Excerpt from the CITY PLANNING COMMISSION MINUTES

Minneapolis Community Planning & Economic Development (CPED) Planning Division

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MEMORANDUM

DATE: May 10, 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 May 7, 2007

The following actions were taken by the Planning Commission on May 7, 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, Schiff, Tucker and Williams $-\,10$

12. Zoning Code Text Amendment (Chapters 520, 530, 546 and 547; Ward: Citywide) (Molly McCartney). This item was continued from the April 9, 2007 meeting.

A. Text Amendment: Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions. Definitions.

Amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to Zoning Code: Site Plan Review.

Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code. Residence Districts.

Amending Title 20, Chapters 547 of the Minneapolis Code of Ordinances relate to Zoning Code. Office Residence Districts.

The purpose of the amendment is to review and revise regulations related to residential infill construction of single and two-family dwellings, including but not limited to the definition of natural grade, building mass and bulk, impervious surface, grading, and site plan requirements.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment with an increase in the minimum FAR exemption for attached garages of 250 square feet instead of the 200 square feet.

Staff McCartney presented the staff report.

Commissioner Tucker: How wide are the lots in this example that you're showing?

Staff McCartney: The Avenues are Washburn and Xerxes. The pink home is on Xerxes. The streets are 52nd and 53rd. Typical are probably 40 foot wide lots.

Commissioner Tucker: Is this typical for the areas that might be affected by the nonconformity we create?

Staff McCartney: A 40 foot wide lot is a very typical size in Minneapolis. If we look at this close up view around the Lake of the Isles and Kenwood area, there are a lot of homes that do have a 40 foot wide lot but a lot of nonstandard type homes that may have much larger lots and maybe not that square rectangular type of lot.

Commissioner Tucker: The 100 feet would not get as many homeowners.

Staff McCartney: If you're on a 50 or 75 foot wide lot, you would capture less homes than the previous example. There may only be four properties within 100 feet of your site depending on what is around as opposed to 10 or 12 on a more typical, more compact Minneapolis lot.

Commissioner Tucker: Did you examine other distances besides 100 feet and 350, which seems very large?

Staff McCartney: We looked at those two sizes because there was some debate and discussion around distance and context. We also looked at, in examining the options, we tried to map locations that would probably have potential to increase their size and height based on the surrounding properties. Of the three options, the different ways to measure context, the first one dealt with block face and whether or not you could increase the height or size of a certain percentage of homes on a block, exceeded that as well. Even though there are higher numbers in this area than other areas, there aren't a lot of blocks that are consistently exceeding the FAR on the block face. There may be homes across the alley or rear lot lines. The second option dealt with if the two adjacent homes exceeded the FAR height then the subject site could be increased. Again, there's not a lot of homes that we've identified. There's not a lot of homes in-between two homes that exceed the FAR. The third option dealt with if a certain percentage of homes within 100 feet of a subject site exceeded the FAR, then that home could be built larger. What we did is we mapped all the homes within 100 feet of a large...of a house that exceeded FAR and

throughout the city we found there was about 1900 homes. Then we looked at homes that were within 100 feet of at least two homes that exceeded the FAR and that number was much smaller, it was about 400 homes. You would even have to get more site specific than staff resources or time would allow. If we went through and picked out each property in this area and did a buffer and looked what was within 100 feet around it then we could pinpoint where exactly each specific home that could increase based on that option, the language written into that option, but from what we've done, we've looked at the properties that have two homes that exceed the FAR within 100 feet, approximately 400 homes... I think the number that would be eligible for that would be even less, maybe half to a third, but it would be much more than the other two options that were presented. Sorry, that's a lot of in and out kind of language. Again, staff had found that the third option probably would capture more homes than the other two. I think I also sent out an email that the planning commissioners received about two-family homes, much smaller amount of nonconformities created, only about 15 duplexes citywide and there's really no geographic concentration.

Commissioner Huynh: I know there are two options in terms of looking at variances but also administratively looking at these three options that you just outlined in terms of context sensitivity. Could you explain a little bit further in terms of how Planning staff would determine context appropriateness based on a variance application for FAR increase in height in regards to the context that you would have.

Staff McCartney: Staff is recommending that a variance be applied for to increase the height or size. We've also presented some options for the Planning Commission to consider to increase height and size administratively be written into the code. As far as the administrative processes would go staff would review all building permits and all new homes to make sure they comply with the FAR requirements of .5 or a minimum 2500 square feet per unit. In doing building permits, a lot of our Zoning staff reviews those either at the counter or they take in applications and review that. So we'd get information. We use Assessor's data, gross floor area of Assessor's data and combine that with what the applications are proper, come up with what their FAR for that site is and if they're trying to increase their size we'd look at the homes, we'd use the Assessor's data as well and look a the surrounding homes. If there is a discrepancy, the applicant probably could provide us with information about the surrounding homes if they so chose, but if probably would be in the form of floor plans and something maybe more expensive than an applicant would want. In reviewing a variance, we'd also look at the surrounding homes. In our variance findings we look at if the code is preventing a home that is being used in a similarly way than surrounding properties in that same district can be used. If a homeowner proposed a house that was very similar in size to the surrounding properties, but did exceed the FAR height they can apply for a variance. There's an existing variance for those bulk requirements and that's definitely something we look into through the findings what the impact to the surrounding area would be as well is if the property can be put to a use that every other residential property is being used for.

