

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

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MEMORANDUM

DATE: February 10, 2011

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 February 7, 2011

The following actions were taken by the Planning Commission on February 7, 2011. 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, Bates, Cohen, Gorecki, Huynh, Luepke-Pier, Schiff, Tucker and Wielinski – 9

Not present: Carter

Committee Clerk: Lisa Baldwin (612) 673-3710

2. Track 29 Apartments (BZZ-5055 and PL-250, Ward: 10), 2813-2841 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S ([Kimberly Holien](#)).

A. Conditional Use Permit: Application by Loren Brueggemann, on behalf of Bryant Lofts, LLC, for a conditional use permit for an amended Planned Unit Development consisting of 198 additional dwelling units for the properties located at 2813-41 Bryant Ave S, 2828 Aldrich Ave S and 811 28th St W.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow a planned unit development with 198 dwelling units located at the property of 2813-41 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. As required by section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities totaling a minimum of 30 points: Public Right-of-Way Dedication, Underground parking, Outdoor Children's Play Area, Art Feature, Pedestrian Improvements, Reflective Roof, Shared Vehicles, Decorative Fencing, Enhanced Exterior Lighting, Enhanced Landscaping, Pet Exercise Area and Water Feature.
3. The applicant shall implement all amenities as required by section 527.120 of the zoning code by February 7, 2013
4. The applicant shall provide high-quality building materials, subject to CPED-Planning staff review and approval.

B. Variance: Application by Loren Brueggemann, on behalf of Bryant Lofts, LLC, for a variance to reduce the south side yard setback for the properties located at 2813-41 Bryant Ave S, 2828 Aldrich Ave S and 811 28th St W.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the south side yard setback from 15 feet to 5 feet for the property at 2813-41 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S.

C. Site Plan Review: Application by Loren Brueggemann, on behalf of Bryant Lofts, LLC, for a site plan review for the properties located at 2813-41 Bryant Ave S, 2828 Aldrich Ave S and 811 28th St W.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review located at the property of 2813-41 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by February 7, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. A living wall shall be provided on the north-facing and south-facing garage walls to mitigate the impact of the blank wall, in compliance with Section 530.120 of the zoning code.
4. Windows shall be provided for a minimum of 20 percent of the wall area on the east elevation facing Aldrich Avenue S, in compliance with Section 530.120 of the zoning code.
5. A minimum of 10 canopy trees shall be provided within the development, in compliance with Section 530.170 of the zoning code.

6. The ornamental trees along the east side of the building, adjacent to the private drive, shall be continued for the length of the building as an alternative compliance measure, in accordance with Section 530.170 of the zoning code.
7. Applicant shall add signage directing motorists to approach Bryant Avenue with caution. Sign shall be posted in a location that is visible to motorists exiting the private drive.

D. Plat: Application by Loren Brueggemann, on behalf of Bryant Lofts, LLC, for a plat for the properties located at 2813-41 Bryant Ave S, 2828 Aldrich Ave S and 811 28th St W.

Action: The City Planning Commission adopted the findings and **approved** the preliminary plat for the property located at 2813-41 Bryant Ave S, 811 28th St W and 2828 Aldrich Ave S, subject to the following condition:

1. The plat shall include a deed restriction as required by section 598.260 of the subdivision ordinance.

Staff Holien presented the staff report.

Commissioner Cohen: I'm concerned about the elevators. Is there just one elevator per building? Is there a freight elevator?

Staff Holien: There are two elevators per wing. There are elevators here and here and there are two in each location.

Commissioner Cohen: They're in the center? Are they both passenger elevators or are there accommodations for freight elevators for people moving their stuff in and out?

Staff Holien: I can't speak to that, the applicant may be able to answer questions as to the capacity of the elevators.

Commissioner Cohen: Obviously this meets the code requirements but it is of a concern to me because if you have approximately 49 families or occupants in each wing, they're all going to want to go up and down at just about the same time and these are in the center, not the ends of the building, so if you're hauling stuff in and out you have to haul it to the middle of the building and if you grocery shop you have to haul it to the middle of the building, it just concerns me that it might be somewhat crowded.

President Motzenbecker opened the public hearing.

