



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

**Date:** October 28, 2004

**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:** Barbara Sporlein, Director, Planning

**Subject:** Appeal of the decision of the City Planning Commission by Steve Buckley and Vicki Fraher

**Previous Directives:** At the September 27, 2004 City Planning Commission meeting, eight of the Planning Commission members were present. Six of the Planning Commissioners voted to approve the conditional use permit application for a 28-unit condominium development located at 1805 West Lake Street and 3008 Knox Avenue South subject to the condition that there be no more than 28 dwelling units located within the building. One Planning Commissioner abstained from the voting.

In addition, five of the Planning Commissioners voted to approve the conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 6 stories/82 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South. One Planning Commissioner abstained from the voting and another Planning Commissioner did not support the recommendation to approve the conditional use permit.

<b>Financial Impact:</b> Not applicable
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<p><b>Community Impact:</b></p>
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<p><b>Ward:</b> 10</p>
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<p><b>Neighborhood Notification:</b> The East Calhoun Community Organization (ECCO) reviewed the development on July 1, 2004. At the meeting, by an 8 to 2 vote, the community organization voted to not support the development. The minutes from the meeting are included in the staff report. In addition, several letters from surrounding property owners and/or neighbors are included in the staff report. The letters voice an array of opinions.</p>
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<p><b>City Goals:</b> See staff report</p>
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<p><b>Comprehensive Plan:</b> See staff report</p>
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<p><b>Zoning Code:</b> See staff report</p>
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<p><b>Living Wage/Job Linkage:</b> Not applicable</p>
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<p><b>Other:</b> Not applicable</p>
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**Background/Supporting Information:** Steve Buckley and Vicki Fraher have filed an appeal of the decision of the City Planning Commission. The appeal is associated with the City Planning Commission's decision to approve both the conditional use permit application for a 28-unit condominium development and the conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 6 stories/82 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South.

The original staff report and the minutes from the September 27, 2004 City Planning Commission meeting are attached.

**Conditional use permit for 28 dwelling units:** The appellants have indicated that the conditional use permit to allow a 28 unit condominium development should be denied for the following reasons:

- The site plan decreases natural surveillance and visibility thereby increasing the opportunity for increase criminal activity.
- The narrowing of the alley could result in personal injuries.
- Exposed luxury vehicles will attract more crime to the area.
- The development will impede lake views while walking in the alley and on the Knox Avenue South sidewalk.
- The development will injure the neighborhood's value and enjoyment of economic diversity.
- Alley usage will greatly increase.
- Electric consumption will be far greater than the current building.
- Due to excess shadowing of the alley, ice and snow accumulation will no longer melt.
- Vehicular traffic in the area will increase as will the demand for street parking.

The appellants' complete statement and reasons for the appeal are attached.

**Conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 6 stories/82 feet:** The appellants have indicated that the conditional use permit to increase the height of the building to 6 stories/82 feet should be denied for the following reasons:

- Shadowing of the alley.
- Increases in airborne pollution and dust from high velocity winds created by the development.
- The development is taller than the buildings found in the surrounding area.
- Reductions in light and increases in wind velocities.
- The development is out of context with the surrounding area.

The appellants' complete statement and reasons for the appeal are attached.

**Excerpt from the  
CITY PLANNING COMMISSION  
MINUTES**

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

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**MEMORANDUM**

DATE: October 19, 2004

TO: Blake Graham, Manager, Community Planning & Economic Development - Planning Division; Phil Schliesman, Licenses

FROM: Neil Anderson, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of September 27, 2004

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The following actions were taken by the Planning Commission on September 27, 2004. 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**

President Martin, Vice President Hohmann, G. Johnson, Krause, Krueger, Kummer, LaShomb, and Schiff – 8

**INTRODUCTION TO PUBLIC HEARING**

**PUBLIC HEARING**

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

The attached report summarizes the actions taken at the City Planning Commission meeting held on September 27, 2004. The findings and recommendations are respectfully submitted for the consideration of your Committee.

The Minneapolis City Planning Commission, at its meeting on September 27, 2004, took action to **submit the attached comment** on the following items:

**14. The Edgewater (BZZ-1825, VAC-1445, Ward 10), 1805 West Lake Street and 3008 Knox Avenue South ([Hilary Watson](#)).** This item was continued from the August 9, 2004 meeting.

**A. Conditional Use Permit:** Application by Lauren Huynh with ESG Architects, Inc., on behalf of Clark Gassen for a conditional use permit for a 28-unit condominium development for the properties located at 1805 West Lake Street and 3008 Knox Avenue South.

**Recommended Motion:** The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings and **approve** the conditional use permit application for a 28-unit condominium development located at 1805 West Lake Street and 3008 Knox Avenue South subject to the following conditions:

1. There shall be no more than 28 dwelling units located within the building.

**B. Conditional Use Permit:** Application by Lauren Huynh with ESG Architects, Inc., on behalf of Clark Gassen for a conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 6 stories/82 feet for the properties located at 1805 West Lake Street and 3008 Knox Avenue South.

**Recommended Motion:** The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings and **deny** the conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 6 stories/82 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South and in lieu thereof **approve** the conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 4 stories/56 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South.

**C. Variance:** Application by Lauren Huynh with ESG Architects, Inc., on behalf of Clark Gassen for a variance to reduce the front yard setback along Knox Avenue South from the established 22 feet to 6 feet for the properties located at 1805 West Lake Street and 3008 Knox Avenue South.

**Recommended Motion:** The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings and **approve** the variance application to reduce the front yard setback along Knox Avenue South from the established 22 feet to 6 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South.

**D. Variance:** Application by Lauren Huynh with ESG Architects, Inc., on behalf of Clark Gassen for a variance to reduce the corner side yard setback along Lake Street from the required 18 feet to 0 feet for the properties located at 1805 West Lake Street and 3008 Knox Avenue South.

**Recommended Motion:** The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings and **approve** the variance application to reduce the corner side yard setback along West Lake Street from the required 18 feet to 0 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South.

**E. Variance:** Application by Lauren Huynh with ESG Architects, Inc., on behalf of Clark Gassen for a variance to reduce the rear yard setback from the required 15 feet to 6 feet for the properties located at 1805 West Lake Street and 3008 Knox Avenue South.

**Recommended Motion:** The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings and **approve** the variance application to reduce the rear yard setback from the required 15 feet to 6 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South.

**F. Variance:** Application by Lauren Huynh with ESG Architects, Inc., on behalf of Clark Gassen for a variance to increase the maximum impervious surface coverage from 85 percent to 91 percent for the properties located at 1805 West Lake Street and 3008 Knox Avenue South.

**Recommended Motion:** The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission accept the **withdrawal** of the variance application.

**G. Major Site Plan Review:** Application by Lauren Huynh with ESG Architects, Inc., on behalf of Clark Gassen, for major site plan review for the properties located at 1805 West Lake Street and 3008 Knox Avenue South.

**Recommended Motion:** The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings and **approve** the site plan review application for a 28-unit condominium development located at 1805 West Lake Street and 3008 Knox Avenue South subject to the following conditions:

1. The applicant shall submit a lighting plan showing footcandles as part of the final plans.
2. The three individual patios on the first floor of the building shall be gated off from the public sidewalk.
3. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
4. All site improvements shall be completed by September 27, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
5. 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.

**H. Vacation:** Application by Lauren Huynh with ESG Architects, Inc., on behalf of Clark Gassen, for an alley vacation (VAC-1445, see staff report for legal description) for the properties located at 1805 West Lake Street and 3008 Knox Avenue South.

**Recommended Motion:** The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and the City Council adopt the findings and **approve** the vacation application (Vac1445) for all that part of the Alley in Block 21, “Calhoun Park”, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the following described line and its extensions: Commencing at the southwest corner of Lot 3 in said Block 21, said southwest corner also being a point in the easterly line of said Alley; thence on an assumed bearing of North 00 degrees 13 minutes 00 seconds East along the westerly line of said Lot 3 and the easterly line of said Alley for 26.00 feet to the actual point of beginning of the line to be described; thence South 89 degrees 55 minutes 46 seconds West, parallel with the southerly line of said Lot 3 for 12.00 feet to the westerly line of said Alley and there terminating.

And

That certain Public Alley Easement reserved in favor of the City of Minneapolis, as disclosed in that certain Quit Claim Deed from the City of Minneapolis dated July 11, 1996, and filed for record in the office of the Hennepin County, Minnesota, Recorder on July 11, 1996, as Document No. 6605308, described as follows:

That part of Lot 3, Block 21, "Calhoun Park" described as follows: Commencing at the Southwest corner of said Lot 3, thence North along the West line of said Lot a distance of 15.00 feet to the point of beginning; thence continuing North along said West line 24.00 feet; thence East parallel with the South line of said Lot 3 to the East line of said Lot; thence South along said East line 14.00 feet; thence West parallel with said South line to a point lying 10.00 feet East of the West line and 25.00 feet North of the South line of said Lot 3; thence Southwesterly to the point of beginning and there terminating, according to the recorded plat thereof subject to the retention of easements by Xcel Energy, Qwest and the City of Minneapolis

Staff Hilary Watson presented the staff report.

President Martin: Hilary, what you're showing us there, is that a 4-story building or is that taller?

Staff Watson: This is a 6-story building. What the developer has done, as you noticed from the agenda this was proposed to be here in August, we continued it until today. One thing that has changed from when they first came in is that the sixth floor of this building has been pulled back so you can see that here is the wall for the first five stories, then the sixth floor has been pulled back. That did take off some of the shadowing of those properties across the street in the winter hours.

Staff Watson continued to present the staff report.

Commissioner LaShomb: How many units are in the present buildings?