Commissioner Huynh: As part of the variance process, how is staff determining what surrounding uses and what context is relative to that? Is it that the applicant would come in, come forth and say "we can only have .5 FAR but we're proposing .75 just because 75% of the homes on the block face our 75% versus another application where you have an applicant that's coming in that's proposing .9 FAR and the rest of the homes... let's say three of the homes on that 10 block face is .75. Has staff determined what that surrounding use is where you measure the character and context?

Staff McCartney: We haven't come up with an actual way to calculate that. We would look at what's the immediate surrounding properties, very much like we do in the variance for a two-family unit to decrease the minimum lot size by 55% we look at the closest uses and if that's the prevalent development pattern so I think those are some of the guidelines and frameworks that staff would use. What is within 100 feet? We use that measurement for other context based requirements such as the open front porches in the site plan review for new homes. That's something we can take into consideration. Typically what's on the block face, what's across the street and maybe a few homes behind it as well.

Commissioner Huynh: Thank you.

Commissioner Norkus-Crampton: When you're considering an ordinance this big than can affect single-family and two-family houses in the city of Minneapolis and how things might work... I guess one of the things I'm curious about is, I know we talked about how many things are either at .5 or nonconforming now, what happens... it seems to me then we might be talking with more numbers if things are say at .45 or .43 depending on how... so then we're sort of in the same sort of... do you know what I'm getting at? I'm trying figure out what kind of numbers or...at this point it looks like there's a very small percentage that are .5 and above, but there are people that might be close because when you look at the map there's certainly a lot of dark orange that would put them in that count. I don't know if that means they're closer to .4 or .45 or what. From an administrative versus a variance verses administrative review, it seems like either way you may end up with more properties than you might think just by dealing with .5. I was trying to figure that out. Just so I get a handle on the Planning staff's perspective, I understand that the opinion is that the variance process is probably appropriate. From a staff time perspective, can you give me some kind of idea... and it sounds like you're still working out process for how things would be administratively reviewed, but I'm just curious, is there a difference in staff time from your perspective, from the staff's perspective as far as how that might be approached? I just have a feeling that there may be more things for review than we might...than the stats on .5 might tell us.

Staff McCartney: As staff that does administrative and public hearing reviews, I would say that public hearing is definitely more time based on all the administrative duties there is involved with public hearings. There's noticing requirements, preparation for the public hearing as well as follow up and appeal or things like that. I think the work itself may be similar, but the public hearing also speaks to the public input piece of it that we've heard a lot through the open houses we've held as well as just communication with residents about infill homes as well.

Commissioner Norkus-Crampton: But if we could figure out a formula that might be able to apply to the administrative level that could be perceived as context related and non-arbitrary that would still allow... and then that could be appealed if people were really unhappy or didn't feel like that was a fair assessment. That is an option or continues to be an option moving forward with

Staff McCartney: Right. That's what we had talked about at CoW and come up with those three options. Those would be administrative solutions to the FAR cap or maximum height. If the applicant could bring that information and staff could make those findings administratively or make the finding that the homes within a certain area exceed that FAR height. If they don't, if it's a number less than half or something like that then they could always apply for that variance.

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Commissioner Norkus-Crampton: But when you said you that there wasn't... you hadn't really worked it out here, you'd work it out administratively option one, option two and option three could be the ways to pursue that, correct? Ok. Thank you.

Commissioner El-Hindi: This is just a clarification. I'm just trying to understand. If an applicant comes and they're arguing that 50 % of the homes, let's just say we take option one, 50 % of the homes on the block are bigger in size, footprint for instance than...

Staff McCartney: Bigger in FAR.

Commissioner El-Hindi: In FAR, sorry. What is the documentation staff would be looking for?

Staff McCartney: From the applicant we'd want information about their home and we have access to some of that information if it's an existing home. We have Assessor's data. The Assessor collects information homes for tax collection purposes including the floor area of homes. That's information that we would use to determine the size of the homes in the surrounding area. If it's a new home, the applicant will provide us with everything we need. A lot of times for building permits we get partial floor plans or partial site plans if it's just a small addition and we can use that in combination with the Assessor's data or other data that we may have in our files for that home.

Commissioner El-Hindi: So the Assessor's data, is that actually available for the public?

Staff McCartney: I believe Assessor's data...

Commissioner El-Hindi: The square footage of a house...

Staff McCartney: I'm trying to remember what's online, but I do believe that property information is online. I'm constantly looking at the City information, not the public information. That's information that we can also share with our applicants at the counter or through meetings.

Commissioner El-Hindi: Thank you.

Staff McCartney: I just also want to point out a couple things in regards to the context. Again, we showed that map of the year built's and at the Committee of the Whole we looked at the different types of homes that were built in these areas or during these time periods and then there was also another map shown of study areas, historic study areas that the city has recently undertaken. There's a lot of talk about the teardowns and preservation of neighborhoods that are not necessarily designated. We do have good recent data. We have good data for the whole city, but we have some recent data too that would assist us in determining or looking at new homes and the size of homes in that area.

