

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: August 15, 2007

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of August 13, 2007

The following actions were taken by the Planning Commission on August 13, 2007. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Motzenbecker, El-Hindi, Huynh, LaShomb, Mains, Nordyke, Norkus-Crampton, Tucker and Williams – 9

Not Present: Schiff

Committee Clerk: Lisa Baldwin (612) 673-3710

7. The Star Tribune (BZZ-3690, Ward: 7) 425 Portland Ave S (Hilary Dvorak).

A. Rezoning: Application by Walter Rockenstein II, with Faegre & Benson LLP, on behalf of The Star Tribune Company, to rezone the property located at 425 Portland Ave S from the B4S-2 zoning district to the B4-1 zoning district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **deny** the rezoning petition to change the zoning of the property from B4S-2 to B4-1 located at 425 Portland Ave.

B. Variance: Application by Walter Rockenstein II, with Faegre & Benson LLP, on behalf of The Star Tribune Company, for a variance to reduce the off-street parking requirement for property located at 425 Portland Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the off-street parking requirement from 192 spaces to 48 spaces located at 425 Portland Ave subject to the following conditions:

1. Submission of a site plan for the property as required by sections 531.110 and 541.360 of the zoning code, showing compliance with Chapter 530 requirements related to landscaping and screening of parking and loading areas.
2. A bicycle parking facility that can accommodate a minimum of four bicycles shall be provided on the site as required by Section 541.440

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 (Williams not present for the vote).

10. The Well (BZZ-3599, Ward: 6) 2708 Chicago Ave (Shanna Sether).

A. Rezoning: Application by Doug Pagitt for a rezoning petition to change the zoning classification from OR2 High Density Office Residence District to C1 Neighborhood Commercial District located at 2708 Chicago Ave.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **approve** the rezoning petition to change the zoning classification from OR2 High Density Office Residence District to C1 Neighborhood Commercial District at 2708 Chicago Ave based on the following findings:

1. The rezoning is consistent with the Phillips, Central, Powderhorn Park Small Area Plan of creating spot retail uses along Chicago Ave.
2. The area has changed over the past 20 years, making it less of a residential area.
3. Small scale retail sales and services may be appropriate at designated locations on community corridors.

B. Variance: Application by Doug Pagitt for a variance to reduce the minimum parking requirement for property located at 2708 Chicago Ave.

Action: Notwithstanding staff recommendation, the City Planning Commission **approved** the variance to reduce the minimum parking requirement from 12 spaces to 4 spaces at 2708 Chicago Ave based on the following findings:

1. Rezoning makes the coffee shop a reasonable use of the property and it is expected to be utilized by people in the community as well as people from the institutional use across the street and therefore people are not expected to drive to the use in question.

Staff Sether presented the staff report.

Commissioner Norkus-Crampton: I was looking over the letter from the Phillips West neighborhood organization and one of the things that they asked for in this letter was that if the property owner was to sell the property, the Phillips West board requests that the zoning classification return to an OR2, is that even possible?

Staff Sether: No, it's not.

Commissioner Norkus-Crampton: That was my impression. When you're reviewing...as part of the staff report they talked about the plan, the consistency with the plan I guess; it's under the rezoning on page four. The Phillips, Central, Powderhorn Park Area Plan. One of the things it says specifically is some of the policy direction for land use change included direction to incorporate spot retail uses along Chicago Ave in order to serve the neighborhood's convenience needs. In addition, the plan identifies assets including neighborhood gathering places along Chicago Ave which become focal points of positive change in the neighborhood and surrounding area. I also see in the back from the neighborhood organization that there are other businesses like a PPL office and a daycare. Can you speak to that a little bit and how that fits in with the staff recommendation on this proposal?

Staff Sether: Sure. When staff was taking a look at the applicable policies in the Minneapolis Plan and any other applicable policies that have been adopted by the city, this plan was also included. This plan is dated; it's from 1997. Staff felt as though, although that applicable policy did correspond to the time in 1997, that may or may not necessarily translate to 2007. Staff did recognize that there were policies for and against, but overwhelmingly it appeared as though the policy seemed to reject the proposal.

Commissioner Norkus-Crampton: Ok. Thank you.

Commissioner Williams: On page six on items three and four, I was a little confused by your statements there which seem to be inconsistent with a denial because here you're saying that the parking variation would not necessarily alter the essential characters of the locality, etc. Then, granting the parking variance may increase congestion in the area. Staff, however, believes that a number or more pedestrian transportation alternatives exist and the site is well served by public transit. That's very positive language that moves in the other direction, but your recommendation is to deny. Any comment on that?

Staff Sether: That is correct. Staff did believe as though there are a number of transportation alternatives and that this project, for a parking variance, could meet findings three and four. However, staff very strongly felt as though findings one and two could not be met. Whereas we can deny variances or any other land use applications based on not meeting one of the required

findings, the parking variance clearly did not meet two of the four required findings. So, that is correct. It appears to be as though it's supporting an approval, however, the first two findings staff believes were sufficient to recommend denial of that application.

Commissioner Williams: Thank you.

