

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

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

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MEMORANDUM

DATE: May 2, 2008

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

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

SUBJECT: Planning Commission decisions of April 28, 2008

The following actions were taken by the Planning Commission on April 28, 2008. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Huynh, LaShomb, Nordyke, Schiff, Tucker and Williams – 7

Not present: Norkus-Crampton

Committee Clerk: Lisa Baldwin (612) 673-3710

5. Waves of Grain Building (BZZ-3987, Ward: 2), 1599 8th St SE ([Janelle Widmeier](#)).

A. Rezoning: Application by Michael Johnson, on behalf of Gopher Alley, LLC, for a petition to add the Industrial Living Overlay District to the I1 Light Industrial District for the property located at 1599 8th St SE.

Action: The City Planning Commission recommended that the City Council adopt the findings and approve the petition to add the Industrial Living Overlay District to the property of 1599 8th St SE.

B. Conditional Use Permit: Application by Michael Johnson, on behalf of Gopher Alley, LLC, for a conditional use permit to allow 28 dwelling units for the property located at 1599 8th St SE.

Action: The City Planning Commission adopted the findings and approved the application for a conditional use permit to allow 28 dwelling units for the property located at 1599 8th St SE, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. A 4 foot wide concrete sidewalk shall be provided the entire length of the parking encroachment in the 8th Street right-of-way between the landscaped area seven feet in width and the parking area.
3. The landscaped area and curbing in the 8th Street right-of-way shall extend up to the southeasterly edge of the parking encroachment resulting in a 26-foot by 26-foot landscaped area with a sidewalk in the right-of-way.
4. At least 45 bicycle parking spaces shall be provided in the parking garage.
5. Not less than 0.5 vehicle parking spaces shall be provided per bedroom.

C. Variance: Application by Michael Johnson, on behalf of Gopher Alley, LLC, for a variance to reduce the minimum lot size requirement for the property located at 1599 8th St SE.

Action: The City Planning Commission adopted the findings and approved the application for a variance to reduce the minimum lot area requirement from 765.5 to 546.8 square feet (28.6 percent) to allow 28 dwelling units for the property located at 1599 8th St SE.

D. Variance: Application by Michael Johnson, on behalf of Gopher Alley, LLC, for a variance to reduce the minimum front yard requirement adjacent to 8th St to allow a building addition for the property located at 1599 8th St SE.

Action: The City Planning Commission adopted the findings and approved the application for a variance to reduce the minimum front yard requirement adjacent to 8th St from 14 feet to 1 foot to allow a building addition for the property located at 1599 8th St SE.

E. Variance: Application by Michael Johnson, on behalf of Gopher Alley, LLC, for a variance to reduce the minimum interior side yard requirement adjacent to the northwesterly property line to allow a building addition for the property located at 1599 8th St SE.

Action: The City Planning Commission adopted the findings and approved the application for a variance to reduce the minimum interior side yard requirement adjacent to the northwesterly property line from 11 feet to 5 feet to allow a building addition for the property located at 1599 8th St SE.

F. Variance: Application by Michael Johnson, on behalf of Gopher Alley, LLC, for a variance to reduce the minimum interior side yard requirement adjacent to the southeasterly property line to allow parking for the property located at 1599 8th St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum interior side yard requirement adjacent to the southeasterly property line from 15 feet to 0 feet to allow parking for the property located at 1599 8th St SE.

G. Site Plan Review: Application by Michael Johnson, on behalf of Gopher Alley, LLC, for a site plan review for the property located at 1599 8th St SE.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a multiple-family dwelling with 28 units for the property located at 1599 8th St SE, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final site, landscape, and building elevation plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by June 6, 2009, or the permit may be revoked for non-compliance.
3. The lights in the parking garage shall be shielded to prevent glare at the adjacent 8th Street right-of-way.
4. A landscaped yard at least 2 feet wide shall be provided on-site as required by section 530.170 of the zoning code.
5. The on-site parking area shall be screened on-site or in the 8th Street right-of-way as required by section 530.170 of the zoning code.
6. Continuous six-inch by six-inch concrete curbing shall be provided for the on-site parking area as required by section 530.230 of the zoning code.
7. Signs shall comply with residential standards for multifamily dwellings on lots less than 40,000 square feet in area from Table 543-1 of the zoning code.
8. The proposed chain link fence adjacent to the railroad corridor shall not contain slats as required by section 535.430 of the zoning code.