Commissioner Norkus-Crampton: My apologies. I'm not sure when I should ask this so I'm just going to ask it now. For the two-family dwellings in R2 and R2B... so we're talking about this whole ordinance deals with context and how to come up with processes that will encourage growth of the city in a way that there is some sort of contextual basis and that it kind of keeps what people really like about their communities moving forward, but also letting the city grow. I was just curious and I guess I wasn't aware that for the two-family dwellings under R2 it asks for 12,000 square feet for a two-family dwelling for new and then under R2B it's two-family if it's

before 1995 it's 5000 square feet and it adds 10,000 square feet after that. It still says the width is 40 feet for both of these and I guess I was just kind of curious... obviously there's some history in here I don't know about, but it seems to me that if a structure and similarly to how we look whether a floor is one floor or two floors...if it's above 14 feet we count it as two stories because spatially that's how it's expressed to the surrounding community and if a structure, if the form of it meets the requirements as far as setbacks and scale and density and stuff, then why are requiring 12,000 or 10,000 square feet for two-family dwellings? Wouldn't that actually bump the size up to be sort of out of context potentially with buildings around it if we're allowing a .5 FAR?

Staff McCartney: I think you're referring to the minimum lot size requirement in the R2 and the R2B for a new duplex. We're not proposing any lot size changes at this time. To build a new duplex they would have to have a minimum of 12,000 square feet.

Commissioner Norkus-Crampton: So how does that deal with the issue of context that we're dealing with? I guess I'm just trying to figure out... it seems like that's kind of incongruence with sort of the direction we're going with this.

Staff McCartney: The R2 is a less dense district. It corresponds roughly with the R1 district which allows only single-family homes on much larger lots. In the R2B, which is the more common two-family district that we see with a minimum 10,000 square feet, to build a new duplex there is a provision in there for duplexes that existed on a certain date in 1995 to have a smaller lot area and perhaps Mr. Wittenberg can speak to some of the issues surrounding lot sizes on duplexes. There's not a lot of duplexes being developed because of those minimum lot requirements.

Commissioner Norkus-Crampton: Yeah, that's true. I'm just wondering, I mean, if we're promoting density and we're trying to promote traditional urban form it seems like that's a nice way to increase density in a way that doesn't offend people. I'm just curious why we're discouraging that.

Staff McCartney: I believe there was a text amendment at the end of 2005 that went through the Planning Commission but didn't make it through Council.

Staff Wittenberg: Commissioner Norkus-Crampton, actually we found that duplexes do offend people. We brought forward on a couple of occasions a proposal to reduce the minimum lot size for new two-family dwellings and it's been met with very strong opposition, particularly in certain neighborhoods where there's a high concentration of student housing where you can fit five students in each of those dwelling units.

Commissioner Norkus-Crampton: Thank you.

Commissioner Mains: I'd just like to make a request here. It's sort of like a home remodeling where we get into the "might as well's" if we take all the little things that touch this. I'd really urge us to stick to the issues we're talking about tonight.

President Motzenbecker: I'm going to reopen the public hearing for this. I'd just like to say, as you all know, we've all been sitting here for quite a while. I've seen some of you from the last time. If you've spoken previously, we do have your comments on the record and if you would

like to say something else I would ask that you please respect everyone here and the time and give us new information only. I'm also going to look and see... if I can have hands on people who are in favor of this ordinance. Ok, and those who are not. We have about half and half. Again, the recommendation right now before the Commission is for approval of this so if you're in favor I would ask again, and opposed, if you guys could both keep your comments clean and quick and to the record at hand that would be most appreciated. With that I will open the floor and again I'm going to keep kind of the two minute rule in order so once you approach two minutes and start to go over I will ask you to please conclude your remarks.

Fran Davis (1512 Douglas Ave): I have spoken before so I'll try to keep it short. We talk about one percent of the houses are nonconforming but almost 16% of those are in Lowry Hill. I do question how accurate the data is that we're using. As a realtor I look at statistics from the county records and look at what the houses actually are and I think there are a lot of houses in the Lowry Hill neighborhood and like neighborhoods that are bigger than we're accounting for. Over 100 houses in our neighborhood becoming nonconforming is putting a burden on the people that own houses and want to do alterations, people who are selling those houses to somebody that maybe wants to do alterations. If that burden is a variance process that didn't exist before and will exist with this. I have to say, I am supportive of this kind of proposal, but as we've said before, one size does not fit all. As you go through the charts, there are places where cluster homes can be 35 feet and single-family houses can't. If we're looking at the effect on a neighboring house, they should be the same. I sat through one of the two neighborhood meetings and I never heard anything talked about in that height. I think that height variation is one of the major problems in a neighborhood like Lowry Hill. One of the three solutions on the last page, if we had either one or three and that be administrative, we would take care of a lot of those problems. I do think the burden is increased because how many people know what their neighbor's house square footage is, their FAR or can get plans of a house built in 1900? The actual implementation of this is really going to be difficult both for staff and residents of Minneapolis that we want to stay in Minneapolis and invest in Minneapolis. We need to find a way to make this work and I don't think this is it.

Gary Aulik (2374 W Lake of the Isles): I am a resident that lives in one of the neighborhoods that's been heavily talked about this evening. I have an architectural and building firm that practices in Minneapolis' south neighborhoods. By and large, I agree with the intent with the new ordinances, however, I am concerned with the city's ability to manage the contextual sensitivity design as an alternative to existing ordinance changes. I don't know that your staff to handle that. I'm also concerned with the city's ability to manage the onslaught of variances requested for the percentages of homes that are now close to .5. We're hearing a lot of talk today about homes that would become nonconforming but we're not really hearing about homes that are on the cusp. I think that number is way bigger than the number that we're talking about today that would actually go nonconforming. For those that own properties, the burden is huge. You have to start surveying your neighboring properties, finding out the square footage of the neighboring properties just to put a small addition on a home that today conforms. I don't know whether we're prepared to staff that, but I submit that before we go ahead with approving ordinances or send them for approval that we identify how many homes how on the cusp because I deal with them every day and many of them are close if not over and people don't know it. I think it's a convenient and short-sided to apply the new ordinances to the entire city when only a very small portion of the city is being radically impacted by the new construction. That's not to say that I don't empathize or sympathize that those that are being impacted. On the contrary, I do. I think it's a knee jerk reaction to Ms. Hodges constituency and her need to serve them. I understand her need to serve them, but to apply this to the whole city and not be prepared and not really know the facts that surround it is premature at best.

