

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

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

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MEMORANDUM

DATE: June 14, 2006

TO: Steve Poor, Manager, Community Planning & Economic Development -
Planning Division

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

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

SUBJECT: Planning Commission decisions of June 12, 2006

The following actions were taken by the Planning Commission on June 12, 2006. 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 Martin, El-Hindi, Henry-Blythe, Krause, Krueger, LaShomb, Motzenbecker, Nordyke, Schiff and Tucker – 10

3. Duane Thorpe (Vac-1488, Ward 10) (Jim Voll).

A. Vacation: Application by Duane Thorpe to vacate the following public right-of-way: All of the north 7 feet of 34th St W and all of the south 7 feet of 34th St W, lying between Irving Ave S and Humboldt Ave S excepting those areas for alley purposes.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **approve** the vacation subject to the provision of an easement to Xcel Energy and based on the following finding:

1. The Commission concurs with the Public Works Department recommendation that the right of way in question is not needed for a public purpose.

Staff Voll presented the staff report.

President Martin opened the public hearing.

Duane Thorpe (1512 West 34th St): I do have a letter. It seems to me that Public Works... I'm not sure why they are still denying this because Public Works has said 'ok' and I also have a letter from the DOT that says that they do not oppose this and a letter from CenterPoint Energy that approves this petition. Right now it's an 80 foot right of way, which for 43rd Street that dead-ends at Lake Calhoun, is kind of ridiculous. I want to bring it back to a typical residential, which would be 66 feet. The way it's laid out now, the right-of-way cuts through my porch on 34th Street. I'm also planning on doing some development across the street and I'd like to have that vacated also. I guess I'm not sure why they would ask for this to be denied since if you need the land back you can do eminent domain to get it.

President Martin: Well, we don't do eminent domain as easily as we used to. Those rules have changed. Thank you. Anyone else?

Dan Niziolek (3401 Irving Ave S): I handed out a page of talking point and I'm going to walk through those with pictures to show it. This is six reasons why I think the city of Minneapolis should grant the request for the vacation of the excessive right-of-way along 34th Street. The 34th Street is the same width as the Lake Street right-of-way and let's keep in perspective that Lake Street and 34th Street are completely different. Thirty-Fourth Street, as we know, is a residential street with primarily R1A and R2B zoning along it. It seems like it is an excessive right-of-way. Why is it so wide? I've heard everything from it was platted after the Chicago fire and they wanted to make sure there was fire breaks so there are wider plats. Since we no longer allow cows in the city of Minneapolis, it probably shouldn't be a problem to reduce this right-of-way.

President Martin: Mr. Niziolek, you know the rules. You're not going to read this, right?

Dan Niziolek: I'm just hitting the points. The bold I'm hitting and the rest I'll let people read.

President Martin: Ok.

Dan Niziolek: The right-of-way is only on paper and not reflected in development. You'll see there are a number of houses on there that are within 10 to 12 feet of 34th Street. Mr. Duane's house is five feet. On the block of where the request is, there is a house at eight feet, a house at nine feet, a house at 11 feet. Immediately to the west there is a house eight feet. If the city were ever to use that right-of-way, basically it would take away the usage of these houses because these are front doors. The city approvals reflect the lack of regard for this excessive right-of-way. Less than five years ago at 34th and Humboldt, a property affected by this vacation was granted a sideyard setback variance to allow their kitchen to be within nine feet of the sidewalk which is one foot of the property

line and that was just granted within five years ago into that side area. If the city would decide to use that, you would put a hardship into something that a variance was granted for by the city. In addition, east of that proposed block there has already been a vacation over there. If you get east of our properties there are other vacations on 34th Street. The geography along 34th Street means excessive right-of-way creates hardship for property owners. There is a lot of grade change and retaining walls are required. Each of those will require encroachment process and permit application by a resident. I cannot think of any conceivable public purpose for the excessive right-of-way along 34th Street. You're not going to widen it. There should be no need for bike lanes because bikes should be integrated into the road at that point in time. If you do want to do bike lanes, we have a ten foot wide boulevard which is five to six feet wider than a standard boulevard in the city of Minneapolis. If the city would do it, you would literally put houses inoperable because their front steps would be gone and they would have to go from three to four feet down with a zero property line. West of the proposal, neighbors are looking at narrowing that dead end down so it's even a narrower street. I'm going to show a couple of brief pictures and then I will be done. You'll see a lot of the houses facing the street. This is the block where we're asking for. This is Duane's property, a neighbor, five feet, eight feet and nine feet from the sidewalk. Across the street, this is the house immediately west of me, they are eight feet off of it and they have a retaining wall.

Commissioner Krause: The only thing that concerns me about this is that we do this one block at a time. Is there a coordinated effort if, in fact, we are going to vacate this right-of-way that we are going to do it consistently all the way up the street?

Dan Niziolek: I began that about a year ago and we had all three neighborhoods between the lake and the freeway request for Public Works to look into whether they would have an objection to it. The letters went out but the neighbors couldn't find the letters in terms of it coming from Public Works saying they didn't see anything initially. I know friends of mine who are interested all the way along there. The challenge will be that there are a lot of properties. I'd be more than happy to help spearhead it. One of the issues we're running into, ironically, the only issue I am seeing of adjacent property owners being opposed to it is concern that their property tax values would go up because they have additional assessed value. That's an issue I can't take on with them. As a city I would greatly encourage that the entire stretch be vacated because clearly it makes no sense. There are parts that are vacated and parts are not. I don't see any potential use for it as well as a person who loves urban; I don't want to give Public Works any reason or opportunity to widen 34th Street.

Commissioner LaShomb: Calhoun Boulevard does not connect to 34th, what is the grade difference between the end of 34th and Calhoun?

Dan Niziolek: It's gotta be about 30 feet. It's a very sharp grade difference.

Commissioner LaShomb: So what would happen if someone tried to connect is you would have to make a substantial grade change on 34th between Irving and Calhoun Boulevard. Thirty feet is pretty substantial.

Dan Niziolek: Yeah, you'd literally have to go north or south, you couldn't go east or west with it. You'd have to literally go down and start shaving off front yards of houses.

Commissioner LaShomb: Is Calhoun Boulevard divided in that section because I know it is farther up by one of the corners. There's kind of a median that runs through the middle of it.

Dan Niziolek: No, there's no median at that point.

Commissioner LaShomb: Very good. Thank you.

President Martin closed the public hearing.

Commissioner Krause: Notwithstanding the staff recommendation, I will move to approve the vacation (LaShomb second).

President Martin: Ok. Discussion? We need findings.

Commissioner Schiff: What kind of findings do you need? I think the only finding you need is whether or not there is any public purpose and I think the letter from Public Works clearly states that they have no public purpose and they recommend approval. I appreciate the conservative approach from the Planning Department just in case it's needed for public purpose in the future, but I can't think of one and we're not going to widen this road and we're not going to make a lot of money with the mere pennies we're going to make on every new inch of private property along 34th Street but it certainly is going to reduce a lot of annoyance and aggravation from people trying to make modest increases to the quality of their homes.

The motion carried 9 – 0.

9. Lofts off Lowry (BZZ-3011, Ward 3), 2415, 2419 and 2423 2nd St NE (Becca Farrar).

A. Rezoning: Application by Rich Nichols, on behalf of Nichols Land Company, LLC, for a petition to rezone the properties located at 2415, 2419 and 2423 2nd St NE from the R2B and C1 districts to the R3 district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 2415, 2419 and 2423 2nd St NE from the R2B and C1 districts to the R3 district.

