

**Excerpt from the  
Monday, October 21, 2002  
CITY PLANNING COMMISSION  
MINUTES  
220 City Hall  
Minneapolis, Minnesota 55415  
4:30 p.m.**

24. **3100 50<sup>th</sup> Street West (13<sup>th</sup> Ward - BZZ-819, CUP)**

Application by Tangletown Properties LLC for a conditional use permit to allow nine dwelling units in a mixed-use development of residential, retail and possible food and beverage use. (Staff, Kim Tollefson)

Kim Tollefson presented the staff report.

Commissioner Krause indicated there were a couple of references in the staff report to medium density residential development that was coming out of the Comp Plan. Was that quantified on what medium density was?

Tollefson, staff, replied that she was not sure what it was.

Anderson, staff, asked how many dwelling units there were?

Tollefson, staff, replied there were nine dwelling units.

Anderson, staff, asked what that would be in density per acre?

Tollefson, staff, replied that she didn't know if she had that at hand.

Anderson, staff, indicated under the previous Comprehensive Plan, 15-50 dwelling units per acre was considered to be medium density. He didn't know if that had changed under the new Comp Plan.

Tollefson, staff, noted that it was 35.7 dwelling units per acre.

Commissioner Johnson asked what the building was that was directly to the North, 4944?

Tollefson, staff, replied it as a one story antique shop.

The public hearing was opened.

Greg Lemaire, 4949 York Av. S, stated that he was directly across the alley from the proposed building. His family had owned that residential home for 40+ years. He had submitted a letter that was part of the record. He was representing 148 residents and small business owners in the neighborhood who were petitioning the Commission. The first signatures that he submitted were included in the staff report, and he had submitted another 53. The reason for the petition had to do with the Fulton Neighborhood

Association to which reference was made saying that they weren't going to take a position. A letter dated September 11<sup>th</sup>, from John Finlayson, President of the Fulton Neighborhood Association saying that there would be two meetings and the Board would take a vote. That didn't represent what was going on. On October 5<sup>th</sup> he and his neighbor Jim Borasko spent an hour with Jim Finlayson, the President of the Fulton Neighborhood Association. A few years ago after the big controversies on developments on 50<sup>th</sup> and Ewing, as a policy matter they were told that the Board of Directors no longer would vote on any issue of this nature. They would vote on residential garage variances, but not on anything big because there was too much anger and too much of a headache for them, so you would never see on a proposal of this sort the Fulton Neighborhood Association taking a position, at least under the current Board of Directors. There had been a number of meetings between the developer and the Planners, however only two public hearings were held at Pershing Park. It was out of those meetings and what they viewed as the neighborhood Associations abdication of their responsibility to represent the neighborhood, that the petition came. After the second neighborhood meeting they started it and it had been a week and a half and they received 148 signatures of which he collected 120. One of his neighbors was at the neighborhood meetings and he and his wife were in support of this project. In going through the neighborhood in the last week and a half, he found two other residents in favor of it, a handful who had no opinion and many who didn't know anything about it and wanted more information and he had 148 people who asked the Commission not to grant the conditional use permit for greater than four dwelling units. Ms. Tollefson had been helpful in their efforts, but the report read like a "Downtown City Planner" view of things and not the neighborhood. The petition represented the general view of the neighborhood. Under the site plan review general provisions of the City Ordinances, the purpose of the site plan review reads, "Purpose. Site plan review standards are established to promote development that is compatible with nearby properties, neighborhood character, natural features and plans adopted by the City Council, to minimize pedestrian and vehicular traffic, to reinforce public spaces, to promote public safety and to visually enhance development." The sentiment of the neighborhood on this evidence was overwhelming that this was not compatible with the neighborhood, it did not fit in. In particular, the property was zoned C1. Someone who buys the property could build businesses and four dwelling units, that was right. Ms. Tollefson said that the other buildings were generally two stories, that was right. The other businesses were two stories and one story. For the proposed building, granting the conditional use permit up to nine would create a three-story building that was not only taller than any building on the 50<sup>th</sup> and Xerxes intersection business hub, it was taller than any building on 50<sup>th</sup> and Penn and 50<sup>th</sup> and Bryant. This was a quantum leap difference in incompatibility with the surrounding neighborhood. Ms. Tollefson said that the variance setback on the alley, the little bump out, shouldn't bother anyone because the bump out didn't interfere with light and space, but then didn't see that the same argument apply to the front variance which was the other issue. He came today to represent the neighborhood on the issue of the conditional use permit. They (neighbors) were seeking a building that was compatible with the neighborhood, four dwelling units which they believed would be a two-story building, rather than an over-towering, dominating, massive structure that was incompatible with the neighborhood. They had six of the business owners on the corner of 50<sup>th</sup> and Xerxes signing the petition including Michael's Lamp Shop which was directly across the street, that and Nash framing were the two largest businesses on that intersection currently in a two-story building. What was