Staff Watson: 28.

Commissioner LaShomb: So they're trading 28 for 28 effectively, but they're making them clearly larger and hopefully going up. Then I'm always confused by this shadowing issue. We've had this here numerous times. What's the difference between 56 feet and 82 feet in terms of shadowing? If you picked a time point, let's say 4 o'clock on October 15<sup>th</sup>. Is there a significant difference between 56 and 82?

Staff Watson: I think I'd like the applicant or the architect to respond to that.

Commissioner LaShomb: When is the shadowing going to start on those properties to the east. I'm assuming, I'm not sure that there's an argument that can be made that there's shadowing on the north side of the building, but we can debate that, but when does the shadowing start on the east?

Staff Watson: Here is the 82-story building [sic] that they're proposing.

Commissioner LaShomb: 82 feet.

President Martin: Feet not stories.

Staff Watson: I'm sorry.

President Martin: 82 stories, the room would be past the rafters.

Commissioner LaShomb: We're not building 2 ½ Carlyles.

Staff Watson: You can see that the shadows at any point throughout the year in this shadow study don't hit the properties across Knox, they don't hit anything south obviously. There's shadowing in the morning hours towards the lake, more significantly in the spring and then in the winter. Just to put the new building into context with the existing building and it would have, I didn't think about asking for it I guess because we had the comparison in the winter, but it would have been nice to see it in all four seasons. But you can see that in the winter it's going to shadow no matter if it's the existing 4-story or...

President Martin: As we like to remind one another, there's no light in the winter anyways.

Staff Watson: Well at least at maybe 3 in the afternoon where it's picking up the 2 ½ additional properties and I say half because this property right here is somewhat shadowed and then here with the new building it would be fully shadowed so that's where you get the half.

Commissioner LaShomb: Then my last question is what is the parking situation with the existing building? I assume the new building is going to have underground parking for residents. What about the existing one? Are we taking parking off the streets or off surface by doing this project?

Staff Watson: There are currently 27 parking spaces for the development – they're all on-site surface lots.

President Martin: And what you talked about were 42 stalls.

Staff Watson: OK, the existing, there's 27 and it's a surface parking lot. The alley runs through their parking lot. The new parking that they would be providing would be 42, that's 1 ½ stalls per unit and they're all indoors, at grade and below the building.

Commissioner MacKenzie: Hilary, I have a question about a component of the findings in the staff report here and that is on the conditional use permit and the findings about detrimental to public health and I'm reading your report and it says that the Planning Division doesn't believe that increasing height would be injurious. But then we talk here about, 'Building a new 4-story building would allow the applicant to preserve the character and scale of this site which has existed since 1923'. Can you give me a little more information about why we make a judgment call about evaluating how this site gets preserved relative to its historic origins, how that fits into describing public health, comfort, general welfare findings. I'm just confused by that a bit.

Staff Watson: I guess because that's the finding that fit into. I guess maybe you're right, maybe it would be better said in finding number 2 and as far as the height is concerned, maybe it wouldn't have any impact on any of those. But given that it could shadow, that could lead towards the health of those who live in those units across the street from them.

Commissioner MacKenzie: I'm asking the question a little bit because it relates to the fifth finding which is the comprehensive plan and our housing policy and our comprehensive plan talks about strengthening the character of residential areas and talking about neighborhood form, traditional urban form, in the context of the neighborhood. And this neighborhood has got a lot going on in it. I mean it has got tall buildings that perch on the edge of the lake and do that lake high-density taller building thing and it's got single-family homes. So, for me as a Planning Commissioner, I'm struggling between understanding what you're saying about how that changes the specific site to go to 6-stories. But looking again at the context of the neighborhood as a whole, and the diversity of the housing stock within the neighborhood as a

whole, so I don't know if staff had any discussions about where they sort of fell on the pendulum there, but I'd like to hear if you did just to help me to make my decisions here.

Staff Watson: Do you want me to be honest on this one? We did have discussions of height as staff and some fell on the side of approving a 6-story, and some fell on the side of approving a 4-story given the existing height scale of the building, or the number of stories of the building. The decision was made to approve a 4-story building because that's what's there now and approving a 6-story in this exact location could be out of character with the immediately adjacent, meaning the homes directly across Knox or Lake or the alley to the south.

President Martin: So what you're saying is that internally in the staff you had a division of opinion as we're likely to have here.

Staff Watson: Yes.

Commissioner G. Johnson: I had a question about the shadowing that occurs across the street. How long does that shadowing occur for? I mean, is an hour, two hours, the rest of the evening? If it's only an hour, how detrimental is that to the health of the person across the street? Is it three hours?

Staff Watson: As you can see, where we're getting the shadowing of the residential properties given the existing 4-story or the proposed 6-story, it's occurring at 3 o'clock in December.

President Martin: When the sun goes down at 4:30.

Staff Watson: Correct. The shadow may blend into after the sun goes down.

Commissioner G. Johnson: It doesn't seem like it's that big of an issue to me then because the sun's not going to out for much longer anyway and it's a couple of hours – they get sun throughout the day still.

Staff Neil Anderson: I just wanted to comment further on what Commissioner MacKenzie had talked about dealing with the height of the building. One of the things we looked at as staff is that the general height of buildings in the area is 2 ½ to 3 ½ stories. There are some buildings that are taller than that, there's some 6-story, 9-story, but they're not... basically, they're the exception in the area – they're not the general character of the area and that's why we came down on the 4-story rather than going higher.

President Martin: I'm going to open the public hearing, but before I do that, since a whole bunch of you are still here, I assume you're here for this one or the next one. So how many people are here to talk about Edgewater [show of hands]? Whole bunch of people. Here's what we do in these sorts of situations where everybody wants to talk. We're not going to let everybody talk because we'll be here until 2 in the morning. I'm going to ask for folks, I'll allow a few people talk who are in favor...well let me try this a different way. How many of you who are here for Edgewater, hands again, how many of you are for it, OK mixed opinion. I'll let about 3 people talk in favor of it, and about 3 people talk against it and then we'll just have to take the information that we have and help make up our minds.

Steve Buckley (3033 East Calhoun Pkwy.): Minneapolis, the City of Lakes versus the City of Lakes and a glass box. Any conditional use permit will corrupt the intent of the Shoreland Overlay District and through precedent setting, will be the beginning to the end of our city's worldwide reputation. In addition to the height increase, this particular project also corrupts the Shoreland Overlay provision article 551.48 subsection 3 which relates to 'the scale and character of surrounding uses'. This glass box mistake on our Lake Calhoun is an architecture

of glass, chrome and mirror-like monstrosity which would provide a fabulous view of those wealthy owners inside while subjecting us, its neighbors and passers by with nothing more than an eyesore from the outside. Literally, in no way, shape or form does this building even come close to the scale and character of the surrounding users. This glass box also will be a contrarian structure in that it will replace the current 26 rental units of affordable housing with 26 condominium units of wealthy housing. Moving on to the vacation of the alley. This alley is a very unique alley within the City of Minneapolis. Residents living on East Lake Calhoun Parkway and Knox between Lake Street and 31<sup>st</sup> Street are serviced by this alley for our EMS protection as well as snow removal, refuse trucks recycling trucks, utility trucks, et cetera.

President Martin: Mr. Buckley, the alley isn't going away, it's being moved.

Steve Buckley: However, the proposed new alley does not have a sufficient radius for a snow plow or for a garbage truck to make that 90 degree turn and I would strongly suggest that the Commission look at that more closely. That is a very tight 90 degree turn, difficult for me in a 4-door family sedan. And there's no way, I promise you, that a snow plow will ever get through there. Our garages are all faced on to this alley, this one unique alley in the city. Since the alley is extremely narrow at the 31<sup>st</sup> Street end, and is often times blocked by illegal parkers and or excessive traffic on 31<sup>st</sup> turning north on to the East Calhoun Parkway, then Knox Avenue exit of the alley is our only way into and out of our garages. If the refuse trucks and the recycling trucks cannot maneuver within a relocated vacated alley, will this Planning Commission obtain permission from the residences from the Minneapolis Park Board to allow us to put our dumpsters and refuse directly on to East Calhoun Parkway. As neighbors of this proposed mistake on the lake and as good citizens of Minneapolis, we urge this commission to save the City of Lakes and reject this application. Thank you very much for your time.

Clark Gassen (developer): David Graham with ESG is next to me.

President Martin: Mr. Gassen, I'm going to make a suggestion. Why don't we let the neighbors talk and then I'll let you guys go at the end. And then you'll have heard what people have to say and you can incorporate that into your presentation.

Tim Prinsen (not on sign-in, 1621 West 31st St.): I'd urge the Planning Commission to consider what we're talking about. We're not talking about materials, we're not talking about affordable living, we're talking I think mostly about the height of the building. I have not come to a meeting like this before.

President Martin: Are you having fun yet?

Tim Prinsen: I've done this a lot as an applicant, but never as a concerned citizen and so after reading a story in our local neighborhood paper, it spurred and motivated me to do this. [indicating overhead, off microphone, tape unclear]. ...and saying that it's not in character for the neighborhood. It's clearly in character for the neighborhood. I live behind this building which is 6-stories. The proposed building of 6-stories given the fact that it's clearly, if you look at the grade here versus here, it's lower than the building that I live behind now. To think that this building is out of character for a neighborhood as you go through from Lake Street to 36<sup>th</sup> and Hennepin to Calhoun Parkway, it is a mish mash of different architectural treatments and different size buildings where we have 4-story apartment buildings next to 1-story single-family dwellings. I believe that the project is in character with the neighborhood and with the height. The one caveat that I would make and I don't know if this is within the power of the City to do – the poorly planned park area in between the West Calhoun Parkway and the building is in dire need of irrigation. Please ask this developer to tie in the irrigation for that park with this development. Thank you.