B. Conditional Use Permit: Application by Rich Nichols, on behalf of Nichols Land Company, LLC, for a conditional use permit for 10 residential dwelling units for the properties located at 2415, 2419 and 2423 2nd St NE.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow for a 10-unit residential development for property located at 2415, 2419 and 2423 2nd St NE.

C. Variance: Application by Rich Nichols, on behalf of Nichols Land Company, LLC, for a variance of the minimum lot area requirement in the R3 district for the properties located at 2415, 2419 and 2423 2nd St NE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the minimum lot area of up to 18.3% to allow for a 10-unit residential development for property located at 2415, 2419 and 2423 2nd St NE.

D. Variance: Application by Rich Nichols, on behalf of Nichols Land Company, LLC, for a variance to allow an increase in the maximum accessory structure size for a detached garage from the allowable 2,042 square feet (10% of the lot area) to 2,415 square feet for the properties located at 2415, 2419 and 2423 2nd St NE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to allow an increase in the allowable accessory structure size from 2,042 square feet to 2,415 square feet for a 10-stall detached garage for property located at 2415, 2419 and 2423 2nd St NE.

E. Site Plan Review: Application by Rich Nichols, on behalf of Nichols Land Company, LLC, for a site plan review for a 2-story, 10-unit condominium development for the properties located at 2415, 2419 and 2423 2nd St NE.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for property located at 2415, 2419 and 2423 2nd St NE subject to the following conditions:

1. Planning Staff review and approval of the final site, color elevations and landscaping plans.
2. All site improvements shall be completed by July 21, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. No striping is permitted in the maneuvering area adjacent to the detached garage.
4. The applicant shall modify the landscape plan so the wood mulch areas located on the north and south interior side yards are modified to include sod.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

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

The motion carried 9 – 0.

13. Cedar Plaza Office Building (BZZ-2882 and Vac-1487, Ward 12), 4705 Cedar Ave and 4700-4712 Longfellow Ave (Janelle Widmeier).

A. Rezoning: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for a petition to rezone the property of 4705 Cedar Ave from the C2 district to the OR2 district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 4705 Cedar Ave from the C2 district to the OR2 district.

B. Rezoning: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for a petition to rezone the properties of 4700-4712 Longfellow Ave from the R1A district to the OR2 district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the properties of 4700-4712 Longfellow Ave from the R1A district to the OR2 district.

C. Variance: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for a variance to reduce the front yard along Longfellow Ave to allow a 2-story building addition, trash enclosure, and a parking area for properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard along Longfellow Ave from 15 feet to 3 feet to allow a 2-story building addition for the properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

D. Variance: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for a variance to reduce the front yard along Longfellow Ave from 15 feet to 9 feet to allow a trash enclosure and a parking area for the properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

Action: The City Planning Commission adopted the findings and **denied** the application for a variance to reduce the front yard along Longfellow Ave from 15 feet to 9 feet to allow a trash enclosure and a parking area for the properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

E. Variance: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for a variance to reduce the corner side yard along 47th Ave to allow a 2-story building addition for properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the corner side yard along 47th Ave from 10 feet to 3 feet to allow a 2-story building addition for the properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave, subject to the following condition:

1. Where the building extends over the vacated alley, the minimum corner side yard requirement of 10 feet shall be maintained.

F. Variance: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for a variance to reduce the south interior side yard to allow a driveway for properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

Action: The City Planning Commission adopted the findings and **denied** the application for a variance to reduce the southeast interior side yard from 7 feet to 0 feet to allow a driveway for the properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

G. Variance: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for a variance to reduce the rear yard to allow a drive aisle for properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the rear yard from 7 feet to 0 feet to allow a drive aisle for the properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

H. Variance: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for a variance to increase the maximum amount of impervious surface for properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

Action: The City Planning Commission adopted the findings and **denied** the application for a variance to increase the maximum amount of impervious surface from 85 percent to 87.9 for the properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

I. Site Plan Review: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for a site plan review for properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

Action: The City Planning Commission adopt the findings and **approve** the application for site plan review to allow an addition to an existing office building for the properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 21, 2007, or the permit may be revoked for non-compliance.
3. Additional architectural features, such as a canopy or awning, shall be incorporated to emphasize the importance of the entrance on the 47th Street elevation as required by section 530.120 of the zoning code.
4. The proposed curb cut access on Longfellow Avenue shall be moved at least 20 feet north to lessen the potential conflicts with pedestrians and vehicles.
5. All landscape rock shall be removed from required landscaped areas and replaced with perennials, turf and wood mulch as required by section 530.150 of the zoning code.
6. The applicant shall work with staff to identify plants meeting the screening requirement from section 530.170 of the zoning code.

7. Nine canopy trees shall be provided along Longfellow Avenue as required by section 530.170 of the zoning code.
8. All parking spaces shall be within 50 feet of an on-site deciduous tree and landscape islands shall be at least 7 feet in width as required by section 530.170 of the zoning code.
9. At least 4 bike racks shall be provided next to a principal entrance in order to encourage multiple forms of transportation.
10. Approval of the rezoning petitions and alley vacation by City Council.
11. An engineer shall sign off on the interior parking lot islands as functioning rain gardens.

J. Vacation: Application by Cornell Moore, on behalf of Cedar Plaza Partners, for an alley vacation for properties located at 4705 Cedar Ave and 4700-4712 Longfellow Ave.

Action: The City Planning Commission recommended that the City Council accept the findings and approve the vacation.

Staff Widmeier presented the staff report.

President Martin: Janelle, the staff recommendation for the site plan that we have in our packet is one where they could get what they needed, but this would be a better way to do it.

Staff Widmeier: Right.

Commissioner Tucker: [not on microphone – mentioning impervious surfaces]

Staff Widmeier: It would be more than 15 percent. I think I calculated 2500 square feet above what they're showing already on the site plan. It's about 1 percent more. It's not a huge amount, but it's decreasing it. It is meeting the requirement ultimately.

Commissioner Schiff: What would it take if the islands in the parking lot were actually functioning as rain gardens?

Staff Widmeier: I don't know the details on that. Council Member Sandy Colvin Roy sent an email requesting that a condition be placed on the site plan review that an engineer shall sign off on the interior parking lot islands as functioning rain gardens.

President Martin: So that would be an additional condition?

Staff Widmeier: That would be additional. The applicant has proposed to do flat curbing around each tree island to allow the retention of on-site storm water so it sounds like it could be possible.

Commissioner Motzenbecker: Can you speak a little on the orientation of the signage on the buildings. I notice that they are focusing most of their signage to the interior of the site. I was just wondering if they are intending to pull people in from the exterior as that

is one of the main conditions that we always look for is if people have the main entrance on the street face and I know that it is a thru-space, but is there a reason why they're not bringing people in via signage there?

Staff Widmeier: There is residential across the street there. Cedar is the primary street and receives the most traffic. My guess is that would be why they're not putting it on 47th. As far as on Cedar, I can't answer that question. They do have a free-standing sign already that fronts along Cedar. We didn't recommend that signage be placed on the 47th Avenue side just because of the residential across the street; we just wanted an emphasis placed on the entrance.

Commissioner Nordyke: The alley and the vacation of the alley, I understand what's happening with that all the way down to... it says an edge of the 4715 property on Cedar Avenue that is the property line, but it continues down to the Park Board land there... one of the things I have indicates that we're vacating the entire alley. I'm assuming that we've communicated with the property owners at 4745, 4737 that the alley behind them is being vacated.

Staff Widmeier: Yes. Public Works made sure they had petition signatures from them before they sent forward their recommendation for approval.

Commissioner Nordyke: Ok. Thanks.

Staff Widmeier: That pretty much covers what I had to say about the site plan. I'll just mention that the neighborhood group did send in a letter.

President Martin opened the public hearing.

