

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

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

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MEMORANDUM

DATE: January 17, 2008

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 January 14, 2008

The following actions were taken by the Planning Commission on January 14, 2008. 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, Huynh, LaShomb, Nordyke, Norkus-Crampton, Schiff, Tucker and Williams – 8

Not present: El-Hindi

Committee Clerk: Lisa Baldwin (612) 673-3710

5. Zoning Code Map Amendment (Ch 521, Wards: 5 and 7) (Tom Leighton). This item was continued from the November 13, 2007 meeting.

A. Map Amendment: Amending Chapter 521, Zoning Districts and Maps.

The purpose of the amendment is to consider rezoning of property in the Bassett Creek Valley area. The proposed rezoning affects primary zoning and assignment of the Pedestrian Oriented Overlay District and Industrial Living Overlay District.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the proposed zoning changes as illustrated in the attached “Proposed Zoning” map and as detailed in the “Existing and Proposed Zoning” table.

Staff Leighton presented the report.

President Motzenbecker: You have done this once before, but just for benefit of refreshing memory; the industrial living overlay in the kind of space where there is planned park space. Just talk a little bit about how that works with those zoning districts and clarify for me.

Staff Leighton: One thing I didn’t talk about is that there are a couple of these parcels are extremely large. This is a parcel that extends across from...this is one parcel, it’s currently the City’s impound lot. We made a staff decision to not do split zoning in these parcels. If we really wanted to capture the intent of the guidance in the Bassett Creek Valley Master Plan as closely as possible, we would be assigning three or more zoning districts to that parcel. It wouldn’t be wrong to do that, but it does create some administrative complications that we decided to avoid. We decided to give it one zoning classification, the industrial, with the overlay district that allows for all those uses, but isn’t as prescriptive of those uses as we could be again for those administrative reasons. We think that, owning the property, we had as much leverage as we need to still, with the sale of that property, to still call for that to be part park, part residential and office and part industrial.

President Motzenbecker opened the public hearing.

Jim MacKinnon (2430 Meeting St, Wayzata): I own, with some other people, several properties in the Bassett Creek area. The red property is the property immediately across from the International Market Square parking lot. I own that with my partner, Adrian Johnson who sits here. The firm is in that building. Behind that is the blue property, Glenwood Partners. Adrian and I purchased that initially with the IMS people for parking. We’ve since bought them out. These two parcels are owned entirely by Adrian Johnson and myself. The purple property, we own two-thirds of it and there are other parties; one of them being Dave Phillips who is our architect. The light green property is the same group that owns the purple property but it’s under a different ownership entity because we purchased it at a different time.

President Motzenbecker: We do have the letters from Mr. Phillips outlining your whole request and we’ve seen those, just so you’re aware of that.

Jim MacKinnon: I’ll be very brief. Representative Samuels said we should make a personal appearance and that’s why we’re here. The blue and red properties we intend to develop together as one parcel. For financing purposes and development purposes, if they’re zoned differently we have tremendous problems. The purple would generally be parking for the expansion of the red. We’d like them zoned the same. Our request is that they be zoned what is proposed for the red parcel. The purple parcel we’re fine with. The light green parcel, we’d like to have it zoned C3A because that property is a property that needs to be piled to more than 100 feet for the entire parcel and with the water table three to five feet below ground, we can’t do any underground parking. In order to avoid a request for some assistance to develop the property, we feel we need the extra density. That’s the nature of our request.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: I'd like to hear Mr. Leighton comment on the testimony. I'm not very good at reading maps so I'm not totally sure exactly where these are, but Tom, maybe you can explain to us whether you disagree with this and if you do, why?