William Casey (2845 Colfax Ave S #401): I'm an owner in Midtown Lofts. I'm one of the original purchasers of the property at Midtown Lofts in 2004 and 2005. I'm really here speaking for the condominium association. I've been on the board since the first year it was turned over in late 2005 until now. I've been the president for the past three or four years. I think the important thing for us is that we believe the Planning Commission has two functions, one of which is that you're gatekeeper on these individual projects and we understand that and that's part of what we're talking about today. Most of what I'm going to talk about is that you guys have a broader role in our view, our understanding, of the guardian of the kind of City's vision for neighborhoods and land use. You may already know that this area along both the north side and south side of the Greenway has a history that goes back a long way, 15 or more years, in terms of

its conversion to residential from industrial. This is what we'd like from the Planning Commission today. We'd like to turn down the request in its present form but we have no interest in interfering with Mr. Feffercorn's development or with keeping this land empty. We're happy to have something built there and we have known for six years that something would be built to complete the Track 29 project. We'd like to make changes to it and our changes, which I'm not going to get into detail, specifically have to do with the building along Bryant Ave which we feel violates the vision of what this whole area along the north side of the Greenway is. We hope the decision that the commission reaches has involved understand the neighborhood and its role in the city. I think I understand it correctly when I say that it's necessary in order to come to this commission that a project be approved by staff. I may be wrong about that, but I think it's necessary. It's not necessary sufficient for you guys to approve it. In other words, there are other things that could come into play and that goes into this point, which is that I'm not going to talk at all about the technical details of the PUD, about the 30 points that were piled up to get the thing approved by the staff and have recommended by the staff. I'm going to talk about other things which we feel are more important. We could have arguments about some of those 30 points and we could have arguments about the way it's set up but we don't feel it's a good use of anyone's time. The vision of the Greenway and the Urban Village concept goes back to the 1990s and it probably has like 10 things in it, but here are four things that are important. By the Urban Village concept, it's an idea of residential taking the place of these industrial properties that run from Aldrich to Girard and one was that they were going to be owner occupied and that would encourage diversity and by diversity that means all types of diversity including all ages, people with kids and just different types of people at all stages of life as property owners, that it was going to be medium density or low high density, that architecturally it was going to be a transition. The high heights on the south side of the Greenway and the single family homes on the north side of this proposal. This visual aid shows that on the left side is blue, that's six stories on the south side of the Greenway. The idea of the transition, spatially, is to go gradually down so that when you reach the single family homes that you had a transition that's kind of continuous. The promenade is great, we're all in favor of that. I was thinking about it yesterday, in the six years that we've been a condominium association, the most expensive thing we've ever spent money on was to spend \$15,000 to finish the promenade on our side. It's a nice aesthetic feature and we're positive about it but we don't think it really embodies the entirety of this problem.

President Motzenbecker: Just to help us understand your concerns, can you kind of bullet point? So far it's been a little bit vague as to what exactly your concerns are. A lot of the things you're mentioning on the Urban Village, I'm not sure what plan you're referring to there, there was just the Midtown Land Use plan that went through, the Midtown Greenway study that went through. I want specifics.

William Casey: In 2002, Ross Feffercorn signed this agreement with the city. The Urban Village is one of a number of different plans with different names that go back trying to deal with this land use. He signed something in March 2002 which said that his plans would be consistent with the project plan. This agreement, the West Lake Street Cherette Report, the Urban Village Master Plan, the Lake Street...fine, you don't need to remember that, but what you should know is that when he implemented it and put these 27 units on the market in 2006 they were very much consistent with the transition I just showed you. They were consistent with the vision of a medium density transitional neighborhood between the north and south side. We know that the condominium market really disappeared in 2006 and that probably both of those buildings proposed, the two 27 unit buildings east and west, would probably exist today if Mr. Feffercorn

had been able to get it built a year earlier. It was the end of 2005 and 2006 when that became a challenge. It was unfortunate that the timing was consistent with the decline. We know that the demand for apartments has risen and we've all seen new apartments in this general area either online, being constructed or already open or open as a rental project. Our primary question here is, why do changes in the market require the Planning Commission and the City to completely turn their back on some of the important elements of this thing. Specifically, there's a total loss of the owner occupied element. We don't have any argument with that. You can't build a condo today and get people to buy it. We do have about 90 owners between the existing 17 Track 27s and the two units we have who spent between \$22-25 million on our properties and pay about a half a million in taxes. The density is two times higher than the original 112 units in 2005.

President Motzenbecker: I'm going to stop you for a moment. The plan you keep referring to has been superseded by the Uptown Small Area Plan, the Midtown Greenway Rezoning Study, the Midtown Greenway Land Use Plan. These plans have called for, as the staff outlined, a much higher density along this corridor.