Jim Moy (6235 Earle Brown Drive): We agree with pretty much everything she said. We worked the plan since we submitted it to make sure we cover all the items that were mentioned. The setback along Longfellow, we did increase that to the required 15 by doing exactly what she mentioned, reducing the drives to 22 feet instead of 24 and by doing that we increased the pervious area so we meet the 85 percent impervious area, not by much, but we did get under it. The islands are flat curbs and they are submerged for rain garden effect. We took care of that. The aisle that we wanted back at that corner, we just took that out. We don't need it for circulation on site so we took it out and that also increased our pervious area to help meet that requirement. The staff had mentioned putting a grass island basically on that whole side. I can't speak for the owner at this point, but there is shared park that's informal and we just left it open because of that. If that shared park could still take place if we put green in there. I don't think that's a major issue one way or the other. The additional architecture features on the 47th side; both sides had the same treatment. The parking lot side is a little more dominant of course. It has a double set of doors going in, but they both have the same canopy. The parking lot side has a larger recess and will have more landscape like a plaza atmosphere. The other side does have a two foot canopy already. The main roof structure hangs over that area

the same as it does on the parking lot side. The only thing that's really missing is signage and we kept it off for the same reason – because it's a residential street. If that was a requirement, it's not an issue to put some signage over there. I definitely wouldn't put the same amount there because it's residential. As far as drawing people in off of Cedar, we do have the pylon sign that's existing that we're not requesting... we're just leaving that alone. The tenants are Coldwell Banker and have been there for 20 years. We're just providing more space for them.

Commissioner Motzenbecker: The plants that you had shown previously in the islands are not really rain garden plants. I want to know if you rethought that and got some plants that are appropriate for rain gardens put in there.

Jim Moy: When we first submitted it, it wasn't rain garden and the plant material definitely showed it. We have researched it. I have some information from the University of Wisconsin. Some rain gardens they have, have maintained for a period of time so we'll be using those plant selections once we get approval for everything we plan.

President Martin closed the public hearing.

Commissioner El-Hindi: I have a quick question for Mr. Moy. It indicates here on the elevation that the exterior design and finishes of the new building will be similar to the existing building. What is the existing building finishes?

Jim Moy: The building is brick and then there's glass inserts where the windows are...

Commissioner El-Hindi: So the new building will be brick.

Jim Moy: Yes. The same contractor is building it.

Commissioner El-Hindi: I just can't quite tell from this.

Jim Moy: It will be brick and match the existing.

Commissioner Schiff: I move approval of the rezoning (El-Hindi seconded).

President Martin: Both of them?

Commissioner Schiff: Yes.

President Martin: Ok. Discussion? All those in favor? Opposed?
The motion carried 9 – 0.

Commissioner Schiff: I move approval of the application for a variance along the front yard of Longfellow from 15 to three feet (Tucker seconded).

President Martin: Ok. Discussion? All in favor? Opposed?

The motion carried 9 – 0.

Commissioner Schiff: I move approval of D which is a variance along Longfellow for 15 feet to nine feet.

President Martin: Ok. Staff was recommending...

Commissioner Schiff: Oh, I'm sorry. I got carried away there.

President Martin: You're moving staff recommendation to deny, is that what you intended to say?

Commissioner Schiff: That's correct. (Tucker seconded)

President Martin: Ok. All those in favor? Opposed?

The motion carried 9 – 0.

Commissioner Schiff: I will move approval of E in concurrence with staff recommendation (Tucker seconded).

President Martin: Want to do G too? Ok. All those favor of that motion? Opposed?

The motion carried 9 – 0.

Commissioner Schiff: F has been resolved so I will move denial of the application for the variance for F (Tucker seconded).

President Martin: Those in favor? Against?

The motion carried 9 – 0.

Commissioner Schiff: I will move approval of G, which is the variance on the rear yard (El-Hindi seconded).

President Martin: Those in favor? Opposed?

The motion carried 9 – 0.

Commissioner Schiff: Item H, I concur with staff for the recommendation to deny the variance (Motzenbecker seconded).

President Martin: And they've already fixed it they say so ok. Those in favor?
Opposed?

The motion carried 9 – 0.

Commissioner Schiff: I will move approval of the site plan review with the additional recommendation that they work with staff to have those parking lot islands...

President Martin: Engineered rain garden...

Commissioner Schiff: Actual rain gardens rather than just rain gardenesque. The only solution is simple for you, just less dirt so you're creating a depression. It sounds like you have the right plants already (Tucker seconded).

President Martin: All those in favor? Opposed?

The motion carried 9 – 0.

Commissioner Schiff: I will move approval of J in concurrence with the staff report (Tucker seconded).

President Martin: Those in favor? Opposed?

The motion carried 9 – 0.

16. Village in Phillips Phase II (Franklin Station Condominiums)—East Building (BZZ-2996, PL-198 and Vac-1483, Ward 9), 2401-2419 Bloomington Ave and 2410 16th Ave S (Janelle Widmeier).

A. Rezoning: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a petition to rezone the properties of 2401-2419 Bloomington Ave from R2B to R5.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the properties of 2401-2419 Bloomington Ave from the R2B district to the R5 district.

B. Rezoning: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a petition to rezone the property of 2410 16th Ave S from R4 to R5.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 2410 16th Ave S from the R4 district to the R5 district.

C. Conditional Use Permit: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a conditional use permit to allow 24 dwelling units for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 24 dwelling units for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

D. Conditional Use Permit: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 5 stories for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to increase the maximum allowed height of a building from 4 stories to 5 stories for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

E. Variance: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the front yard requirement along Bloomington Ave from 15 feet to 0 feet to allow a 5-story building and balconies for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Bloomington Avenue from 15 feet to 0 feet to allow a 5-story building and balconies for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

F. Variance: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the front yard requirement along 24th St East from 15 feet to 0 feet to allow a 5-story building for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along 24th Street East from 15 feet to 0 feet to allow a 5-story building for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

G. Variance: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the interior side yard requirement from 15 feet to 11.5 feet to allow a 5-story building with side entrances for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement from 15 feet to 11.5 feet to allow a 5-story building with side entrances for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

H. Variance: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the interior side yard requirement to allow an 8 foot wide walkway on the east side of the property for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission adopted the findings and **denied** the application for a variance to reduce the interior side yard requirement to allow an 8 foot wide walkway on the east side of the property for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

I. Variance: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a variance to reduce the minimum drive aisle width from 22 feet to 20 feet for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum drive aisle width from 22 feet to 20 feet for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

J. Site Plan Review: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a site plan review for a multiple family dwelling with 24 units for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a multifamily dwelling with 24 units for the properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 12, 2007, or the permit may be revoked for non-compliance.
3. Additional windows or other architectural elements shall be provided on the east and south elevations to prevent blank walls more than 25 feet in length as required by section 530.120 of the zoning code.
4. Approval of the rezoning petitions and alley vacation by City Council.
5. An 8 foot wide sidewalk, 2 foot wide interior boulevard, and a minimum 4 foot wide boulevard shall be provided in the Bloomington Ave right-of-way adjacent to the subject site. Planning staff and Public Works staff shall return to the Planning Commission with final right-of-way layouts. The landscaping in the right-of-way shall be maintained by PRG.
6. Ceiling lights in the parking garage shall be shielded to prevent glare from the pedestrians on the adjacent sidewalk.
7. Landscaping, with an emphasis on vertical form, shall be provided between the building and the sidewalk along Bloomington Ave and shall comply with CPTED principals.
8. An additional type of brick shall be incorporated into the bus shelter design.

K. Preliminary Plat: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for a preliminary plat for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission accepted the findings and **approved** the preliminary plat for the properties of 2401-2419 Bloomington Ave and 2410 16th Ave S.

