

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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

MEMORANDUM

DATE: May 3, 2007

TO: Steve Poor, Manager, 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 April 23, 2007

The following actions were taken by the Planning Commission on April 23, 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, Norkus-Crampton, Schiff, Tucker and Williams – 9

Not Present: Nordyke

1. East River Mews Association (Ward: 2) From Thornton Ave SE to Franklin Ave SE, within the East River Mews Condominium Development ([Dennis Morris](#)).

A. Street Name Petition: Application by the East River Mews Association, in accordance with Chapter 436, Establishing and Naming of Streets, requesting that an existing, unnamed private street in the vicinity of Franklin Ave SE and Thornton St SE be named River Mews Court.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to name/rename the street located from Thornton Ave SE

to Franklin Ave SE, within the East River Mews Condominium Development as River Mews Court.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

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

The motion carried 8-0.

2. Andrew Gillett (Vac-1508, Ward: 9) Within the block bounded by 28th St E, 11th Ave S, the Midtown Greenway and 10th Ave S (Hilary Dvorak). This item was continued from the November 13, 2006, December 18, 2006 meetings and the March 5, 2007 meeting.

A. Vacation: Application by Andrew Gillett with Hennepin County Housing, Community Works & Transit for a vacation occurring within the block bounded 28th St E, 11th Ave S, the Midtown Greenway and 10th Ave S.

Please note that as part of this alley vacation a new alley will be constructed out to 10th Ave S so as to not create a dead-end alley.

Action: The City Planning Commission recommended that the City Council accept the findings and approve the vacation application subject to the retention of an easement in favor of Xcel Energy.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

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

The motion carried 8-0.

15. 3000 and 3010 W River Pkwy (BZZ-3484, Ward: 12) 3000 & 3010 W River Pkwy (Tara Beard).

A. Rezoning: Application by Greg Spaulding to rezone the property at 3010 West River Pkwy S from R1A to R6.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **deny** the application for a zoning amendment to change 3010 W River Pkwy from a R1A to a R6 zoning district based on the following findings:

1. A parking area that would be allowed by the R6 District would be detrimental to public health, safety and general welfare and would be injurious to the enjoyment of other properties in the vicinity.
2. There is no public benefit to the rezoning; it is solely in the interest of the property owner.
3. The property can be put to reasonable use under the existing zoning classification.
4. Many R6 uses would be incompatible with property to the south.

B. Variance: Application by Greg Spaulding for a variance to reduce the drive aisle width from 22 feet to 7 feet for property located at 3000 & 3010 West River Pkwy.

Action: Notwithstanding staff recommendation the City Planning Commission **denied** the application for a variance to reduce the minimum drive aisle width from 22 to 7 feet at 3010 W River Pkwy, based on the following findings:

1. The parking lot, as configured, would be injurious to surrounding properties.
2. There is no demonstrated hardship.

Staff Beard presented the staff report.

Maurice Weaver (3014 W River Pkwy): I was here two years ago and this proposal was turned down. I have here a petition from two years ago that I went around to all my neighbors and they all signed it saying that they didn't want this to happen. This just happened two years ago and I didn't feel right going back and disturbing my neighbors again this quickly to ask them this question again already so I came here and I asked my neighborhood right next door to me Sunday and he signed the petition again saying that he would not like to see this happen. I'd also like to say that the previous speaker spoke and said that the garage was almost to the property line and that's incorrect. I just received information from a surveyor that the garage and the fence is, in fact, almost a foot over on to my property, right now. Here's the additional signature from my neighbor Mark saying that he would not like to have it happen, here's my signature. All the other signatures are from 2005.

President Motzenbecker: Please submit those to the clerk when you're finished.

Maurice Weaver: To reiterate, the garage is over the property line as we speak. I, up until a month ago, have been renting the garage for four or five years just to stop the apartment building from parking there. The reason I want to stop that is because it creates a problem when people other than me park there. It's kind of like... I have a three car attached garage and at times I bring my car into my garage and I work on it and I run the engine while I work on it. I'm aware of carbon monoxide poisoning so I close my doors and I have my carbon dioxide detectors in the house and if they go off I pull my car out and air the garage out, which has happened. With this garage being there and being allowed to just be used by anyone that doesn't live in my house, when they pull up there, this is the garage and this is my house, I've had on many occasions

where they pull up here and my wife is cooking here in the kitchen, the wind blows right in the house...