proposed would be as tall as the billboard on their roof (photo shown) and those two businesses were signing the petition, not because they opposed development at the corner, they would welcome development that would fit in with their neighborhood and would enhance the neighborhood. They felt the proposed structure did quite the reverse. It visually detracted from the neighborhood, it detracted from the quality of life. In the findings of fact regarding the conditional use permit, in several places the Planner said, "redevelopment of the vacant site," and it was not a vacant site, there had been a business there for 60 years. He urged the Commission to consider that the overwhelming residential feeling in the neighborhood was that the proposed structure was incompatible with the neighborhood and with their small business community because it was a three-story structure. It was not an exercise in cramming as much as possible onto a piece of real estate, it should be an exercise in getting good business there that would enhance the development and would be compatible with the neighborhood. They felt this was not. Speaking as a representative for the 148 neighbors, neighborhood residents and small businesses in the area, they requested the Commission not to grant the conditional use permit for above four dwelling units at this corner.

Vice President Bradley asked Mr. Lemaire if he was aware that the Code allowed a building to be 42 feet tall?

Mr. Lemaire replied yes they understood. They understood that there could be four units and be 42 feet tall. They would have no objection to it, but felt as a practical matter and the architects had been at the neighborhood meetings and told them that they could design whatever Patina wanted them to design.

Vice President Bradley commented that within the Code the building could achieve the height that some may not like, but it was allowed.

Mr. Lemaire responded that they understood, but felt that as a practical value, it was too tall. They were not opposed to development and were not opposed to Patina going into the neighborhood, they wanted them to go into the neighborhood as a good neighbor and hoped that they would instruct their architects to build a building that was compatible with the neighborhood.

Jeff Wrede, 5104 York Av. S, Tushie Montgomery Architects, representing the applicant, indicated that he lived one block away from this project and did not sign the petition. He wanted to review some of the items addressed by Mr. Lemaire, the height of the building as Vice President Bradley pointed out was allowed to be 42 feet, plus a three foot parapet. At the center of the block they were 42.6', including their parapet, so they were three feet shy of the allowed height. The number of units allowed were 7.2, but they had a garage in the basement and a mixed-use building with more than 50% commercial on the first floor, so they were allowed another 20%. The grand total was 10.2 units allowed by zoning and they were asking for nine. The reason they had gone to a taller building was to provide a unique rental apartment, which was a two-story apartment with internal stairs. The sleeping units and bathrooms were on the third floor, the living room, dining room and the kitchen were on the second floor. They were trying to promote brand new building, a beautiful building to take the place of an under-utilized site in a very nice neighborhood. He hoped this did exactly what they were trying to do. He added that

they also had recessed balconies. He showed the facades. They had a covered bus shelter with shelter on two or three sides. The rotunda was a circular element on the corner. On the façade facing the alley, there was a stair tower with clerestory windows which would allow another tenant, possibly a hair salon or something such as that. The second and third floor were the apartment units.

Vice President Bradley asked if they were saying that if they got a tenant there, that the brick and stone would come out to put in a glass façade, or it was just from the interior?

Mr. Wrede replied that there would be clerestory windows at six or eight feet.

Vice President Bradley asked if they would access it from the street or the interior? It was along the alley so they would access it from the interior.

Mr. Wrede noted that the area that they were bumping out from the setback from nine feet to four feet was needed to turn the radius in the basement.

Vice President Bradley asked if that was at grade or at the belt course?

Mr. Wrede replied that it was at the belt course.

Vice President Bradley indicated that the concrete block bumped and the brick was back.

Mr. Wrede displayed the area and showed what was recessed. In addition, the property directly behind them which was a single family home was zoned R3, the same with the one next to it. The height allowed in R3 is 35 feet, the height allow on a C1 was 42 feet plus a three foot parapet and they were at 42 ½ to the top of the parapet.

Jim Barosko, 4945 York Av. S, stated that he owned a duplex and was speaking as a property owner, resident and small business owner owning a duplex. Having signed Mr. Lemaire's petition, one of the issues he wanted to speak to was the issue of density in the neighborhood and traffic issues. He knew that was something they heard a lot in proposals, but as a neighbor on York Avenue, it was a significant concern. There were 16 spaces in the underground parking, with approximately 22 bedrooms in the apartments, that was not going to be adequate to address the needs of the residents living in the building, not to speak of the five to six employees that Patina would have and the people using the Patina shop. Where were they going to park? It was obvious that they were going to find the path of least resistance which was to park on the side streets in front of his house on York Avenue. Those were his main concerns. He shared some of the concerns about the height of the building and the density when they were looking at nine units as opposed to four, it was a significant increase in density and was a concern to him and to many of the people on the petition. He was very concerned as they had an on-going issue in the alley at York and Xerxes with flooding. It has been a significant problem since he had lived there from 1997 and it was an issue he had no confidence that new development would address. Regardless of whether the proposal went through or not, he had concerns about that issue.

Vice President Bradley asked if he had contacted Public Works about the flooding?