L. Vacation: Application by Doug Wise, on behalf of Powderhorn Residents Group, Inc., for an alley vacation for properties located at 2401-2419 Bloomington Ave and 2410 16th Ave S.

Action: The City Planning Commission recommends that the City Council accept the findings and **approve** the vacation.

Staff Widmeier presented staff report.

President Martin opened the public hearing.

Yadesa Daba-Washo (1535 E 24th St.): I want to note opposition to this development. We are happy to see our area or community being developed, but in this case, for one thing we were not informed about this new plan. The second thing is our house is a story building without the basement and this building has four stories and even more. Where it is built, it is engulfing our houses. It's overshadowing us. It makes the place inconvenient to live, really. If it built parallel on the side of Bloomington it is one thing, but now it comes to our house and comes in front of us and it is difficult for us. Our porch is built on the back side of the house and I don't know why the porch was built there if they bring the building there a foot in front of us so we cannot look outside at all. Therefore, I wish that this plan be changed or improved so we can live there conveniently. Thank you very much.

Hambissa Arissa (1531 E 24th St): When, last year, we voted... the units for the developer... we don't have information on what's going on nowadays. They are going to build a new condominium on a very narrow space which we even just consider that [tape unclear] will be extra parking for the community because we have parking difficulty even now. For a three bedroom unit, we only have two cars, one outside and one in the garage. Maybe some families have four or five, only one having a car. On 24th Street there are so many apartments and those apartments are without any garages. The people are parking along the roadside. When they are going to build this 24-unit condominium on the very small area without any garages, I don't know how we are going to live in that area without any parking. They are going to close the area that takes us from the compound to Bloomington. They are going to open a very narrow area to 26th Avenue. I don't know how older people or the community can use the narrow exit and entrance. I don't know how that very small area can accommodate the community who lives there. We don't have the plan in our hands, maybe some are two bedroom and some are three bedrooms. I don't know how many people are coming to live there in that area. Our porches to the side of the new building they are going to build and our kitchen is on that side and this is a five story building and ours is two stories and then we cannot see the sunshine on top of us. We are going to be in a cage, really. It is very difficult. We are not opposing the development. The development of the area is ok, but should be in good condition, in living condition for the community. They didn't inform us when we vote for them and it wasn't long ago, it was only a year and a half now. It is a new idea that we haven't heard. The changing of zoning, we heard there is a coffee shop within that building. The good guys and bad guys are coming for the coffee in the coffeeshop and the kids are playing around there. It's not safe for the kids or the community when the coffeeshop is there. There is a playing ground there and when people are coming for coffee, we don't know who's coming in that area when the kids are playing outside. All these problems are going to be big under the condition that we cannot continue to live there. Thank you.

Mimi Haddad (1527 E 24th St): I have similar concerns. This week I was asked to fax 28 letters from the neighbors living close by objecting to this phase II for the following reasons; number one is parking. Our neighbors feel as if it's very difficult to find parking for extended family and guests. We're currently allowed two parking places, one in the garage and one immediately behind the garage and that makes it difficult to find additional parking for other family members and guests who come. We had a gang rape not so long ago a couple blocks away and so single women coming back and forth to our dwellings feel terribly unsafe. That's the primary concern since there is no parking on 24th, which is where our front door is directly in front of us. Your proposal to exit our vehicles on to 16th Street... 16th is one of the few places where you have parking on both sides. The visibility is difficult because of the pedestrian level and bicycles in the summer time. On our way over here we had to exercise extreme care exiting off 24th Street because of the pedestrian congestion. I've lived in Phillips for nearly 10 years now. I lived two or three blocks away and we didn't have this kind of difficulty, but on this busy corridor, the congestion as Commissioner Schiff and I have discussed, is quite severe. There are days, most mornings, during commute hours where you have to wait several lights just to get through 24th and Bloomington. Parking and congestion is a serious problem and adding 24 units where you have three bedrooms... I'm wondering how we plan to accommodate not only the parking situation when they are allowed only one parking spot per family dwelling in addition to the congestion. As my neighbors have suggested, the shading issue is a concern. We feel as if four stories would block a great deal of our sunlight when our balconies face the sun and people are growing things out there and it makes it a commodious place to experience community. The last concern we have, apart from shading, is the green space that we feel will be encroached upon with this new phase. At present, the green space is used for meeting outside. The children play there. We play ball and we eat outside. We had a terrible tragedy in our neighborhood recently where we had a lot of parking that needed to take place. That will be effectively eliminated. We understand that there is a general concern in our neighborhood for parking and traffic and green space, which is one reason why our community opposed the Lupe project because of the lack of green space and too many units and no guest parking. That's exactly the situation we face currently. We were not apprised to this when we purchased the property. For some of us it's our first home and we were shocked and amazed that while it works well, this mixed income plan, and we were excited to see maybe more townhouses go there... we just feel that the current plan is an enormous burden for the purposes of density and shading and parking.

Carol Pass (2536 18th Ave S): I am the president of the neighborhood association in East Phillips. I have to say that all of these people are members of our neighborhood and I want to be sensitive to the things that they are concerned about. I have to say that, I'm sure all of you have heard of this project because it's been going on forever. It started in 1995 with the University of MN architecture students. In 1997 we won a contest with Minneapolis Consortium of Community Developers to do a small area plan because they were just doing individual houses and they weren't getting very far. This is an area that was called Baby Beirut. This is when bullets were flying in Beirut and we had a lot of lost lives in this area. We had a design-out crime architect come in and talk to us. At that

time when we took what was a u-shaped, with no spaces running through all the houses, and we took this to the Met Council and they said they were not in favor of gated communities and of course they didn't understand our crime situation and that we were advised to make it so there weren't cut-throughs on the park. They didn't comprehend that at all and we were never able to negotiate for anything from them. In 1997 we won this contest. We went for two years with the planning process. In 2000 we had an all neighborhood meeting and they voted to finance this with \$100,000 NRP funds. Everybody that was there voted and it was unanimous. We then had a planning meeting and we presented this plan and people were very excited about it. It was the plan that you see today. Then we voted again at the next annual meeting to put \$250,000 behind this because it wasn't moving fast enough. We also had all the residents in that three block area meet. We presented the plan without money attached just to discuss. They had been meeting for years anyway and those 44 several residents, several of which still live there, voted in favor of this plan. We did another all neighborhood meeting for the NRP Affordable Housing Fund and we received quite a bit of that financing. My point is, this has been a long and difficult process to fund anything there. During this time, we had at least three developers who wanted this whole piece plus the Bloomington area. Basically, this is not the project... it's this, this very large building. We've had three people, three different developers, that came and wanted all this land and the neighborhood was constantly struggling with this and we almost lost the project to people who wanted to do five stories and more. It was very hard to hold on to this and keep moving because we took so long. We wanted the price to be way down. Many times we were asked by PRG to do rental instead of home ownership where the townhomes are. We insisted on homeownership, they hung in there with us and probably added another year to the project as a result. [tape ended]... so, this has been a hard project to do, but when we finally completed it, many people said it was one of the finest projects in the city. It was one of the least expensive for what you've got. People that would have never got homeownership did get home ownership in the townhouse development. This isn't the issue, but the issue is the whole project. The issue is the u-shaped project, the issue is the fact that we want something to embrace that area in back and that's the process. I wanted to address the concerns that I've... I do have a copy of the letter that went to the city planner that was out in the hall. I looked at the concerns of the neighborhood. I have to say that when the neighbors remark that this is the same reason that EPIC opposed the Lupe development project, it's quite different. This project has 24 units. The Lupe development project has 80 units. This project has no family housing. The Lupe development project has no family housing. The VIP project has a lot of family housing. This is what we wanted. The VIP project has some green space. The Lupe development project has no green space. You walk out the door and you're in the green way or on the street. You have no green space whatsoever. There are too many units and they are too small, they are all studios and one-bedrooms. They are all rental. This is absolutely what we were trying to struggle against. This is homeownership and family sized units and it is 24 versus 80 and it has some green space. Having said that, the other thing about this is that some of the neighbors want this VIP project. None of the neighbors want the Lupe development project. There are petitions flying everywhere. The other thing is that Lupe development project is in opposition to a previous neighborhood plan that we worked on