President Martin: Got that, Commissioner Kummer?

Gary Farland (3145 Humboldt Ave South): I'm a member of the East Calhoun Community organization board. I'm passing around a handout that has a picture. I would like to first assert that I believe that the intent of the Shoreland ordinance is to preserve the beauty of the shoreland. And that is how does it look from across the lake? You saw that one depiction, but I would assert that actually a lot of that is not on the left is not overlooking the lake and so what I wanted to do was to create what I think is an honest depiction of how it would look. This is for the 84-foot height which I think is clearly unacceptable. It would create a precedent which would make it very difficult for you to turn down further applications – you'd be accused of being, as you have in the recent past, of arbitrary and capricious. Secondly, the plan which is put forth by the Planning Department [indicates overhead], it still is a big building and what I want the Planning Commission to carefully consider is the precedent. It's still 60 percent higher than what the ordinance says. So what you need to do is to have the people of the area consider such a revised plan as well. 60 percent higher than the ordinance is no small deviation. I also think you should have a good visualization. I suggested to Hilary that she create such a good visualization – she said that isn't something they do. The building is 125 feet wide and so it creates quite an imposing building overlooking the refectory. I believe that it's an issue for the Park Board as well. So I would urge you to certainly not approve the 84 foot height and the request is for permission to build to 84 feet, but also a 56 foot height I think should receive consideration by the neighborhood and the Park Board. Thank you.

Al Henderson (ECCO resident, 3412 Irving Avenue South) I appreciate your being here this late. I would also say that we've also been hanging with you and we all appreciate our chance to get heard. Some are very short. I value the neighborhood, I value the City of Lakes highly. I have often surveyed people on the east shore of Lake Calhoun and found that most of them do not come from my neighborhood. They come from all parts of the city and the suburbs. Lake Calhoun is truly a public lake of the people. Sometimes people think that this is just the east Calhoun peoples property – it is not by any means. We're a minority out there on the lake shore. This is my opinion: I truly believe first, I'd like to pick up something that Hilary said. This is going to improve the stability of the neighborhood. We have the institution that should expect in our neighborhood – our newspapers and boards. We also find that the houses go up – if it's instability they get sold in about 2 days. 19 days is an undesirable property in our neighborhood. We don't have the stability she was mistakenly talking about. This is my opinion. I truly believe Minneapolis the City of Lakes and parks are supposed to belong to the public. To the council members, the Planning Commission members and their families, to the developers and their families and to the people who occupy the affordable housing on the current apartment site and their families – these are the people I'm here representing. All of us. And I am speaking for our lakes and our parks who cannot defend themselves. Objections to this large condo project are many. Most important, it's too tall and too close to the shore of Lake Calhoun - as Hilary pointed out, it's only 400 feet away from the water. There exists a Shoreland District Overlay ordinance which requires that buildings within a thousand feet be only 2 ½ stories high. That was skipped over very quickly in that presentation. There's a spirit, there's something that was passed that people before us, again citizens, fought to get this to happen, to limit all that building. This is supposed to be 2 ½ stories high, not 84 feet or 8 stories high. A project which will destroy 28 affordable housing units and replace them with luxury condo units for wealthy people is what we're considering here. The East Calhoun Community Neighborhood where it is to be built has voted to reject the project twice. They don't want a tall building towering over Lake Calhoun, the public parkland, the park refractory and walking/biking paths. The affordable housing building was just fine. Nobody was finding fault with this building until the developer discovered an opportunity but most important is that if our city planners and government officials approve this Edgewater development, disregarding the intent of the Shoreland ordinance to protect our city lakes, all our city lakeshore will be threatened with more and more tall building development. It will set a precedent, a key concept in the city zoning

world as everyone knows. It's puts all of our parks and Shoreland property on a slippery slope beginning a slide into the hands of developers intent on building shoreline developments as high as possible. Right now, the most immediate threat is to the east shore of Lake Calhoun. Developers have already succeeded with massive developments on the west and north shores. The residents of normal-sized homes on the east shore are right now receiving offers to sell their places. Some city officials have assured us that the property on the east shore of Lake Calhoun will never be developed as tall buildings because it's not currently zoned for that. However, I heard about spot zoning just now in this meeting. I understand that all it would take is some individual up-zoning of any property along the East Calhoun Parkway and more developers will spring into action demanding their piece of our crown jewel, Lake Calhoun and all the other lakes in the city. This initial trampling of the Shoreland ordinance will set a precedent which will unleash the developers on our lakes and parks. There are many other places in our city where large condo buildings can be built – many places along Lake Street, just not jammed up next to the lake where the view of the lake is so valuable, where the building will tower over the trees and dominate the landscape and view from every direction. Forget the shadowing, once the developers get these properties, we will never get them back. Once these tall buildings go up, they'll be there for a hundred years. We're making some big decisions right here for our lake, not for a developer, for our lake, for our city, for our people. Please keep these large buildings off our shoreline. As for the variances requested, why should the developer be allowed to reduce the required setback of 18 feet down to zero on Lake Street? The original building was built at a time when the traffic wasn't anywhere near the volume of traffic currently speeding by this building. There's a chance to correct this dangerous situation where park pedestrians, bikers and baby strollers are frequently passing close to where speeding traffic is passing on a curve past this building. They're passing on a curve, fast, it's close to the sidewalk, close to the street, it's an accident waiting to happen. If this building is built, it will be there for a hundred years. I urge all of the parties involved in this issue to care about our lakes and do not set a precedent that does a disservice to the entire city. The neighborhood has had public meetings and rejected it twice. That should be clear enough. Please respect the real spirit of the Shoreland overlay ordinance. Thank you.

Harriet Horowitz (444 Pondridge Circle, Wayzata): For 27 years I lived in the CIDNA neighborhood. I'm no longer in the city, but in 1988 I was very much involved in the passage of the Shoreland ordinance amendment. Last month when this came up as a threat to something that we worked so very hard to achieve, I thought I need to come back and support it. So last month when I was at a garage sale in Wayzata, what should I find but a 1916 copy of the Park Board report of the Park Commissioners. As you can see, it's been around. It was rescued from a fire and I'm wondering if I wasn't supposed to be there just so I could be here today to read you what these people said 90 years ago. That every body has a responsibility to the heritage that these people had the foresight to do for us. Portius Demming was the president of the Park Board at that time and he was talking about Minneapolis and her destiny in the not too distant future will count her loyal subjects by the million. And he says it's no accident that this great center of an enlightened people (he does get a little flowery) is by the Falls of St. Anthony. The hand of God for untold ages has been fashioning these lakes and rivers and spread these ample plains against the time when the inexorable march of civilization would demand this site for the metropolis of a mighty state which in all its vast expanse is as beautiful as any beneath the light of heaven.

President Martin: Miss Horowitz, I don't want to be rude, but I would like to talk about the project.

Harriet Horowitz: OK and with this project, I say that 2 ½ stories of the Shoreland ordinance should be maintained for this for the future things that you'll be getting in front of you at the river front, the rumors I've heard of developments further along on Lake Calhoun, people who have

been saying that we value the beauty, the openness, the skies, are right on target and I would urge you to respect what has been going on in this city for over 100 years.

Nick Kakos (not on sign-in sheet, 3240 Humboldt Ave S): I am chairman of the ECCO zoning committee, but since the board recommended against, I am speaking as an individual. But I do want to clarify that the zoning committee originally recommended approval of this project for several reasons. Number one, the building that's there now is deteriorating, will have to be replaced in 8 or 10 years, and it was felt that knowing what we're getting today, even though it was 6 stories, is better than not knowing what we're going to get tomorrow. Since then, the member of our committee has changed their position and has previously spoken, but there's two issues that I see here that are primarily very important. One is the Lakeshore ordinance. As I read the ordinance, the ordinance is very specific but I interpret it to be a guideline. There are provisions for exceptions, therefore very specific exceptions and I think they have already been spelled out to you. Access to light and air, shadowing of the residential properties, scale at character surrounding uses, and preservation of use of landmarks, etc. The contractor, and I want to make it clear, I did not know the contractor prior to the application, I have no connection or any means, financial or otherwise, has met those conditions. The second issue is the height. This property is zoned R6, which allows you to build up to 80 plus feet. The city planning ordinance for zoning was adopted in 1999. At that point the R6 was clearly maintained and is the only R6 available in the entire neighborhood. The issue of establishing a precedent, unless there's a major change and I think it would take a major group to rezone, the precedent cannot be established, it is an R6. The contractor has met the conditions of going. I disagree with the connotation that it's a nice block. I see the drawings; I see the properties that they have built down on Mt. Curve on Excelsior Boulevard. They are very lovely buildings. They're trendy and that's what the future is going to look like. The setbacks that they are requesting are substantially where the current building now sits. Their setbacks, they are not in compliance now and they would maintain the same basic situation. Parking will be increased from 27 to 42 or 44 which will increase the available parking in addition to that on the street. Another issue of concern is the ownership of affordable housing. The City of Minneapolis, as many of you are aware, does have an affordable housing policy. They have established an affordable housing land trust. The City of Minneapolis, NRP and other organizations are contributing towards this to make sure that affordable housing is provided. It's also a City goal to establish an increase holdship. Last, the economic gains. I do not know what the real estate taxes of the current property are, but I am certain they are quite minimal. This will be a significant financial gain for the City of Minneapolis and provide increased taxes to the City to develop other projects that are badly needed. Thank you very kindly. I support building to the original 6 story 80 plus feet.

