



**Request for City Council Committee Action  
From the Department of Community Planning & Economic Development**

**Date:** January 6, 2005

**To:** Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

**Prepared by:** Hilary Watson, Senior City Planner, (612) 673-2639

**Approved by:** Neil Anderson, Planning Supervisor

**Subject:** Appeal of the decision of the City Planning Commission by John McCarty, with St. Paul Development Corporation

**Previous Directives:** At the December 13, 2004 City Planning Commission meeting, five of the Planning Commission members were present. Three of the Planning Commissioners voted to deny the conditional use permit and the site plan review application for an eight-unit condominium development located at 1900 Colfax Avenue South.

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| <b>Financial Impact:</b> Not applicable |
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| <p><b>Community Impact:</b></p> |
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| <p><b>Ward:</b> 7</p> |
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| <p><b>Neighborhood Notification:</b> The Board of Directors of Lowry Hill Resident's, Inc met on December 7, 2004 and discussed the condominium development located at 1900 Colfax Avenue South. The Board approved a motion to object to the applications and requested that the developer meet with representatives of the neighborhood to revise the building to a more compatible scale.</p> |
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| <p><b>City Goals:</b> See staff report</p> |
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| <p><b>Comprehensive Plan:</b> See staff report</p> |
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| <p><b>Zoning Code:</b> See staff report</p> |
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| <p><b>Living Wage/Job Linkage:</b> Not applicable</p> |
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| <p><b>Other:</b> Not applicable</p> |
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**Background/Supporting Information:** John McCarty, with St. Paul Development Corporation, has filed an appeal of the decision of the City Planning Commission. The appeal is associated with the City Planning Commission's decision to deny the conditional use permit and the site plan review application for an eight-unit condominium development located at 1900 Colfax Avenue South.

The original staff report and the minutes from the December 13, 2004 City Planning Commission meeting are attached.

The appellant believes that the applications were denied because of objections by a minority of the community members who generally resist any redevelopment of the site. In addition, the appellant believes that the City Planning Commission failed to provide sufficient evidence to deny the development. The appellants' complete statement and reasons for the appeal are attached.

**Department of Community Planning and Economic Development – Planning  
Division**  
Conditional Use Permit and Site Plan Review  
BZZ-2057

**Date:** December 13, 2004

**Applicant:** John McCarty with the St. Paul Development Corporation

**Address of Property:** 1900 Colfax Avenue South

**Project Name:** Not applicable

**Contact Person and Phone:** Jim Lindborg with Tanek, (612) 879-8225

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** October 26, 2004

**End of 60-Day Decision Period:** December 25, 2004

**End of 120-Day Decision Period:** February 23, 2005

Ward: 7      Neighborhood Organization: **Lowry Hill Resident's, Inc.**

**Existing Zoning:** R4

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 18

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**Legal Description:** Not applicable for this application

**Proposed Use:** An eight-unit, for-sale condominium development

**Concurrent Review:**

**Conditional Use Permit:** for an eight-unit condominium development.

**Major site plan review.**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits and Chapter 530, Site Plan Review.

**Background:** The existing building on the site was originally built as a single-family dwelling in 1908. Since then it has been divided into seven dwelling units; all of which are rental. There are also two detached accessory structures on the property. The applicant is proposing to demolish the existing building, including the two detached accessory structures, and construct a four-story, eight-unit for-sale condominium development with underground parking.

This site is located in the R4 zoning district. The required setbacks, the height of the building, the density, the proposed FAR and the parking requirement are all being met. The applications that are required for this development are a conditional use permit for a residential development over five dwelling units and site plan review for a residential development over five dwelling units.