for almost four years. This one is in concert with a previous neighborhood plan that we worked on for about eight years. There's no real comparison between these two. The issue of 40 cars going out there, we worked with PRG to try to deal with some of this stuff. We worked to split the exits between the townhomes and the condo building so that the condo building, about 24 will go out one exit and about the 14 other units will go out on to 16th. This gives more green space and allows a rain garden. It does a bunch of good things. I understood that this was something that the townhouse residents liked. I thought it was a piece of genius to split those two exits and get fewer cars entering on the two streets. That was one thing we tried to do. Then we started looking at how we can provide more parking. I know this is a concern. It's not as though we've been deaf to these concerns. This is a three block development, but mainly this is the one block area. We've looked further into the development to see if there is any place to put a surface lot. I wish one of you would job Public Works because we're trying to get them to switch the parking to the other side of the street on 24th or possibly to do both sides of the street. There's no reason why 24th needs to be a truck route, that could go someplace else. Now that you can't go straight through on 24th, it makes sense to not have that be a truck route. There are things we're trying to do. The last thing is that the piece of land on Bloomington and the other side is empty. There used to be a car fix-it joint that parked their junk cars all over the place and we finally removed them. There is no way that I can imagine, with a park directly across the street, that we can keep this land as an open piece of land. The city isn't going to allow it. Developers are going to press for it. The next developer that comes probably won't listen to us at all because that's the situation that we're currently in. We're battling to keep the right of the neighborhood to decide stuff. I don't have hopes that even if kids play ball there, that is going to be developed. I would rather have it developed by PRG who has been committed to the neighborhood over the years than someone we don't know, we have no control of, a for-profit developer who has no real interest in our neighborhood but who has greater interest in making a lot of money. It's sitting there and I have to say, I heard from these developers before and they are going to come again. We're fighting for our right to make choices down on the other end of our neighborhood. I don't anticipate that this land is not going to stay there. There's too much development pressure to develop this. I asked a couple of people what they do in Grant Park if they have a graduation party what they do for parking. They only have one space a piece. I don't know what they do. This is a serious problem. It's a city problem, it's not just a VIP development problem. If we're successful down on 29th Street, we won't be able to give each unit two parking spaces a piece, we'll have one. We don't know what we're going to do, but it's a city issue. I think that it's an issue everywhere. It's not just this project. We're doing the best we can to try to solve it and be sensitive to this. I think going forward with the developers that have listened to us and tried to do what the neighborhood wanted is the only thing we can really do and try to resolve this and have the city try to help us resolve this further in. We love this project. We'd like the neighbors to be unified on this. I don't know if that can happen, but we will keep working to try to meet their needs and try to provide everything to make this... you know, we wanted to close 16th Avenue. That was in the original plan and that was going to be a little soccer field. We may be back.

David Rubedor: I am the director at Powderhorn Residents Group. I am joined by Doug Wise who is our project coordinator on this development. We also have Larry from DJR here to answer any questions. We just want to be available to answer questions that you may have. To emphasize what Carol was saying, we've been involved in this project for eight years. It's been an extensive community process. This is phase II of what's been envisioned as a four phased development. We continue to plug away at it.

Commissioner Krause: There are some staff recommendations; a couple for denial and some relating to fenestration, blank walls... are you comfortable with all those recommendations? Are there any that would pose a serious challenge to the project?

David Rubedor: All the staff recommendations we can work with. We are happy with all those.

President Martin closed the public hearing.

President Martin: Commissioners, we have a lot of things here. We have a couple rezonings, several CUPs, variances...

Commissioner Schiff: I met with Ms. Haddad and some of the residents that are here today and I want to thank everyone who sent the stack of letters. Many of the letters are from the same households. This area has been planned for a long time. I don't know of any neighborhood that fights harder than Phillips to improve the conditions that it has been experiencing in the past several decades. First and foremost in any planning effort in Phillips is how to stop the crime, how to stop the bloodshed, how to stop the open-aired drug dealing on Bloomington Avenue. Every land use meeting begins with that discussion and that's what started this land use meeting. How do we get more homeownership onto Bloomington Avenue to get a greater sense of community and get a greater sense of ownership over the street? This is what the neighborhood put together and it's just phase II of a very ambitious plan to increase home ownership in Phillips. I think there are shortcomings of the plan. I think we should look at the future phases of the plan, particularly in regards to planning, but I don't want to squash this community's efforts. I think it would send a horrible message at this point in time. If I had to pick between congestion of drug traffickers or congestion of car traffic, I would certainly pick the latter with hope that we can work with the future phases of these to increase the amount of parking. There's no doubt about it, three or four bedroom condos with one parking stall is not sufficient. It troubles me in the zoning code that we look at the number of parking stalls per unit and we are blind to the number of bedrooms. That's just planning on naiveté and not planning for reality. This is called Franklin Station Townhomes, but it's a good five blocks from the Light Rail station so there's no doubt about it in my mind that this is going add more cars on the streets. That makes it difficult when Bloomington is a snow emergency. It makes it difficult when 24th Street only has parking on one side. You may see empty streets today, but that doesn't mean cars can go there. Twenty-Fourth Street is an MSA route so we can't ban truck traffic on it per our agreement with the State of Minnesota as how we use gas tax dollars in order to fix the

potholes. We don't have another source of revenue to fix those potholes so we're not going to take it off of the MSA route list. Because of the width of the street, we can't allow parking on both sides. There are some other changes we can do here on curb widths and adding boulevard trees and adding wider sidewalks that will help calm this and make it safer for pedestrians, but overall, I think PRG did an excellent job and I think this is a great step forward for our community stability. There are going to be inconveniences but those inconveniences I will take over the kind of tragedies we've been fighting the past couple years. I move the first recommendation which is the rezoning. This is a rezoning from R2B to R5. On a community corridor, R5 is certainly appropriate.

President Martin: Ok. Do you want to do the other rezoning at the same time?

Commissioner Schiff: Sure. Both A and B are rezonings from R2 to R5 and R4 to R5. (Commissioner Krause seconded)

President Martin: Ok. Those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: C and D are the conditional use permits and although it says four stories to five stories, it's actually just a four story building. There are extra architectural elements that make this a five story building, but it's actually only four stories. (Commissioner Krause seconded).

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: I will move item E and F, the variances. I'll say more about the Bloomington Avenue side in a few minutes because we found an extra seven and a half feet here on the right-of-way. (Commissioner Krause seconded)

Commissioner Nordyke: This is requiring a lot of variances and rezoning. I know there are reasons for that, but this town is full of a lot of really bad projects that were built because of the immediate expediency of cleaning up a neighborhood or of economic development at the time. We've lived in almost all of those instances to regret doing that. I appreciate Council Member Schiff's concern about the safety there, but the city could balance that with maybe bringing some more resources to the table to make a project that will hold up in the long run as opposed to simply addressing the immediate needs of redevelopment in the neighborhood. I am bothered by the height and I'm bothered by the setbacks. I don't know about the Lupe deal and I'm not sure what the history is with that. I'm going to rely on the fact that Council Member Schiff has been at this a lot longer than I have and follow his lead on it.