William Walker (3112 Hennepin Ave. S.): Thank you Madame Chair, members of the Committee. I'm here for a few reasons this evening, but mostly because I am a neighbor and I happen to live in the community as a property owner. Now, I've heard just a great deal of discussion this evening that stems from whether or not the building is a glass box, whether or not it's compliant with local code; I think the previous speaker laid the issues out fairly succinctly and I don't think that it does a great deal of justice for us to rehash those issues, but why is that there's such opposition to change? One of the early guests spoke of what was going on 100 years ago. One hundred years ago, they gave us this long litney of discussion. We've seen transportation changes, transit systems, local development; I don't think there's going to be a dispute that a development project of this nature is likely to occur. It's one that is going to revitalize the community. I happen to drive in this Lake Street corridor on a daily basis. What I see, I see a number of units that are approaching dilapidation. The entire corridor up through Hennepin Avenue, it appears as though the developer, and he may be here tonight, I believe he wishes to speak; it appears as though there is a vision. A vision that's going to allow the City of Minneapolis to achieve, to continue along the vein of greatness that they have undertaken in past step. I speak to this committee as an urban planner. I speak to this committee as a property owner. I believe that the goals that have been laid out, that have been shared and that

are bantered back and forth are consistent with this R6 zoning requirement. Housing, taxes, community investment; this is precisely why we are here. I don't think anyone is desirous of destroying opportunity to sort of share in our lakes, in our lake systems. I think that this project is precisely the type of project that's going to benefit the lakes. One of the guests spoke to this as a glass box of some sort and I realize, as do the members of this committee, that there's going to be a balancing test that must take place here. If the property is within the confines, within this R6 zoning requirement, if as the committee members have suggested, that the shadow requirements are minimal and there was this balancing test over the health/safely/general welfare over the citizens, employing a balancing test, which is precisely why we are here today. Looking at this, I think it only makes sense to approve the 82 foot project as it's laid out by the developer this evening and the committee. I think that the Planning Commission of who presented this information did a fabulous job at laying out such a complex piece tonight. Quite frankly, I've sat here and listened to a number of projects go back and forth. One of which was interesting to me. My neighbor at 3106 – 3108 had a project that was approved without any discussion and ironically, I could have stood up at that point and said that perhaps there was a need for some opposition, but I recognize the benefit in even her doing good deed in our community right here on Hennepin Avenue because when she increases the value of her property it in turn increases the value of my property and that's exactly what developer Gassen intends to do. I would ask that that committee today approve the project in its entirety. I thank you for your time.

Nancy Beskar (3017 East Calhoun Parkway): I am a neighbor obviously directly impacted by the building. I can see it right out the back of my window. I should mention, too, that the building I am in is a tri-plex. I have been a landlord and a resident of the lakes area since 1997 and strangely enough when I first moved to Minneapolis, I actually looked at rented an apartment in this very unit and chose not to for various reasons. One of them being the actual condition of the building. One of the reasons I am speaking in support of the development tonight is, first of all, I did attend the ECCO board meeting back in July and one of the things I walked away with from that meeting was even though we had a public hearing on the actual development, I felt the board did not do an adequate job of actually taking consideration from the people who were speaking for it, as well as against it. During the hearing, there was probably fifty percent that spoke for it; fifty percent against. However, I noticed as they went through the decision making process, they kept their decision resting solely on a very narrow interpretation of the shoreline ordinance. They never once talked in-depth about the site being zoned R6 and that this building was already a four story building. Instead they talked about a 2 ½ story requirement and would not budge from that requirement. As I talked to ECCO board members, I found that they had some sort of irrational fear that approving this site would lead to six-story buildings shoulder to shoulder along the entire parkway and despite the fact that no other lot is zoned R6 and I found that to be a "chicken little" argument if you must because I look at that and say this building is unique, not only where it's situated in the neighborhood, not only is it along a busy corridor, but it's also along a stretch of the lake that when you do look across the lake and even if you're standing right in front of Calhoun Parkway on the east side you see high-rise buildings, you see low-rise buildings you see individual housing units. To say this is going against the character of the neighborhood I think, as was pointed out before, it's pretty hard to argue when on our block alone we have multi-unit housing that are up to four stories high single family homes that range anywhere from {lost tape} one construction to a 1990 to 1970's condos. If we're going into aesthetics I can start there. One of the things that concerns me is that the committee did rely on a lot of pieces of information that I felt were more emotional and inaccurate from the standpoint that we're looking at hand-drawn sketches we're not looking at architectural renderings to make a case against this building. There was a lot of comments about corporate greed that this was out of character for neighborhood and something that the neighborhood should not support. What I find is, as I live here and I lived in my building for three years now, I'm exactly two buildings away from this one, I walk my dogs by that building every morning. I get stuck in that alley almost every winter as I am trying to run that corner. That corner is not going away, but I

am hoping that with the development it will make fast improvements to how people can move around the neighborhood. As I drive through the current rental building, it's everything from how the alley is configured with having parking spaces that back directly into it. One of the things that I've noted as the developers' working through their proposal is they have made every effort possible to improve the condition of the neighborhood for neighbors to make it more attractive not only for owners/occupants but also for the renters that are still there. Believe me, as I talk to my renters, they're thrilled at the idea of gaining back a lot of on-street parking that they didn't have before because they're fighting with another 26 units for those. Now, we look at the actual building itself in the development. I think there are a lot of things we could talk about to what it brings to the neighborhood, but one of things I'd like to talk about tonight as well is not only the quality that it brings to have owner/occupants but it also encourages good renters. Being a renter for the first year I lived here and having been a landlord the last six, I find that tenants want to live in an area where there are a lot of owner/occupants. Whether it's in their building or across the street, they want to live in the better neighborhoods if given the chance. When you look at the proposal, I think there are some reasons you should consider the full six stories versus just the four. First and foremost being the zoning. I think that zoning is attached to the value of that property. If you take away and set a precedent that you're not allowing the current zoning to be utilized and instead saying "even though it's zoned, were going to do less" I guess I would question what that precedent sets. Now I understand there is a shoreline ordinance. They've also met a lot of those requirements within the ordinance and I think they have done a more than adequate job on that. It's balancing those views. When you go to buy a property, I don't think there is a single one of us that does not attach the zoning as a value to our property. Secondly, I look at the quality of the building. The quality of the building that you get with the six story building is a much higher quality than what you're going to be able to build with a four story building. You have a bigger dollar base for the total building that equals better materials, better construction. We're looking at a 100 year building instead 40 year building. Yes, I should hope this building is going to be here the next 100 years. I just hope it doesn't look like the current building in the next 100 years. When you look at the quality of the building, it's going to be much more effective because you increase your buying power, you increase your everything from the type of materials, better longevity for the actual use of the building and just the framing and the structure itself. We talked about the tax base as well, I think as we're going through budget crisis and we're looking at gaining additional tax base from having a four story versus a six story. I'm looking at this going "it's falling within the zoning, why not?" We're closing schools, we're laying off teachers; this is just a small area to recoup it back. I know my property taxes are going to go up eventually, this is just one way we can recoup it in other ways. Also another piece that I think having this building in place is so important is this is a very busy corridor and having lived there for three years is one thing I noticed is having those big apartment buildings, those big anchor buildings at the end of the block, are so critical not only from a noise standpoint, a sound, you get into weather issues, you're living off that lake and there's a big wind that comes by and I tell you right now that building as well as the one next to me do a wonderful job of buffering the neighborhood from the noise and also the other elements from that standpoint. It's a busy corridor and it's tough to get people to live there, but if they're building great buildings to stay in, people will come and use the area like it should be. From a shadowing standpoint, I can't think of a better location to have less impact on the neighborhood. If you look at the street that it's on, it's a three lane street with parking on both sides. Technically it's five lanes across. If there's going to be extensive shadowing, I would hope this is the kind of area we would look to do it. There is park land to the west, there is nothing in that park land that would impact someone from a standpoint of "my goodness this building is so big it shadows the parkland" that's not the case. That parkland there is simply a passage way to get to the lake. The building is not so close to the lake that it actually shadows the lake or the immediate access routes along the lake. Maybe some long, long shadows at the end of the evening, but my little 2 ½ story building probably throws the same shadow because I'm that much closer to the lake. I think the other piece that we kind of glance over, but looking at what the developer has done with other projects as well, I think he's bringing some wonderful projects

with affordable housing and commitment to bringing that to the lakes area. He would definitely do condo conversions in this particular building if the building was sound. I think they made the assessment that the building needs a lot more work than just a simple conversion. Then also, he's been extremely willing to talk to the neighbors and take into consideration, their needs about the alley access, about the height, about where the building is actually situated and I think that those are pieces that are incredibly important as we go through and have our neighbors come on board.

President Martin: Thank you. I think we have a general sense of what are the context of the pros and cons. If you have things to say that we have not heard yet, I would be happy to have us hear those, but basically I think we have heard a lot in favor, against – so if you have new information I would welcome it.

George Will (1721 West Lake): I own the property directly across the street from the proposed Edgewater facility. His building is taller than mine right now, I'm in his shadow. If he were to go to a six story, he would not affect me at all. His current building is not very pleasant to look at and this would be a great addition from my view. I know coming in from the west, down that corridor as you look at that building as you come through – this proposed building is gorgeous. That's all I have to say.