**CONDITIONAL USE PERMIT** – for an eight-unit condominium development

**Findings as Required by the Minneapolis Zoning Code:**

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The Planning Division does not believe that eight dwelling units will be detrimental to or endanger the public health, safety, morals, comfort or general welfare. According to the 2000 Census, approximately 65 percent of the dwelling units in the Lowry Hill neighborhood are rental. The additional for-sale condominiums will increase the owner-occupied base in the neighborhood.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The Planning Division does not believe that eight dwelling units will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The block that this site is located on has primarily been developed with multiple-family developments. Of the 14 properties that front on the nineteen-hundred block of Colfax Avenue South, eight are multiple-family developments, one is a single-family dwelling and five are either commercial or used for parking.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The parking requirement for the development is one parking space per dwelling unit, or 8 parking spaces. The applicant is providing a total of 15 parking spaces (1.875 spaces per dwelling). All of the parking spaces are located in a below-ground parking level that is accessed off of Lincoln Avenue.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The site is designated as multi-family in the comprehensive plan. Hennepin Avenue, which is located one block south of the site, is a designated Commercial Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density.
- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.
- Use both infill development and new development opportunities to increase housing in the city.

Constructing eight dwelling units on the site would be in conformance with the foregoing policies of the comprehensive plan. The site is located within walking distance of a Commercial Corridor where the plan calls for higher-density housing.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

With the approval of the conditional use permit and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

**SITE PLAN REVIEW**

**Findings as Required by the Minneapolis Zoning Code:**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND FAÇADE**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
  - Residential uses shall be subject to section 530.110 (b) (1).
  - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- **This development reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is set close to the property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows where people can see in and out along all levels of the building.**
- **This development is located in the R4 zoning district. The required setback off of Colfax Avenue South is 15 feet and the required setback off of Lincoln Avenue is 14 feet. Both of the required setbacks are being met.**
- **The principal entrance to the building is located along the Lincoln Avenue side of the building. In addition, the dwelling unit on the first floor of the building that faces Colfax Avenue South has two entrances off of the street. These entrances face Colfax Avenue South.**
- **The exterior materials of the building include brick, copper and decorative metal railings. The percentage of windows or doors required on the Colfax Avenue South and Lincoln Avenue sides of the building is 20 percent. According to the submitted drawings, there will be more than 20 percent windows or doors on both sides of the building.**

ACCESS AND CIRCULATION

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.

- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

#### COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- All of the entrances to the building are connected to the public sidewalk via walkways.
- **The Public Works Department has reviewed the vehicular access and circulation plan provided by the applicant. The applicant is working with Public Works on the design of the access ramp to the below-ground parking level. The plans that were originally submitted showed a slope that was too steep. In order to be in compliance with the Public Works requirements, the applicant must continue to work with Public Works on the design of the access ramp to the below-ground parking level.**
- **The applicant has indicated that snow will be stored on the site.**

#### LANDSCAPING AND SCREENING

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass,

native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.

- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

#### COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- **The applicant has indicated that approximately 61 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is one tree and seven shrubs. According to the plant schedule there will be a total of eight trees and 25 shrubs.**

#### ADDITIONAL STANDARDS

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260.
- Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

#### COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- **A lighting plan showing footcandles was not submitted as part of the application. Staff is recommending that a lighting plan showing footcandles be submitted as part of the final plans.**
- **This development should not block views of important elements within the city.**
- **This development should not cast shadows on public spaces or adjacent properties for significant amounts of time during the day.**
- **This development should not contribute to the wind tunnel effect.**
- **The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. In order to be in compliance with the CPTED requirements, the landscaping along the perimeter of the building should be kept at a height that will allow views into the porches and proper lighting should be located near all of the entrances.**
- The existing building on the site was originally built as a single-family dwelling in 1908. Since then it has been divided into seven dwelling units. Although the interior of the building has been altered, the exterior of the building remains for the most part untouched. Although this building is nearly a decade old, the existing building is not historic nor is the site.

#### Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

## **ZONING CODE**

See conditional use permit finding number six above.

## **THE MINNEAPOLIS PLAN**

See conditional use permit finding number five above.

## Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

**There are no small area plans adopted by the city for this particular location.**

## ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

## COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- Alternative compliance is not warranted for this development.