Staff Leighton: Maybe we can refer back to the proposed zoning map. The firm is in this corner. Behind there it's zoned office residential and the idea in the Master Plan is that an office use in the back of this property is a better transition between what we expect to be commercial residential along Glenwood and an industrial area. Also, we are not interested in seeing Second St be a retail corridor like Glenwood is and if it's commercial in the back of the block it opens the door to someone putting in a commercial business on the back of that lot. At the current time, those are separate parcels. There's an idea of a development that they want to do on this plan. I'm supportive of those plans, but those ideas could change. They could sell that back property or someone else could decide to put a grocery store back there and it wouldn't be consistent with their plan. At such time, as we get a development proposal, we would want that to be zoned as a single property, but at this point in time, because they are separate properties, even if they're owned by the same person, we want to maintain that land use guidance for the separate properties differently. On the other piece, we're over in this area, what these folks are talking about in terms of the soil conditions there is 100% true. This is the worst of the poor soil conditions, right through the middle of this area. Bad soils go down about 100 feet or more. There might well be extra expense to doing that property and might well be that to get a development project there we need higher density there. The rationale for creating a line here between a C3A to the east and a C2 to the west is that the property around Glenwood and Van White would become a neighborhood commercial corridor, probably neighborhood scale, three to five stories, is a little more compatible with that. The rest of the area over to Lyndale might become more of a destination, more of a design district, and warehouse district scale buildings, but I will say that there is no distinction in this document between those areas. That was an interpretation of some of that land use direction based on the character they're looking for those different areas. The interpretation that we did in the zoning districts, probably what they're proposing in here, strictly might fall somewhere in between, but we made a distinction there. It would not necessarily be wrong to have that higher density district extend a little more to the west. By the same token, that's a decision that could be made when you have a development proposal in front of you and at that point in time they're going to be able to provide you with information about those districts with more detail. That's how I would address it.

Commissioner LaShomb: Let's see if I understand at least part of this. What you're telling me is that on the 245 Aldrich site that effectively that if the developers came in to develop both parcels that as part of their proposal to the Planning Commission they would request a rezoning assuming that we rezoned it consistent with the staff plan. Would that be a difficult process for them to do?

Staff Leighton: We're not in a position to say how we would make a decision on that, but I think we like one zoning category for those things and we would be in a position to see that, no, they are not proposing a retail frontage on that street so we don't have any objection to it from that perspective.

Commissioner LaShomb: I'm not asking you to prejudge whether or not...

Staff Leighton: I think they'd be in a position to make a strong case for that, yes.

Commissioner LaShomb: What I'm hearing you say is that they have an open door where they could come in and request a rezoning and, probably, the rezoning would be consistent with what's going on in the area. The green area, maybe other people are getting this and they can explain it to me, but I'm not quite getting what's going on there. Apparently there are several remedial problems there and we are proposing...the staff is proposing that that be a C2 or a C3.

Staff Leighton: C2. In this map, the red is C2 and the browner shade is C3A.

Commissioner LaShomb: I'm using the testifiers map here of this area that is striped off. The staff is proposing that that be an OR3 or...I'm a little confused about who is proposing what.

Staff Leighton: The southeast corner of that block is zoned OR2.

Commissioner LaShomb: The staff is recommending that it be what?

Staff Leighton: OR2.

Commissioner LaShomb: That it stay OR2. The testifier is suggesting that that should be an OR3.

Staff Leighton: Right. That's correct.

Commissioner LaShomb: What would be the fundamental difference...if we granted that as an OR3, hypothetically, what would be the big difference?

Staff Leighton: OR3 is the most intensive zoning category we have that we use outside of downtown. An example on the proposed zoning map is that we are proposing OR3 along 394. In that area we are anticipating high-rise development that might be 15 or 20 or more stories. It's also supportive of an eight or ten story development which may be the level that these folks are trying to get to, which is not necessarily inconsistent with what we're trying to do here. I'm not sure that we want to grant that at the get-go. We may want to see development characteristics of the proposal.

Commissioner LaShomb: I think this is starting to make some sense to me. The purple, which the testifier calls 227 Colfax, there is no disagreement about that?

Staff Leighton: Apparently not.

Commissioner LaShomb: One out of three is pretty good. Thank you very much. I think I'm getting it a little bit better.

Commissioner Norkus-Crampton: Can you describe for me again where the water table issues are that would require more beefy construction?

Staff Leighton: It's not water table issues as much as poor soil issues. It requires a lot of extra structure and that's a cost, from a development perspective, that's an issue that requires spreading that cost over more square footage. I can only do it in general, there's no hard and fast line, but it's worst right through about the Emerson-Dupont area which is where Bassett Creek used to flow until recently, right through the Emerson-Dupont area and then it sort of veers off to the

west to some degree as you get south. Those structural issues are still there to a degree as you move out from that. There are some areas on the edge of this colored map that don't have any structure issues.