Lee Heckenlaible (1805 W. Lake St.): I was a former resident of the Edgewater current building and new address is 7270 Minnetonka Boulevard, St. Louis Park. I'm only going to talk for one or two minutes. I just wanted to say a couple things because it offers a new perspective. Firstly, I want to say thank you for the opportunity to have my voice heard and I am strongly in favor of the proposed six story Edgewater project. I travel through the Uptown area and utilize the Lake Calhoun parks and pathways on a regular and daily basis. The main reason I am so excited about this project is because I see this as an opportunity to create a beautiful gateway into the heart of Uptown that will stand the test of time while staying consistent with R6 zoning that is in place. Currently, if you were to drive into Uptown from the west, via Lake Street, or bike, walk, run, rollerblade or whatever it may be around the north end of the lake, the first thing one would see is the currently dilapidated Edgewater building. By building the proposed six story building, numerous problems would be solved. The biggest problem I have experienced while living there was the parking. I'm not going to harp on that or the conditions of the building, I think that's pretty much well known. Currently the 26 spaces that were there, they would be improving to 42. While living there, I had one of the end parking spots that was allocated to me and my roommate did not have a spot for him. My car was hit on two different occasions. The alley way, they had to go in on 90 degree angles just like it is proposed. This creates a snowball affect going down the block with freeing up 14 more parking spots that people will not be using on Knox Avenue and the adjacent 31<sup>st</sup> Avenue. As I previously stated, I believe this is an outstanding opportunity to create a beautiful gateway. It's one of our cities most beautiful areas – Uptown. Thank you.

President Martin: Ok, new information. If I hear anything I've heard before I'm going to cut you off.

Kay Anderson (3412 Irving Ave. S.): I find some inconsistencies here tonight in the precedent and in the math. The current building is four stories, 41 feet therefore 10 feet per story. The proposed four story by the commission is 14 per story, or 56 feet. This is not replacing the existing building, we all see that it is increasing it. Therefore, we're using modern 14 feet for that idea. The context line that they're proposing, includes buildings prior to the shore land ordinance that were built there. The majority of the big ones they're talking about are not on the east Calhoun shore. They are on the channel. We have one big building, a six story building, on 31<sup>st</sup> Street, that is the one that people in ECCO should be looking at. My problem is that we are looking at we are looking at current 14 feet for this building therefore we are not looking at

the wisdom that was made aware and that made the shore land ordinance. We are looking at one currently, but we won't look at the past and we also look at the context line with those buildings are in the past. If we're going to be current, let's be current all the way. Shorten the context line, 14 feet. I believe that the integrity of the shore land ordinance, the wisdom that we have gained by having it should be maintained. Thank you.

President Martin: Something we haven't heard before?

Jill Bode (3041 Colfax Ave. S.): I am here representing the CARAG board. Calhoun Area Residents Action Group. I just wanted to make sure that we are aware that we passed a resolution at our last meeting, September 21<sup>st</sup>. I won't read it to you other than to just the end which says "be it resolved that CARAG asks the City of Minneapolis to enforce its own shore land overlay district and that we are opposed to the excessive height on this project". Thanks.

President Martin: Actually, the staff did report that.

Nancy MacGibbon (3009 Knox Ave.): I own the property directly behind the alley, parking lot. Instead of 3800, it's 3008. I'm 3009, directly affected by this, my view and everything. We speak of the massiveness of this building and how it's expanding and the footprint will be the same along Lake Street, the footprint along Knox, and being a buffer between the development and the residential, is now coming much closer into the neighborhood by going another 25 feet or whatever by moving the alley over and coming over further and there aren't any pictures that really show the impact on the immediate neighborhood. I noticed in the letters, which I was able to browse during the time I was here, 30 of them are identical and 4 repeats and most of them are on Irving and Lake Street and Hennepin and various places, but Knox Street becomes very much impacted in changing the character of the neighborhood and I guess maybe that isn't important, but I can't see something like this happening in the Lake Harriet area or Kenwood area. Even if it was zoned, it would not be permitted, but somehow we seem to be the dumping ground. This parking lot that will be changed and the alley moved over is something that was a pretty good perk that went to the property owners with the idea of solving a problem created by this building because it was allowed in 1923 to be built with zero parking and was a headache. In these letters, too, the pro-letters that say we should do this, they keep referring to "it's less worse than it was, we went zero now we're going to give three feet back", but these are six massive variances and it makes a mockery of planning I've been involved with sometimes. These long range planning things and zoning, you talk like it could never be R6, never could anybody else get R6, but anything is possible if you know the right people. This is a massive building. Their own people refer to the building that's there as an eye-sore. I didn't make that up, in fact, I never said that. It isn't really attractive and if it's falling in a hole or something, I am glad they are rebuilding it. They got a real perk, you might want to look into how they acquired that property because they were a big problem with their problem with their parking, 28 units or with zero parking was a tremendous...thank you for listening to me. I'm sorry.

President Martin: Mr. Gassen...

Clark Gassen (4033 Queen Ave. S.): I understand that you had a very long night and I appreciate you hearing both sides of the argument. It's taken me six months to stand up here and talk to you from working with staff and whatnot so you're time will be greatly appreciated when David Graham with ESG gives a brief presentation on this project. Real quick I just want to briefly explain a little bit about myself. First and foremost, I would like to thank Hilary and staff for their professionalism and their accessibility during this project. I have never gone through a project like this and I had a lot of questions and Hilary and staff was always accessible to me and for that I greatly appreciate that. About myself, for the last few years I have converted apartment buildings into condominiums in the Uptown area. I've developed units as small as 4 units all the way up to currently I am developing 120 unit project in Linden

Hills. The community has greatly supported my projects. April of this year, the Southwest Journal wrote a very positive article on my conversion business and it talked about how first-time home owners were having an opportunity to buy affordable housing literally steps away from the Minneapolis lakes. When I was approached to buy 1805 W. Lake St., or the Edgewater, my intention was to convert this building into condominiums. I was very excited to have this opportunity as I only live a few blocks away from this project. After completing some due diligence, with several professionals, it was determined that this site could not be converted due to serious structural problems. No one will argue the fact that this building has serious structural problems. When I found out that this site was zoned R6, I started interviewing architects. I had several architects approach me when they found out what I was going to do to this site and they wanted me to push the envelope on R6. After talking to a few of my mentors in the real estate business, I did not want to come here tonight asking for a height variance under any circumstances. I interviewed David Graham with ESG and the reason why he is on my development team is because he and I agreed that we would stand here tonight and not ask for a height variance and we would play within the rules, within the rules of R6 and that's what we believe we are doing tonight. In conclusion, before David gives his presentation, I would like to share with you the conversation I had with Steve Poor, from the Planning and Zoning department when I first decided to move forward with this project. After I finally got a meeting with Steve, because he's very hard to get a hold of, we talked for about 15 or 20 minutes and Steve made it clear that I must do two things if I even had a chance for this project to happen. One, stay within the R6. Two, get letters of support. Steve took out a map of my site and pointed to five homes. He pointed to the first home on Lake Street, two homes on Knox Street, and two homes along the alley. Not only do I have all five of those home owners supporting my projects, I have support from the Uptown Association, I have support from the Zoning Committee of the East Isles Neighborhood Group – this group is literally across the street from my project. I have several business owners supporting my project and also a lot of home owners. This is my passion. Uptown, I live in Uptown. I'm developing almost 400 units in this community. I plan on coming here maybe in the next year or two on another project. I believe that I am playing within the rules of this site and at this time I will let David Graham give his presentation. Thank you very much for your time.

David Graham: Madame Chair, members of the commission – I am going to ask you if you have any questions. I would love to go through our thought process. There have been a lot of articulate arguments made in both sides of this. I would ask you if you want me to do that, otherwise...

President Martin: I would think that would be more helpful than you doing a whole presentation. I think we have a pretty good sense of what you're trying to do if that's ok. Everybody here wants to talk to you, so... Commissioner Schiff.

Commissioner Schiff: Hi. Some questions about feasibility, financials and your cost per square foot. What is the average height of each of the floors in your proposed six story building?

David Graham: The average height that we currently have is 12 feet floor to floor starting at a benchmark to the first floor which really changes around the site because there is a low point at about 962 at the intersection of West Lake and East Calhoun Parkway so 12 foot floor to floor and right now the sixth floor is 14 feet. We're currently looking at the architecture as we speak to pull that back and so there is flexibility to that extent.

Commissioner Schiff: What's the range that you're hoping the units will be sold for?

David Graham: I'd have to have Clark speak to that, but I think we're in the range of \$300-\$350 per square foot for the shells.

Commissioner Schiff: Even better, that was my next question – what your construction costs were per square foot.

David Graham: The construction costs per square foot...

Commissioner Schiff: \$300 - \$350?

David Graham: No...

Commissioner Schiff: That was the total sales price. Got it.

David Graham: In that range, I'm not really the developer. The construction cost based on benchmarks of recent which I haven't necessarily shared completely because we're still in the process of this, could range, if you look at the structured parking could be in \$60-\$70 square foot range. The costs for the base shell could be in the \$150-\$160 square foot range.

Commissioner Schiff: Thanks.

President Martin: Commissioner Krause.

Commissioner Krause: Madame Chair I did speak with Mr. Graham about this earlier. I also spoke with some of the neighborhood residents who called me about it and one of the issues that keeps coming up is the enforcement of the shore land ordinance. One of the functional goals of that is to protect water quality on those surface waters. I am wondering if you have incorporated into the design or the project or are considering anything that would mitigate any kind of water quality impacts.

David Graham: If I could just get a visual of this one...

President Martin: Anything you put on there we can see.

David Graham: Oh, I'm sorry. The basic purpose of the shoreline overlay district is to preserve and enhance the environmental quality of the surface waters. We are currently looking at completely redoing the storm water management retention infiltration system in a traditional sense in order to get staffs recommendation for the 15% permeability. We would also very much like to add to that with other green technologies such as the front porches where we are going to be doing some deeper soil areas. The basic question is we're going to be redoing the storm water management on the site completely. Right now it's in a traditional sense with the addition of some green technologies.