William Casey: What is a much higher density?

President Motzenbecker: Maybe you should familiarize yourself with the plan that's most current. I would ask you to do that.

William Casey: So is that a way of saying that the history of this with all these different plans that the commission has had and the whole idea that this area was going to have the characteristics I described, is completely null and void at this time and that we should just expect that we're going to have four or five blocks of very high density rental housing to our west and this project here. We don't have objection to the part along the Greenway, it's a little bigger and denser than the plan, but does that mean that we just have to say that that's the way it's going to be?

President Motzenbecker: Perhaps.

William Casey: We don't think the heights are consistent. This transition I showed you, particularly the building on Bryant Ave, we feel just does not embody the idea of a continuous grade going down. We don't know what's reasonable in terms of density but the density here goes from 112 to 225, that's a problem for us specifically. We'd like to see that changed. We are looking for the city to take the big view here and if it turns out that everything that was planned and everything that people had in mind when people bought these places. We're not whining, we're just asking if that's the position of the city in regard to these changes, we ask you not to make these decisions on a vacuum and to look at these larger issues. I wrote a note to the staff a month ago and I asked about the big picture issue. The answer I was given is that the Planning Commission evaluates the larger picture based on policies in the Comprehensive Plan and the applicable small area plans. We don't want to be back here for projects to the west. We would like to know if the Planning Commission respects at all the idea that I described earlier in terms of what the intention of having these residential properties along the north side, what those intentions were at that time. If it's ok with you, I'll just end there. I think I said specifically what we'd like. I appreciate your attention and time here.

Bryan Friess (2822 Bryant Ave S): I live across the street from the proposed development. I'm here to talk about traffic and parking considerations. What I would be asking is similar to what

Bill mentioned, to take a larger view of the entire area and then specifically zone to Track 29. I moved to the area about three years ago. I lived in Uptown City Apartments which is right across the street from Blue. I lived there before Blue was built. Blue has approximately 240 units. Parking, once Blue was built, became extremely difficult. When I first moved in to Uptown City Apartments, I could find a spot on Aldrich on any night of the week and even sometimes on weekends. Once Blue was built it became extremely difficult to find a spot anytime during the week and even on weekends. Folks that would come to visit would have to park usually a couple blocks away or they would park on the public deck that was below Uptown City Apartments. Keeping that in mind, the currently proposed projects for a five block radius around Bryant Ave include 1000 rental units by the end of the year 2013. Most of these properties have a one to one parking ratio which is the minimum required by ordinance. My girlfriend and I have two cars for a two bedroom unit. It doesn't seem realistic to me to think that within a five block radius that we could fit 1000 cars within the normal street. Even if you use both sides of the street, during the winter time it becomes extremely difficult to navigate on those roads. I assume it will increase plowing difficulties for the Public Works Department and it will increase road wear. I'd like to request that the Track 29 project be turned down or sent back to Planning, not because I don't like the project and don't think something should be built there. There is a need to have something built there, but their current parking ratio is 1.1 spots per unit. I think it's more reasonable to see 1.5 or maybe even one spot per bedroom. I think that would be more reasonable. I'd also like to see them do something about reducing any of those...they are given amenities because of exceptions that they're asking for in terms of zoning and height and all those sorts of things so other than the increased spots or more spots than are required, I'd like to see that stepped up or more included in the concessions to reduce traffic congestion along those neighborhood streets. There are families that live up and down Bryant Ave. When we went to LHENA, who turned down this project nine to one, for some of the similar things that Bill mentioned as well as parking and traffic congestion, some of the conversation at the LHENA meeting surrounded materials that were going to be used on the project. If you notice in Bill's picture, a lot of materials that were used on Midtown Lofts and the surrounding buildings, even Blue, are aesthetically pleasing. Some of the things that they're recommending in terms of materials I'm not. In terms of parking and traffic, potentially one spot per bedroom. In terms of the step down, I personally don't feel that dropping off five feet on a corner is an adequate transition into a residential neighborhood. If you look at the way that Midtown Lofts steps down from four stories to two stories, it feels like that'd be a more significant transition than just five feet on a corner. Additionally, I'd like to see some concessions made to that transition and it be stepped down. I think there are ways you can do that when you have aesthetic features on the top of a building to get down to a more reasonable ratio from north to south. With that said, I appreciate your time. Thanks.