President Motzenbecker: If you could give us your conclusion please.

Gary Aulick: I believe that restricting the development of homes that are at or near .5 FAR could indeed be detrimental to the other areas of Minneapolis that were constructed at nonconforming by proposed ordinances and just as importantly are on the cusp of being and furthermore these proposals do not speak to the need of the city that needs to evolve thoughtfully. Much more care must be taken to evaluate the outcome of the proposed ordinance changes. As committed as I have been all my live to thoughtfully restoring the homes within the fabric of this city, I cannot imagine what the long term implications are for the city and for its tax base. This ordinance does not encourage growth in the city.

Judy Nieswander (2412 33rd Ave S): This is a home that was built about two blocks from my house about two years ago. It is a single family residence with one resident. I'm here to ask you to please help us control this kind of mushrooming of houses in our neighborhood. This particular house is on a corner lot, it's on a major cross street that has a bus route, it's my belief that it has blighted the corner and the blocks that are contiguous to it. Seward is a pedestrian neighborhood that was built in the first 20 or 30 years of the 20th century by craftsmen, artisans, small shop keepers, people who wanted or could afford a modest life style in close proximity to their neighbors and the people who live there now continue that tradition. They are social workers, child care workers, musicians, academics that are close the University of Minnesota. I think it's unfair that they should be subject the kind of negative property values that a building like this so out of scale with the rest of the neighborhood will bring. This little house here is about... well, I should say the big house is about two and half stories higher than the smaller house. What is going to be the impact on that home owner when they come to sell their property and it's at least twice as big as the house on the other side? I think it's not fair to them to have such large building built next door. These are car culture houses with front driveways and there are many, many places in the suburbs where such houses can be built, they don't have to be built in town.

Robin Garwood (2816 39th Ave S): I aide to 2nd Ward Council Member Cam Gordon. Cam apologizes for not being able to be here so late in the evening tonight. He asked me to come and let you know that he is in support of this proposal. The real reason, although the examples from Seward are also important, is that it's not just a southwest Minneapolis issue; it's a southeast Minneapolis issue as well. I'm the one who passed around this MLS listing for 1065 23rd Ave SE. I direct your attention to the property description. This is a huge home near the U of M. It's a 3024 square foot, nine bedroom, four bathroom house on a 5120 square foot lot. As it says here, it's a fully occupied rental property. It's over occupied by the city standards. This ordinance will help us get a handle on not just problems down in southwest Minneapolis, but really increasing problems up in southeast where absentee landlords are buying up single family homes, small bungalows and running them into the ground by doing absolutely no maintenance over the five years that they rent them out at exorbitant prices to a lot of students, razing them and replacing them with things like this. Nothing is ever going to be perfect, but this will help us though. This will help us not just down in places where Betsy represents but up in the 2nd Ward as well. So, please hand it off to the Zoning and Planning Committee and the City Council. Thanks so much.

Anthony Waldera (2519 Lake Pl): I have a vacant lot at 2519 Lake Place on the east side of Lake of the Isles about a block off the water. I sent a letter in on April 7th but I didn't see it copied in the packet so I felt compelled to talk again. I generally support the ordinance. I'm against McMansions. I think a lot of what Council Member Hodges is doing is very good. If there were three changes I would support it completely. One, I think going from 35 to 30 feet citywide is a bad idea. It will specifically be very harmful to the Lake of the Isles area where there are a lot of taller houses above 30 feet. There is a huge tax base around Lake of the Isles that I don't think we want to hurt. Second, having a variance process and the consequential public hearings that go along with it will chase investment dollars away from Lake of the Isles are for remodeling, renovations and the few teardowns that we have there. Third, I believe the attached garage penalty is too severe. In conclusion, I am very much in favor of the general direction, but there are three major items that I think should be changed and feel strongly should be changed and if they're not then I would, if I was on of you, vote against it and I hope you will consider my thoughts seriously. Thank you.

Jo Ratzville (507 2nd Ave SE): I think the staff did a marvelous job of researching this issue. I support this in general. I think that, for our neighborhood, it has the potential of having a good impact in the fact that we have so many rental occupied houses. Many of them are not in R1 and R2, which is what this will impact but there is also the impermeability problem with the water quality etc. I really support this and I'm waiting for it to go further and have an impact on the R5 to R6 district. I would really like to see that because that is where, in our neighborhood, the biggest problem is.