Commissioner El-Hindi: I'm trying to think of other community corridors that might have a similar condition and I don't know if that's something that staff discussed. I think of Lyndale Ave and I think of Sonny's on Lyndale Ave. That's a coffee shop on a community corridor. It's mainly residential. It's certainly a place that people like and I think they don't have the parking that... I guess I don't know if they have the parking, but I don't think they do. Have things like that ever been discussed in terms of other community corridors that have similar activities that the applicant is thinking of?

Staff Sether: For this particular application, staff did not discuss similar community corridors such as Lyndale Ave S as Commissioner El-Hindi has mentioned. However, the applicant has made this argument before and I believe he would like to stress that a little bit further. I'm sorry, unfortunately in this application we didn't discuss similar corridors.

Director Sporlein: I just wanted to maybe have Shanna or Jason talk about other uses that are allowed in C1 since the neighborhood organization was interested in a rescission should this project, at some point, either not go through because of financing or the business is closed down in the future or whatnot. With a rezoning it's about all permissible future uses, not just about the project at hand so maybe they could review the list of other uses that could move in there.

Staff Sether: I see that Jason has a zoning code in front of him so I'll refer to Mr. Wittenberg.

Staff Wittenberg: I don't know that you want me to go through the exhaustive list of all uses, but retail sales and services uses in general, antique stores, art galleries, clothing stores, farmer's market, grocery stores, performing arts school, photocopy center, secondhand goods stores, video stores... those types of neighborhoods serving retail sales and services uses, you start to get allowed education uses, religious institution places of assembly.

Commissioner Mains: I'm curious, why is it allowed in buildings of at least 20,000 square feet, but not under? I'd be curious for the rationale of that.

Staff Wittenberg: The intent of the OR districts is really to not be a district of retail sales and services uses and restaurants in and of themselves. They're really meant to be, when they are developed, to be done as part of a larger project where they're almost accessory and secondary to a larger scale office or mixed use building. They're not supposed to dominate the lot in question.

Commissioner Mains: Thank you.

Commissioner El-Hindi: In reference to that, I understand now that it seems to me that the rezoning part of this application is really the one that's in question rather than... I mean, if this was a C1 already and it's on a community corridor, I guess in that case we're not going to be here, but it's really the rezoning of that specific parcel on the way it sits right now that that would be the...that staff sees that as not a favorable thing.

Staff Sether: If the only application before us was a parking variance, which again was not in consideration by staff at the time that we reviewed this particular project, staff has previously recommended approval for applications similarly located on a community corridor with a variety of transportation options available. A use that can be served by the neighborhood where pedestrian activity is encouraged.

Commissioner El-Hindi: Thank you.

President Motzenbecker opened the public hearing.

Doug Pagitt (2708 Chicago Ave) [not on sign-in sheet]: Thank you for the chance to talk with you. The staff has been really great working with us on this project. I think very highly of them and the work that they've done. I do think that they've kind of missed it on this one in the recommendation. Based on the small area plan for the Phillips neighborhood, while it was 1997, it's not all that long ago and I think the idea was to allow for just this kind of thing; to allow Chicago Ave to become the kind of corridor that people would want to live at. I'm the landowner of the three parcels in a row. The one from the corner of 27th and then 2704 next door and 2708 which is the property that we're looking at. The one on 27th St, is a four-plex and it's a duplex next door. This particular property is a single-family home. The difficulty of trying to consider renting this as a single-family home on that street is formidable as you can imagine. Chicago Ave for all that it's written about here, it's really a quite busy street with a hospital right across the street. As much as it would sort of interrupt the normal life, it's much more difficult to actually convince someone that they should rent an entire house there at 2708. We believe that is part of the plan, the small area plan, that to use this property as an amenity for neighborhood. Interestingly, it was designed as a four bedroom rooming house and then in the 50's and 60's was used as a coffee shop. We bought the property from the previous owners and they gave to us the original coffee shop sign in their hope that this would again be turned into a coffee shop after we had bought it. Our intention is to use the OR2 zoning as it currently exists which is a second floor as rental space for offices. Next door to us, 2712, is the PPL offices. So what you have in this OR2 zoning is you have the ability to have offices. If we don't go ahead with the coffee shop we will turn the rest of the building into an office center. That's not going to make the neighborhood, necessarily, an amenity. It's not necessarily going to make it more livable. What it's going to do is be able to use it as an office because of its current construction. We don't want to turn it into a duplex. We think that would destroy the character of the home. It's too expensive to rent as a single-family home. Our hope in all of this is really not to pursue C1 zoning, frankly. We don't want that. What we want is the opportunity to have the amenity for the neighborhood. As an owner in the neighborhood, that's what I want to see is a place where people would want to be, where they would want to come and where they would want to use the neighborhood in just such a way. The neighborhood is so mixed, as you know; the hospital across the street, the child care center on the corner, offices smattered in and out of these houses. To provide this as an amenity would be important. I'd like to stress how much support we've received from the neighborhood on this. We did receive consent signatures from every neighbor within 100 feet. That was no small feat I can tell you, just getting a hold of them. Once they knew what we were doing they were thrilled about it. I'd like to pass this out. We did receive more than 100 signatures from people in the neighborhood supporting the project. As we have talked about this and securing the signatures, people are, to say the least, thrilled about this opportunity. The opportunity that there would be a place on their street for them to hang out. We received more than 100 signatures and also, as you will see, there are more than 100 photographs of people from the neighborhood holding up a sign saying "I support The Well." I do that simply