Katherine Himes (2522 Bryant Ave): I'm president of the Lowry Hill East Neighborhood Association. I'm here on behalf of the board and I wanted to underscore the concerns that we sent to you in our letter. We're concerned about the building design, the quality and durability of the building materials, the height which significantly exceeds levels allowed in the R5 zoning district and the small degree of interaction between the building and the streetscape. We're also concerned about sufficient parking, particularly for guests. At the board meeting, we voted to not recommend approval of this project because of the building materials, the height and the design. We also didn't have a formal recommendation from our zoning and planning committee. This is unusual. Our zoning and planning committee typically supports developments. It should be noted that they felt the developer was unprepared at the zoning and planning meeting and also did not fulfill the request the zoning and planning committee had to provide specific information on

building materials. I also wanted to point out that we had near record attendance at both our zoning and planning and our board meetings. We had 35-40 people in attendance. Thank you for your time.

Daniel Haley (2820 Bryant Ave S): I'm here to speak on behalf of the single family homeowners on Bryant Ave. On the very last page, you can see my charming little house right next to the lot. When the Sherman Lander Corporation proposed their development, we came out slightly against it and they did modify their building height from three and a half stories to two and a half. Unfortunately, because of the setbacks, my house is already in shade from 10:00 a.m. to night time which is rather unfortunate. My neighbors fear that the same thing will happen with a seven story building directly across the street from us. We won't see any light until maybe midday. I was a member of the Midtown Charrette and through that with the input of the committee groups, the residents and the business community and city council, we came up with a great plan and that also included medium density across the street. The lofts that were being built were approved and encouraged. As residents there, we'd like to see more of a transition. We totally agree with development, that's why most of live there and most of us don't even have cars, we're heavy duty bikers. Another main concern of mine, and this is very important, when the Midtown Lofts were being proposed, I mentioned that because this is a main thoroughfare and now it's a major bicycle bikeway for Minneapolis and having a major inlet right on to the street is going to be dangerous. Personally, I have seen two very serious accidents of girls being hit by cars as they are coming out of there or coming down the street and pulling into there. There have been several accidents right on Bryant here. The area is wonderful and that's what's bringing a lot of people there. We have mixed transportation uses. One of the things I'd like to see happen is we'd like to see the development decrease down to two stories, four at most, so we can have some sunlight on our properties at some point during the day. Secondly, if they could somehow move the parking access off of Bryant. Having that extra 240 cars going directly on to a major bikeway is asking for more bike accidents and deaths. They have that property on the north side, 818 28th St, they could just move that out and it'd be easier for the residents to go in and out there and it would be to go down an already congested street. I didn't oppose Sherman Landers' total development when they moved in next door to me, but they were very kind in mitigating some of the differences and I can say now that most of us have become friends and I think that having this seven story development directly across the street doesn't fit in with any of the plans that have been proposed. Thank you.

Loren Brueggemann (applicant) [not on sign-in sheet]: Just some thoughts, I'd like to hit some points. The density that's allowed on this site is from 40-120 units. We were very careful to hit in the 80 unit range so we were right in the middle of the density fully knowing that we could go a lot denser. Our lot coverage over this whole development is just a shy over 49%. We were allowed up to 70% lot coverage and we stayed within our zoning which is R5. In regards to the traffic and parking, we have provided for one to one ratio on bicycle storage, we've done one to one per unit on auto parking, we have two shared cars within the property and the idea of the urban village is to promote pedestrian and multi-modal transportation. If somebody wants to rent two parking spaces and that's not available, they're probably not going to rent one of our units, it's just going to self selecting. In regards to the Bryant Ave exit, we are going to gate that exit because we don't want traffic zooming through our property either. The only way you're going to access that Bryant Ave is with a card that's going to open the gate and close the gate and that will slow traffic going in and out of that entrance.

President Motzenbecker: Is that two-way, can you go in and out or just out?

Loren Brueggemann: Two-way. We don't want anyone coming in that way without a card. We don't want them coming off Bryant without a card. In regards to building heights and proximity, as Ms. Holien stated, we are a full 65 plus feet from a two plus story rental unit now. Is that enough, I don't know. The gentleman that just spoke, his property is within 12 feet of a three story wall and I'm sure he's shaded. We're also pulled back 60 plus feet by the time you figure the street width and front yard setbacks on both properties. We've pulled our project back considerably and then we took the fifth floor, and the only reason we're considered six stories is because we put two architectural features down on the southwest corner of the project. We are a five story property setback on the fifth floor. I guess that's about it. We did address from the Committee of the Whole meeting, we did address the landscape issues and we did put in the over story trees, we added the tree amenities that you wanted. Thank you for your time.