Joan Menken (1067 14th Ave SE): Southeast Como Improvement Association supports this, the amendments to the infill housing. The discussion packets reference the effects primarily on the southwest area, but this is not just a southwest issue. It is also not just a southeast issue. Simply because other neighborhoods...it's not on the other neighborhood's radar screen at this point, does not mean that the issue is not out there. We heard this at the home tour. My daughter's house was on the home tour. We heard it from bungalow people out in the Longfellow and the southwest area and adding what could happen within their blocks. They're worried about it and where's the guidelines. The amendments address issues we have been dealing with for years now. In the southeast area it's pretty clear. We've got oversized houses. Robin gave you one good example that are simply large houses. They come stacked together and we get a house and we get a parking lot. We lose the green space, we get the impervious surfaces, no longer do neighbors see sunlight and little regard for the environmental impacts created. This is not a formula to attract the homeowners the city values. It's not a formula to keep the families we desperately hope to retain and to enhance the lives of all those that live in the city. Basically we're supporting these zoning amendments. You're limited size and bulk and height, the things that we see abused every single day. We value the character and integrity of our neighborhoods, but we need rules and we need guidelines for this to happen. People deserve to know what they are allowed to do, what their neighbors are allowed to do and what a developer is allowed to do. We need to develop with clarity and with purpose. We believe the amendments add that clarity without being punitive. I realize there is a variance review process outlined here and many do think that's punitive, but we have dealt with variances for umpteen years.

President Motzenbecker: If you could give us your conclusion please.

Joan Menken: It's hopeful we'll something really creative come out of this with some new housing also. Thank you.

President Motzenbecker: By my count, I had about four people left. Is that still true? If so, if you could just line up and we can just get that taken care of that'd be great.

Derek Rodman (3239 Chowen Ave S): I would pose the question, does the burden of the variance process outweigh the burden of living next to a monster house for the rest of my life. I had a monster home built directly next to me. My home is a story and a half Tudor style house, typical of the neighborhood and my block. It is approximately 1400 square feet. A builder came in and tore down the house next to me which was identical to mine, there was nothing wrong with it and it was not in disrepair, but my assumption is that he felt that he could make a lot of money in my neighborhood. He put in a house that is over 3800 square feet. I look out my window, which used to be green space, trees, shrubs, bushes, plants and now I see a wall that's 40 feet long plus by 20 feet high plus. There is no green space anymore. There are no trees anymore. There's no grass, it's just all building. I would like to see the neighborhoods that we have maintained because of their integrity, because of their diversity. If someone wants to build a larger house to come into the neighborhood or that is currently living in the neighborhood and wants to add on, there's a process in place. We've talked about it, the variance process. If someone wants it bad enough they can go through that process. I would advocate that you pass the current proposal as it stands and if there are issues to be worked out, they will be worked out later because right now it is a rampant problem and smaller houses are being torn down for much larger houses that are impacting the majority of the people that live in these neighborhoods. Thank you.

John Finlayson (5005 Xenith Ave S): I spoke once before in favor, I remain in favor. I would suggest passing it with the variance only process as that gives the most public review, most notification of neighbors. This is something that can be tinkered with endless and I'll repeat one thing I said last time. Please don't let the perfect be the enemy of the good. Thank you for your consideration.

Charles Ainsworth (3811 Washburn Ave S): I fully support the effort that's going on here. I had a monster house built next to me with a 70 foot long wall, 20 something feet high totally blocking out our light and I'm very encouraged by what's going on here. As a design professional, however, I am interested in one thing. A typical house in Minneapolis has about a nine foot main floor lower level or basement, eight foot bedroom level and an attic space. If you do the math on any house wider than about 40 feet, in order to encourage 12/12 pitches or above which are less than most Tudors, typical for a lot of Craftsman's or Queen Anne's, 30 feet won't be enough for lots that are wider than 50 feet. You're going to encourage a lot houses with kind of flat roofs, which is great if you're building an Italianate style or something Prairie style, but the charm and the beauty of a lot of our housing is following that northern European architectural model which encourages steeper pitches to shed snow. I think it'd be really simple on lots wider... I know 40 foot is the standard and 30 feet high on a 40 foot lot is probably pretty big, but 35 feet would allow people to do something a little more architecturally interesting and maintain the character and if you size it by the lot you could protect against monster houses.

Beverly Marcus (1779 Knox Ave S): I'm an architectural designer. I have been living in that area for about 15 years and trying to restore and maintain the historical nature of the homes I've lived in and friends. Yes there are variances. A majority of people are scared to death of variances because they don't know the process or what they've heard is to go for one is going to take a lot of time, which it does, I know it delays anything I've worked on by at least three months. Most of them don't know where to get the information. Most people are so frightened off by the whole

process that they decided that they're not going to do it. That's a little scary considering that that's called progress. Second point I'd like to make is that smaller doesn't mean that it's going to be better. I could take that same drawing, the house that you showed was huge and ugly, in the Seward area I could make that smaller and it'd still be ugly and it would still not work in the neighborhood. Just being smaller is not going to give us exactly what everyone's really looking for. It does have to do with contextual. I did write a memo that talks about how you could do it in the neighborhoods again going with context and height, alleys, non-alleys, without making it difficult. Thank you so much.

Kathy Ollivier (5304 Xenith Ave S): Thank you for sitting here so long with all of us. Obviously we're passionate about this. I represent four families in our neighborhood – ours and three others that couldn't be here today. We attended the meeting that took place in the Fulton neighborhood in Christ the King Church that Betsy and Molly chaired. I did have a chance to speak at that meeting. I'd like to point out, I think one of the figures that was mentioned was that about 15% of the property in the city is affected by this. Fifteen percent becomes 100 percent if it's next door to your house. I'd like to point out that ours is an established city neighborhood for the realtors among us. We bought the view from the windows in our home and we'd like to keep them that way. For someone who wants more space, you can always buy a bigger lot in the suburbs. Smaller homes are also more affordable and it allows for smaller families, single people and retired people to bring in the diversity that we enjoy within our neighborhoods. One issue that was brought up that we were all rather surprised by was the way the changes in the neighborhood are communicated to the residents that seem to be affected by those changes. I would like to suggest that those requests are communicated within say 10 doors from the property as opposed to a specific number of feet within that property, including the property behind where that change might be suggested. I'd also like to point out one comment that was made earlier that developers, I think, want it all. They would like to be able to acquire affordable lots and be able to establish monster structures for the monster dollars that they would bring in. We've seen this in our neighborhood almost directly behind our home, which at this point would probably be able to be sold around \$400,000 for 1700 square feet. There is a 3000 square foot home that was built from the front to the back of the lot that's selling for \$860,000. It takes away the affordability factor for most people, at least in our neighborhood. These buyers might prefer to be in a uniquely monster house neighborhood which might be a developer's dream, but please not in my back yard. Thank you.