President Motzenbecker: I think we recall those comments from last time.

Maurice Weaver: It blows right in the house. Up here in the corner, you'll see a fresh air intake vent. The carbon dioxide can be pulled into my furnace, circulate throughout my house just by pulling in here, which they've done in the winter to let their car warm up or whatever.

President Motzenbecker: Mr. Weaver, can we focus. We have a rezoning, a variance and a drive aisle width and in the variance they're requesting the removal of this driveway and you are wanting it to stay?

Maurice Weaver: No.

President Motzenbecker: Ok then let's take that off the table because if they're requesting it to be removed.

Maurice Weaver: I want the garage removed. They're requesting it to stay, I want it removed. There is also a gas meter which is another hazard for people who aren't aware of it. You can't see it in the picture, but right next to this spigot is my gas meter. It would be very bad if someone hit that.

President Motzenbecker: Yes, it would.

Maurice Weaver: This is all illegal, it's not supposed to be here. They city knows that and they've got wisdom to know that this should never have been built like this and that's why don't allow this. This was all built without permits and that's why it's like that. The fence in the back is also over the property line. That fence was built within the last two or three years. This fence here. It's a brand new fence. It's about a foot over my property line.

President Motzenbecker: Do you have a registered land survey that says this?

Maurice Weaver: You know how I found this information out? When the owner of the apartment building was having his building survey, I went out and talked to the surveyors and they told me that, in fact, it's over the line.

President Motzenbecker: Our survey shows different.

Maurice Weaver: Ok.

President Motzenbecker: I just want to make sure. If you're saying these things...

Maurice Weaver: Right. I talked to the surveyor. He said the fence and the garage are over the property line. I haven't had one done, but I was told that. To make a long story short, I am opposed to this unless of course that garage would be removed, curb cut removed, and parking removed in the front of the house. Then I could probably go along with it only because it's so important to me that that garage be removed. In the back it is an issue. It disturbs us because the parking is right next to our bedroom. At three in the morning, which we haven't had in about 8

months or so since they stopped parking there, but people would come up from partying Friday nights, alarms are going off, doors are slamming, people are throwing bottles...

President Motzenbecker: I think we get the idea.

Maurice Weaver: It is a problem for me to have that parking that close to my house, but I would be willing to accept it if the garage were removed in a timely fashion and the fence were removed off of my property line.

Greg Spaulding (2101 Regent Ave N): I'm the property owner of the apartment and this adjacent lot. Yes it was put before the Council in 2005 and finished last year. Several things have changed since then. I'm now part owner of the building. This is my one property. I do all the maintenance and management myself. It's my single source of income for my family. Permission was granted last time to keep parking through a temporary parking overlay. It turns out that's only applicable in a commercial zoning application so we were given a solution that wasn't valid to keep our parking. That's why I felt that we could come back with nearly the same application as last time. Somehow, in all this, the garage has become the main point of focus. I haven't heard any dissension about keeping the parking. I have a petition as well that I'll submit from 36 of the tenants in the building saying that they support rezoning to keep that parking. It's easy to say "let's just take the garage down", but it's not as easy as that. The garage is well built, it's not just a shell. It's sheet rocked and insulated on the inside. There's electricity running in there. We'd have to relocate our sprinkler system because all the controls are in there. Then there's the concrete pad, the apron of the driveway. To pay the city to reinstall a curb and sidewalk, remove the fencing and the planting and relocate and remove the eight foot planter above ground planter that's out there and re-sod and continue the hedge along the remainder of the front yard; it works out to be more to remove the garage than it was to put the parking in originally. If that contingent was all on there the project wouldn't be viable anymore. If you had to take the garage down to put in the parking, the cost would be prohibitive. Then there's the storage requirements that I have on a building of this size. We need a shed of similar size so I either need to take the garage away from the rental pool, we do have other garages that are rented out, that puts more cars out on the street. If we did put a shed out in the yard somewhere, we wouldn't have any street access for deliveries or anything. I think we've addressed Mr. Weaver's concerns about not parking in the driveway anymore. I usually use the driveway for my own use and I've over there three or four days a week working on the building. I've been parking towards the sidewalk away from his house. I have an issue with a few things Mr. Weaver said, I don't think we want to get into pointing fingers.