President Motzenbecker: There was a mention made of guest parking. Is the development offering any guest parking spaces or is that all on-street?

Loren Brueggemann: We have six guest parking spaces on-site.

President Motzenbecker: Just something to think about, I really appreciate the gating of that considering what Mr. Haley was talking about. Would there be any opposition to adding a small caution sign there for people exiting that cautions about the bikeway?

Loren Brueggemann: That would be fine.

Commissioner Tucker: At the Committee of the Whole you didn't have your shadow studies with you, do you have those with you today?

Loren Brueggemann: This is summer sunrise. This is noon summer. We've got fall sunset. We have winter sunset. Here is winter noon. Here is winter sunrise. Here is spring and fall sunrise. Here's noon in spring and here's sunset.

Commissioner Huynh: My question is a follow up from Committee of the Whole regarding high quality materials. I noticed that in our packet the elevations still note the materials that were on the elevations prior to our discussion. I want to confirm that, as a result of our discussion with going away from synthetic that you're going to use a more durable material as discussed.

Loren Brueggemann: Yes.

Commissioner Huynh: I just want to make sure that was noted because it's not noted in the elevations.

Holly Dowds (2818 Aldrich Ave S): We're been talking about the corridor of Bryant and how it comes down to the Greenway. A block to the east of us is Lyndale, which is a corridor of its own and there is a development underway on Lyndale between 28th and 29th of low income housing, I believe it's five stories. It takes up the majority of the west side of that block. We're seeing things go in more than one direction and I want to make sure we see the whole vitality of the area. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Gorecki: Just due to the size of the plans, I couldn't find some of the features that were highlighted. Can you talk a little about the art and water features and where they are located on the plans? I couldn't see that. I find the whole idea of the enhanced landscaping and the fact that it's reduced landscaping but it's enhanced landscaping, where do we draw the line there? I'm not sure that a pet exercise area and a playground immediately next to one another is the best idea, did staff take that into consideration?

Staff Holien: I'll start with the enhanced landscaping. The applicant did request points for enhanced landscaping but because they were deficient on a number of over story trees, no points were granted for that amenity. They are achieving the 30 points that they need without points for enhanced landscaping. These plans are small, but the water feature is in the form of a reflecting pond which the applicant described as sort of a zen garden in-between the two wings of the building here. This would be a reflecting pond in this location. The art piece is going to be a public drinking fountain that is going to be placed in the corner of the site so it would be accessible to people entering and exiting the Greenway from that pedestrian entry point. The applicant has been working with our public arts coordinator on that piece and they are working on selecting from the remaining public drinking fountains that haven't been constructed to date. As far as the pet exercise area versus the children's play area, we do have a minimum requirements for each, primarily as they relate to size. The pet exercise area is required to be a certain size and it does meet the minimum dimensions required and exceeds it a little bit. The children's play area is also large enough to be a required amenity. The children's play area has a couple of other standards that we're looking at to make sure that the equipment is outside of the required yards to make sure that the play equipment is something that can be used year-round or is something that is designed in a way that would be acceptable for year-round use. Whether or not those two uses are going to be compatible in this location remains to be seen, but they do meet the requirements laid out in the PUD chapter.

Commissioner Tucker: I will move the staff recommendation for the planned unit development for the 198 units (Huynh seconded).

Commissioner Huynh: I'd like to add a fourth condition for the applicant to provide high quality, durable building materials compatible with the context of the neighborhood.

Commissioner Schiff: I was just going to amend that to suggest that contingent on staff approval.

Staff Wittenberg: Perhaps we could provide some clarification to staff whether the commission believes that the proposed materials meet that condition or if you're asking that the applicant provide a higher quality than what's proposed.

Commissioner Tucker: So the new amendment will be that the staff is satisfied that the proposed that the proposed material meets their standards for durable material.

President Motzenbecker: So the additional condition for the CUP would be that the applicant work with staff and staff would approve the quality level of the materials. All those in favor of the CUP as amended? Opposed?

The motion carried 8-0.

Commissioner Tucker: I will move approval of the variance (Huynh seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I will move the site plan review, staff recommendation (Huynh seconded).

President Motzenbecker: I would like to add a seventh condition that the applicant add signage indicating to motorists to basically approach Bryant with caution that there's a bikeway ahead or similar language. It should be mounted visibly coming out of that alley. All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I will move the plat, staff recommendation (Huynh seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.