Council Member Hodges (4312 Linden Hills Blvd): I'm a resident of Ward 13 and I also represent Ward 13 on the Minneapolis City Council. I want to thank all of you for being here tonight and the work that you have done so far on this issue. I want to thank all of you for being here so late tonight to work on this issue. I also want to thank staff who have been working so hard on this, Molly McCartney, Brian Schaffer, Jack Byers and other folks who have just been so responsive to my questions and I'm sure you're questions and have gone to so many meetings and looked so hard at this issue. I wanted to start my remarks by getting us back to sort of the big picture of what's going on here and why I started pushing this so hard in the first place. Indeed it is true that I hear a great deal about this issue from my constituents. Increasingly, my colleagues are hearing a great deal about this issue from their constituents and I guarantee you in years to come if we do not act, my colleagues will be hearing a great deal more from their constituents because this is a growing issue throughout the city and it's a problem that I'm glad we have. It means that people want to be in our city. It means that people want to invest their home dollars and their housing dollars in our city. They want to be here because it's a great place to be. I want to make sure that the things that are pulling people here in the first place keep them here down the

road. That we maintain what we love about our neighborhoods and we keep them places that people want to be, that people want to live and play and work and invest their housing dollars in. The suggestions that you have before you are generous suggestions. They are very generous suggestions. They still allow for significant development and redevelopment throughout the entire city. You look at the comparison charts that Molly brought up earlier; you can still build a significant home given the recommendations that we're making here. I do not want to stop or end development and redevelopment in the city of Minneapolis. As a matter of fact, this is with an eye toward long-term development and redevelopment in Minneapolis to make sure that it stays a place people want to invest in. What I'm here to do tonight is to urge you to pass this forward to the City Council and I especially urge you to pass it forward with variance as the first choice for handling some of the problems or some of the challenges that come up. I urge that for a variety of reasons. I have listened to all the testimony. I have talked to people. I have listened to these public hearings. I have read every bit of material that comes before me. I have talked to you. I have talked our staff. I have sat down with members of the AIA. I talked to them about their opinions about what's moving forward. I understand and I hear some of the challenges that various neighbors have brought, especially around the Lake of the Isles area. I know that the instinct to solve some of those challenges would be to take one of the options that has to do with context. I've looked very closely at those options myself. I understand the instinct to do that. Under any of those options, even without them, the number of homes that are affected just in pure numbers is actually very small. The chances of them needing to be torn down or having renovations that put them above and beyond the FAR is an even smaller number, but to the extend that there are some of those homes, if we want to look at contextual options, any of the options that staff brought forward have an impact on very few of those homes. It's a very small number. Under some of the options it's two or five or ten homes. Even under the most generous option I think it would be generous to say that it would be 100 or 200 homes that would be affected by that except we would feel the impact of that. We would feel the impact here at the city; it would be a huge administrative thing to do and it would create challenges throughout the rest of the city. My goal here has been to create a solution for this problem that this challenge that my constituents are facing that doesn't create huge problems for the rest of the city. I don't believe this creates huge problems for the rest of the city. It's a process that people already have, that people already go through, but to change it to look at some of these contextual options I think actually creates more problems than it solves. I would urge you to pass this tonight with the variance option. Aside from that, on a different track, one of the other huge things I heard about besides the volume question, which is what this ordinance change deals with, is the communication question. People don't know what's happening, they don't know that a home is being torn down next to them and once one is they don't know what's going to go up in there. They don't know what the timeline is, they don't necessarily know what the plans are. The communication problems are big. On a separate track, I'm pursuing solutions to those. Staying with the variance with the option of choice here actually increases the communication with the neighbors. It kicks into gear a communication process for the community that people throughout the community are longing for. For those two reasons I urge that. One change that I would suggest that you consider tonight has to do with the attached garage issue. I've heard a lot of people talk about how much people want attached garages and how 200 square feet just isn't enough. I don't want to give up the farm on that because I actually think that in this city we do value detached garages. It's the history of the city. You look throughout the city and that is a design element I would like to encourage, but I do hear that a 200 square foot stall for a car is not up to par for a single stall which is what we're trying to allow here. I'd suggest that you consider perhaps a 250 square foot exemption tonight for that just to address the concerns that people have about the standards for single stall garage sizes in the current state. I appreciate you taking my comments tonight. I have a feeling I have exceeded my two minutes so I appreciate your indulgence. I want to thank you for taking this up tonight and I want to encourage and urge passage of this tonight. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Mains: I move that the Planning Commission adopt the findings and approve the zoning code text amendments as written (Tucker seconded). I own two duplexes in Seward. One was a duplex and is now a single family. One I live in and one next door. Owner those two, I own four nonconforming structures because the garages are also not five feet from the lot line. Neither house is more than three feet from the lot line. Has that caused me any problems with remodeling either of them? No. I don't think that's an issue. We're talking about nonconforming structures not nonconforming uses. There's a big difference there. I like the variance option that was originally proposed by staff mainly because it addresses the communications with neighbors when you're dealing with a change. I think it makes a lot of sense. Anyone who is building this big of a house can afford to go through a variance. It's not going to be a hardship. I just think this is a good solution. To tell you the truth I don't think it's strict enough, but I'm going to support it.