Staff Widmeier presented the staff report.

Commissioner Schiff: Question about exterior building materials, do you have anything else from the applicant in color or something that would give us an idea of what this is supposed to be? Question for Mr. Wittenberg or Janelle, the size of the lot area variance I believe would be the largest ever granted by the city, have you checked and have we ever granted a lot area variance for this amount, 28%?

Staff Widmeier: One that was close to 30% that comes to mind is the 710, 720 and 730 lofts project in the North Loop area. Nothing else comes to mind at this time.

Commissioner Schiff: Were those all put together in one application as a common application or were those individual variances?

Staff Wittenberg: That was a planned unit development. I'm relatively certain that we have had 30% variances prior to this; I can't site them off-hand though.

Staff Widmeier: To answer your question about exterior materials, it's fiber cement board siding for the addition, the existing materials is brick on the lower levels on the existing part of the building. I don't have any rendering or colored drawings that the applicant has submitted.

Commissioner Schiff: Are those double hung windows?

Staff Widmeier: They appear to be.

Commissioner Huynh: Can you address item number four which talks about providing at least 45 bicycle stalls on site. I was just curious how you came up with 45 and if that was justified for the parking stall difference. The difference between a .45 parking ratio is four stalls with the 41 stalls that they're providing versus the .5 which requires 45. I guess I'm interested in hearing your logic.

Staff Widmeier: The applicant is proposing 45 bicycle parking stalls in the building so we just wanted to make sure that those actually were installed.

President Motzenbecker opened the public hearing.

Michael Johnson (1611 8th St SE): I'm the applicant. I want to make a brief appeal in regards to the parking condition that staff has attached to the recommended approvals. We're very pleased with everything else she's approved. We're very willing to put in 45 bicycle parking spaces. I just want to make a brief appeal in regards to the requirement or condition that staff has for the .5 parking spaces per bedroom. I'd like to appeal for a 10% reduction in regards to citing a transit incentive. In the Zoning Code they're for multi-family dwellings. Staff has the option to reduce the parking requirement up to 10% if we're within 300 feet of a transit stop with midday service headways of 30 minutes or less in each direction and we are about 150 feet from such a stop that actually has more frequency than 30 minutes.

President Motzenbecker: Can you point that out to us on a map?

Michael Johnson: There's a drawing that staff has with the property drawings. Thank you Janelle. Here's our site here, here's 15th Ave. There's a stop here on the corner on the southeast and a stop on the northwest. For reference, this is the University of Minnesota practice football field, this is 100 yards or 300 feet give or take a few. Here is our site here. That's my reference to show that are within 300 feet. I'd like to appeal with that transit incentive and then I do have a rendering in color if Commissioner Schiff or anybody else is interested.

President Motzenbecker: Ok, so there's two different types of cement board?

Michael Johnson: Different colors.

Commissioner Schiff: Is the building historic? Is it designated or is it eligible and do you have to go through the Heritage Preservation Commission?

Michael Johnson: No.

Commissioner LaShomb: Just so I'm clear about the parking situation, so you're saying you should have 10% less parking than staff is recommending?

Michael Johnson: Yes, with the transit incentive.

Commissioner LaShomb: How many parking spaces is that?

Michael Johnson: Four plus. (off mic)

Commissioner LaShomb: The number of bedrooms? The staff is saying you should have 45 parking spaces and you're saying you should have 41 and somewhere up the road we're going to hear another proposal for a development on the edge of Dinkytown, or maybe in Dinkytown, which they're saying they don't have to have that much parking because the University provides all this parking in the ramps...are you working with the University in some way to get some agreement about use of University parking for your residents?

Michael Johnson: No. The intent of this site is that it's pedestrian friendly so if they need to get outside of the campus area, they can take the transit which is in high demand. We will have as many bicycle parking spaces indoors as we can provide. We like people to be residents and not bring their cars, frankly.

Commissioner LaShomb: What would you have to do to your design to achieve those four or five additional spaces that staff is asking you to do?

