



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

Date: February 3, 2005

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

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

Approved by: Jason Wittenberg, Interim Planning Supervisor, (612) 673-2297

Subject: Appeal of the decision of the City Planning Commission by Richard Anderson

Previous Directives: At the January 10, 2005 City Planning Commission meeting, five of the Planning Commission members were present. All five of the Planning Commissioners voted to approve the rezoning, conditional use permit and site plan review for the five-unit townhouse development located at 3824 West 44th Street.

Financial Impact: Not applicable

Community Impact:

Ward: 13

Neighborhood Notification: The Linden Hills Neighborhood Council met on January 4, 2005 and discussed the Linden Hill Townhomes development located at 3824 West 4 th Street. The neighborhood council voted to support the development.
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City Goals: See staff report

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: Not applicable
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Other: Not applicable

Background/Supporting Information: Richard Anderson, an adjacent property owner, has filed an appeal of the decision of the City Planning Commission. The appeal is associated with the City Planning Commission's decision to approve a conditional use permit and a site plan review for a five-unit townhouse development located at 3824 West 4th Street.

The original staff report and the minutes from the January 10, 2005 City Planning Commission meeting are attached.

Department of Community Planning and Economic Development – Planning Division
BZZ-2116

The appellant has stated that the decision is being appealed for three reasons. First, “the neighborhood businesses depend on the parking located in the lot that is to be redeveloped.” Second, “the concerns of the residents living in the immediate area were not heard or taken into consideration by the City Planning Commission.” And lastly, “no opportunity was given to the businesses in the area to purchase the land in order to keep it as a community parking resource, despite the fact that the loss of this resource presents a clear and immediate danger to our future success and growth.” The appellant’s complete statement and reasons for the appeal are attached.

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit and Site Plan Review
BZZ-2116

Date: January 10, 2005

Applicant: John Plifka on behalf of the Minneapolis Public Housing Authority

Address of Property: 3824 West 44th Street

Project Name: Linden Hill Townhomes

Contact Person and Phone: John Plifka, (612) 342-1490

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

Date Application Deemed Complete: December 13, 2004

End of 60-Day Decision Period: February 11, 2005

End of 120-Day Decision Period: Not applicable

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1A, Single-family District

Proposed Zoning: R4, Multiple-family District

Zoning Plate Number: 29

Legal Description: All of Lots 20, 21 and 22 and the East 5.64 feet of Lot 19, Block 11, Waveland Park, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Proposed Use: five-unit townhouse development

Concurrent Review:

Rezoning: petition to change the zoning classification for the subject property from R1A to R4 and to remove the TP (Transitional Parking) Overlay, in order to allow a five-unit townhouse development.

Conditional use permit: for a five-unit townhouse development.

Site plan review.

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

Background: The site located at 3824 West 44th Street has most recently been used as a Metro Transit park and ride. The applicant is proposing to convert the site from a parking lot to a five-unit, two-story townhouse development. On the north side of the property there will be a detached five-stall garage. One of the dwelling units and one of the garage stalls will be handicap accessible.

As part of the rezoning the Transitional Parking Overlay that is currently on the property is being removed as it serves no purpose once this site is developed.

REZONING - petition to change the zoning classification for the subject property from R1A to R4 and to remove the TP (Transitional Parking) Overlay, in order to allow a five-unit townhouse development

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The site is designated as transportation, communications in the comprehensive plan. In addition, the site is located on West 44th Street which is a designated Community Corridor and within the designated Morningside (West 44th Street and France Avenue South) Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Use both infill development and new development opportunities to increase housing in the city.
- Support the development of residential dwellings of appropriate form and density.
- Strengthen the character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.
- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors, Activity Centers and Neighborhood Commercial Nodes.