President Martin: All those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: G is the interior side yard requirement of four and a half feet and I don't think that's excessive.

President Martin: You're moving approval?

Commissioner Schiff: Yes. (Commissioner Tucker seconded) The building has two front yards on 24th and on Bloomington.

President Martin: All those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: H is a recommended denial by staff, I have a question there. Denying this, what effect does that have? They can't allow pavers? They can't allow people to walk there? What's the effect of denying this?

Staff Widmeier: They can still have a walkway there; they would just have to reduce the width to six feet. That's what is allowed by code. We didn't find a hardship there to have an eight foot...

Commissioner Schiff: So this variance allows it to be wider?

Staff Widmeier: They are proposing it to be eight feet, six feet is...

President Martin: They can have six. It's saying they can't have more than six.

Commissioner Schiff: I'm still confused.

Staff Wittenberg: A walkway of six feet in width is allowed as a permitted obstruction in the required yard. The applicant is requesting an eight foot wide walkway in the required yard.

Commissioner Schiff: So if this is denied, the building comes out another two feet?

Staff Wittenberg: The building would not change a bit. The walkway would be narrowed by two feet.

Commissioner Schiff: So we're talking about the width of a place to walk.

Staff Wittenberg: It would result in less paving in the required yard.

Commissioner Schiff: Ok. More green space is good, I'll move denial. (Commissioner Tucker seconded).

President Martin: Ok. Those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: Letter I reduces green space as well, on the drive aisle, so I move approval of that. (Commissioner Krause seconded)

President Martin: Ok. Those in favor? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

Commissioner Schiff: In reviewing the conditions of the site plan and maybe some of the other commissioners noticed the unacceptable situation we keep finding ourselves in whether it's from curb to building wall sidewalks with no trees... I don't know what people in Phillips do to not deserve trees on their boulevards, but I find that completely unacceptable and the lack of landscaping space here as well. In working with Public Works staff this afternoon, only a 40 foot right-of-way is necessary on this street with 12 foot driving lanes, those are wider than the driving lanes on Lake Street, and an eight foot parking bay that's also wider than the parking bays on Lake Street. This gives an extra seven and a half feet from what's there today. It's 47 and a half feet. Rather than continue those conditions and not have any boulevard trees, I'm going to move to approve this site plan with a condition that Planning staff and Public Works staff return with final curb cut layouts showing no more than the MSA required eight foot parking lanes, 12 foot driving lanes, with the remaining space dedicated to eight foot sidewalks, four foot boulevards and landscaping beds up against the building wall to be maintained by PRG. What you end up with is four feet of green space for trees, eight foot walking space and then still at least another two feet up against the building for additional landscaping.

President Martin: That's in addition to the existing five conditions?

Commissioner Schiff: Yes. I'll move other conditions too. Ceiling lights in the parking garage shall be shielded to prevent glare on the adjacent sidewalk from the pedestrians and people outside the building. We want to stop the Avenue of the Arts experience that Brighton created with their at-grade parking and all you see is a row of light bulbs as you go by. The landscaping that's been proposed is insufficient. They've got Spirea in some very short species and they've got a lot of blank wall space so I am going to move an additional condition on the site plan to have an emphasis on vertical landscaping that still keeps in mind our CPTED principals. The bus shelter design has to incorporate one more different type of brick face for design purposes. I want to strike out the alternative compliance on the window space on the Bloomington Avenue side, which is to strike condition four so they are required to meet alternative compliance on the first floor. They are required to meet the zoning code requirement, not alternative compliance.

Staff Wittenberg: One point of clarification in terms of the boulevards and sidewalk widths, you mentioned that Public Works and Planning staff returning with... is that returning to the commission to discuss this particular layout on this project?

Commissioner Schiff: Yes. We need to see it. We need to understand, as Planning Commissioners, what our options are sometimes when we're looking at these things because I think it's important to see before and after and understand how problems like this can be solved.

President Martin: We could maybe do it at a COW meeting.

Commissioner Schiff: It could be at a Committee of the Whole meeting, yeah.

Staff Wittenberg: If, theoretically, that layout doesn't work, is the intent that it would remain as a condition of approval or that the commission has this future flexibility to amend those widths that you specifically noted?

Commissioner Schiff: I'm thinking it's a condition of approval. It's a condition on the site plan here.

President Martin: Ok. Is there a second?

Commissioner Tucker seconded.

Commissioner Krause: I have a question about that condition too. I support the concept. The intent is that the additional green space is coming out of the public realm and isn't reducing the footprint of the building?

Commissioner Schiff: Yeah. It's coming out of asphalt.

President Martin: Ok. All those in favor of approving the site plan as amended? Opposed?

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

President Martin: We still have a plat and a vacation.

Commissioner Schiff: I move approval. (Commissioner Krause seconded)

President Martin: All those in favor of those motions? Opposed?

The motions carried 8-0 (Commissioner Henry-Blythe not present for vote).

19. Adoption of the Industrial Land Use Study & Employment Plan and amendment to incorporate the land use policy and maps into The Minneapolis Plan (Ward: Citywide) (Jen Jordan).

A. Land Use Study: Consideration of adoption of the Industrial Land Use Study & Employment Plan and amendment to incorporate the land use policy and maps into The Minneapolis Plan.

Action: The City Planning Commission recommended that the City Council **approve** the Industrial Land Use Study & Employment Policy Plan, amend the City's comprehensive plan to incorporate policy direction and land use maps, and adopt the specific policy recommendations with revisions.

Staff Jordan presented staff report.

President Martin: A couple things Jen, as the person who actually put in the condition that we review the land use policies when we did the Upper River Plan, it's nice to see it finally done, but my question is really about the upper river and the degree to which what's being recommended here might be in conflict with the Upper River Master Plan.

Staff Jordan: What would be in conflict or departing from the plan, per se, is the extension of an employment district along the freeway. Currently, it would be proposed for park and housing, primarily housing. This is an aggressive policy proposal. It doesn't have to occur. In terms of the site and what Maxfield found, there is very good access along the freeway. There are several major truck routes that make it attractive to industrial users so it's something to consider, but it would be a departure from the Upper River Master Plan.

President Martin: Ok. Thank you.

Commissioner Schiff: On the buffering question, in the past we learned the hard way that when residential properties are being built next to industrial properties that, under Minnesota law the noise burden gets increased on the industrial property owner. How have the buffering recommendations take that into account? We're about to see a new development in north Longfellow on 28th Street, I believe at the next Planning Commission meeting, new great condo development across the street from an industrial noise polluter. So when are we going to get to the point where we start requiring a different kind of quality windows and other sound buffering?

Staff Jordan: As part of the implementation of this plan, that's a component that we can definitely look at in the code; to write that into possibly the site plan review chapter for these industrial employment districts to help address that.

Commissioner Schiff: I assume we're going to pass this today, I am wondering if we can make a staff directive to spotlight that. Look at that development in advance before it reaches us. It's on 28th and 27th Avenue South.

President Martin: Commissioner Schiff, you're thinking about improved buffering that's provided by the industrial activity rather than the residential activity that's coming in?

Commissioner Schiff: No. We can't.

President Martin: Really what we did was Stone Arch, requiring super thick windows and super insulation.

Commissioner Schiff: We can't go back and put the burden... Minnesota law puts the burden on the industrial...

President Martin: Yeah. Right. I just want to be clear.

Commissioner Nordyke: Being on the Park Board, the Upper River Plan is one of the bible's of the Park Board. We're actively working to continue to acquire land and I haven't heard anything from the staff or the board that would indicate that they're aware that... there's something else that's maybe in the city's priorities that's different from that. Have you talked with anyone at the Park Board?