because it was very difficult to get people to try to come to this meeting today at 4:30 in the afternoon so we took the time at block party to ask people what they thought about this project and these are more than 100 photographs of people who said that they support the project. I only show that to you simply because it is overwhelmingly the desire of the people in the neighborhood to see this happen. Our desire is that it's not only a coffee shop...we call it a coffee shop just because that's what people sort of understand, but it's really a juice bar, coffee shop and a natural health little café. The idea of having smoothies and fresh juices and coffee and a place for neighborhood connection and a place for people to connect in the neighborhood. I am literally asked about it every day by the neighborhood. The neighbors ask where we are in the project and they're hopeful that it will come through. The caveat that's causing the problem is this 20,000 square foot caveat in the OR2 zoning. It allows for the McDonald's across the street, directly across the street from us. You can see the McDonald's from our property and you can see our property from the McDonald's window. It allows the McDonald's, which frankly is not for the neighborhood. If you've ever been in there, they don't want neighborhood people coming into the McDonald's; that's for the hospital. They don't want people from the neighborhood going into the hospital and eating at the café, that's not what it's for. They really want it to be for their hospital folks. We would like for our place across the street to be for folks from the neighborhood. This would be a place that they could connect, a place where they could have an amenity and a place where the value of living in this neighborhood would be on the rise. The structure and the buildings would actually be preserved in this way. I've been approached, owning the properties on that corner, by United Properties. They would like to take the OR2 zoning and turn that into a six-story office building. That's not what we want. We do not want to see the corner of 27th and Chicago, at least right now, I don't know what the long-term plans are for the neighborhood or what the city has in mind, but at this point we don't want to see this corner being turned into an office corner as it is on the corner of 27th and is happening just up the block with the Children's Hospital expansion. Everything is encroaching on this and all I can say is that while it seems like there is some risk in this becoming a C1 zoning, that's not our intention. I told the neighborhood group that I didn't think it was possible to automatically turn it back, but I also gave them my promise as a landowner that owning the properties next door, we don't want to see this turned into an auto repair shop. It's not set up for that. I've told them and I will tell you that I'm willing to go through all the petitioning costs again to turn this back into OR2 zoning if we were ever to sell the property. I know you can't hold me to that and I know there's no way to make that legal, but that's our intention. We don't want to see this be C1 zoning for any purpose other than this coffee shop and other than an amenity for the neighborhood. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Norkus-Crampton: This is what you call working with imperfect tools. When I look at this neighborhood, and I used to work at Abbott so I know what the McDonald's is like in there and it is very hard to see that... it's not exactly an amenity for the community. It's an institutional use directly across the street and trying to maintain some kind of residential character within this area has been a struggle considering what's around it. I have also seen how coffee shops and small businesses like this in existing buildings in other parts of Minneapolis and as well as cities like Seattle and Portland and other areas I've lived that they can really serve as nice anchors and community places for the neighborhood. I think of small business owners like the people who own Bryant Lake Bowl and things like that and it's the small business owners like the applicant here that really bring something to the neighborhood rather than just building on the neighborhood and maximizing their own uses out of that. Generally I am very opposed to spot

zoning because I think that you lose a lot of control over the character and how the area can grow around it. When I look at the OR2, especially with somebody who owns three lots and what could happen there with that in terms of a six-story office building or whatever; that certainly doesn't support the residential character of the community either so I don't feel like we have a lot of good choices here if the goal is to try to enhance the long-term livability and residential character of... there are a lot of people who live in this area even though this is on quite a busy corridor. I guess I'm struggling here. There's part of me that would like to say "let's just keep it OR2 and give a variance for the 2600 square feet" but I know that's a huge precedent. I am tempted to support the change to the C1 zoning simply because I think that it's the investiture of small business people like this that really help enhance the livability of neighborhoods and really add to the livability and build community so that's what I'm struggling with.

Commissioner El-Hindi: Is the 20,000 square feet the building or lot size?

Staff Wittenberg: That's the minimum floor area of the structure in question.

Commissioner El-Hindi: Ok, so it is the building. In this case, I'm trying to understand; if the applicant owns the three lots at 2708, 2704 and 739 27th St he wouldn't be able to, for instance, add the three buildings because they're three different structures in that case.

Staff Wittenberg: That's correct.

Commissioner Nordyke: I know that it's a really bad idea to get into the spot zoning and I'm a little conflicted about it too. I, unfortunately, had the opportunity to spend a considerable amount of time right across the street from that block recently and the only reason I would even consider it is that this is really sort of an island in the middle of what is some of the largest development that has ever been done in the entire city of Minneapolis. The idea that we need to preserve the residential character of it, I think that time has passed many years ago and the future of this block probably looks a lot more like what we're looking at now than it does what it looked like 20 years ago. I will rely on more seasoned people up here than I, but I would like to see if there's a way that we can support this and move this ahead.