Michael Johnson: I can't answer what city staff might approve. We can apply for a variance on neighboring property, which we own...a vacation on a small strip of land on property adjacent that we currently own. I can't tell you today if I can get three and a half our four spaces out of that. I can apply for a parking encroachment.

Commissioner LaShomb: Forty of your spaces, will they be underground? Where is your parking?

Michael Johnson: There are over 28 spaces indoors and there are 13 spaces surface on the site.

Commissioner LaShomb: There was an issue about windows; some say they are single hung windows, what does that mean?

Michael Johnson: The bottom opens.

Nic Puzak (4235 E Lake Harriet Pkwy): I own the building directly to the west. We've owned it since March 2005. I've managed multi-family buildings in the Dinkytown area since 1980 after gone to high school in Dinkytown.

President Motzenbecker: We do have your letter that you sent in.

Nic Puzak: Despite the written comments from the Marcy Holmes Neighborhood Association, I didn't see as indicated by staff the attached from the Como Neighborhood Association, this property is not in the Marcy Holmes neighborhood. There has been zero attempt at communication between the applicant and the neighbors. I'm speaking against the project as it is currently formulated. It flies in the face of the 15th Ave SE pedestrian lighting project, which was completed just a year ago and was paid for by the folks along 15th Ave SE from University Ave north to Como Ave which involved pedestrian lighting which would encourage street parking away from the University and hoofing it to Dinkytown. This is germane because 8th St SE, east of 15th Ave, there is two side of the street parking there, because it's not in Marcy Holmes it enjoys two side of the street parking and it's the only area south of the railroad tracks which does, it's pretty much the only place on the east bank south of the tracks where you can park on both sides of the street. Because of that, kids do. They do like a beehive. It's the only place where you can hoof it under the new pedestrian lighting up to Dinkytown and it's fabulous. When the applicant built the North Star Lofts in November 2005, it is one of these student suite type formats where six bedroom apartments lease for \$3600...

President Motzenbecker: Mr. Puzak, let's bring it back to this particular item before us. You're talking about a previous application; I would appreciate you to bring it back to the item before us. Thank you.

Nic Puzak: The current applicant built the North Star Lofts where the parking now consumes both sides of the street parking on 8th St in front of my building and in front of the subject property where the only parking currently provided is on a public right of way by a city encroachment where those who do utilize the parking encroachment back out into 8th St SE. It's the only way to do it because the parking is perpendicular; it's not even angled parking, to get the number as it currently stands. The poaching in my parking lot since the construction of the North Star Lofts here within the last year and a half there was some lease up time, has increased by a factor of four. It has quadrupled. What that means, I have three children under 10 years old. That means that my phone starts ringing at bar time with the encroachment now from a disproportionate number of the applicants current residents on my property. In the application, of the 41 spots, 10 apparently are pirated from the North Star Loft development, 13 are in the public right of way. It's not even close. Council Member Schiff's observation about the 29% reduction in the lot size ratio is right on the money. It's not even close. Ten of the spaces are pirated from the 2005 development, of the 41 and the 13 facing are from the North Star.

Commissioner Schiff: Mr. Puzak, could you should us on the overhead this area that you're talking about where the parking spaces are in the right of way? You can just point.

Nic Puzak: The encroachment permit extends east to west across the entire face of the proposed development, that's public right of way on an encroachment permit. As a neighbor I'm entitled to, but I haven't got that far. Those people back out on to 8th St SE in order to proceed, primarily, to the west to the University. I think it is germane given what's happened there to the east. This issue regarding the transit incentive is ludicrous. Those young people in the North Star Lofts are paying \$600 a bedroom to live with five roommates, that is far and away what happens. Those young people are not...they're relatively well to do, every single one has an automobile and it just flies in the face of reality in Dinkytown. Anyone who knows Dinkytown knows that those kids all have cars. To justify a 29% reduction in the lot requirements, given the multi-bedroom formats proposed, these are three and four bedroom units, clearly is going to spill then to the west across 8th St into the Marcy Holmes neighborhood. There is no other alternative. This is clearly

going to happen. Affordable options within the University community...if anybody is in favor of that, this project needs to be reformulated. Much less the escalating cost of higher education, which is disgusting in terms of public policy, particularly at the Minneapolis campus.