Constructing five dwelling units on the site would be in conformance with the foregoing policies of the comprehensive plan. The site is located on a Community Corridor and within a Neighborhood Commercial Node where the plan calls for moderate-density housing to be located.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment will allow the property owner to construct a five-unit townhouse development. City stakeholders have identified West 44th Street as a Community Corridor and the intersection of West 44th Street and France Avenue South as a Neighborhood Commercial Node. Approving this rezoning supports the City’s decision to add housing along Community Corridors and near Neighborhood Commercial Nodes.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The Planning Division believes that it would be appropriate to rezone this property to R4 as it is located on a designated Community Corridor and within a designated Neighborhood Commercial Node. The site is bordered by R1A zoning to the west, north and east and by C2 zoning to the south. Surrounding uses include a mixture of single and two-family dwellings, multiple-family dwellings and a variety of commercial uses.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the R1A zoning district. The R1A zoning district is a single-family district. Permitted uses in the R1A district include, but are not limited to, the following:

- Single-family dwelling.
- Community residential facility serving six (6) or fewer persons.
- Community garden.
- Park, public.
- Place of assembly.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Within this area of Minneapolis there has not been a change in zoning or in the type of development.

CONDITIONAL USE PERMIT – for a five-unit townhouse development

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that a five-unit townhouse development will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

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

The Planning Division does not believe that a five-unit townhouse development will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Utilizing the site for a residential development would provide additional opportunities for housing within the neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

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

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

The parking requirement for the development is one parking space per dwelling unit, or five parking spaces. The applicant is providing a total of eight parking spaces on the site. Five of the parking spaces will be located in a garage located on the north side of the property and the remaining three parking spaces will be surface parking spaces located next to the garage.

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

See rezoning finding number one above.

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

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

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FACADE

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- This development reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access. The building is set close to the property lines, there are entrances and exits at street level that can be accessed by residents and guests and there are large windows where people can see in and out along all levels of the building.
- The building is setback 15 feet from the front property line along West 44th Street which is the required front yard setback in the R4 zoning district. There will be landscaping located in the area between the building and the front property line.
- Each of the five townhouses has an individual entrance that faces West 44th Street. The entrances are setback 17 feet from the front property line along West 44th Street.
- The exterior materials of the building include brick and siding. The Planning Division believes that the proposed materials will compliment other buildings in the area.
- The percentage of windows and/or doors required on the West 44th Street side of the building is 20 percent. According to the submitted drawings, there will be more than 20 percent windows and/or doors on the West 44th Street side of the building.

ACCESS AND CIRCULATION

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- All five of the individual entrances are connected to the public sidewalk via an individual walkway.
- The Public Works Department has reviewed and approved the vehicular access and circulation plan provided by the applicant.
- Snow will be stored on the site.

LANDSCAPING AND SCREENING

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

parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.

- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The applicant has indicated that approximately 50 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is 2 trees and 11 shrubs. According to the submitted drawings, there will be a total of 10 trees and 78 shrubs.
- The applicant is proposing to install a six-foot high decorative metal fence along the west, south and east property lines. Fences located in required front yards cannot exceed four feet in height without a variance. Staff is recommending that the applicant work with staff to develop a fence plan that meets the standards of the zoning code.

ADDITIONAL STANDARDS

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- A lighting plan showing footcandles was not submitted as part of the application. The Planning Division is recommending that a lighting plan showing footcandles be submitted as part of the final plans.
- This development should not block views of important elements within the city.
- This development should not cast shadows on surrounding properties.
- This development should not contribute to groundlevel winds.
- The Crime Prevention Specialist has reviewed and approved the project in regards to crime prevention design elements.
- The site is not historic.

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

ZONING CODE

See conditional use permit finding number six above.

THE MINNEAPOLIS PLAN

The site is designated as transportation, communications in the comprehensive plan. In addition, the site is located on West 44th Street which is a designated Community Corridor and within the designated Morningside (West 44th Street and France Avenue South) Neighborhood Commercial Node. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage private developers to include gathering spaces in new developments.
- Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.
- Reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.

The Planning Division believes that after the fence plan is prepared that the site plan will be in conformance with the foregoing policies of the comprehensive plan. The applicant is providing an outdoor recreation area for the residents of the development, the building reflects the setback of the adjacent building and the scale and height of the development is similar to other developments in the area.