President Motzenbecker: No we don't. This is a not a trial.

Greg Spaulding: I understand the garage is ugly. I'd rather put the money into fixing it up and keeping it and we can put in some green fencing and do some painting and fix up the garage. I was in it the first time Friday. I've only been managing the building for two years. The garage is in good shape inside. The concrete is a little cracked and it looks like there is a few leaks in the roof. I did seal the roof last year and paint it, but with Mr. Weaver's stuff in there I haven't been able to get in and do some of the final stuff that I need to do. I'd like to fix it up and use it. It's a viable building and it's there. It was built along the same property line that the house that was originally on the lot was built to. I believe it's two or three inches over I don't think it's a foot. That's probably within the reasonable surveying accuracy of when it was originally surveyed. There isn't any markers in the area. They have to do meets and bounds so three or four inches is

probably as accurate as they could have done in the survey. I guess that's what I would like to do. The parking, I think is first off, we'd like to keep that. To keep additional cars off the street I think we should be able to keep that garage or at least look at some options besides just taking the garage and the curb cut off. There could be some other options.

President Motzenbecker: We'll see what we come up with. Thank you very much.

Commissioner Tucker: If we did pass the staff recommendation... [not on microphone]...

Greg Spaulding: The spots are there already and they're not legal. I don't know the whole story, it was before my time. The city took out the fence with a plow so parking was added and apparently nobody looked into the zoning of it.

Commissioner Tucker: Would you keep the garage and the curb cut and move the five spots?

Greg Spaulding: I don't know, it's a tough decision. Right now the lot is up for sale. We have to put money into the lot either way taking out the parking or taking out the garage. There's a good chance that it would go up for sale and the sale would go through. There's no way to know for sure.

Commissioner Huynh: My question is for the applicant. I'm looking at the placement of the closest stall to the adjacent neighbors home. Do you know what the exact dimensions are?

Greg Spaulding: I believe it's about four and a half feet right now.

Commissioner Huynh: I think some of the concerns that...

Greg Spaulding: I guess what we're proposing to do is bring it up to the five feet that is required for setback. Rather than apply for a variance, I decided to put the money into making it right and not doing a variance.

Commissioner Huynh: I think some of the concerns that I have just looking at the placement of the stalls on site and how close it is to the adjacent neighbor's home is just dictated by building code and mechanical code issues with placement of fumes close to intake exhaust and whether or not you would feel comfortable with moving it to six feet. I think the zoning code has six feet as the minimum dimension from a car being parking to operable windows. I think mechanical code has ten feet from location of cars being parked to location of intakes. I think an issue that we have here is not only the garage being existing and pulling it down, but also just the health and well being of the adjacent neighbors and if an occupant of your building was to let their car run how that would affect the adjacent neighbors. If we can look at keeping that at a five foot minimum or potentially six foot, that would be better.

Greg Spaulding: You're talking for the five spaces?

Commissioner Huynh: For the five spaces.

Greg Spaulding: We can do that. If those five spaces could be considered part of the other 24 that we have, then we could put in compact only spots there. That would reduce by six inches the

requirement for each one and we could get the six feet that you would need to get away from his property line.

Commissioner Huynh: I guess I'm not dictating compact or standard, but I think just in terms of regulating the dimension of the closest stall to the adjacent neighbors, I think would be favorable in looking at keeping the stalls.

Greg Spaulding: If six feet is what you need we can get you six feet there.

Commissioner LaShomb: Are there cars parked currently on the 3010 site?

Greg Spaulding: No.

Commissioner LaShomb: I saw the for sale sign when I drove by there today. Is your assumption going to be that the 3010 property is going to be sold? If it is sold, what for? For a single?

Greg Spaulding: When we were forced to choose between the parking and the garage, we decided to look at other options just to see what the lot is worth and put it on the market.

Commissioner LaShomb: So you don't really know what's going to happen to it, you just decided that...