President Motzenbecker: Mr. Puzak, we're not going into public policy. We are discussing the applications at hand. If you can please keep your comments to those, we would appreciate it. It helps us with our decision.

Nic Puzak: Anyone must vote against this proposal as it's currently formulated. Thank you.

Commissioner Schiff: Does the encroachment permit applied for this property in the past ever expire or does it extend in perpetuity and what other sorts of legal agreements come with that?

Staff Wittenberg: Encroachment permits are, essentially, valid in perpetuity. The city does have the ability under some circumstances to cancel an encroachment permit. I'm not aware of the circumstances it would be required in order for that to happen but the city does have the ability to cancel them should they need to.

Commissioner Schiff: What is the cancellation process?

Staff Wittenberg: I'm afraid that's not handled through our department and I'm not familiar with it. Ms. Widmeier may be more familiar with it given this application.

Staff Widmeier: I did raise the question with Public Works and they did say it would take council action to change that.

Commissioner Schiff: Ok, thanks. I've never seen us cancel one and I'd be curious as to what the case law is and when we can and how we do it. Thanks.

Bill Hickey (100 Portland Ave): I'm the architect for the project. I thought I should clarify some of the parking arrangements and how it's distributed. In addition to the 28 spots, the automobile spots, 45 bicycle and two motorcycle spots within the building, the existing parking encroachment runs along the dead-end section of 8th St here. Of that, presently 10 spaces total, are bound by lease to the North Star Lofts adjacent. That's existing parking and obviously will continue to be so. We are not counting those when we say there's 41 spaces provided; that excludes any spaces bound to the North Star project. Principal spaces are here where the existing lot is. This portion is vacated and we do have our handicap stall for this building in that area to minimize the grade change through that area.

Jim Gray (2101 Hennepin Ave S) [not on sign-in sheet]: I own the apartment building at 1415 8th St. I met Greg and Mike through the whole real estate process but I just want to say that being next to them I've never had any problems with parking with these guys. I've never had anyone come in and poach. I know there's no six bedroom units in that building. He says that in that encroachment right now, people are already parking in those spots. I don't know what you declare as public right-of-way but that was an old office building where there would be so much traffic and so much more parking that now that it's becoming an apartment building that when it was an office, I don't know the numbers but I'm going to say to you that there were so many more people parking in there coming and going every day than students who are going to come and go once a day instead of the transient students that are going to...what I'm trying to say is

that there are going to be less parking issues in that neighborhood. This is going to be a much more efficient way than it was being an office building. Thanks.

President Motzenbecker closed the public hearing.

Commissioner Schiff: Question for Ms. Widmeier or Mr. Wittenberg, the applicant hasn't asked for any parking variance that I can see on the agenda so there's no way we can change the parking requirements here if we wanted to, correct?

Staff Wittenberg: The Zoning Code does give the Commission the ability through conditional use permit to increase the parking requirement based on site specific circumstances. Essentially, Ms. Widmeier's recommendation would have the affect of either the applicant putting more parking on the property or reducing the number of units or bedrooms.

Commissioner Schiff: Do those conditions have to be met on the applicant's property or can they be met off site?

Staff Wittenberg: They could be met adjacent to the property if there were parking available adjacent to the property. I don't believe there is in this case.

Commissioner Nordyke: With regard to what the applicant is requesting, the applicant would like us to drop condition number five with regard to the staff's recommendation, is that correct?

President Motzenbecker: Yes.

Commissioner Schiff: Any impact of the staff recommendation would be to drop the number of units or bedrooms in the development or since there is no additional parking that is adjacent?

Staff Wittenberg: It appears that that would be the impact, one of those two options.

Commissioner Schiff: Great. I thank staff for suggesting this. I think it's a good idea given the congestion that's been suggested in the neighborhood. Can we also address whether or not this is actually in the Marcy Holmes neighborhood and if we correctly identified the correct organization?