Commissioner Williams: I concur with the two previous speakers on this. I would like to see if we could find a way to be supportive of this kind of project. I think our tools should provide us enough flexibility to do the kinds of things that help build community. I think that's the idea of the zoning process itself is to strengthen community. Here we have a situation where we say that we want to preserve the residential character. There is virtually little residential character left on that avenue to preserve. I would think that this kind of development could, to the extent that we want to, to do that kind of preservation, might provide an opportunity to do so. It is more likely to attract residents from the community than it is those who are coming there to do business or to be served by the facilities in the neighborhood. My neighborhood is to support the change.

Commissioner Huynh: In terms of looking at the options we have, since the applicant has mentioned that they would withdrawn the application to rezone and perhaps that would be in the best interest of the neighborhood as well as that they don't want the site to be rezoned as C1 and would like to keep it an OR2 that perhaps we work towards denying the rezoning and what is the procedure, I guess, in moving ahead to approve a request to allow a variance for the 20,000 square feet.

Staff Wittenberg: Off the top of my head, I can't think of a precedent for that kind of variance. I'm not sure that it's actually an authorized variance type. We could consult with the Zoning Administrator and others about whether that, indeed, is an application that one can even apply for. I can't think of a situation where somebody has been allowed to apply for a variance to reduce the minimum size of the building that you have to have for a mixed use retail sales and services in an OR district. This may be the only path for the coffee shop in this particular structure.

Doug Pagitt: For the last seven months we've been pursuing that route to try to see if there was a variance for the OR2 zoning and I was assured that there is no possibility.

Commissioner Mains: I tend to agree. This is the type of use here that does make sense I think. What are the uses of the other properties facing Chicago Ave on that block? I don't expect you to be 100% accurate, but a good guess would be nice. The first two just south of 27th; anyone know what those are?

Staff Sether: If recollection serves me, they are residential properties.

Commissioner Mains: Are they in use as residential properties?

President Motzenbecker: Those are owned by the applicant. He stated those were a four-unit and a duplex.

Commissioner Mains: Going south from the property, what are those used for?

Staff Sether: I do believe them to be two residential multi-family...

Doug Pagitt: The one immediately next door is an office.

Staff Sether: Sorry. The one immediately next door is an office, the other is a residence.

Commissioner Mains: Someone mentioned PPL offices someplace in here...

Doug Pagitt: That's the one directly next door.

Commissioner Mains: As much as I hate the idea of zoning one parcel like this, let's keep in mind where we are. We just approved a... the building on 28th and Chicago or south of 28th and Chicago for commercial and I believe its one block north on 26th and Chicago, a big commercial development. I think this makes sense for this neighborhood. I would be in favor or approving it

Staff Wittenberg: Just one point of clarification on the two developments that were cited. Those are medical and office buildings which is consistent with the office residence district. I'll also point out, it may seem counterintuitive, but by rezoning this parcel to C1 you would actually be reducing the allowed development intensity on the corridor. The C1 district is, in many ways, a less intense zoning district than the OR2.

Commissioner Mains: That is what is very strange about this issue. We're trying to fit in a use that seems to make sense for the neighborhood with tools that can never be perfect. In this case it's as far from being perfect as we've probably ever gotten.

Commissioner LaShomb: My question is, is the office space presently occupied?

Doug Pagitt: Yes.

Commissioner LaShomb: I noticed in one of the pictures there was a banner. I find it kind of interesting that the office space was put on the second floor and the first floor was supposed to be residential. My heart tells me that I don't really care whether we rezone this. My head tells me that it's a bad idea. I'm never always sure. Since I might end up at the heart institute at Abbott Northwestern maybe I ought to be worried about what my heart says instead of my head. The basic problem with rezoning is that if your heart tells you it's the right thing to do, then what happens is that you get a lot of these in front of the Planning Commission where people say "well, gee, you know, if you only rezoned it because it's the right thing to do in your heart then you know it's all ok" and then you wind up with a mish-mash of zoning patterns and that's what bothers me about this. This really was intended to be office and residential. My reaction to this, as I say, my heart tells me that I ought to want to do this, but my head tells me that if you start that pattern then pretty soon you're going to have people with a lot of precedent trailing down the road coming at you asking "why can't we make this commercial? Why can't we make this office-residential? Why can't we build an R6 piece of property on an R1A zoning or an R2B zoning?" That's the principal. My kind of reaction is, if people want to do this, it isn't going to hurt my heart any but my head says that once you start down that slope you're going to get into big trouble. I kind of am a little curious about why the neighborhood would want to have businesses on the other side of the hospital. Usually what happens is that the Phillips neighborhood come in and says that doing things other than residential basically are injurious to the neighborhood. They're the big fighters for keeping the residential homes on both sides of Abbott Northwestern doing all that stuff, fighting the Children's Hospital expansions and all this stuff. I find it a little hard to understand why they think suddenly that turning a home which would offer some housing to people into a business; it doesn't seem consistent with their past behavior. If the vote says we're going to do this, it will go to the City Council and they can decide whether they want to put C1 here and there and sideways. I'm going to vote against this simply because I think my heart says it's the right thing to do and my head says that if you start that pattern... after six years on the Planning Commission you're going to see a lot of C1's that don't belong where they are.