President Martin: Does that answer your question Commissioner Krause? Ok. Alright. Others have questions for Mr. Graham? No? Ok. Anything else you'd like to say?

David Graham: Probably not. I would say that when Clark and I first started there were five or six key rules that we wanted to comply with and I'd like to go over those very quickly. Staying within the sites R6 zoning was very important to us. We wouldn't be here if you were asking for an increase in height or a rezoning. We really believe we satisfied the shoreline criteria. I take this very seriously. I agree with it. Creating a high quality architecture responsive to the Minneapolis Plan, this is a very busy commercial transit corridor. It makes a good site for this. We do have letters of support from most of the most adjacent and affected property owners and I think we have met all those goals. That's it.

President Martin: Great. Thank you.

President Martin closed the public hearing.

Commissioner LaShomb: I live in a building on West River Road that has six floors in one wing and four on the other so I know all about shadowing and all of those issues and I think we have the tallest building on West River Road.

President Martin: Actually, the University of MN on West River Road has really tall buildings.

President LaShomb: They are really tall buildings, but I won't go into my feelings about the University of MN on television anyway. This is a tough issue and when I first moved to Minneapolis from Roseville years ago, I seem to recall this very same corner had a proposal and everyone thought that was a difficult proposal and I think the apartment building survived but I thought there was a lodge or something on that corner that didn't survive. VFW, that's what it was. I lived downtown for 17 or 18 years and I used to walk around Isles all the time and I walked around Calhoun a fair amount of time so I really do understand this area and I do understand how people feel about it and I feel really strongly about lake property and river property. Having said that, I think it's inevitable that this property is going to be developed one way or the other – sooner or later it's going to happen. The question is what is the best thing to do on this site and I don't think there are going to be many proposals coming by that are going to be much better than this one so I'm going to move the conditional use permit for this project staff recommendation.

President Martin: Is there a second? Ok, second. Discussion?

Motion: LaShomb/Hohmann second. Carried 7-0.

President Martin: Commissioner Schiff.

Commissioner Schiff: One question for Ms. Watson. Do you have anything that shows us where this development is in relationship to the high water point in Lake Calhoun? How close is it in the 1000 feet?

Staff Watson: I don't know exactly where the high water mark is of the lake. Here's the park building so the shoreline to the lake...not sure why the shoreline isn't shown on here, but it would come... This is 350 feet from the site so it's within less than 350 feet of the lake. The edge of the lake would be where the shore land, the high water mark is.

Commissioner Schiff: Ok. Thanks.

President Martin: Commissioner Hohmann.

Commissioner Hohmann: I basically support this project. I viewed the shoreline overlay district as something that protects the water quality from erosion and whatnot around the lakes, Lagoon between the lakes, the creek and wherever we're talking about where there is shoreline. That said, this is in an R6 zoning district I think the shoreline over district applies most heavily to the non-developed acreage around our lake shores and creek shores and what have you when you got existing buildings there, I think it's a different situation. This current R6 building there, the four story building, if that was destroyed that could be rebuilt as a four story building, possibly a six story, but it could be rebuilt as a four story building. The developers have addressed the items that are needed to be addressed under the shoreline overlay district. The ground water coming off of that site is going to be less with the current redevelopment proposal and is there now. There's going to be more off street parking available to others in the neighborhood because of the underground parking and on-site parking as part of this project. As part of the context of the surrounding neighborhood, I have lived within a half a mile to a mile of Lake

Calhoun for more than 30 years and I drove around it today, I walked down the alley, I walked around the building down there and when I look at the context I look around the whole lake and I did that today real briefly and I found that if you look over to the north across Lagoon on Knox there's a nine story and a six story. If you look over on the northwest side of Calhoun you got the executive office tower which is six or seven stories. If you go a little bit further south along there, there's six or eight buildings that are 6,8,9 stories each and I don't think any of these properties have any negative impact on people's ability to enjoy Lake Calhoun. They are beautiful properties, they increase the value and the tax base in the City. There's a range of affordability in all those. This looks like a fantastic project and I support it.

President Martin: Ok, the motion is to approve the CUP. All those in favor.

Commissioner LaShomb: I'm going to move, under item B, that we approve a conditional use permit for 6 stories, 82 feet, on the property. In the packet there is a section that starts on page 5 which describes the staff reasoning on the issue of denying the higher site and supporting the four story site and looking at those I find it easy on this one to look at the opposite of each one and say the staff is wrong. Except for the first one, I think the staff has indicated that there is going to be a minimal impact on the amount of light and air to surrounding properties so I think no one is going to argue about that. The issue of shadowing, I don't think it's going to make any difference to the houses on the east whether there is a two story building, a four story building or a six story building. You're going to have shadowing in December. You might even think of it as a blessing in the summer to have that shadowing from that sun in the west because when I lived downtown, we baked alive on the west side of the building in the summer and even early fall. I don't think the shadowing is a big issue. I think it is in the east and I accept that. To the north I don't think shadowing is a big deal. You have a wide parkway. In the morning when the sun comes up, I don't think it's going to significantly shadow the Calhoun Beach. The shadowing issue doesn't work for me. On the character and the scale, yes it's going to be different in a sense from what else is around Lake Calhoun in one sense, but what strikes me about Lake Calhoun, and I've walked around it probably 1000 times, is that it is such a mixed situation. It runs the gambit from some highrise buildings that maybe should not have been built on one side of the lake to Lakewood Cemetery on the other side to Light Rail trolley line for us folks for us who like to be nostalgic, it's a mixed use so you're going to have situations where not everything is going to look the same. Here at the Planning Commission, we've approved some other things that some would argue don't quite fit the character of surrounding areas. The one that comes to mind immediately is the Walker. I'm a member of Hennepin Methodist Church and every time I see the Walker construction I want to wish the devil would come down and level it because I think architecturally it's exciting and everything else, but I don't think it fits with those two churches there.

President Martin: But we're not talking about the Walker

Commissioner LaShomb: We're not talking about the Walker, alright. The Dayton family built a house on Lake of the Isles...

President Martin: We're not talking about that either.

Commissioner LaShomb: The point I'm trying to make is, sometimes the scale and character doesn't quite fit the neighborhood, but that to me isn't the reason to not do it. My last point is, preservation of views on landmarks, building and significant open spaces or water bodies – I don't think this project is going to block the view of Lake Calhoun one iota. Given all those reasons, I think the staff recommendation is not correct and I think that it's more appropriate and I can understand why the staff would have some divided opinion... I think more appropriately we should grant the conditional use permit and allow the project to be built because it's an

appropriate use of the land. It encourages density in the City, which is a goal. It does provide stability in a community that is very often in flux.

President Martin: Commissioner Kummer.

Commissioner Kummer: Thank you Madame President. I would speak against that. I am somewhat bothered by the fact that we're going for higher than the 2 ½ stories. I was willing to accept the 4 story compromise. Going to 6 I believe is just a tad too high. There is a park building right in front of it there and I don't know if it's going to be shaded or not but I that it's certainly going to over-power it. I think it does have an impact that 4 stories will not have. Although I would prefer the 2 ½, I see that it isn't going to fly. I would accept the 4, but I would not move to 6. Thank you.

President Martin: The motion before us is to approve the original conditional use permit granting the request for 6 stories or 82 feet. All those in favor? Opposed? Motion carries 6-1. Commissioner Kummer opposed.

Commissioner LaShomb: I will move the variances on C, D, and E. I am a little confused about the status of F. That's been withdrawn?

President Martin: Withdrawn, yes.

Commissioner LaShomb: Ok, so then I am moving C, D, E and we will accept the withdrawal of F.

President Martin: Second? All in favor? Motion carried 6-0. Commissioner Schiff abstained.

Commissioner LaShomb: I will move G and H.

President Martin: The site plan and the vacation. Ok. Anyone want to talk about the site plan? Commissioner Schiff?

Commissioner Schiff: No.

President Martin: All in favor of that motion? Opposed? Ok, just to be clear, Hilary, in the motion for the vacation that includes the public alley easement that's a piece of all of that or do you want that separately?

Staff Watson: They are to be a part of this.

President Martin: Alright, good. Thank you. Carried 6-0. Commissioner Schiff abstained.

Staff Watson: It says in the very last sentence "subject to the retention of easements..."

Commissioner LaShomb: Did I move the vacation?

President Martin: Yes. It's all a part of the same package. Everyone is in favor of that. That gets us to item 16. Commissioner Schiff.

Commissioner Schiff: I wish to be recorded as abstaining on the matters we just voted on. I have a feeling this item will be appealed so I will have an opportunity to vote on it at that time.

President Martin: Ok.

**Department of Community Planning and Economic Development – Planning  
Division**

Conditional Use Permits, Variances, Site Plan Review and Alley Vacation  
BZZ-1825

**Date:** September 27, 2004

**Applicant:** Clark Gassen with Financial Freedom Development

**Address of Property:** 1805 West Lake Street and 3008 Knox Avenue South

**Project Name:** The Edgewater

**Contact Person and Phone:** Lauren Huynh with ESG Architects, Inc., (612) 373-4675

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

**Date Application Deemed Complete:** June 28, 2004

**End of 60-Day Decision Period:** August 27, 2004

**End of 120-Day Decision Period:** The applicant has requested an extension of time until November 15, 2004

Ward: 10      Neighborhood Organization: **East Calhoun Community Organization**

**Existing Zoning:** R6

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 24

**Legal Description:** Not applicable for this application

**Proposed Use:** 28-unit, for-sale condominium development

**Concurrent Review:**

**Conditional Use Permit:** for a 28-unit condominium development.

**Conditional use permit:** to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 6 stories/82 feet (was noticed as 83 feet).