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

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

ALTERNATIVE COMPLIANCE

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

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include**

but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- Alternative compliance is not warranted for this development.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification for the subject property from R1A to R4 and to remove the TP (Transitional Parking) Overlay, in order to allow a five-unit townhouse development for the property located at 3824 West 44th Street.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for a five-unit townhouse development located at 3824 West 44th Street subject to the following conditions:

1. There shall be no more than five dwelling units located on the site.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review application for a five-unit townhouse development located at 3824 West 44th Street subject to the following conditions:

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1. The decorative metal fence shall not exceed four feet in height in the front yard.
2. The applicant shall work with staff to develop a fence plan that meets the standards of the zoning code.
3. A lighting plan showing footcandles shall be submitted as part of the final plans.
4. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
5. All site improvements shall be completed by January 10, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
6. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

Attachments:

1. Statement of proposed use
2. Conditional use permit findings
3. Zoning Map
4. Site plan, floor plans and elevations
5. Photographs of the site and surrounding area

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

Minneapolis Community Planning & Economic Development (CPED) Planning Division

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

MEMORANDUM

DATE: January 12, 2005

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division; Phil Schliesman, Licenses

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 January 10, 2005

The following actions were taken by the Planning Commission on January 10, 2005. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

ATTENDANCE

Present: President Martin, Vice President Hohmann, G. Johnson, Kummer, LaShomb and Schiff – 6

INTRODUCTION TO PUBLIC HEARING

PUBLIC HEARING

REPORT

of the

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

17. Linden Hills Townhomes (BZZ-2116, Ward 13), 3824 West 44th Street ([Hilary Watson](#)).

A. Rezoning: Application by John Plifka, on behalf of the Minneapolis Public Housing Authority, for a rezoning petition to change the zoning classification for the subject property from R1A to R4, in order to allow a five-unit townhouse development for the property located at 3824 West 44th Street.

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Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification for the subject property from R1A to R4 and to remove the TP (Transitional Parking) Overlay, in order to allow a five-unit townhouse development for the property located at 3824 West 44th Street.

B. Conditional Use Permit: Application by John Plifka, on behalf of the Minneapolis Public Housing Authority, for a conditional use permit for a five-unit townhouse development for the property located at 3824 West 44th Street.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application for a five-unit townhouse development located at 3824 West 44th Street subject to the following conditions:

1. There shall be no more than five dwelling units located on the site.

C. Site Plan Review: Application by John Plifka, on behalf of the Minneapolis Public Housing Authority, for site plan review for a five-unit townhouse development for the property located at 3824 West 44th Street:

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a five-unit townhouse development located at 3824 West 44th Street subject to the following conditions:

1. The decorative metal fence shall not exceed four feet in height in the front yard.
2. The applicant shall work with staff to develop a fence plan that meets the standards of the zoning code.
3. A lighting plan showing footcandles shall be submitted as part of the final plans.
4. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
5. All site improvements shall be completed by January 10, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
6. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

Staff Hilary Watson presented the staff report.

Jack Newton (3614 West 44th Street, LHINC): I believe you all have in your packet a copy of the letter I wrote, so I needn't go into any of those details, I simply want to repeat that the Linden Hills Neighborhood Organization, LHINC, approves this project and supports the rezoning as well as the conditional use permit and the site plan review. Thank you.