Commissioner Tucker: Dare I say I trust Commissioner LaShomb's head more than his heart and I will move staff recommendation to deny (Motzenbecker seconded). The area is zoned OR2 for a reason because we see that whole area going in that direction. There's no reason to rezone it a C1. That's definitely spot zoning as shown in the staff report. I understand the neighborhood's desire to have this amenity of a coffee shop and the good will of the owner who is trying to do right, but I think the neighborhood is on its way to a big change and this gets in the way. By the way, I am totally charmed by your pictorial petition. I really like that. It brings people right here, but unfortunately, I don't think rezoning is the right idea.

Commissioner Norkus-Crampton: Did Commissioner Mains to make a motion? No? Ok, thank you.

Commissioner El-Hindi: I'm going to follow his heart I guess. I want to say that we get caught up here with a great idea on something great for the community which we all agree on. Unfortunately, when we're looking this we're looking at a rezoning. The rezoning is something that stays with the property forever and it does not really specifically address that this is going to be a coffee shop forever or this is going to be a specific use forever. That is really the problem

right here that I think we get caught with. I think it's a great idea to bring to the neighborhood. I think in this instance that the tools in this case have really missed out for us to find a way to make this work without rezoning. I believe that that is the case. It's unfortunate in that case but maybe this is something we can take from here on to maybe find ways or tools to be able to allow such things to happen without a rezone that would maybe would have to make this property conform in a very different way down the road and in the future and not necessarily tie to the use.

Commissioner Norkus-Crampton: Building on Commissioner El-Hindi's remarks. The imperfect tool thing does fit. I guess what bothers me is that when I see part of the small area plan for this area, they do talk about spot retail uses and that doesn't necessarily feed into residential character but it does feed into a neighborhood; the feeling of a community of a neighborhood, of something that will make the people want to be there and stay there. As a nurse who used to work across the street, if there was a decent smoothie across the street I'm sure you'd be picking up business over there so I have no doubt that it would be a successful business. Spot zoning is a problem, especially in the middle of a block. I think if we were talking about something on a corner or an intersection it might be a little easier to do something along those lines. For instance when we talked about Sonny's Ice Cream. It is basically a residential area on a busy street, like Lyndale, but on the four corners there is a little pocket of businesses probably following the old trolley tracks or something along those lines. That's a more traditional use, but something in the middle of the block is a little more problematic. I love the idea but I think the zoning is problematic.

Commissioner Nordyke: I do agree with what everyone has said and the tools obviously in this particular instance are inadequate. Given that, however, I guess as I said earlier, I think this situation is fairly extraordinary. Having spent some time over there and looked at it, I'm inclined to err on the side of supporting the neighborhood's desires and putting something in place that I think is going to be a great asset to that community. We'll figure out the tools as we go ahead, but in this particular instance I'm inclined to let the tools go by the wayside and to support the rezoning.

Commissioner Huynh: I think up until this point I was in conflict in terms of where I'd go in terms of staff's recommendation or the applicant's request to rezone the site. I concur with Commissioner Nordyke in terms of having a very positive community in terms having them outreach and go get neighborhood support and look at how they can improve the neighborhood themselves. I think that is far above and beyond what the neighbor in Minneapolis can expect for its community and residents. I see the development in Minneapolis in terms of where you don't have commercial nodes and where you don't have corridors where there are commercial activities. You have neighborhoods that want coffee shops, that want retail, that want cafés, that want restaurants but don't have it. You don't really leave an option for the residents to leave this in the hands of the city to come with those options with developers that may or may not have development that would be to the neighborhood's liking so I really am in supporting this applicant in good favor that with getting this neighborhood support that they would do the right thing and provide the type of development and neighborhood activity that the city of Minneapolis would want to see but also what the community is looking ahead for. I would be supporting the rezoning.

President Motzenbecker: This is to support the staff recommendation of denial is the motion on the floor. All those in favor of denying the rezoning? Opposed?

The motion failed 5-2, 1 abstention.

Commissioner Nordyke: I move to approve the request for rezoning (Williams seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 6-1, 1 abstention.

Commissioner Norkus-Crampton: One finding I would say that it's consistent with the...of the property...zone five within the Phillips/Central/Powderhorn Park Small Area Plan which is the only small area plan applicable to this area at this time. Specifically that talks about the, again, some of the policy direction for land use change include a direction to incorporate spot retail uses along Chicago Ave in order to serve the neighborhood's convenience needs. In addition, the plan identifies assets including neighborhood gathering places along Chicago Ave which become focal points of positive change in the neighborhood and surrounding area.