## RECOMMENDATIONS

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for an eight-unit condominium development located at 1900 Colfax Avenue South subject to the following conditions:

1. There shall be no more than eight dwelling units located within the building.

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review application for an eight-unit condominium development located at 1900 Colfax Avenue South subject to the following conditions:

1. A lighting plan showing footcandles shall be submitted as part of the final plans.
2. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
3. All site improvements shall be completed by December 13, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

### **Attachments:**

1. Statement of proposed use
2. Conditional use permit findings
3. October 8, 2004 letter to Council Member Lisa Goodman
4. October 8, 2004 letter to Fran Davis with the Lowry Hill Resident's, Inc.
5. Response letters from surrounding property owners and/or neighbors
6. Zoning Map
7. Site plan, floor plans and elevations
8. Photographs of the site and surrounding area

**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  
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**MEMORANDUM**

DATE: December 15, 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 December 13, 2004

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The following actions were taken by the Planning Commission on December 13, 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**

Present: President Martin, Vice President Hohmann, G. Johnson, Krause, Krueger, Kummer, LaShomb and Schiff – 8

**INTRODUCTION TO PUBLIC HEARING**

**PUBLIC HEARING**

**REPORT  
of the**

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

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The Minneapolis City Planning Commission, at its meeting on December 13, 2004, took action to **submit the attached comment** on the following items:

**26. Jim Lindborg (BZZ-2057, Ward 7), 1900 Colfax Avenue South ([Hilary Watson](#)).**

**A. Conditional Use Permit:** Application by St. Paul Development Corporation for a conditional use permit for an eight-unit condominium development for the property located at 1900 Colfax Avenue South.

**Action:** Notwithstanding staff recommendation, City Planning Commission **denied** the conditional use permit application for an eight-unit condominium development located at 1900 Colfax Avenue South based on the findings:

1. The form of the building does not contribute to the historic character of the area;
2. The development is not in compliance with the following comprehensive plan policies:
  - Support the development of residential dwellings of appropriate form and density.
  - Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.
  - Promote preservation as a tool for economic development and community revitalization.

**B. Site Plan Review:** Application by St. Paul Development Corporation for site plan review for the property located at 1900 Colfax Avenue South.

**Action:** Notwithstanding staff recommendation, City Planning Commission **denied** the site plan review application for an eight-unit condominium development located at 1900 Colfax Avenue South based on the findings:

1. The form of the building does not contribute to the historic character of the area;
2. The development is not in compliance with the following comprehensive plan policies:
  - Support the development of residential dwellings of appropriate form and density.
  - Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.
  - Promote preservation as a tool for economic development and community revitalization.

Staff Hilary Watson presented the staff report. She noted that the property is not designated historic. She also noted that she had received 49 letters of opposition and one letter of support for the project.

Commission President Martin opened the public hearing.

Beverly Markis (1779 Knox Avenue South): My company name is TBD3. I live in the neighborhood. My company does renovate old homes in the neighborhood. I came