Staff Jordan: As part of the Upper River Technical Advisory Committee (TAC), I am a participant on that and it had interaction with Rachel Ramanyani, Park Board Planner who is no longer there, but we did brief the Upper River TAC on this on April of this year on the recommendations and noted it was a departure.

Commissioner Nordyke: I'm sorry, you said that Victor had left, but was there someone who was there?

Staff Jordan: Yes, Rachel was there as part of the Upper River TAC. That was something that I tried to keep them abreast of the process and that was at a point where we actually had some recommendations where we knew where the boundaries were going. That's where we took the opportunity to do that.

President Martin opened the public hearing.

Staff Jordan: I should note that in your packets I received two items today. Two written comments, one from Gayle Bonneville from the Shoreham Area Advisory Committee and one from Hubbard who has representatives here.

Eric Galatz (150 S 5th St): I represent JPI Development Services. I am here with Hubbard Broadcasting, but not representing them. JPI is a housing developer from Irving Texas and JPI owns an option to purchase the land that is designated in the Industrial Land Use Study as the Hubbard Site. The Hubbard Site is shown in gray. The fuzzy line is my art work just to highlight the fact that the Hubbard Site is a 6.75 acre site that lies south of the University of MN Transitway. It's a very hard boundary between the rest of

the SEMI District and the Hubbard Site. What we're here to ask for today is just the exclusion of this property from the SEMI Employment District. I want to make it very clear that JPI doesn't take a specific position with respect to the Industrial Land Use Study itself; it commends the city for its foresight in the planning. We think it's an appropriate use for the district in general. For reasons I will discuss this evening, we think it's unnecessary to include the Hubbard Site in that district. Hubbard, as I said, is party to a contract with JPI Development Services for the sale of the Hubbard Site. At this point it's premature for us to discuss specific plans for the JPI development. What we're mostly asking for tonight is to preserve flexibility with respect to the designation use of that site. That Transitway provides a boundary through the SEMI District. The SEMI Employment is a sub-district within the SEMI project area. The SEMI project area comes all the way down to University Avenue and designates the area between University Avenue and the Transitway as the south development area. Everything in the south development area except the Hubbard Site is designated for mixed use development and residential development is specifically a permitted use within that district. We think it's appropriate for the Hubbard Site to be included and treated in the same way as the rest of the south development area as potentially a mixed use site. I guess I'd like to start with the general planning considerations that brought JPI to this site in the first place. The site is actually one of two parcels Hubbard and its affiliates, St. Croix Partners, own and cleans up behind the Hubbard Broadcasting facility on University Avenue. They performed a cleanup in 1997. The site was occupied by a few different industrial uses, primarily Schnitzer Metal in St. Paul and Watkins Trucking in Minneapolis. Both cities contributed tax increment financing and resources to clean up the site to residential standards. Hubbard has, through the payment of taxes, paid off the TIF notes so there's no money owing there and this is a site that if it generates significant tax revenues, those revenues are collectible as part of the general fund. The site sits pretty much on the border with St. Paul. One of the key things I'd like you to take from the picture in front of you right now is the green areas around there. There are three basic conditions to this site that recommend keeping the site out of the SEMI-Employment District. One, the adjacent uses. Two, the Transitway separation of this site from the rest of the SEMI Employment District. Three, is the lack of infrastructure for truck traffic. This drawing illustrates the fact that the site is surrounded by residential development. The site is right behind 4th Street. There's a small piece of the residential area of Prospect Park that is north of University Avenue that's on both sides of 4th Street. Fourth Street is right along here. Fourth Street is primarily single family homes. There are some duplexes and a couple of walk-up apartment buildings. Recently, the city has subsidized clean up of the former tire site for development of several new townhomes. The city has already invested some amount of time, effort and money in protecting this little enclave as a residential area. One thing they've done is closed off 4th Street at Malcolm. The effect of that is to protect this little enclave from truck traffic that would otherwise be flowing out through 4th to University. At one point there was a path through to Territorial in St. Paul that would have brought you to 280. Hubbard vacated that connection in 1998 when they were still planning on proceeding with USS and B campus that would have been behind the Hubbard Broadcasting facility. On the St. Paul side, a recent development is JPI has acquired the St. Paul side of the Hubbard Site shown in green here and has obtained

development approvals for both rezoning and conditional use permit site plan approval for development of a student housing project on that site. The effect of that is that this site is now sandwiched between residential development and we think that it makes it that much more appropriate to guide the Hubbard Site for residential development, further residential development. The guidance is consistent with what the city has already done with everything else south of the Transitway in the SEMI plan. It's consistent with what the city is recommending doing in the southeast employment district for every site south of the Transitway except the Hubbard Site. There's really no basis for treating this site differently from the other sites that are south of the Transitway. The Transitway is a pretty absolute barrier and there's no current plan for bridging that barrier. Here's an illustration of transit planning from another developer and another project, but he gave us his consent to use this drawing. The dark brown is the Transitway; the light brown is the proposed Granary Parkway. I think one of the key elements of the SEMI development and one of the key elements of the SEMI Employment District within the SEMI project area is a cohesive industrial development that's got its own transit or transportation infrastructure that allows trucks to come and go from the site, allows businesses within the SEMI District to transact with each other without intersecting with residential uses. Commissioner Schiff mentioned noise issues with respect to abutting industrial uses to residential uses. The uses established on the south side of the Transitway are abutting this site and are residential uses north of the Transitway are separated by a fair amount by open space and parking areas for a relatively new industrial development that is not likely to change in the near future. The Granary Parkway provides a truck route that would allow service to the new and existing industry in the SEMI District without intersecting with the primarily residential traffic on University Avenue and the projected Light Rail traffic along University Avenue. The only access to the site currently is up Bedford Street. Bedford Street, on the Minneapolis side, comes up from University into the site. Fourth Street is closed off at Malcolm so there is no opportunity for truck traffic east/west along Fourth Street over to Malcolm which would have been a route up into the SEMI District. The Granary Parkway runs completely north of the Transitway with no crossings other than at Malcolm Avenue. There's no connection between the site and Malcolm Avenue. In the current draft of the Industrial Land Use Study, they note that the site immediately west of the Hubbard Site between the Hubbard Site and Malcolm is land that was for sale at the time that the study was being drafted. That site has been acquired by an advertising agency and I don't think they have plans to be abandoning that site anytime soon. There's no vehicular access through that site to the Hubbard Site. There are opportunities for development of the site in a matter that's consistent with and complimentary to the SEMI Employment Area. There are strong pedestrian connections between the site and the SEMI District. You can still walk through the intersection of 4th Street and Malcolm. You can still walk east into St. Paul and up Westgate Avenue. There's a pedestrian crossing there for the Transitway. There's just no convenient truck or car access. A truck or car going from the Hubbard Site to SEMI would have to go south down Bedford and then either east or west...

President Martin: Mr. Galatz, you're beating a dead horse here. I think you made your point.

Eric Galatz: Ok. I think I'll let Mr. Jones beat that horse for a little bit, but let me just conclude by saying that we think that by excluding this site from the SEMI Employment District, you're not excluding it from the SEMI District itself. You're not changing anything with respect to the zoning. You're not opening the door for anything happening on the site that this body isn't going to see again or the rest of the city isn't going to see again with respect to the rezoning process or conditional use permit.

President Martin: Commissioner Schiff do you have a question?

Commissioner Schiff: No. I'd like to close the public hearing.

President Martin: All these guys have been waiting. Ok. Is there a second for that?

Commissioner LaShomb seconded the motion.

Commissioner Schiff: The rest of the materials on this [tape unclear] be handed in writing to us.

President Martin: Ok. Discussion? All those in favor? Opposed? Ok. Public hearing is closed. Are we going to make a recommendation?

