to do a four story façade in a six story building they can still do that but you’re kind of setting the standard that six stories is...does that make sense? Not at all, you’re confused.

Commissioner Gorecki: I guess I am confused because someone could still build a four story building. We’re not mandating a six story building here; we’re saying that you can build a six story building without a setback. Am I not understanding your...

President Motzenbecker: That’s what I’m saying. If the desire is for the setbacks, you’re kind of covering both by saying that.

Commissioner Norkus-Crampton: Everything that was built there was built there with a base zoning of four stories anyway. We don’t have height limits, we have base zoning that has a starting point and then we’re off to the races from there through the conditional use permit process. I think that the shadowing from a six story building on the south side of the street could have a huge shading affect on the other side and really undermines some of the urban design standards we’re trying to establish as a four season winter city. I think that you can still get the six stories. All we’re trying to do is figure out a way to package density in a way that meets our other goals consistent with our Comprehensive Plan and the other policies that we’ve tried to lay out very thoughtfully and trying to create a more inviting pedestrian realm that will encourage walking, biking, taking a bus, all those kinds of things and a big issue here is solar access. We state that again and again in the plaza standards, in the Winter Cities standards. I think that is an important component. I’m not opposed to a conditional use permit for six stories in this area, but I think we have every right to sort of articulate how to shape that density in a way that it meets all our goals for the overall Comprehensive Plan and I think what we’ve got here is a compromise, but I think it’s a fair one. I am speaking against the motion.

Commissioner Luepke-Pier: The part of this I agree with is raising it to six stories, but I like the suggestion of maybe giving a number then because the four story and six story building could technically be the same height and if we’re trying to achieve mainly what is a...preventing overshadowing of the street, maybe that would be more important than just listing stories. I’m convinced with the six and maybe we need to add a number in there. I actually like the word “substantially” and I think Commissioner Tucker had a good point and that “substantially” gets defined on the bottom of page 42.

Commissioner Bates: It seems like there is a mathematical solution here and if 75 works in terms of hitting most shadowing studies, that makes sense to me. I like the word “substantially.”

President Motzenbecker: Commissioner Gorecki, would you like to reword?

Commissioner Gorecki: I’d be happy to reword to my amendment to state, going back to page 41, “and height about six stories, not to exceed 75 feet, should be substantially set back from the lower floors.” On page 42, the last paragraph, “not to exceed six stories in the activity center” and leaving “if additional height is proposed and the additional stories should be substantially set back from the lower floors so they do not increase the amount of shadowing that would be created by a six story façade.”

President Motzenbecker: Do we need to have 75 feet in that anywhere?

Commissioner Gorecki: I suppose we should include the 75 feet at that point as well.

President Motzenbecker: So not to exceed six stories, 75 feet.

Commissioner Huynh: How did 75 feet come about? I'm curious because before the hearing I worked on some analogies and studies for the site and I didn't come about in terms of looking at set feet for what would cover solar access for the street but I was just wondering how 75 feet came about.

Commissioner Gorecki: Real quick math. The math was commercial floors of approximately 15 feet high on the ground floor and then 10 feet above that.

President Motzenbecker: Just for commissioner's information, the two buildings that are now there, the six story buildings, do have the six floor setback.

Commissioner Tucker: I'd like to know how you got that number again.

Commissioner Gorecki: I'd be happy to amend my amended amendment to 65 and that's fine. Sorry, my math was off.

Staff Wittenberg: For what it's worth, in terms of the zoning code height limitations, many of our districts say four stories or 56 feet and then those districts that allow six stories say six stories not to exceed 84 feet. Not that you have to follow those in the plan that you adopt, but just in terms of giving you a guideline in terms of what the zoning code says what is a maximum or equivalent for four and six story buildings.

Commissioner Gorecki: Let's be consistent and keep it at that then.

Commissioner Norkus-Crampton: This refers specifically to the activity center, is that correct?

President Motzenbecker: Yes.