Rick Anderson (4351 France Avenue S): My family owns the business at 4351 France Avenue S - that is the land immediately adjacent to this site. I also come representing 7 other businesses in this area. Some of those other members may also speak tonight. I'm coming to basically argue against approval

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of any change to the situation. One of the things that we've heard a lot about tonight is parking. This is a commercial district, first and foremost and this parking lot does get regular use, heavy use, especially seasonally. There is a garden store across the street that during the summer draws quite a few cars. Then of course during the holiday season it also gets a lot of heavy use. It isn't just for customer parking, it's also largely for employee parking of the local businesses. Some businesses do in fact have parking and others are a little less endowed with parking spaces. The fact is that this resource is very valuable because it does allow all businesses to keep the maximum amount of parking for their customers. I would also like to point out that many of our businesses have made substantial investments in the area, many millions of dollars in aggregate. We've been in the community for many years – my business in particular has been here for 25, no, more than that, since 1974. So we are all family businesses, we're not large corporations. We would really like to maintain this parking resource. This parking lot has been here for at least 20 years, so it really has been a factor in the commercial development of this area. Eliminating that for 5 housing units perhaps for 5 families to move in there, while a laudable goal, will affect over a hundred different individuals who derive either part or all of their livelihood from the businesses in this area. Those are some of my concerns. I did submit a letter. I hope that it did make it to you and hopefully you'll have had a chance to read it – it's perhaps a bit more succinct than I have been tonight. Thank you.

Karen Rumpza (3718 Colgate Avenue South): I live two short blocks north of this development. I work at 4420 Drew Avenue South which is on the other side of 44th Street. Parking seems to be one of the big main issues we've heard about this evening. In July of 2003, I moved my business from 50th & Xerxes to the 44th and Drew location because of parking. I needed more parking for my customers. Over 90 percent of my customers come from outside of my zipcode. I was able to obtain it by moving into this area. I see parking as an incredible opportunity and something that the City has not in the past been really accommodating in making more for our businesses. We have an opportunity to retain a fabulous parking spot that's very well located that serves many of the businesses in the area. I would question the term high density in terms of bringing in five single units. In my world, that doesn't seem like very high density use. And I would like to say that I would like to see this Commission look forward in this area in keeping the growth alive by providing us with areas for our customers to come to, to park, to walk within the area.

Joe Peterson (3711 West 44th Street): I own the drycleaners across the street from this parking area. Again, it's a parking question. You've stated at the beginning you don't want to hear too many parking [issues], but I know that my parking lot, which we just spent over \$100,000 redoing is going to become the new parking lot because it did during the construction of the 44th and France liquor building and now during the pet store construction. All of a sudden, I have a public parking lot instead of a business parking lot the former person also shares. We have four businesses using that parking lot now. At one time I had it to myself, I don't anymore. Tuesday Morning is in there and on a Tuesday morning, there are no parking spaces when they have their sales. This is going to greatly affect myself and other businesses in the area because it is a much needed parking area. Basically, it is for the employees of the area, but there are commuters also who use this. This is a commuter lot. Thank you.

Ben Porter (owner, Westgate Pet Clinic, 4339 France Avenue): I'd just like to say that I'm in support of the comments that have already been made tonight. Thank you.

President Martin: OK, anyone else? I'm going to close the public hearing.

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Commissioner Hohmann: Well, Linden Hills is my neighborhood and I'm very familiar with this site and I'm very familiar with the importance of parking to businesses in this node as well as down at 43rd and Upton area. This particular parking lot that is in question is a Metropolitan Transit stopover parking lot to catch the bus in the morning and it's largely been underused. Several years ago, it was about twice the size that it currently is and Metro Council sold off half of that to the area businesses and it was just a question of time until this other piece was sold off as well because it wasn't being utilized by the transit service the way that it was envisioned originally. So I don't think it's not that this project necessarily is going to take away the parking, it's just a question of the parking was going to get taken away regardless and property would be put to a higher use. And I know that the neighborhood has been working very diligently in recent years to make something happen with that property – bring it to a higher use – and it's taken several years. Finally gotten to the point where they're before us with this project and I support it. Again reiterating the fact that the parking was going to disappear regardless, but I do support the project and with that background, I would move the rezoning (G. Johnson seconded).

The motion carried 5 – 0.

Commissioner Hohmann moved the conditional use permit (G. Johnson seconded).

The motion carried 5 – 0.

Commissioner Hohmann moved the site plan review (LaShomb seconded).

The motion carried 5 – 0.