President Motzenbecker: We need a few more. We need some that speak to kind of the exact findings so that all kind of fits under the first finding. There's two, three, four and five which are also findings that we need to address in the opposite.

Staff Wittenberg: Just to clarify, a rezoning is an application type that you need not make every finding, but sort of on the balance you should make a majority.

Commissioner Nordyke: Number four, with regard to the reasonable use of the property in question. I'm not sure how to put it, but that area has changed so much over the last 20 years in particular that I think that the density of the transit area over there and the other uses that have developed around it do make it less and less easy to view that as a residential area which I think is sort of the principle concept behind what we're talking about. You're going to see that on that particular block that it's just less and less. If we can make a statement that housing and single-family housing in particular which is what this property is, is actually evolving to an unreasonable use in that area.

Commissioner Mains: On item two, second sentence, just state "the small scale retail sales" and then drop everything after the comma. I think that makes a reasonable sentence. You'll get the idea as you read it.

President Motzenbecker: Small scale retail sales and services may be appropriate at designated locations on community corridors. Can you please read the findings back, Jason, so we have those on the record?

Staff Wittenberg: It's consistent with the applicable small area plan of creating spot retail uses along Chicago, the area has changed over the course of the past 20 years making it less of a residential area and small scale retail sales and services uses are appropriate on a community corridor.

Commissioner Norkus-Crampton: I just wanted to add one more detail on three too. One of the things that appeals to me too is that it's expanding the use within an existing structure so as not to have a huge impact on the surrounding residential uses.

Staff Wittenberg: Reminder that they can knock the building down tomorrow and build a commercial building there under C1.

Commissioner Norkus-Crampton: Ok. Nevermind.

President Motzenbecker: Ok. I think we have them. We have one more, a variance, which was also recommended for denial so I would ask for a motion.

Commissioner Mains: I move that we approve the variance for parking (Norkus-Crampton seconded).

President Motzenbecker: You're going to need findings for this so start looking.

Commissioner Mains: I believe the staff pretty much came up with findings.

President Motzenbecker: We need a vote and then we'll have findings. Is there anymore discussion for that piece?

Commissioner Mains: I'm recommending to go against staff recommendation.

President Motzenbecker: Any further discussion? All in favor to go against staff recommendation and approve? Opposed?

The motion carried 5-2, 1 abstention.

President Motzenbecker: We'll need findings for that.

Commissioner Mains: Item three, I believe, can pretty much stand the way it is. I believe item four can stand the way it is.

President Motzenbecker: That was kind of part of their report. Do we have a refutation for items one and two? Those were kind of the key pieces.

Commissioner Mains: In reading one, it appears the reason for denying it is that staff does not believe that the coffee shop is a reason use of the property which we've basically changed that. Striking the last sentence comes close.

Commissioner Tucker: We find, from our previous action, that a coffee shop is a reasonable use of the property and we expect it to be patronized by neighboring residents and therefore parking is not necessary. It's on a commercial corridor and has patrons across the street as well.

President Motzenbecker: Do you have enough, Jason? If you could just read those back again for us, please.

Staff Wittenberg: Finding for the variance, the rezoning makes the coffee shop a reasonable use of the property and it is expected to be utilized by people in the community as well as those in the institutional use across the street and therefore people are not expected to drive to the use in question.

President Motzenbecker: Ok. That concludes that item.

11. Zoning Code Text and Map Amendment (Ch 551, Wards: 11 and 13) (Amanda Arnold).

A. Text Amendment: Amending Chapter 521, Zoning Districts and Maps, and Chapter 551, Overlay Districts. The purpose of the amendment is to consider rezoning to add the Pedestrian Oriented Overlay District to multiple parcels along S Lyndale Ave between 61st St W and Minnehaha Pkwy. In addition, changes to the primary zoning of several parcels are recommended. The amendment to the zoning code text includes one revision to the Pedestrian Oriented Overlay District that would apply specifically to parcels where the overlay district would be added.

Action: The City Planning Commission recommended that the City Council find that obtaining consent signatures for the rezoning of 5801 and 5900 S Lyndale Ave would be impractical and further recommends that the City Council adopt the findings and **approve** the zoning text and map amendment for the rezoning of parcels.

Staff Arnold presented the staff report.

President Motzenbecker: I have a question about the auto-oriented projections across from Bachman's versus the P.O. district. That was the only thing that seemed a little confusing to me. Maybe you could clarify the logic of staff there.

Staff Arnold: What the plan acknowledges is that this is the intersection of a major roadway and a major highway. The auto-oriented uses might be a natural occurrence, but to not occur for a majority of the corridor. It says those uses would be more appropriate closer to the highway intersection rather than closer to the creek.

Commissioner El-Hindi: If I understand, the Pedestrian Overlay was actually taken all the way down to include the Bachman's site to ensure that at some point down the road, if Bachman's is no longer on this property that it ensures some measure of control over that piece of property.

Staff Arnold: Correct.

President Motzenbecker: Was it the industrial property you were referring to or the ones directly across from Bachman's?

Staff Arnold: There's a cemetery directly across from Bachman's. Another piece of the logic is that it'd be odd to bring the Pedestrian Overlay...