Commissioner Norkus-Crampton: There is nothing preventing six story buildings from being built in the activity center now with the base zoning. The only thing that we're losing in making the base height at six stories is the chance to have some influence over how the density within that is presenting itself at the street level. To make sure we're accomplishing our other goals in terms of shadowing, creating friendly pedestrian realms and...with an 84 foot building, there's no way you're not shadowing that whole area with that. One of the things we've been working out here is to say we want the density but we're trying to work with the people who want to build in this area to create a win/win and get the density for them and to create an inviting pedestrian realm for everyone else. We've eliminated some parking requirements and done some other things here but now we have to start creating the context and the inviting realm to keep people there. Solar access is an important aspect of that. I just don't think that this is necessary to get six stories. We don't have outright height limits. The conditional use permit process takes care of that and everything that we've built there so far has been built through the CUP process. I just think that this is unnecessary and it actually moves us backwards in terms of creating a more pedestrian friendly realm.

Commissioner Bates: Just to be clear, and I understand that we don't necessarily use these plans to set precedent from plan to plan, but it seems to me that given the arguments for four or six, is that we're somehow deciding that with streets such as Lyndale, anything over four stories or 56 feet would necessarily have significant impact on that pedestrian realm and I'm just wondering is that based in anything other than our sense that it would or what are those Winter Cities standards?

President Motzenbecker: We're not going to read the whole Winter Cities standards now. They're in the Comp Plan and you can check them out. There are general shadowing studies that we do that are required for new developments that look at the height and the angle of the sun and it shows how much shadow throws on the streets and obviously that would vary with the height of the building and where the building is located.

Commissioner Bates: I really understand that. It just seems like there's an assertion being made that at four stories or 56 feet it would operate this way versus six stories at 86 feet it would operate another way and I'm just wondering if we know.

Commissioner Norkus-Crampton: In the shadowing studies that we've done and the work that was done on the Uptown Plan for instance, there were significant shadowing studies. The issue is that in the winter time the sun is at a really low angle and so if you're trying to provide year-round solar access you've got to figure out ways to shape those buildings which is why we do the shadowing studies. Four stories or 56 feet on a wider street, that's about as high as you're going to get without a setback. That doesn't mean you can't go up, it just means that that upper level needs to go back a little bit. Relating to the winter city stuff with this, it says "consider solar access, shelter from the wind, and snow storage and removal in sight design. Locate pedestrian places on sunny sides of streets and buildings to shelter from the rain and utilize the sun's warmth." These are really clearly stated goals for trying to create a more...to build on the fact that we're a four season city and to make it more friendly year-round.

Commissioner Bates: I understand that and the points that you're making, but I think we're making a sort of decision about preferring that pedestrian realm over density on those areas based on those shadow studies. I have a problem with that.

President Motzenbecker: Unless we have an exact mathematical calculation that shows the angle of the sun on a standard four story building, this is the angle of the sun on a six story building and the generic distance that the shadows fall, obviously that's going to change with the shape and form of the building, but if you're just talking a generic cube of volume, we don't have that. I don't think we've had it done for this particular thing.

Commissioner Tucker: I think Commissioner Bates has correctly identified that it's the height of the building on the street façade that is the item for discussion here and clearly the taller the building is right on the property line the longer the shadow is that it casts on the other side of the street and the less pedestrian friendly I would say it is, particularly in the winter when you get higher. If we look back on to the heights of four stories versus six, we're really not worried about the number of stories, it's the actual feet that's in play here because it's not the stories casting the shadows it's the total height in feet. If we take Commissioner Gorecki's sort of ballpark figure of 15 for the first and 10 for the next, a four story would give us a 45 foot façade and if we all of the sudden change this to six stories and up to 84 feet that's almost double the height of this wall right along the street and certainly increases the shadow substantially and diminishes the number

of hours we will have sunlight. I just want you to keep in mind that this is a big change. In between we have our standard notion of four stories being 56 feet, which is in between that 45 foot that you might expect from a modern four story building and the 84 that would result from a changed six stories as we note them in the code. I hope you keep in mind that this is a huge change. I don't think we want to overshadow the street. I think that's the whole point of the substantial setback. The substantial setback could be substantial enough and formed in such a way that you would have a ten story building back there. This is not saying a whole development can go up to six only it can go up a lot more, it's a matter of the form and that's why we have later sentences added by staff in recent reworking that that form is dependent on the shadows cast by the new proposal for a taller building.

Commissioner Luepke-Pier: I don't care that it's consistent with other plans, I would propose a compromise where we split the difference and say 70 feet because then we can accomplish the original intent. I was going to question whether it would even matter if a 56 foot building is going to shadow the entire street in the winter given the low angle of the sun anyway. Whether it's four stories or six stories, I had a hunch it wouldn't matter and I'm hoping Commissioner Huynh could shed some light on it.