**Variance:** to reduce the front yard setback along Knox Avenue South from the established 22 feet to 6 feet.

**Variance:** to reduce the corner side yard setback along West Lake Street from the required 18 feet to 0 feet.

**Variance:** to reduce the rear yard setback from the required 15 feet to 6 feet.

**Major site plan review.**

**Alley Vacation.**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”; and Chapter 530, Site Plan Review.

**Background:** An existing 28-unit apartment building and a surface parking lot occupy the site. According to letters from two different structural engineering firms, the building is experiencing structural damage and will continue to do so as the building was built over fill and swamp-deposited peat. Please see the two structural engineering letters that are included in the staff report.

The applicant is proposing to demolish the existing 28-unit apartment building on the site and construct a new 28-unit for-sale condominium development. The development would also include the removal of the existing surface parking lot and shifting the public alley to the south. The parking requirement for the development is one parking space per dwelling unit, or 28 parking spaces. The applicant is providing a total of 42 parking spaces. There would be one level of below-ground parking accessed off of Knox Avenue South and one level of at-grade parking accessed off of the public alley.

The property is located in the R6 zoning district which allows buildings up to six stories in height. However, the building is also located within 1,000 feet of the high-water mark of Lake Calhoun and is therefore located within the SH Shoreland Overlay District which limits the height of buildings to two-and-a-half-stories.

The East Calhoun Community Organization (ECCO) reviewed the development on July 1, 2004. At the meeting, by an 8 to 2 vote, the community organization voted to not support the development. The minutes from the meeting are included in the staff report. In addition, several letters from surrounding property owners and/or neighbors are included in the staff report. The letters voice an array of opinions.

**CONDITIONAL USE PERMIT** – for a 28-unit condominium 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 28 dwelling units will be detrimental to or endanger the public health, safety, morals, comfort or general welfare. According to the 2000 Census, approximately 62 percent of the dwelling units in the ECCO neighborhood are rental. The additional for-sale condominiums will increase the owner-occupied base in the neighborhood.

**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 28 dwelling units will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The density of the site will not be increasing as a result of this development as there are 28 dwelling units located in the existing apartment building. In fact, given the size of the site (16,568 square feet) the applicant could construct up to 41 dwelling units on the site. In addition, a multiple-family development is not out of character with the surrounding area as there are several located within one block of the site.

**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 28 parking spaces. The applicant is providing a total of 42 parking spaces (1.5 stalls per dwelling). There would be one level of below-ground parking accessed off of Knox Avenue South and one level of at-grade parking accessed off of the public alley.

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

The site is designated as multi-family in the comprehensive plan. West Lake Street, which is located on the north side of the site, is a designated Commercial Corridor. In addition, the Uptown (Hennepin Avenue and West Lake Street) Activity Center is located within walking distance of the site. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density.
- 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 and Activity Centers.
- Use both infill development and new development opportunities to increase housing in the city.
- Support a mix of uses on Commercial Corridors – such as retail sales, office, institutional, higher-density residential, and clean low-impact light industrial – where compatible with the existing and desired street character.

Constructing 28 dwelling units on the site would be in conformance with the foregoing policies of the comprehensive plan. The site is located on a Commercial Corridor and

within walking distance of an Activity Center where the plan calls for higher-density housing.

**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 conditional use permits, the variances, the site plan review and the alley vacation this development will be in conformance with the applicable regulations of the zoning code.

**CONDITIONAL USE PERMIT** - to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 6 stories/82 feet

**Findings as Required by the Minneapolis Zoning Code:**

The Community Planning and Economic Development Department – 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 believes that increasing the height of the building from two-and-a-half stories/35 feet to six stories/82 feet could be detrimental to or endanger the public health, safety, morals, comfort or general welfare. A six-story building would produce increased shadows on surrounding residential properties and significant public spaces and would be out of scale with the adjacent buildings on the block.

However, the Planning Division does not believe that increasing the height of the building from two-and-a-half stories/35 feet to four stories/56 feet would be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The existing building on the site is four stories in height. Demolishing the existing building and constructing a new four-story building would allow the applicant to preserve the character and scale of the site which has existed since 1923.

**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 believes that increasing the height of the building to six stories/82 feet could be injurious to the use and enjoyment of surrounding property and impede the normal development of the surrounding area. The height of buildings found throughout the neighborhood are predominantly two-and-a-half stories with a few buildings scattered throughout the neighborhood that exceed this. Constructing a six-story building on this site would be out of character with the adjacent buildings.

However, the Planning Division does not believe that increasing the height of the building to four stories/56 feet would be injurious to the use and enjoyment of surrounding property nor will

it impede the normal development of the surrounding area. Again, the existing building on the site is four stories in height. Building another four-story building on the site would replace what is currently there.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

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

The site is designated as multi-family in the comprehensive plan. West Lake Street, which is located on the north side of the site, is a designated Commercial Corridor. In addition, the Uptown (Hennepin Avenue and West Lake Street) Activity Center is located within walking distance of the site. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Maintain and strengthen the character of the city's various residential areas.
- Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established.

Constructing a six-story/82-foot high building on the site would not be in conformance with the foregoing policies of the comprehensive plan as a building of that height would not preserve the character of the site. The Planning Division believes that allowing the applicant to build a four-story/56-foot building on the site would be in conformance with the policies of the comprehensive plan. Demolishing the existing building and constructing a new four-story building would allow the applicant to preserve the character and scale of the site which has existed since 1923.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

See conditional use permit finding number six above.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

**In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:**

**1. Access to light and air of surrounding properties.**

Increasing the height of the proposed building should have minimal impact on the amount of light and air that the surrounding properties receive as the residential buildings to the north and east of the site are located across a street from the proposed building, the residential building to the south is located 30 feet from the proposed building and there is park land/open space located to the west of the proposed building.

**2. Shadowing of residential properties or significant public spaces.**

The shadow study that was submitted as part of this application shows the shadowing effects of the existing four-story building during the winter and the proposed six-story building during the four different seasons throughout the year. When comparing the existing building to the proposed building during the winter season, the proposed building will produce increased shadows on surrounding residential properties and significant public spaces.

**3. The scale and character of surrounding uses.**

The height of buildings found throughout the neighborhood are predominantly two-and-a-half stories with a few buildings scattered throughout the neighborhood that exceed this. The properties located immediately to the north, east, south and west of the site are between two-and-a-half and three-and-a-half stories in height. There is a six-story building located one block to the south of the site and a six-story and a nine-story building located one block to the north of the site. The architectural style of the buildings in the neighborhood vary.

**4. Preservation of views of landmark buildings, significant open spaces or water bodies.**

**Constructing a building either two-and-a-half stories in height or six stories in height would block views of Lake Calhoun and the open space around it from the properties to the east given the height of those properties.**

**VARIANCE** - to reduce the front yard setback along Knox Avenue South from the established 22 feet to 6 feet

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Front yard setback:** The applicant is seeking a variance to reduce the front yard setback along Knox Avenue South from the established 22 feet to 6 feet. The applicant has indicated that the existing building is located at the property line and that in order to maintain the urban characteristics of this site the proposed building would be built six feet from the property line along Knox Avenue South. Please note that only the northern 71 feet of the building wall (total of 115), including one patio, along Knox

Avenue South would be built six feet from the front property line. The remaining 44 feet of the building wall would be setback 48 feet. In the 48-foot setback there would be an emergency exit, the driveway leading to the below ground parking level and landscaping.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Front yard setback:** The Planning Division believes that it would be reasonable to allow the applicant to construct the building six feet from the front property line along Knox Avenue South given that the existing building is built up to the property line along Knox Avenue South.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Front yard setback:** The granting of the variance would not alter the essential character of the neighborhood given that the existing building is built up to the property line and has been since it was constructed in 1923.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Front yard setback:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**VARIANCE** – to reduce the corner side yard setback along West Lake Street from the required 18 feet to 0 feet

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Corner side yard setback:** The applicant is seeking a variance to reduce the corner side yard setback along West Lake Street from the required 18 feet to 0 feet. The applicant has indicated that the existing building is located at the property line and that in order to maintain the urban characteristics of this site the proposed building would be built up to the property line along West Lake Street. Please note that only the eastern 26 feet of the building wall (total of 123) along West Lake Street would be built up to the property line. The remaining 97 feet of the building wall would be setback 11 feet.

However, in the 11-foot setback there would be an entryway, stairways, patios, trellises and landscaping that also require the variance as they are not permitted obstructions.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Corner side yard setback:** The Planning Division believes that it would be reasonable to allow the applicant to construct the building up to the property line along West Lake Street given that the existing building is built up to the property line along West Lake Street.

It should also be noted that a public alley currently bisects this property in two parts. The applicant is proposing to vacate the existing alley and relocate it further to the south in order to maximize the buildable area on the site. The Planning Division believes that this is a unique characteristic of this parcel of land.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Corner side yard setback:** The granting of the variance would not alter the essential character of the neighborhood given that the existing building is built up to the property line and has been since it was constructed in 1923.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Corner side yard setback:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

**VARIANCE** – to reduce the rear yard setback from the required 15 feet to 6 feet

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

**Rear yard setback:** The applicant is seeking a variance to reduce the rear yard setback from the required 15 feet to 6 feet. The applicant has indicated that the existing building is located one-foot from the property line and that in order to maintain the urban characteristics of this site the proposed building would be built six feet from the rear property line. Please note that only the southern 44 feet of the building wall (total of 115) would be setback six feet from the rear property line. The remaining 71 feet of the

building wall would be setback 13 feet. In the 13-foot setback there would be landscaping.