from Boston, saw a neighborhood that needed to actually stay with the beautiful architecture so two years ago I went into business of developing. I'm not opposing the demolition of the house, I know what it costs to do this. It is very expensive and when you do a development next door to these apartments, it's outrageous to try to bring them up to code, bring them up to the state that they were in and then try to resell them. I know that we can't legally oppose this, but what I do want to suggest is that there have been many developers [tape unclear] that have tried to work with the neighborhood. So what I'm here to propose, and I've brought some handouts here, is that the developer work with the neighborhood, and there's a couple of us here who work in the business that would be willing to (for no fee) work with him on this to make it a little more desirable from a neighborhood perspective. So what I've done is prepared little packets. What I wanted to show you is this drawing that you saw for the way it's been designed. The second page, what you'll see is a building from the neighborhood that when I went around the area and started taking photographs, I thought it most replicated the style that was being put up. Yes there's more windows, yes it's newer, but in essence, it's a big block of brick. There's no ins and outs, there's no secondary area other than some of these railings. But there is nothing of interest other than a block of brick. If you take a look at the other pictures, they will show you of course the house that is currently standing there. It has a great deal of character and yes, most of these houses as the ones I've purchased are broken up and need major restoration. But again if you take a look at this particular picture, you'll see, which it doesn't show in the developer's drawing, what happens to the homes that are on Lincoln. What that looks like. And how that big massive structure affects that area. If you take a look at this particular photograph, you'll see what the overall street looks like. It's all beautiful, big old houses. We're trying not to keep encroaching it further any more than we can on how those structures that we've tried to not have – meaning those apartment buildings. Going back to the positive side, I'm not going to critique the designs of any of these developers, because that's not what I'm here to say. But this particular developer brought in these townhomes across the street from where we're talking about and while it may not be attractive to everyone, he did emulate the rooflines, the coloring, again the different facades so that it did have a more modular look. Not only did he do that, but he's smart enough to not bring the height of the building up any higher until he got to Hennepin where it was higher. Again, modularity. He brought it into the neighborhood look and feel and while he still had his density. Go to the next photograph, again we've worked with this developer and this is an area he could have gone off into a big brick structure if he wanted to, but again because of the neighborhood and working with it, he developed this particular type of look, and by the way this is a density of 8-units. Alright? And he did work with us on that. So in essence, what I'm basically asking is that we take a look at how do we maintain, again we're going back to what I know you heard on the Bruce Singer properties, but I had an opportunity on Fremont and Summit to buy a property that was three lots, triple lot, one house on it. I could have ripped it down legally, I could have put up condominiums there legally. The neighborhood thought I was going to do that. I didn't. Did I make money? Of course, I'm not here for non-profit. I do not have a husband who is supporting me. I do not do this because I have nothing else to do. I did develop it, I did make money on it, but I didn't sell off all the pieces. All we're saying is let's look at a way to do this development in a way that is a little bit more in keeping with this neighborhood so that we will have a little more interest and by the way, it will help (I can't guaranty this, of course), but anyone moving into this area for condominiums does not want a building that looks like an apartment.

They're looking to buy property here by condominiums that are in keeping with that neighborhood. Thank you very much for your time.

Jimmy Fogel (1783 Colfax Avenue South): My purpose in being here is dual, both as somebody who will be living about 100 yards to the north [tape end]. ...Old building, I think that could be salvaged, and I've got to say, the first time I walked through that building and looked at it with Mr. McCarty, I walked out shaking my head too saying I don't know how I can salvage this. Giving it some thought, I realize that it's very salvageable. To take it down and put this up totally destroys the fabric of our neighborhood and what we have tried to preserve in that neighborhood. It also decreases the value of the properties in the neighborhood. I presently have a piece of property on the market as we speak at 1900 Dupont that has an older 1950's type building, a squared-off building exactly like this across the street and I'm going through nine kinds of what-do-you-call-it, that I can't say in this meeting, the project is incredibly challenging trying to sell that home. We've had 10 people come through that home that say 'This is fabulous, I love it', then stand at the front window and look outside and walk away. I had the same problem a half a block away on Dupont with people looking at it the other way. It decreases the value in doing this. In speaking with Mr. McCarty, who called me and asked me about what I thought about tearing down, I said I would certainly hate to see it torn down if in fact you even were going to go in that direction, you need to in fact build something that is in keeping with the neighborhood to have any kind of support at all. All along, their mantra has been: 'We don't need any variances'. I would say to you – you have 49, one of the gentleman who was here had to leave, you now have 50, an even 50, and I'm speaking for several of my neighbors that had to leave because of the hour, you saw people drifting out that are all severely impacted by what is being done here. Blah, blah, blah, blah, blah [sic]... Thank you.

Robert Hinck (1820 Colfax Avenue South, not on sign-in sheet): I'm at the property directly to the north. I do have a letter that has been included in the packet, so I'll try to not reiterate those comments and be brief. I would like to stress my opposition to this as this is another project that is proposing tearing away at the edges of our neighborhood. I'm at a unique intersection of zoning changes where it keeps encroaching in on our neighborhood. [I am] Directly across the street from R4, right down the block is R6, another one is OR2, we've got a cluster development that is allowed for townhouses kitty-corner from this development currently, I think perpetuating bringing in condominiums into the area right there. This point is counter productive to maintaining the neighborhood fabric. I think allowing the structure, while it meets all the requirements for the setbacks, there is no need for a 4-story structure to come at this point. Everything else in the neighborhood is 3-stories at the max. I take a little bit of deference to some of the planning department's review. I find that some of the neighborhood will be greatly impacted. My property in particular is one. I didn't put together a complete package but I would hand out to the Commissioners – I can do it now while I speak.