Commissioner Norkus-Crampton: It looks like some of this area is proposed to be zoned R5 and then some R3 and I was just curious how that affects...I know with a larger project, obviously, there'd be more pile driving and that kind of thing. For a building that would be consistent with R3 or R5, how would that affect that? Would there have to be more structural work that we'd be dealing with that as well?

Staff Leighton: That's really the reason why this is proposed as an R5 district. It might have been more comfortable for the community to have a townhouse type of development model in this area, but they have been exposed for a number of years to the soil conditions here and realize that a residential development is going to require more density. The R3 is about buffering between the commercial and residential, buffering between the high density and low density. It may prove to be infeasible or it may not. It is consistent with the objectives of the plan in terms of making a transition there.

Commissioner Norkus-Crampton: I appreciate the accommodation of reality on the ground here and also the attention to buffers. Thanks.

Commissioner LaShomb: I move the staff recommendation which is approval of the zoning code map amendment (Tucker seconded). I'm glad there are individuals who are already thinking about redeveloping these sites, but I don't think you can do initial zoning based on the possibility that someone's going to come in and develop it. Since there is going to be an opportunity along the way should a good development project come along where you can do the rezoning, at least proposed the rezoning, I think that's the appropriate thing to do is create a base in which people have a plan they can work on and they can juggle around how they want to develop this site and if they need the rezoning, that's what the Planning Commission, Zoning and Planning and City Council are for.

Commissioner Norkus-Crampton: I guess I would second that and also just say that there's been a lot of work on this plan to figure out a realistic vision for what can happen here, but also what seems like a rational way and a good way to redevelop it and make it compatible with some of the residential in this area as well. I'm sure on a project by project basis we will receive this, any development proposals and if they're positive proposals we'd like to make them work. I'm sure you'll have partners with the city to make something positive move forward.

President Motzenbecker: All those in favor of the motion? Opposed?

The motion carried 7-0.

6. 38th St and Chicago Ave Small Area / Corridor Framework Plan (Ward: 8) (Paul Mogush).
A. Small Area Plan: Consideration of adoption of the **38th St and Chicago Ave Small Area / Corridor Framework Plan.**

Action: The City Planning Commission recommended that the City Council **adopt** the 38th Street and Chicago Avenue Corridor Framework / Small Area Plan as an articulation of and

amendment to the policies found in the City's comprehensive plan, except for the portion of the plan that includes Bloomington Ave and one block east and two blocks west of Bloomington Avenue, with the north and south boundaries as they stand, which the Planning Commission recommends that the City Council **continue indefinitely**.

Staff Mogush presented the report.

President Motzenbecker opened the public hearing.

Shawne Fitzgerald (1508 E 37th St): Thank you for the chance to speak with you. I don't know if you've had a chance to study the plan in depth...

President Motzenbecker: We've seen your letter too.

Shawne Fitzgerald: I went to the all the business owners and, almost all, I missed a couple of chiropractors and the garage owner. None of the business owners in my community were notified about this plan. I live across the street from the project area, one block away from 38th and Bloomington. When I saw 38th and Chicago's small area plan by the 38th and Chicago Task Force, somehow it didn't register that they were talking about 38th and Bloomington. My neighbors and I have no knowledge. We have some severe problems and I'm afraid that part of the plan could make it worse. Thirty-eighth street is already a narrower than average street. Striping the parking and bicycle lanes to mix in with vehicle traffic and bus traffic could cause traffic jams where we're already sitting through two or three light cycles during rush hour on Cedar and Bloomington. I know from living on 37th St that we're a popular alternative route for bicyclists. I'm really concerned that this is a missed opportunity to not plan the traffic for the 38th St corridor from say Chicago over to Hiawatha in innovative ways that might reduce congestion, increase security, stop the noise of boom box cars cutting through neighborhoods and set up a safe bike throughway. My next door neighbor commutes to two jobs by bike and some friends of mine have just purchased a house a block away and they both commute to St. Paul. They say they'd get all kinds of bike riders to come and plan such a street and they'd love a chance to do it, but we were never invited to do those things because this corridor is like a surprise. It's a lot more than 38th and Chicago. I love my corner. I used to spend more money there when there was a hardware store and when Kevin made a huge investment with our corner store, carwash, gas station and good free air. Recently the corner was remodeled and he's really an anchor. I don't know if some of you have heard of the Mayday, he's like the Mayday of gas stations. You feel welcome going in there. I'd really like to see not just me speak up, but many neighbors. All the merchants will put signs in their windows and notify everyone of a planning meeting. I'd like to see the business owners be asked. Julie Klein at Southside Farm Store isn't very happy with this plan. The new gallery owners are disappointed in it. I took around just a picture of the intersection. I'd be grateful if you would sever from like Elliot over and just let us have our own 38th St corridor planning process. I'm a block club leader. I've been active in a certain party's politics for all my life. I put the word out a precinct caucuses. We can do it. I just hope that you'll let the people be heard. I am concerned about the high density housing that other people don't know about, but I'll let them speak. Thank you.