Commissioner Schiff: I agree with Commissioner Mains that this isn't strict enough, but I think we'll get there in the years ahead as we work with this and we find ways to fine-tune it. That's the way it started with the first set of guidelines on infill housing that Jason Wittenberg helped author with a point system that required so many points for just some of these homes to be built. It's amazing that these are actually an improvement from the types of monster homes that were built five years ago when a front porch, a tree and windows weren't even required. We've got many neighborhoods with those homes to show us just how much work there is to do with the design of infill homes. I want to make an amendment to the motion before us per the suggestion of Council Member Hodges to increase the square footage allotted for an attached garage and I believe the number she threw out was 250 square feet (Mains seconded).

President Motzenbecker: Ok, moved and seconded. We'll add that to the motion. All those in favor of adding that to the motion? Opposed?

The motion to add the amendment to the motion carried 7-0 (Williams and Nordyke absent for vote).

Commissioner Tucker: 200, 250... I think the 200 was not limiting garages to 200 square feet, it was just saying that would not count against your total FAR calculations, but 250 is kind of a good size too. I don't think it's a big deal here. I do support the motion. I think it's important that the variance process stay with us. I think although the administrative review has been very helpful, it has cut the neighborhoods out of the discussion and they're not as aware as they used to be of changes that are being made. There's not the hardship that has to be shown and a lot of bad buildings have gone up as a result. I think the neighbors will certainly appreciate that there is a variance process to protect their house from a huge neighbor going in. I would like to suggest, and we may not do it as part of this motion, but that option three that was suggested by the staff as a way of looking at the context instead become a directive to staff as the guidance for determining any hardship. So, you would look at houses within 100 feet to determine what other neighbors are getting to do and determine if it's a hardship or not to allow the applicant to do the same.

President Motzenbecker: I would agree with that. I was going to say something similar because that was something that was discussed during Committee of the Whole that staff would basically use one of these options and I think I was going to recommend option three as well because we had a lot of discussion about context and what the appropriateness was there and I think if staff used this internally to help guide their decision making process on these variances I think that would be great.

Commissioner Tucker: I know a lot of people have seen this as an opportunity to contextualize everything in the city and try and make every project compatible with its neighbors. I think it's been shown that that would be administratively very difficult and also would start to limit the opportunities for growth within the city. That's one of the things we're talking about with our new Comp Plan and sustainability is growth with sustainability so I think we have to start here and this is a good start and we need to get started right away because a lot of bad projects are being built without these restrictions. Thank you.

Commissioner Huynh: I want to commend staff and Council Member Hodges for pushing this forward. I think we've made a lot of progress from the first draft to where we are now. In terms of integrating a lot of the issues with grandfathering rights, building in areas where the FAR is a lot higher, but also incorporating a lot of architectural diversity into the language of context and character. I'm also in support of the variance process, I'm not sure if I agree with President Motzenbecker or Commissioner Tucker in terms of encouraging staff to use option three. I think one of the issues that arose when we talked about doing this administratively is that for areas where the site is larger, the 100 foot site perimeter only maybe catches about for of the six properties whereas the smaller property may encompass 12 sites in terms of looking at context and character. My suggestion is probably, as a variance, maybe develop that a little further in terms of how you are able to engage a little more about context and character. About the variance process, during the day most of my time is spent doing the approvals process and going through variances a lot and I think that although 84% of the zoning code text amendment applies to the majority of the sites, there is that 16% and I think that as designers and as citizens of Minneapolis we have to really push the boundaries and what we want for quality housing. As part of that variance process the two extremes of homes that you would find are homes that don't qualify, are debilitated, that are monster homes or homes that are exceptional that don't fit the criteria that would like some exceptions. I think to be able to encourage that through variances processes for contemporary homes or through height or through FAR I think that there is a process for doing that, for allowing homes that don't fit that 84% that this zoning code text amendment applies for. So, I'm in full support and appreciate everyone's time on this.

Commissioner LaShomb: I'm going to support this, not because I think it's perfect; it's not. It's certainly not something that affects one ward. I think what we really have to recognize is that this is a citywide problem. What it really comes down to is balancing between an individual's right to build on his property and the neighborhood's right to have some context and some value to their property. I think this is a reasonable solution. It's not a perfect solution but of all the amendments we've sent through the Planning Commission I don't any of them are perfect. So, Council Member Hodges, congratulations, I think you've made a lot of progress. Molly, you've done a great job on this. The basic point is that it addresses a serious city problem. The serious city problem is individuals who want to come in and buy small lots because they're cheaper and then maximize the value of the lot by building a monster home without worrying about what's next door or what's on the block. I think our city policy should be to have neighborhoods that are

consistent and look alike and have the same kind of context and that doesn't rule out some originality in neighborhoods. I hope we always have originality. Size is not a standard that I think where the term originality should be used. It should be the quality of the home and the architecture of the home, not its size.