Commissioner LaShomb: The work that's been done on this document has really been very good and I think there are going to be situations like Hubbard Properties where there is going to be some argument about what ought to be "protected" for industrial use or non-industrial use. I don't have a clue what those sites ought to be. I'm going to move that we approve this and send it forward with some reluctance. I think it's a good report and I think it's a document that the City Council needs to take very seriously. I think the options are clear. My reluctance comes from the fact that I have this nagging feeling in the back of my neck that we're going to be removing more industrial land uses from Minneapolis and we're going to pay for that up the road. We want density in Minneapolis, we want to have transit use, we want to do a lot of things that are really good things to do, but my fear is that we're going to get into situations where our industrial uses in the seven county metropolitan area are basically going to be in suburban communities because we are wiping them out and they are adding them in legions. I had a little bit of this discussion with one of the county commissioners, not from the City of Minneapolis, but one of the suburban county commissioners. The commissioner said to me "well, you know, if you want to give up all of your industrial uses, go ahead because we just love them where I'm from. We're adding it acre by acre and it's easy to do because it's such wide open spaces." It's a good plan and it's a good starting point, but I think we really need to try to make some determination as to what kind of jobs we really want people to have in this city. If we pull too much of the plug on industrial uses, and maybe that won't happen, but if we do that our investments and infrastructure for transportation and housing and other things may be wasted revenue or may be wasted uses. It's a good place to be. I think the staff work is exceptional on this. It's one of the

few documents I've seen around here that I read with a lot of interest. It's a little bit concerning that even if we did option three that we would be removing industrial uses from the city that we can't afford to remove.

Martin: Ok. Is there a second?

Commissioner Tucker seconded.

Commissioner Krause: On recommendation 14, I'm not sure I would want to restrict the coordination of infrastructure investments to those made through Public Works. There are others. For example, utility companies. I would be more comfortable if we left that more general and just struck the specific reference to Public Works. The creation of the district at Lake Street, that it extend from 30th... from Lake to 35th, I'm wondering if there aren't some opportunities for an extension of that on the north side of Lake Street on the west side of Hiawatha. There is a sliver there of currently existing industrial land. I have a question about whether there was any restriction on public uses. I don't think we want to tie the public agencies hands in acquiring industrial land for a public purpose, but I don't want to land bank some of this for public purposes either. I'd want the public agencies to look elsewhere first before we use potentially industrial land that had potential for other kinds of job development. The last point is that I don't know that we want to strictly prohibit residential uses in these zones, but I think what we're trying to do is we're trying to dramatically shift the presumption so that someone would have to come in and essentially make the same findings they would make for a rezoning. What is the hardship that doesn't allow this to be developed as industrial land? Set the bar quite a bit higher for someone to take industrial land out of the mix and use it for some other purpose so we would still retain some discretion. When we say "prohibit", we have to be really fine-tuned about those areas where we are going to say we are strictly going to prohibit and not allow ourselves any discretion to create some flexibility that we might want in the future.

President Martin: I think that's a really important point because we've had... when we did the rezoning back in the late 90's, we created the ILOD as a way of encouraging housing in areas that hadn't had it so we'd get the warehouse district and a whole bunch of other things that have been pretty good things for the city, but most of that was reactive rather than proactive and it would be much better to be in a position of being proactive on the front end about where it might make sense and where it might not make sense. I don't think we're ready to do that right now.

Commissioner Nordyke: I think it makes a lot of sense what Commissioner Krause was talking about. Are you saying you feel that it does exist or we need to continue to work on this document to make it exist more than what you're suggesting is there right now?

Commissioner Krause: I think that this document is a huge step forward and some excellent work went into it. The language that says "prohibit residential uses" seems to be a little too strict and I'm looking for something that shifts the presumption around to

say that there's a significant burden involved that you would have to make before this commission and to the council and to the staff in order to have a residential use. There may, in fact, be some mixed use types of development where a small amount of residential mixed in with some of the new kinds of industry, which doesn't necessarily have to be noisy or smelly.

Commissioner Nordyke: Is that something you wanted to work on this evening and add to...

Commissioner Krause: No. It's more just some feedback for staff as this moves forward through the next phases. I don't want to fine-tune the language now, it's too late.

Commissioner Nordyke: My issue with that is that what's in front of us now has been in the process for quite some time. There is a group of people who have shown up because of what they think is an issue with their particular piece of land. It makes sense to me that it is an issue. The people who are presenting it are people who have made sense to me in the past so I know that this isn't coming out of the blue. Having said that, I am also at a lack of information so I don't want to just vote for something and send them home empty handed or without the understanding that I'm trying to figure this out.

Commissioner Schiff: Can we clarify; were those a series of amendments made by Commissioner Krause?

President Martin: I don't think it was an amendment, I think it was suggested language for staff as this moves forward.

Commissioner Krause: Direction, maybe feedback to staff and to our representative on the City Council as the process moves forward and we try to fine-tune it. Those would be my suggestions for how to make it even a little bit better.

Commissioner Schiff: Ok. I was just going to point out that the language on the Public Works department should be read as a directive to Public Works rather than making it so all encompassing that it doesn't send direction to any city department. There is value in stating specifically Public Works because I think that recommendation is about them. Another way to address the residential uses in Industrial Living Overlay Districts and Industrial Employment Districts... what you talked about Commissioner Krause was the potential for mixed use, maybe we only want to allow it if it is mixed use because what we've seen with the ILOD so far has not been mixed use. We just see condo developers saying "I gotta do condos because industrial's a thing of the past in this neighborhood". I think we have to be really careful. If we want it as you said it, which you said it very well, as sometimes possible with very good explanations and small minimum amounts then what we're looking at is including it as part of a mixed use development.

President Martin: I think we're probably too tired at this point to come up with specific language, but I think that sending it forward with a concern about recommendation 3.2

and about recommendation 14, those were the two that jumped out here, and that there be some careful attention to those questions of what is the role of Public Works and who is going to manage that and the question of industrial uses where appropriate and of what kind and need they be actually mixed or not. I think those are reasonable questions to raise and send forward with whatever recommendation we make which was to approve with some concern that there's still maybe more needing to be done here. All in favor? Opposed?

Commissioner Nordyke abstained.

President Martin: Jen, I'd like to thank you on behalf of all of us. I think this has been a really great piece of work and it's been a long time coming. I've been waiting for it for six years so it's nice to see it finally moving forward.

The motion carried 8-0 (Commissioner Henry-Blythe not present for vote).

20. Zoning Code Text Amendment (Title 20, Chapters 520, 530, 535, 536 541, 543, and 546-551, Ward: Citywide) (Hilary Dvorak). This item was continued from the May 22, 2006 meeting.

A. Text Amendment: Amending Title 20 of the Minneapolis Code of Ordinances related to the Zoning Code, as follows:

Amending Chapter 520 related to Zoning Code: Introductory Provisions;
Amending Chapter 535 related to Zoning Code: Regulations of General Applicability;
Amending Chapter 536 related to Zoning Code: Specific Development Standards;
Amending Chapter 541 related to Zoning Code: Off-St Parking & Loading;
Amending Chapter 543 related to Zoning Code: On-Premise Signs
Amending Chapter 547 related to Zoning Code: Office Residence Districts;
Amending Chapter 548 related to Zoning Code: Commercial Districts;
Amending Chapter 549 related to Zoning Code: Downtown Districts;
Amending Chapter 550 related to Zoning Code: Industrial Districts;

The purpose of the amendment is to comprehensively examine the zoning code provisions as they relate to farmer's markets. The amendment may include revisions to definitions, specific development standards and off-St parking requirements.

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

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

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

The motion carried 9 – 0.