Greg Spaulding: Well I do know that if it's approved and we don't have to put any more money into it there's a lot better chance of a lot being sold

Commissioner LaShomb: But it's a usable lot where an individual home could be built and if an individual home were built on that site if you sold it, how does that affect your parking on the rest of the site?

Greg Spaulding: I believe we'd lose it.

Commissioner LaShomb: You'd lose the five spaces?

Greg Spaulding: Yes.

Commissioner LaShomb: How many times is that driveway used going up to that garage? You don't park cars there on a daily basis do you?

Greg Spaulding: I'm over there probably three or four days a week and since the Lake Street parking has been taken away it's been very difficult for me to park near the building for caring and services.

Commissioner LaShomb: So you're parking on that space as a manager of the building basically. Do maintenance vehicles go in there?

Greg Spaulding: I'm the only maintenance person.

Commissioner LaShomb: You're the only maintenance person and you're there three or four times a week. You running your engine all the time when you're there?

Greg Spaulding: No.

Commissioner LaShomb: Well the impression that we got is that it's a pollution site. I want you to tell me how often it's used and what's basically being stored in that garage right now.

Greg Spaulding: Mr. Weaver's had it until this point.

Commissioner LaShomb: So basically it's a new deal for you.

Greg Spaulding: We have some trim in there that's eight to ten feet long that we couldn't put in a small shed.

Commissioner LaShomb: So where were you storing your stuff before the garage was back?

Greg Spaulding: I've been using other spaces like my personal garage.

Commissioner LaShomb: And shipping it over there?

Greg Spaulding: Yes.

Commissioner LaShomb: I have a question for Tara. I'm confused why the garage has to be torn down in this? Why is that a stipulation that the garage and the curb has to be closed off?

Staff Beard: The curb cut speaks to, sorry I don't have the section memorized, but it's a section within chapter 541 of the parking code that curb cuts be minimized that we don't have any excess curb cuts we don't need. It has been standard practice within the Planning Department to recommend that, especially with a lot of this size, not have both front and rear access just to limit the amount of impact on the site.

Commissioner LaShomb: So are you telling me that our six buildings in Minneapolis are not allowed to have access to maintenance facilities for the facility?

Staff Beard: Up until this point, it's still not R6.

Commissioner LaShomb: If it did become R6... if I owned an apartment complex and I wanted to have a maintenance facility behind it so I could do plowing and have my own equipment...

Staff Beard: If it were proposed as it is now, I'm quite certain we would recommend denial just because of its proximity to the single family home. It's also within the sideyard setback so it would not be meeting the zoning code if it were proposed this way today. The nature of this site and the impacts on the single family residential neighborhood, we wanted to weigh those very closely with the needs of the neighborhood for parking so a part of our recommendation of approval has to do with the fact that are we trying to do too much with this site and is this site located in such a location as kind of a transition piece between a really heavy commercial corridor and a single family residential neighborhood such that we can squeeze parking, maintenance, parking from two sides in a 5000 square foot lot. Planning Staff felt that that was

trying to do too much with the lot in terms of impacting the single family residential neighborhood to the south.

Commissioner LaShomb: Do you know what the zoning is for the Danebo property?

Staff Beard: I don't.

Commissioner LaShomb: What are schools zoned as?

Staff Beard: Schools are conditionally allowed uses in quite a few districts including residential.

Commissioner LaShomb: So you probably got kind of a mix there. You've got Danebo, you've got a major school and across the street on Lake Street you've got a major commercial venue basically so I'm not sure who's in the minority status over there.

Commissioner Norkus-Crampton: I just want to make sure I understand that even if you get the R6 rezoning for this lot, it would still potentially be for sale, is that correct?

Greg Spaulding: I'm not the only owner so I can't speak to it for sure, but probably.

Commissioner El-Hindi: The question is related to this last question which is if this is an R6 property, what is the effect of that if it was to be sold? What can be built on it?

Staff Beard: That's a difficult question to answer definitively. The density allowance for an R6 lot would allow 12 units in theory. However, if you look at that site and the setbacks that would be imposed as well as the height restrictions that would be imposed, my sense is that it would be difficult to apply for much more than a four unit building on that site with R6 zoning and be anywhere close to the level of compliance that would be likely to render approvals. I can't be more definitive than that.

Commissioner El-Hindi: Is this a typical wide lot? Is it 40 feet wide?