President Martin: Just give it to Commissioner Hohmann, he'll pass it around.

Robert Hinck: In saying that this will not change the streetscape for casting any shadows on the neighborhood is not true. The picture that you were shown there as far as the rendering for the project, I believe to be inaccurate and completely out of scale.

The structure that they're proposing is to be 56 feet in height - that is roughly twice the height of the apartment building that is directly to the south. Along with that, they're showing a nice old Elm tree this side of it, the building that they're proposing would be towering above that tree. For those that are back there, I'll try to hold it up so that you can see it. It ends up casting a shadow across the street which essentially is going to be throwing shadow through the second story of my house. The effect of the shadow will be pretty much putting me in the dark. This is a view that I've had. This is access to solar energy that I've had since the house was built. I am currently part of the second owners of this house - there have only been two owners. Speaking to the fabric of the neighborhood as was something else that developments like what are being proposed tend to tear into that fabric and create more of a transient feel to the neighborhood. The number of neighbors who have been long term residents, such as I have been, I've lived there my entire life and intend to finish living it out there, it's changing - it will have a dramatic impact economically and socially with another building coming into the neighborhood that's going to have 8 units for sale in a soft market right now for rental and other properties, and I see for-sale signs up there constantly. The amount of money that they're going to need to get this to be a viable project is going to decrease the value of the surrounding properties. I think as far as the other feel of the neighborhood, there is an attempt here to draw the line right at Lincoln and neglect the properties to the north of it. If it were truly to blend in with the character of the neighborhood, not only would I take a look at what's north, but it would also give some homage to that in trying to create more of the residential feel than condominiums or projects such as this rather than taking toward the apartment or commercial aspect of giving credence to Franklin and Hennepin. Specific issues I have as well as with some of the setback requirements and that, I believe this is a unique situation where it's taking all of the fronts along Colfax and this immediately changes that and puts the front to Lincoln and still considers that a side. I think that would need to be considered the front as an address of 1900 Colfax effectively disappear. You would always enter on Lincoln. It's taking the properties right now which again consistently run east and west and changing them to north and south. I'm going to have eight families looking right into my living room. Not a pleasant thought. I could probably go on with other merits here but I'll stop and let a few others have a few minutes. Thank you.

President Martin: I want to see if there is anybody who wants to tell us something other than they don't like this, it's too big, it's going to have a negative impact...Am I missing anything?

Barbara Fogel (1783 Colfax Avenue South): I'm going to say that 100 years ago, the neighbors on Colfax and Mount Curve got together and bought a property that is now Thomas Lowry Park because the developer who had bought the property planned to put apartments or flats on that property and the neighborhood was so opposed they bought the property, sold it to the City with the stipulation that the City keep it as a park forever. And that is why we have Thomas Lowry Park.

President Martin: OK Ms. Fogel, I don't want to be rude, but we're not talking about that address, we're talking about Colfax.

Barbara Fogel: I understand. I don't want to confuse the issue. I am opposed to the teardown, but I'm not opposed to Mr. McCarty and the St. Paul Development company

converting the existing property at 1900 to a 4-unit building and then developing the property next door, which he also owns and doing a 4-unit in that space. I think that would be a lovely addition to the neighborhood and we would propose that or we would propose that we buy his building at 1900. Thank you.

President Martin: OK. Anybody else with things that we haven't heard.