President Motzenbecker: Can you maybe just clarify for me the colors? This appears to be a residential zoning right now and then these are C2.

Staff Arnold: Let me put up the Future Land Use Map. That's better because you can see that the actual uses are more apparent on the Land Use Map. This is currently a church. This is the cemetery. Here things match up a little bit more. We have some commercial properties here and commercial land use is recommended. We have recommended future residential and existing residential zoning. Here we have recommended future commercial land uses, but we have

industrial zoning here. On this side we have future residential uses and we have residential zoning as well.

President Motzenbecker: The auto-oriented you were mentioning is proposed for where exactly?

Staff Arnold: A certain location is not suggested, it's just the premise to bring the P.O. all the way down flush with the highway, eliminating all auto-oriented uses.

President Motzenbecker: It's not going to go on the cemetery and it's not going to go...

Staff Arnold: No.

President Motzenbecker: That's all I needed to get straightened out.

Staff Arnold: Ok.

Commissioner Norkus-Crampton: The Highway 121, from what I understand from what you said and from looking at this... so the idea is to try to widen some sidewalks there eventually or something and do more place making on the sidewalks? When I look at this thing, and just using this, this really does always feel like an entrance ramp to the freeway. That's really how it seems to operate. I realize that there's residential on one side of the street for sure, but what was the idea there?

Staff Arnold: The plan actually calls for a drastic narrowing of the trunk Highway 121. That's where the creation of new parcels could be made on the western side of that road. It was just a situation that I wanted to make you aware of incase it came before you in the future.

President Motzenbecker opened the public hearing.

Chris Vogel (1021 W 60th St): I'm probably like the least experienced on the issue. I've got the map there that I pulled out of the packet. I'd like to show where we are. We're right here on that 121 corridor, which is part of my concern. First I'd like to say that I like the looks of what has been done with most of the plan. I drive through there every day. I look at the neighborhood and I say that it's an undeveloped area. There's a Starbucks there now. They rebuilt a Kowalski's. It's beautiful there. I think there's a lot of opportunity to make a lot more for the community there and I think that's a good thing. Aside from that, and not knowing all the details of that and other people may have opposing viewpoints on those particular issues, we moved into the neighborhood on to this very corner because it was a quiet end of the neighborhood and we liked it from that perspective. It's sort of landlocked along the freeway there and Grass Lake is just down the road. It's sort of like a Norman Rockwell painting down there. There people pushing baby carriages up and down the street. There really isn't any traffic. The plan that we see is going to change that significantly because if they open that corridor up the way they talk about and take that land and move the land that's on there, buy it from the state and put housing on there, they're going to open up all the streets to that entrance to the area. In addition to that, they're going to put housing, apparently mixed density or mixed income and medium density housing right behind our alley on that street and it's going to significantly change the neighborhood.

President Motzenbecker: Just so you know, the plan is already approved. It has been passed quite some time ago, a few months ago. This is the rezoning study that has evolved from that plan so the ideas that came across in that plan and that have been passed then kind of drove these rezoning studies and recommendations.

Chris Vogel: Help me understand, what is the decision or what the proposed approval is to move forward with the plan, today?

President Motzenbecker: That has already been decided. Today is to rezone the properties, change them from one zoning classification to another based on the recommendation of that plan that has already come through [tape ended]...

Chris Vogel: [after tape ended]...it looks to me like it was zoned as R2 and I don't clearly see that detail in this documentation, but I saw it on other documentation.

President Motzenbecker: Your particular parcel?

Chris Vogel: Yes.

President Motzenbecker: It's still R2B, or R1. They're not planning to change your zoning at all from what I can see on the proposed zoning map. It's to remain as it is.

Chris Vogel: It's to remain as R1 in our existing neighborhood, but the speculative piece that's along Highway 121 that they're going to do RFP's for development on, is that clear at this point?

President Motzenbecker: Directly across from you is Bachman's.

Chris Vogel: No, I mean right behind my house which is new land that's going to be added to the area.

Staff Wittenberg: Commissioners, if I can clarify and Ms. Arnold can correct me if I'm wrong, but I think the idea is that it's a little too speculative to determine where those zoning district boundaries should go when we have a large swath of right-of-way there at this time. Any rezoning would likely take place in conjunction with replatting that area so you know exactly where property lines would go and so forth.

President Motzenbecker: And there would be a separate hearing for that and you would be notified just as you were for this meeting when there would be specific pieces that are closer and more directly affecting your particular property.

Chris Vogel: Going from a highway to something that would be a residential zoning there would be a separate hearing for that, there'd be a discussion on that, there'd be an opportunity to testify for that as well?

President Motzenbecker: Correct.

Chris Vogel: Well then you've answered my question. Thank you.

President Motzenbecker closed the public hearing.

President Motzenbecker: Just so we are aware, I just wanted to clarify for you that the item before us is taking into consideration the wording would find for the impracticality as well, that is inherent in our decision to approve staff's recommendation.