Staff Beard: It's 47.

Commissioner El-Hindi: That's actually a wider lot than... ok, thank you.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: I don't remember who was on the commission in 2005, boy I'm getting awful. I do remember Commissioner Schiff worked really hard on this issue at the time and so I'm almost afraid to do something that would wreck the good work he tried to do in 2005 on this thing. I'm trying to remember how I voted on this and I can't remember that. What I do know is that I walk by this site a lot and I can tell you that the parking issue in this area is pretty tough. To the east you have the Lake Street bridge and we don't allow parking on the bridge. To the north you've got a commercial are and they only allow short term parking across the street. To the south you've got residential. To the west you've got a residential street that I think is a dead end street or close to a dead end street that goes into the Danebo project and kind of, I guess if you take the fences down over there it probably goes on to the academy. It's a tough parking area so giving up these spaces is going to be tough. If I were a neighbor and I was going to lose

five parking spaces on this site I wouldn't be very happy because I know exactly where they're going to go, they're going to go in front of the houses that go down that wonderful little ramp that goes to West River Parkway because there isn't going to be a lot of other places. I remember your speeches two years ago, now I remember I support the staff recommendation because I wasn't... I've heard so many neighborhoods say "we don't want this, we don't want that", but part of city living is that sometimes you have to take a little bad with the good. I think that it's reasonable to rezone this. I think the fundamental question is whether or not we want to leave that garage there or not. I'm going to move the rezoning from R1 to R6 because I think fundamentally that selling this lot as an R1 isn't going to improve the situation one iota. It's probably going to add one or two cars. Losing the five spaces, in my opinion, is a big mistake given the situation in this block in this area. I think neighbors are going to come back here yelling and screaming at us because we made that mistake. As I said, Commissioner Schiff did a lot of work on this two years ago and I give him a lot of credit for that because it's not an easy issue, but I think the rezoning is appropriate and we can get on with that and get on to the issue of what to do with the garage (Tucker seconded).

Commissioner Mains: I'm going to speak in opposition to this. Yes, we can rezone it for parking, but that doesn't stop them from selling it as a rezoned R6 where, according to staff, a four unit building could go in which makes the parking even worse and doesn't solve the parking problem that's there now. I am very much opposed to rezoning a piece of land for one purpose if we can't control that that's the only purpose that's going to occur.

Commissioner Norkus-Crampton: I guess I would agree with Commissioner Mains. I was surprised to hear that the lot was for sale. The impression that we got from the earlier statement was that this was essential to keep this project viable for the owners and for the tenants. I can see where the extra parking for the neighborhood would be a benefit but R6 it seems to me might be more valuable than R1A as far as the sale property and this is a buffer zone. We're going down to West River Road, we're going from Lake Street to residential area on West River Road and I'm not sure that R6 would be an appropriate zoning for that site. I guess if it wasn't for sale I might support it to deal with the parking issue in the area but since we have no assurance that that's actually what it's going for and it's for sale now, I guess I can't support it.

Commissioner El-Hindi: The question really is about the issue of is there any solution to keeping the parking there without the rezoning? Is there a nonconforming application of some sort that would keep the parking or is that out of the question?

Staff Beard: I don't believe that is in the question because of when it was built. It doesn't have much in the way of grandfather rights because I believe it was poured in 2002 or 2003. It was poured by the current owners without the appropriate approvals so I think it would be difficult to establish nonconforming rights. I'm not sure if it would be eligible to apply for a certificate of nonconforming use, but given the nature of those circumstances, I don't think that would be supported.

Commissioner Williams: Did I hear that this property is for sale? What is for sale here, the lot or the building?

President Motzenbecker: As far as we can tell the lot is for sale. There is a sign on the property that says "for sale". It's for sale as an R1A, but that really is inconsequential right here. It is for

sale at the moment, yes. The item before us is to rezone the parcel from R1 to R6. All those in favor? Opposed?

The motion was denied 4-3, 1 abstention.

Commissioner Schiff: [tape ended]...we need to act on this anyway, but I would say that we just keep the two applications consistent and deny this one as well. If it's appealed then they can both be considered at that time (Tucker seconded).

President Motzenbecker: Moved and seconded, all in favor? Opposed?