Toni D'eramo (1920 Colfax, not on sign-in sheet): This may be a little different because I'm a landlord, I'm a residential property owner. A couple things that are a little bit different that I'm concerned about. They do have to do with compatibility and the new group character but from a rental perspective, my tenants want to be in a neighborhood that feels more residential and I feel that some of this has been slightly misrepresented as a more commercial looking block than it actually is. It is a house that is not even pictured in the plan. It's was commercial, but it's actually a house – it does have apartments, but the façade is a house. If you look up and down that block, there's only the Starlight and the other brick box that are the other commercial looking buildings. The others have a house-like façade. So it would be wonderful if this project could have a more house-like façade and scale. The other concern is that it's mentioned in there that the decks are like many of the houses in the neighborhood – that's not really accurate. There's porches on my house, there's porches on 1925 on both floors and there is one porch on 1924 and they're actually problematic. When we get bad tenants, we have noise problems, party problems, and we have to call 911 and I'd hate to see that happen on at least two sides of that building. It would be a tremendous risk. The only other thing that I don't think has been mentioned – I don't know what the construction is going to be like. My house is also almost 100 years old and it's three doors down and I'm concerned about damage.

President Martin: OK, anyone else with things we have not heard before.

Ed Newman (1912 Fremont Avenue South, President of Lowry Hill): I live across the street from apartment buildings. What struck me about this one and why I'm going to say something slightly different was as I read through this record, the things that stuck out to me the most was that the landscaping requirement for this development is one tree and seven shrubs. According to the plant schedule, there's going to be a total of eight trees and 25 shrubs and my thought was that this entire document was missing the forest for the trees and the shrubs. Nobody in the community feels that the developer has gone to any lengths at all to address concerns that have been presented to him as part of the public process. We've tried to engage him, not about not tearing down the building, but building buildings there that would make sense and look like homes in our neighborhood. He has refused. Thank you.

Council Member Lisa Goodman (Ward 7 Council Member): It's not a common thing for me to come and appear in front of the Planning Commission. It would take an issue of I think extraordinary interest in the 7<sup>th</sup> Ward for me to potentially risk my ability to be able to be impartial when this is appealed by the neighbors if it has to be appealed. But I think it's important enough to come speak to you today because of what I see as a drastically changing character of this neighborhood and I think we need to really look at it and say what they did in the 60's when they tore down a bunch of houses, was that a good thing? At the time they thought it was a really good thing and now it becomes a

blight on the landscape. The essential character of this neighborhood is this house. This house, that they propose to tear down, is not in horrific shape. There is no reason for them to tear down this house. Under the zoning, they could convert this house into 4 condominiums which has been done gracefully and economically, effectively throughout Lowry Hill and build 4 new units right next door on the property that they own. None of these neighbors are complaining about density. What they're saying is this proposal is not within the historic context of the neighborhood and if we want people to live in an old and developing city like this one is, we have to fight for each and every individual building. This neighborhood has been very successful at working with developers to figure out how to move development forward and preserve historic structures that. The Brucell Cuts house on Lake of the Isles, the Cashman house, are both two good examples of that. There is no reason, other than the developer's insistence on not working with the neighborhood, that that can't happen in this case. I would urge you to find findings of fact that this is not consistent with the character of the neighborhood and ask them to go back to the drawing table.

Sherwood Gaines (1933 James Avenue S): I live in a house that is 100 years old. It's got a lot of problems. I just came back from D.C., a really old part of America, and they are definitely tearing homes down and putting up new stuff that works and it's nice. My house is really old, it's got a lot of problems, and I've seen this plan and you know what? I think it's a wonderful plan and I've seen that house – it's got pigeons living in it, it's got problems. And my house has got a lot of problems, it needs a lot of money and it's a great neighborhood – we all know that. But you know, houses do wear out. It's like my shoulder, it's worn out. And they don't last and I think that change is hard sometimes. Heaven forbid if I ever tear my house down and I want to build something new, which I'm not, but I'm saying it's got a lot of problems and these old things – you know, sometimes the neighborhood has a problem with it, but I think that's a wonderful notion and it has my support.