**2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

**Rear yard setback:** The Planning Division believes that it would be reasonable to allow the applicant to construct the building six feet from the rear yard property line given that the existing building is built one-foot from the property line.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

**Rear yard setback:** The granting of the variance would not alter the essential character of the neighborhood given that the existing building is built up to the property line and has been since it was constructed in 1923.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

**Rear yard setback:** Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed setback be detrimental to welfare or public safety.

## **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 FAÇADE**

- 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.**
- **This development is located in the R6 zoning district. The required setback off of Knox Avenue South is 22 feet. The applicant is asking for a variance to reduce this setback to six feet. Please note that only the northern 71 feet of the building wall (total of 115), including one patio, along Knox Avenue South would be built six feet from the front property line. The remaining 44 feet of the building wall would be setback 48 feet. In the 48-foot setback there would be an emergency exit, the driveway leading to the below-ground parking level and landscaping.**
- **The required setback off of West Lake Street is 18 feet. The applicant is asking for a variance to reduce this setback to zero feet. Please note that only the eastern 26 feet of the building wall (total of 123) along West Lake Street would be built up to the property line. The remaining 97 feet of the building wall would be setback 11 feet. In the 11-foot setback there would be an entryway, patios, trellises and landscaping.**
- **The principal entrance to the building is located along the West Lake Street side of the building. This is the entrance that residents on the upper floors of the building and visitors will utilize. In addition, the three dwelling units on the first floor of the building each have their own entrance off of the street. One of the entrances faces Knox Avenue South and the other two face West Lake Street.**
- **The exterior materials of the building include brick, Minnesota stone veneer, steel trellises and metal railings. The percentage of windows required on the Knox Avenue South and West Lake Street sides of the building is 20 percent. According to the submitted drawings, there will be more than 20 percent windows on both sides 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 of the entrances to the building are connected to the public sidewalk via walkways.
- There is an existing bus shelter located on the corner of Knox Avenue South and West Lake Street. The applicant, in conjunction with MCTC, will be replacing the existing bus shelter with a new one.
- **The Public Works Department has reviewed and approved the vehicular access and circulation plan provided by the applicant.**
- **The applicant has indicated that snow will be removed from 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 40 percent of the site not occupied by the building will be landscaped. The landscaping requirement for this development is 8 trees and 39 shrubs. According to the plant schedule there will be a total of 16 trees and 111 shrubs. In addition, the applicant is proposing to install 295 perennials.**
- **There is an existing three-foot high decorative metal fence located along the southern property line that will remain on the site after construction is complete.**

#### 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. Staff is recommending that a lighting plan showing footcandles be submitted as part of the final plans.**
- **See the additional standards to increase maximum height section above.**
- **See the additional standards to increase maximum height section above.**
- **This development should not contribute to the wind tunnel effect.**
- **The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. In order to be in compliance with the CPTED requirements, the three individual patios on the first floor of the building should be gated off from the public sidewalk.**
- The existing building is not historic nor is the site.

## Comprehensive Plan

### **ZONING CODE**

See conditional use permit finding number six above.

### **THE MINNEAPOLIS PLAN**

The site is designated as multi-family in the comprehensive plan. West Lake Street, which is located on the north side of the site, is a designated Commercial Corridor. In addition, the Uptown (Hennepin Avenue and West Lake Street) Activity Center is located within walking distance of the site. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
- 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 proposed site plan and elevations would be in conformance with the foregoing policies of the comprehensive plan. The building is set close to the property lines, there are entrances and exits at street level and there are large windows where people can see in and out along all levels of the building. The materials of the building are also compatible with other buildings found 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.

## **VACATION (Vac1445) – Partial Alley Vacation**

**Development Plan:** The site plan for the development is attached.

**Responses from Utilities and Affected Property Owners:** Of the utilities that have responded, Xcel Energy and Qwest have requested an easement.

**Findings:** Given that the applicant will be relocating the public alley and providing an easement for the City of Minneapolis, the Public Works Department and the Community Planning and Economic Development Department – Planning Division find that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor.

## **RECOMMENDATIONS**

### **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 28-unit condominium development located at 1805 West Lake Street and 3008 Knox Avenue South subject to the following conditions:

1. There shall be no more than 28 dwelling units located within the building.

### **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 findings above and **deny** the conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 6 stories/82 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South and in lieu thereof **approve** the conditional use permit to increase the height of the building located in the SH (Shoreland) Overlay District from the permitted 2.5 stories/35 feet to 4 stories/56 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South.

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance application to reduce the front yard setback along Knox Avenue South from the established 22 feet to 6 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance application to reduce the corner side yard setback along West Lake Street from the required 18 feet to 0 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance application to reduce the rear yard setback from the required 15 feet to 6 feet for the property located at 1805 West Lake Street and 3008 Knox Avenue South.

**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 28-unit condominium development located at 1805 West Lake Street and 3008 Knox Avenue South subject to the following conditions:

1. The applicant shall submit a lighting plan showing footcandles as part of the final plans.
2. The three individual patios on the first floor of the building shall be gated off from the public sidewalk.
3. Approval of the final site, landscaping, fence and elevation plans by the Community Planning and Economic Development Department – Planning Division.
4. All site improvements shall be completed by September 27, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
5. 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.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the partial alley vacation:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and approve the vacation application (Vac1445) for all that part of the Alley in Block 21,

“Calhoun Park”, according to the recorded plat thereof, Hennepin County, Minnesota, which lies northerly of the following described line and its extensions: Commencing at the southwest corner of Lot 3 in said Block 21, said southwest corner also being a point in the easterly line of said Alley; thence on an assumed bearing of North 00 degrees 13 minutes 00 seconds East along the westerly line of said Lot 3 and the easterly line of said Alley for 26.00 feet to the actual point of beginning of the line to be described; thence South 89 degrees 55 minutes 46 seconds West, parallel with the southerly line of said Lot 3 for 12.00 feet to the westerly line of said Alley and there terminating.

And

That certain Public Alley Easement reserved in favor of the City of Minneapolis, as disclosed in that certain Quit Claim Deed from the City of Minneapolis dated July 11, 1996, and filed for record in the office of the Hennepin County, Minnesota, Recorder on July 11, 1996, as Document No. 6605308, described as follows:

That part of Lot 3, Block 21, “Calhoun Park” described as follows: Commencing at the Southwest corner of said Lot 3, thence North along the West line of said Lot a distance of 15.00 feet to the point of beginning; thence continuing North along said West line 24.00 feet; thence East parallel with the South line of said Lot 3 to the East line of said Lot; thence South along said East line 14.00 feet; thence West parallel with said South line to a point lying 10.00 feet East of the West line and 25.00 feet North of the South line of said Lot 3; thence Southwesterly to the point of beginning and there terminating, according to the recorded plat thereof subject to the retention of easements by Xcel Energy, Qwest and the City of Minneapolis as follows:

**Xcel Energy:** An easement over the westerly 10.00 feet of that part of the east-west alley within Block 21, as dedicated in the plat of Calhoun Park, Hennepin County, Minnesota, according to the recorded plat thereof.

**Qwest:** An easement over the easterly 10.00 feet of that part of the north-south alley within Block 21, as dedicated in the plat of Calhoun Park, Hennepin County, Minnesota, according to the recorded plat thereof.

**City of Minneapolis:** A permanent easement for public alley purposes over, under and across Lot 3, Block 21, “Calhoun Park”, according to the recorded plat thereof, Hennepin County, Minnesota. Said permanent easement consists of two parcels of land.

#### DESCRIPTION OF PERMANENT PUBLIC ALLEY EASEMENT PARCEL ONE

Said PERMANENT PUBLIC ALLEY EASEMENT PARCEL ONE is all that part of said Lot 3 described as follows: Beginning at the southwest corner of said Lot 3; thence on an assumed bearing of North 00 degrees 13 minutes 00 seconds East along the westerly line of said Lot 3 for 26.00 feet; thence on a bearing of East for 10.00 feet to a point hereinafter described as POINT A; thence South 00 degrees 13 minutes 00 seconds West for 7.00 feet; thence on a bearing of East for 74.00 feet; thence North 00 degrees 13 minutes 00 seconds East for 7.00 feet; thence on a bearing of East for 44.61 feet to the easterly line of said Lot 3; thence South 00 degrees 12 minutes 43 seconds West along said easterly line for 16.00 feet; thence on a bearing of West for

118.67 feet; thence South 45 degrees 06 minutes 29 seconds West for 14.17 feet to the point of beginning.

#### DESCRIPTION OF PERMANENT PUBLIC ALLEY EASEMENT PARCEL TWO

Said PERMANENT PUBLIC ALLEY EASEMENT PARCEL TWO is all that part of said Lot 3 described as follows: Beginning at POINT A as above described; thence South 00 degrees 13 minutes 00 seconds West for 7.00 feet; thence on a bearing of East for 74.00 feet; thence North 00 degrees 13 minutes 00 seconds East for 7.00 feet; thence on a bearing of West for 74.00 feet to the point of beginning; which lies below an elevation of 889.0 feet, NGVD 1929 Adjustment.

#### **Attachments:**

1. Statement of proposed use
2. Conditional use permit and variance findings
3. Urban context study
4. Shadow study
5. Alley vacation information from Xcel Energy and Qwest
6. April 28, 2004 letter from Braun Intertec
7. May 28, 2004 letter from Wenzel Engineering Incorporated
8. June 10, 2004 letter to Council Member Dan Niziolek
9. June 10, 2004 letter to the East Calhoun Community Organization
10. July 8, 2004 e-mail from the letter from the East Calhoun Community Organization and minutes
11. The applicant's Power Point presentation
12. Response letters from surrounding property owners and/or neighbors
13. Zoning Map
14. Site plan, floor plans and elevations
15. Photographs of the site and surrounding area