The motion carried 8-0.

President Motzenbecker: We will need some findings since we reversed staff recommendation, anyone have some findings for me?

Commissioner Tucker: We can use our findings from the 2005 report. The parking area would be detrimental to public health, safety, general welfare and would be injurious to the use and enjoyment of other properties in this vicinity. When this goes forward, if this goes forward, the second condition if it were approved, that the parking stalls be located at least six feet minimum from the property line to the south. Just an advisory to staff.

President Motzenbecker: Commissioner Norkus-Crampton, do you have more findings for the rezoning?

Commissioner Norkus-Crampton: I think so. I guess what I would say is that if it was definitely to be used for parking for that housing development that would relieve the parking burden of the immediate area that would be one thing but since the property is for sale it seems like the rezoning would simply enhance the value of that property and would do more to be in the interest of the single property owner as opposed to a public benefit to the surrounding community.

Staff Wittenberg: Commissioners, we need to make sure also that we're basing the findings that are required for a rezoning rather than looking too much at what specific use is or is not proposed by the applicant.

Commissioner Norkus-Crampton: In response to that, I was looking at finding number two whether the amendment is in the public interest is or not solely for the interest of a single property owner so I guess that was the particular statement I was speaking to. Is that not correct?

Staff Wittenberg: That's appropriate to discuss whether it's in the interest of the property owner, but I think we were doing that within the context of whether or not the applicant was going to be leaving that as parking which may not be appropriate.

President Motzenbecker: Ok. How about we try number four, reasonable uses of the property in question. I think as an R1 it could be considered reasonable use to remain as an R1 under the existing zoning classification. There could be plenty done with that property as it exists.

Commissioner Mains: Item three...

President Motzenbecker: You're speaking to the variance now?

Commissioner Mains: No, I'm still speaking to the rezoning. Many uses of R6 would be incompatible with the use of the property to the south. Would something along those lines be appropriate?

Commissioner LaShomb: Frankly, given where this site is and given what's around it, building another apartment building on this site may not be incompatible with what's going on in the neighborhood. You've got a major residential facility within half a block, you've got a major school in a half block and you have residential housing across the street. In actuality, an R6 building on this site, I don't think is likely to be built because I don't think you could build a site without a cluster of variances to do it, but the basic point is that an R6 building on that one lot at 3010 would be extremely compatible with what's going on in that neighborhood. I'm going to vote against that finding if we vote on findings because I don't think that finding is correct. I don't think they would have built on that site. I think the reason that sign was put up there because they decided that if they didn't get it through the council that they were going to sell it as an R1 and put a house on that site and it'd be a beautiful location for a house. That finding isn't, in my opinion, reasonable.

President Motzenbecker: Does anyone else have an objection to that finding? If so, I'm going to call a vote. No, ok. Let's move to the variance; we need findings for denying that. I would say number three would be one; keeping the spirit and intent will not alter or be injurious to the use of other properties in the vicinity. I think we've heard reasons enough on that. Do we have some more?

Commissioner Tucker: [not on microphone]

President Motzenbecker: Right. That was going to be my next one. [re: no demonstrated hardship] Ok, we have our language for our findings. Jason, could you read it back to us please so we have everything before we finalize this?

Staff Wittenberg: There was a reference on the rezoning to the previous finding related to health, safety and welfare from two years ago that the Commission adopted that the property can be put to reasonable use under its current R1A classification and that many R6 uses would be incompatible with the property to the south; those are for the rezoning. For the variance, the Commission finds that granting the variance would be injurious to surrounding properties and that there's no demonstrated hardship to grant the variance.

President Motzenbecker: Ok, thank you. Ok, that finalizes that item.

17. Zoning Code Text Amendment (Chapters 535, 547, 548 and 549, Ward: Citywide) ([Tara Beard](#)).

A. Text Amendment: Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances related to the Zoning Code: Regulations of General Applicability.

Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances related to the Zoning Code: Office Residential Districts.

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances related to the Zoning Code: Commercial Districts.

Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances related to the Zoning Code: Downtown Districts.

The purpose of the amendment is to clarify the scope and the intent of the requirement that mixed use buildings have separate access for residential and non-residential uses.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

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

The motion carried 8-0.