John McCarty (Developer): I do take a few exceptions to what was said as far as the concern as it relates to not communicating with the neighborhood and I would say that we went in front of the neighborhood twice. Also, they had a meeting on December 7<sup>th</sup> which they talked about at the second meeting and some of the folks there told me that it wasn't appropriate for me to go to that third meeting. I think at the second meeting we stayed there for I want to say it was several hours. Two hours at least. And we talked and listened. Our project did change from our original design to the more traditional design. Unfortunately, I happen to like the design of the property. When we engaged our architect, we told them specifically that we want to build a high quality structure with the finest materials available to meet the grand nature of the Lowry Hill community. We also told them to be sensitive to the fact that we didn't want to ask the community for any variances whatsoever. We wanted to build a development that was in keeping with the zoning code and so our architects have come up with a design which I feel is going to be a great asset to the City of Minneapolis. We're going to take parking off the street and put it underneath the building and we think that it will do a lot for the property tax value and add to the property tax base to the City of Minneapolis and instead of having seven renters in an older home, we're going to have eight new homeowners that will be more vested in the community. I could tell the neighbors are obviously upset and we've done what we can, but we are from what I understand within our rights to come and

propose this and we hope that you can support it. We have our architects here and they'd like to say a few more words if we could.

Commissioner Krause: I had a question for the developer. I can't resist a chance to ask you about the parking because this is far in excess of what we typically would see in terms of the amount of parking spaces per units. Is there a section of the market that you're appealing to that needs more than two cars per unit?

John McCarty: What we said we wanted to originally do, and that's a very good point, because the code requires one parking stall and I felt that it was necessary to have two parking stalls per unit. In our original design, we came up with 18. Because of the slope, it's down to 15, but we feel that these units are going to be approximately 2,500 square feet a piece, and that perhaps there will be a couple might live there and they would have two cars. So of course this is going to relieve the parking from the street and it's all going to go underneath. We think that we've got a great project. The other thing that I would like to just mention is the one letter of support that is in your package is from the only adjacent property owner and it's a single-family homeowner, he's right in back, he abuts 30 feet of our property and he has wrote a letter in support of the project. So again, I'd like to introduce my architects and they have a few things they would like to share with you.

Ken Piper (architect, Tanek Architects, 118 East 26<sup>th</sup> Street, Minneapolis): I believe Ms. Watson has pretty much presented the project. We would just like to make a couple of clarifications if possible and just kind of lead you a little bit into our thinking from a design perspective. And I have to apologize – we thought we would have the overhead camera so we did prepare that format for the overhead cameras. But you can see here that our study really entailed looking at Colfax Avenue and the context of what's there on both sides of that. You can see our proposed unit here. So just to make a correction to one of the earlier folks who mentioned that our proposed structure is twice the height of the adjacent apartment building – you can actually see here that that is not the case. Again we are within the 56 foot height requirement. Then just in looking at that across and some of the elements then that we pulled on the design of this, you can see the scale of the block on Colfax Avenue.

President Martin: It would be helpful if you could pass that around so we could actually see it.

Ken Piper: Certainly. The other point I just wanted to make is that the ingress to the property on the Lincoln side, the garage side, is currently where the curb cut exists for the house right now in terms of the access to that and as was stated previously, there are 7 for-rent units currently in the building and so there are currently 9 parking spaces on the site currently. Then also, just to talk about that again in the design that we're proposing, primarily we have brick and pre-cast lintel and post elements and then as Ms. Watson mentioned earlier, we're proposing to set back the upper part of the fourth story essentially and we will have some copper accenting done there as indicated on the rendering. And our railings at this point we're proposing some wrought iron architectural iron elements. Thank you very much.

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

Let's find out where the votes are. I'm going to move the conditional use permit (Hohmann seconded).

Commissioner Krause: Madame Chair, I'm not going to vote for the conditional use permit. I don't really think that this is an appropriate form. The density is arguable, the form itself is not and I think a lot of reference has been made to the possibility of attributing to the historic character of the district. And as I looked at the architect's presentation, his form really stands out, so in that sense, I don't think it is an appropriate form for this particular spot in the neighborhood, so I'm going to vote against the CUP.