Commissioner LaShomb: I'm going to move approval of this and then make a few comments, maybe with my head instead of my heart (Tucker seconded). My personal position about this is that the staff has done a very good job of trying to work through a very difficult issue. I have a friend who lives on the northern part of Lyndale. I say northern part, she lives south of Minnehaha Creek so I guess that's the northern part of southern Lyndale. A couple years ago I told her I was on the Planning Commission and she immediately attacked me and said "you mean you're the one who's going to come down here and screw all this up" and we went into this long debate about how that's not how it's going to work. She gave me a hundred examples of things that have happened along Lyndale and the whole history. I concluded two things; one was that I was glad I was on the Planning Commission and not in the neighborhoods because I didn't like being hit on the side of the head that often and we got some protection up here. I think the staff's done a very good job of trying to make this complicated situation work. This area is complicated because it really kind of breaks into some pieces. The northern part of this area basically is zoned commercial with residential about a block off. As you go farther down you have more of that open space; the Bachman's site, Borton Volvo and some other things. I'm glad that the neighborhood and staff were willing to spend a lot of time doing this because I don't think we could have pushed a plan down here that didn't have neighborhood support and I knew there were a lot of people in this community who weren't very happy and maybe some who aren't still happy, I don't know. I think the basic point about this is that there isn't really a lot of rezoning that I can see in this. There is some important rezoning, but basically a lot of things are going to stay the same and I don't know what's going to happen to Highway 121. I'm never optimistic about the state of MN giving up highway right-of-way. We'll see about that. I think it's a good plan overall. As I always say to people when we get to this stage of the game is that plans tend to be dynamic, they're not static. As we go along, there are going to be tweaks and changes and people are going to have an opportunity to go back and revisit things on a pretty consistent basis. Then, of course, every time someone proposes some development down here, we're going to be revisiting that issue all the time right here at the Planning Commission and in the communities. I think it's a good plan overall and I think people who were serious about working on this deserve my congratulations because as I say, my friend didn't lend great credibility that this was going to be an easy process. She thought that everything City Hall did was bad and I think City Hall demonstrated a commitment to work with the neighborhood in this area.

Commissioner Huynh: I live in the Kenny neighborhood on 55th and Bryant and was fortunate enough to attend the neighborhood planning meeting in terms of having Amanda and Joe and also several other Council Member's Aides present there in terms of being able to explain this to the public. I think that some of the situation in terms of being able to have a dialogue with the public is having everyone understand what the issues are about and what the issues are at hand and what point in time do you deal with them, especially with the development of individual parcels but also rezoning. I think the issues of what happens with that highway... I mean, I'm sure that not every citizen in Minneapolis was able to go to sleep by 11 o'clock at night hearing the pilings go in the ground during the construction. There's a lot of land fills and a lot of noise that goes on. As a neighbor, I'm excited to see a lot of the development occur, but very cautious too in terms of the type of developments that come. I think I share a lot of the concerns of the neighbors that also live within the neighborhood. I think that the area plan in terms of the rezoning of the parcels comes at a timely frame in terms of the deconstruction of the Diamond Lake bridge and

also with the split of the 35 and 62 Highway. There's been a lot of increase in traffic on 54th and 58th and I think that with the rezoning and with the growth of this neighborhood, hopefully it will address a lot of the sustainable growth and growth in the neighborhood and begin to address, in terms of land use, what is appropriate for the neighborhood and look at the types of development that we want. I think that our neighborhood is comprised of Lynhurst and Tangletown. I think that it's probably an exception where you have an automobile dealership with Volvo and mechanical uses that, for me, I don't see it as a concern for the neighborhood. They've actually been a very good neighbor to the neighborhood. Same with Bachman's and a lot of the small business neighborhoods. I'm actually excited to see a lot of the growth with small business partners in the neighborhood. I'm excited for the plan and rezoning to occur. Thank you.

Commissioner Norkus-Crampton: I just want to say as somebody who sees Bachman's as probably her second home, I go through this area quite a bit. I have always been impressed. I have friends who live in the area with the juxtaposition of having basically freeway entrances and Highway 62 and at least on the east side of Lyndale where the houses are very modest and certainly some are on the west side as well and then you get into larger, more gracious homes closer to the creek and how you make those transitions. That's always the tricky part with these plans and that is the aspect of the small area plans that communities are always very nervous about. It seems to me, from looking at this, some nodes were created, some uses were contained and some transitions are in place and I can see why there was good buy-in to this plan and I think it looks great and I commend you.

President Motzenbecker: I would also like to offer my compliments to Ms. Arnold and the Planning staff. I think the results of this plan kind of speak for themselves. Having worked on the Uptown Small Area Plan with Ms. Arnold, I think it speaks to her skill and willingness to really work with the neighborhoods and try to come to a great consensus. I think that's fantastic because, as has been said, these recommendations came directly from the Master Plan in which the neighborhood was deeply engaged. I'm seeing that as well in the Uptown piece. I hope that may come just as delightfully. Thank you for your work. All those in favor of the text amendment as read? Opposed?

The motion carried 7-0 (Nurdyke not present for the vote).