Commissioner Huynh: I handed out some of the day lighting studies that I have done in my free time being half time at my fulltime work. In my past life I was a day lighting research assistant so I did some day lighting studies just to do some technical analysis on solar access on the sight and on the street. As you can see, the first scenario gives you a two story building looking at noon conditions, 22 degrees at winter sun angles, 45 in March and September and 68 for June at noon in terms of what the highest sun angle would be. If you can see, the first image there you would have maximum northern exposure at the north side of Lake, but if you flip to the four story condition on the second page and also the six story, both conditions are shading the north side of Lake Street. Just to point out, each of the floor heights for the buildings drawn are at 10 feet. The second page has a 40 foot building and not a 56 foot building. You can see at 40 feet that it's still shadowing the north side of Lake at winter conditions, however, for seven months of the year it only shades half of Lake Street. The six story condition as you can see, there is significantly more shading and actually spreads on to the building across Lake. There's not substantially that much more shading but it is already present on the north side of Lake from a four story building in winter conditions. For seven months of the year it's not on the north side of the sidewalk. The last page just shows you a six story condition with a step back and showing that with even a step back on the fifth and sixth floor at 60 feet for that building on the south side, you're still going to have shading for four months of the year on the north side of Lake Street. I just like to do some graphs once in a while so there you go.

President Motzenbecker: Thank you for that. I think that's what Commissioner Bates was asking for and Commissioner Luepke-Pier.

Commissioner Norkus-Crampton: I want to make sure we're talking pedestrian realm in terms of shadowing as opposed to the street. I know there was some confusion on that. That again is why the height is being pushed on the north side of Lake Street to make sure that there's more density pressure on that side as opposed to the south side of Lake Street. In the Uptown Plan where they handle the same corridors, sometimes they would have just slight setbacks at the four story, just to tweak that pedestrian realm stuff a little bit and that was something that we adopted as part of our Comprehensive Plan in handling this corridor. I think that what we're trying to do is figure out ways again to package density in a way that's sensitive to our other goals. It isn't always an

exact science and every building's going to be different. I think that if we're consistent in what we're asking for and consistent with our vision what we're trying to create we're going to have a much better shot at trying to create a vernacular that works well to provide density in a way that we can still achieve our other goals in terms of walkability, bikeability and transit friendly. The massing mostly on the north side in the core between Lake Street and the Greenway, that is one huge thing. We have medium to high density in that corridor. I don't think that we need to count on the south side of Lake Street to fill all our density needs. We are really amping up the density between Lake Street and the Greenway east of Lyndale. The cumulative effect will be a much higher density area where we place it on a block by block level that's just using all our other tools and our design elements that we know in the cumulative amounts to density in a package that achieves our other goals. I think you have to look at it overall in the whole rather than just focus on specific numbers. It was the same thing in the Uptown Plan where the urban core area, we focused on more density there as opposed to right next to the neighborhoods or on the south side of the street which would have more of an affect on the pedestrian realm. I think we're going to end up with a much higher density with this plan as written. We're just trying to make sure that we're achieving our other goals as well.

Commissioner Luepke-Pier: I never heard back whether Commissioner Gorecki was accepting my friendly amendment of 70 feet which is a good compromise.

Commissioner Gorecki: Happily.

President Motzenbecker: Instead of 84 now?

Commissioner Gorecki: I think it's more consistent if we keep it at 84 because it's consistent with what the city has as a policy so I would like to withdraw my acceptance of the amendment.

President Motzenbecker: The amendment before us is in page 41, second paragraph down, that in the last sentence “, in height above six stories, 84 feet, should be substantially set back from the lower floors.” On page 42, language being nearly similar starting the last paragraph, “West Lake Street not to exceed six stories, 84 feet, in the activity center.” Further down, “additional stories should be substantially set back from lower floors.” Again in the next sentence, “that would be created by the six story façade.” That is the amendment before us. All those in favor? Opposed?

The motion carried 4-3.

President Motzenbecker: Any other amendments before we vote on the plan itself? I want to offer that the Lyndale Neighborhood comments that we received in our packet will be considered [tape ended]. All those in favor of the motion? Opposed?

The motion carried 7-0.