Commissioner LaShomb: Well I think this certainly is a historical area. Once again, I lived downtown for 17 years and I walked through this neighborhood practically every night on the way to Lake of the Isles. There is a lot of change that's gone into this neighborhood. If you start from Hennepin and head west, there's a substantial amount – you have a senior high rise building reasonably close, you have townhouses and I guess they're condominiums which I think there were some pictures of here. You have some older style apartment buildings and you have some old, what I would call historic homes, so I think this is kind of a transitional kind of neighborhood. I think what we all have to go back to, and my strong feelings have been consistently that we have to have development that supports the tax base, we have to have development that provides housing in the City of Minneapolis and we can't put it all in neighborhoods that aren't smart enough to claim historic designations of one kind or another. We had a project over at 46<sup>th</sup> and 46<sup>th</sup> in my neighborhood where the neighbors were incredibly unhappy about it, in fact the City Council finally resolved the issue on a 9 to 4 vote after doing some work with variances and other things, but the essential point is that this project is a reasonable project for the site, it's a reasonable project for the neighborhood and I see no reason why this owner of property shouldn't have a right to develop the property the way he wants to develop it and the issue of whether the house can be restored or not, I don't think that's a Planning Commission decision. It may be a historic preservation decision, and that's another step that someone's got to take. So I think approving this is appropriate.

Commissioner Hohmann: I too think it's reasonable as Commissioner LaShomb has indicated. I like the fact that it's an owner-occupied structure, it meets all of the existing zoning – there's no requests for any variances or anything like that. I would find it hard to say no to this project. I'm not going to say no. I support it and I hope my fellow Commissioners will.

President Martin: Alright, the motion is to approve the CUP. All those in favor of that motion please signify by saying aye.

The motion failed 2 – 3 (Krause, Schiff and Krueger opposed; Kummer and G. Johnson not present for the vote).

President Martin: OK, that fails. We need findings.

Commissioner Krause: Madame Chair, I'll reiterate my point about it being an inappropriate form not consistent with the surrounding properties.

Commissioner Schiff: Madame Chair, there's lots in the Comprehensive Plan that talks about appropriate character of neighborhoods and about preserving the character of neighborhoods and we'd have to go through that whole comprehensive plan line by line to pull out all of the relevant policies, but I'd be more than happy to direct staff or the City Attorney's office to draft findings of fact that we could adopt at our next meeting if necessary to pull out all of those parts of the Comprehensive Plan that are applicable as the neighborhood so astutely pointed out.

President Martin: OK, well we would need an alternative motion. Is someone willing to make that?

Commissioner Schiff: Move to deny (Krause seconded).

President Martin: I think we've already had the discussion. All those in favor of that motion please signify by saying aye.

The motion carried 3 – 2 (LaShomb, Hohmann opposed; Kummer and G. Johnson not present for the vote).

President Martin: Site plan.

Commissioner Schiff: Move to deny (Krause seconded).

President Martin: Discussion? OK, all those in favor of that motion please signify by saying aye.

The motion carried 3 – 2 (LaShomb, Hohmann opposed; Kummer and G. Johnson not present for the vote).

President Martin: OK, I think Mr. McCarty, you've got some room here to talk to the neighborhood. I mean I think what you heard tonight is that people are not opposed to development, but it maybe needs to be slightly different scale. Commissioner Hohmann?

Commissioner Hohmann: Could we make note of the slight participation tonight – as this evening wore on we lost a few people.

Commissioner Krause: Madame Chair, I personally wouldn't like to see another proposal come before us until we've had HPC consideration of the property. I know that isn't the standard approach, but that's clearly an issue here and I would prefer to have some sense of whether there's a historic significance to the property.

President Martin: Well, it's pretty easy to check that. The list is there and presumably Hilary, did you take a look?

Staff Watson: Yes, it's not historically designated. It would require review by HPC for a demo permit just as the duplex on the Singer property would require that review. As

Blake Graham stated at the beginning of this meeting, if they can make any of the findings for the designation then it would take review by the full HPC Committee.