Commissioner Tucker: It is on the other side of 15th Ave from the Marcy Holmes neighborhood. It's not really covered by a neighborhood organization right now and I think the Marcy Holmes Master Plan ideas apply to this site as well. I will move the entire staff recommendation including all conditions and findings (Schiff seconded). As we've known from many other discussions, parking is very tight in these student housing areas and the .5 standard is certainly justified, probably not adequate but I don't know if we want to provide parking for absolutely every car that comes our way, but I think that's a good standard given the way those units are actually used. It's not one family per unit, it's many students per unit so I think it's a good standard to apply in this case and that's why I think we should support the staff recommendation.

Commissioner Huynh: I think the issue that I want to speak about is being a former grad student at the University of Minnesota and having to park in this area when I was a student. It is a very congested area. Parking is on both sides and it is within walking distance to the University and to add four more parking stalls would just add to the congestion of that area. At the same time,

there are a lot of units that are proposed where they are providing a lot of density. I think the issue is that I'm not sure if I'm comfortable requiring a .5 bicycle parking stall for this development, especially when the development itself does not accommodate for four additional parking stalls on site. If we were to proceed with the direction of not approving the lot area and reducing one unit, I think I'd be more comfortable with that just because parking is an issue over here and requiring four more stalls would add to the congestion. There is mass transit that runs north and south on 15th pretty often. I will not support item number five and propose to keep it at 41 stalls as proposed.

Commissioner LaShomb: What we're saying is that if we want a standard of .5 we want to eliminate two bedrooms, is that about right?

Commissioner Tucker: Eight bedrooms.

Commissioner LaShomb: Ok, well that's a lot of bedrooms to eliminate. My sense about the parking is that it is a high transit area. You don't have to walk too far to University Ave, you don't have to walk too far through Dinkytown to find bus service and the University of Minnesota itself has a substantial amount of parking. As I said a little while ago, we're going to have a proposal where they're going to be recommending a significant reduction in their parking responsibilities coming up the pipe which is going to be an interesting discussion. My feeling is that I'm not sure requiring four more parking spaces is worth eliminating eight bedrooms in a situation where...the way I look at this is maybe a little philosophic. I tend to think that one of the things that we ought to be thinking about is having quality housing for students. We have a lot of students who live in pretty non-quality housing. To me that's an important objective, to get them into a housing situation where there's not a need to rush the fire department out there all the time to see if they're meeting the codes. I'm comfortable with the 4.5 simply because I think there is a lot of transit there. Perhaps what we need to do is increase the number of bicycle spaces and that might be a possibility but to say we're going to drop eight bedrooms because we want them to meet a .5 standard, or they can meet a .5 standard some other way seems to me to be killing larger objective and that's to have quality housing for students who are attending the University of Minnesota. I'm going to make a motion to amend the Tucker motion to delete item five under the conditional use permit (Huynh seconded).

Commissioner Schiff: I encourage people to vote no on this. I think we have to move cautiously, particularly when on-street parking is limited in areas like this to just see almost as an active experimentation to see how many units we can cram into a lot. We are granting one of the largest lot area variances ever granted with this application which already allows the total number of bedrooms and total number of units to be increased. Until there comes a day when no student owns a car then I think we need to recognize that people in Minneapolis still own vehicles and those vehicles must be parked somewhere. Eight bedrooms can translate into 16 people in student housing. It may be able to go larger than that depending on how large the bedrooms are. I think we need to recognize that the neighborhood knows what they were talking about when they cited parking congestion in the Marcy Holmes area and need to recognize that staff has correctly identified this as something we should take caution with.

President Motzenbecker: I just want to clarify, Commissioner LaShomb, was that a new motion or was that just an amendment to Commissioner Tucker's motion? It is an amendment, ok. We will vote on whether to accept that amendment or not. All those in favor? Opposed?

The motion failed 4-3 (Motzenbecker voted to break tie).

President Motzenbecker: No amendment, staff recommendation. Further discussion? All those in favor? Opposed?

The motion carried 6-0.

7. Zoning Code Text Amendment (Ward: All), ([Jason Wittenberg](#)).

A. Text Amendment: Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances related to the Zoning Code: Administration & Enforcement.

The purpose of the amendment is to authorize the zoning administrator to further extend compliance deadlines and require site maintenance and improvement plans for stalled development projects.

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

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

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

The motion carried 6-0.