Commissioner Norkus-Crampton: I do want to commend Molly and the Planning Department for all of the work they've done. This is a very sweeping ordinance and it's got the attention of a lot of people, it can affect a lot of neighborhoods and I appreciate the work that went into this because there were a lot of things to consider. I guess the other issue, as far as the communication piece, I agree with you, Betsy, that there are some problems with that and I think that regardless of what we pass here that making people feel like they are a part of the process and not feeling like things are happening that they're not aware of and all of the sudden something's happening and everyone's freaked out. I think that that does not build good relationships with our citizens in Minneapolis. That's really important to have that working partnership with the community. I really want to thank everybody who came out and who came out before here tonight because this is your city and we need your input and we value your opinion and we want to do something together. I have a question on the option three; I guess I support this because I think that at this point we're already looking at shadowing studies and things like that where we're sort of looking at the original context regardless of how many feet we decide we want to put on that. I'll be curious to see how it pans out when it says the height shall not exceed 35 feet. I'm curious how that works for the variance thing so that's something that we do need to talk about if somebody has a response to that. I'd appreciate that at some point in this conversation. The other issue that has really been bothering me ever since I watched the Z&P meeting regarding the pervious versus impervious surfaces on a site, I believe it was in East Isles and it got all broken down into pervious surface coverage versus impervious surface coverage, pavers, pervious pavers versus impervious pavers and I guess when I look at this part of the code and what we're trying to deal with here is context. Molly, you try to argue that implicit in this 546.150 that implicit in the talk of pervious versus impervious you wanted 25% of landscaping or that was what we were hoping for and the argument that was made was that's not what the ordinance says. I guess I would agree, that isn't what it says, but if it's what we want what I keep thinking of is if we're going to bump this up to...if we're saying that we want...that a pervious surface shall not cover more than 65% of any zoning lot located in R1 to R3 districts and impervious surfaces shall not cover more than 85% of any zoning lot covered in an R4 to R6. The remainder of the zoning lot shall be covered with turf grass, native grasses, perennial flowering plants, shrubs, trees or similar landscaping materials to prevent soil erosion, minimize off-site storm water, blah, blah, blah. It seems to me that it's better to have something explicit than implicit here and there are other parts of the code, environmental standards and things like that that talk about the functional landscaping... it seems like here if we say not less than 35% of any zoning lot located in the R1 to R3 district shall be landscaped areas. Not less than 15% of any zoning lot located in R4 to R6 shall be landscaped. Landscaped areas shall be covered by turf grass, native grasses, perennial flowering plants, shrubs, or trees. It seems like that would speak directly to what we're trying to look for here because we don't necessarily... we're not talking about the function. We don't care if the pavers are pervious or not, it's like do we want front yards full of pavers? If we don't then we need to say so. What we're doing is rewording the percentage on it to get to...since we're talking about character. Basically all we're doing is rather than saying... we're just reversing it.

President Motzenbecker: I don't think we've really had a chance to look at that.

Commissioner Norkus-Crampton: Ok. I do think it's an issue because it has come up and it is affecting the character of yards and we're talking about the positioning of garages, houses, use of green space. All these things affect the character of existing homes and new development. If we have things worded in such a way that we're changing, fundamentally, the character of yards, green scraping, lawns, things like that...from what I heard Molly talk about at the Z&P meeting and I'm sure Commissioner Schiff remembers this conversation as well, if this is something that we want to...if the intention of it is to preserve some sort of traditional urban form in terms of yard, green space, things like that for a lot of reasons, character as well as function, I just think that there are ways to express that better than what we have in this language so maybe moving forward you guys can consider something along those lines. Thank you.

Commissioner El-Hindi: I would also like to commend Molly for her work and all of the comments that she's been hearing from every single one of us and the public. I think you've done a really good job sort of summarizing a lot of the issues that came up like the grade issues that were presented last time as well as the tuck under garage issues that you've resolved as well. The context issue was known to be a really difficult one and I think you've done the best that you can to really address that and like Commissioner LaShomb had said that this is not perfect, it's never going to be perfect when you're dealing with context. It's an extremely difficult subject and I think we'll just have to wait and see how it goes from here. I feel like the only subject or the only area that maybe is not clear in my head is the issue of height where still I feel like 30 feet, although I support the decrease of height, but I don't know what you're going to end up forcing certain character to be. To achieve the 30 feet, like we saw in the diagram that the gentleman had put on the screen, will that force a lot of flat roofs? Will that force a lot of really sort of more hip roof and make it difficult for people to obtain a sort of more Tudor style which is more of a steep roof? I think that's something probably that can be addressed later to see what we're going to get from that through other applications that come in front of us. So, in general I want to really commend you for all your hard work that you've done. Thank you.

President Motzenbecker: Yes. Thank you all very much. I think it's fantastic. I agree, I think that the city has a real duty to create a desirable environment that really reinforces the character of the neighborhood while it still is continuing to grow. I think it's our duty to encourage good design as well and that was something that was brought up and unfortunately it's not really part of this whole design, but Commissioner Huynh touched on it quite nicely; it's quality. A letter in our packets was very clear on it on how design can accommodate a lot of the needs that today's families are seeking. While developers contribute positively to a lot of things, I work in this field every day and I rarely see a lot of high quality design, frankly, coming forward. I think this takes it one step closer to that. With that I think we'll call the vote. All those in favor of this item? Opposed? Abstentions?

The motion carried 7-0 (Nordyke and Williams not present for the vote).

Commissioner Tucker: I just wonder if we could send along a directive to staff to use option three as a basis for guidance for figuring the hardship. It may be that 100 feet isn't quite perfect and 110 would be better.