Lynette Crane (3320 10th Ave S) [not on sign-in sheet]: I initially thought the plan involved 38th and Chicago. I realized that it involves a lot more than that. The block in which I live, I moved in in 2005. It was a very quiet street. Children and pets played in the street. It has now become a nightmare because of parking. We have bumper to bumper parking all day long so severe that we

cannot park in front our own homes. It's hard to pull into driveways, hard to pull into the alley. Last week I had a plumber lug a heavy metal toolbox one block filled with his heavy tools because he couldn't get anywhere near my house. A deliver man, two weeks ago I advised him not even to come down the street, but to park a block away and deliver from a block away. Why? Because of the parking from the new use of the school, I'm not sure exactly what they're using it for but there are a tremendous number of people in cars involved there. I became alarmed when I learned about the plan and I saw that the parking lot that they have on the northwest corner of 24th and Chicago was going to be replaced by medium and high density housing. If they don't have enough parking right now, what in Heaven's name is going to happen to our neighborhood when all of this medium and high density housing goes in? I would like you to consider exactly what is going to happen to all of this traffic because it is becoming an unlivable situation. I am seriously concerned about whether or not a fire truck could make it down our street now because it's a narrow street with parking on both sides. We never had that threat before but we have at this time. Thank you for your consideration.

President Motzenbecker closed the public hearing.

Commissioner Schiff: I talked to Ms. Fitzgerald and understand the concerns that were submitted also in writing to us about notification and I guess I have a question for staff. We do have a letter in our packet of endorsement from the Bancroft neighborhood; do we have formal letters from all the neighborhood organizations that have been a part of this?

Staff Mogush: We do. The latest that you received should have been handed out right at the beginning of the meeting, but yes, all four have.

Commissioner Schiff: What I would suggest is perhaps more conversations could help clarify, particularly the areas near Bloomington and 38th St to see if there is more neighborhood buy-in, but I have seen those petitions signed by almost every business owner and it's clear that there is either lack of communication or miscommunication about the goals and content of the plan and I think, actually, as Ms. Fitzgerald suggested, cutting this into two plans and approving the majority of it today, but the area closest to Bloomington is a very good idea. Most of this work that has happened until now certainly does have a lot of documented public meetings behind it, but I think a very good point has been made about the area at 38th and Bloomington. That's what I would suggest to committee members and I guess maybe request from Mr. Wittenberg if you see any problem if we were to keep part of this plan on this table postponed for more neighborhood feedback and approve the rest at this time; if that causes too much confusion for staff.

Staff Wittenberg: Certainly, it makes for some administrative complications, but I'm sure that that can be accommodated if there are some policy objectives that the commission feels need to be addressed.

Commissioner Schiff: I would recommend the area from 15th to...I will start with one block east of Bloomington and the two blocks west of Bloomington to remove that from the plan at this point and postpone it here at the Planning Commission indefinitely until we get more neighborhood feedback (LaShomb seconded).

President Motzenbecker: Moved and seconded that we remove the section of the plan that includes Bloomington Ave one block east, two blocks west and with north and south boundaries as they stand. Any further discussion? All those in favor? Opposed?

The motion carried 7-0.

President Motzenbecker closed the public hearing.

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

The motion carried 6-0 (Schiff not present for the vote).