Mr. Barosko replied yes. It had been stated that it was not seen as a significant concern compared to other areas. However, it was a significant concern to him.

Commissioner Schiff asked if this was officially a flood mitigation area by the Public Works Department?

Mr. Barosko replied that he had been told that it was not.

Dawn Shram, 5140 Xerxes Av. S, stated that her husband signed the petition opposing this. There was a written letter of opposition that the Commission should have.

Vice President Bradley acknowledged that they had it and it was part of the public record.

Ms. Shram stated that they were opposed to this for the reasons she listed in her letter. A comment was made that this would not create a traffic problem and it would. It was going to add a lot more traffic. The 50<sup>th</sup> Street corridor every year tries something new, they tried barrels one year. They tried turn lanes this year, which most likely didn't work because they were gone. Trying to control the already heavy traffic problem on 50<sup>th</sup> Street, which was not wide enough for all of the traffic. She understood that there would be bicycle spaces. She didn't think that was going to help because their neighborhood was one where everyone had cars and two and three cars in every household.

David Gleason, 4933 York Av. S, indicated that he was a lifelong resident of Southwest Minneapolis and had lived in his current home for 20 years. Even with the small commercial district at 50<sup>th</sup> and Xerxes, he considered 49<sup>th</sup> and York to be a rather quiet residential street where kids could feel safe to play. They had both single family residences as well as two duplexes on their block, one of which was owner occupied. Often, a rented duplex unit brought a roommate situation with multiple vehicles owned by the residents. One of the duplexes had five vehicles alone. As not every resident of their street had the ability to park all vehicles off the street, they contend to have a lot of cars parked on York. They often had their own congestion problems with parking. With the proposed building at 3100 West 50<sup>th</sup> Street and the City's low requirement for parking for apartment residents as well as customers of businesses, there was a strong probability that residents of the apartments and businesses would not only use Xerxes, but spill over to York Avenue as had been previously stated. With approximately 13 children from infants to teenagers living on that street, the safety factor changed greatly with the probable increase in traffic. The alley between York and Xerxes was also heavily trafficked as had been stated before, as was the alley between Zenith and York, due to the street diversion at the intersection of 49<sup>th</sup> and York. The increased traffic in the alleys was a safety concern for the residents of the two blocks. Because of the street diverters in the area, changing York to a one-way street was not a rational option to divert excess traffic. In addition to these traffic safety concerns, the traffic congestion at 50<sup>th</sup> and Xerxes was another concern. The traffic calming proposed by the City would go back into effect in the Spring and even though left-turn signal lights would be installed on 50<sup>th</sup> Street, no arrows would be installed on Xerxes causing potential tie-ups. Accidents

were common at this intersection and with underground parking provided by the proposed building with the entrance and exit facing Xerxes, traffic may well be affected. Without being able to provide an exact number of accidents over the 20 years he had lived there, he was sure long time business owners could attest to the dangerous presence. He noted an accident where a truck crashed into the antique building across the street from the proposed site causing damage to the building. In addition to congestion, the traffic calming would decrease the amount of spaces available for parking in this intersection. With the removal of two driveways from the 3100 property on the 50<sup>th</sup> Street side it would add a couple of parking spots, but not by the number of spots a popular business such as Patina could require. While they couldn't know who the other business tenant would be besides Patina, another concern of his would be what the business hours of operation might be which could again relate to the parking problems. This building proposal wants to put nine two-story apartments, the units would range in size from approximately 1,100 square feet to 1,700 square feet which were rather large. At the proposed rental price suggested at one of the neighborhood meeting of around \$1.20 per square foot, the rents would range from \$1,300 to \$2,000/month. The City only required one parking space. Underground parking would provide the 16 spaces, nine of which would be designated for residential usage. With property managers assuming renters would be bus riders with only one vehicle, parking would be adequate, but the reality of this part of town was that those rental rates were high and the probability of renting to families would be extremely low. It was more likely that a roommate scenario would occur with multiple vehicles causing parking problems he had already mentioned. It also seemed unclear as to the usage for the remaining underground parking spaces and even though it complied with City requirements, it was insufficient for employee and customer usage. He didn't feel this neighborhood could support such high rental rates for such a busy and often times noisy corner. With a Fire station three corners away that he really appreciated having, and 50<sup>th</sup> Street being a major thoroughfare for ambulances, it could get noisy. It seemed that the City was looking for opportunities to include affordable housing, this proposal was certainly not affordable housing as the City would define. He was not opposed to having a building proposed for this property, however it was his concern that a building of this size being three stories seemed way out of proportion for the look and character of this neighborhood as it was currently. He felt he needed to contradict Ms. Tollefson in that the businesses that were on these four corners, maybe 70% of the buildings were one-story buildings with the other 25-30% being two-story buildings. The majority of the buildings on this intersection were one-story buildings. The size of the building was oppressive and would block out the skyline view of some of the residents on the block. He realized that change was inevitable, but a change of this grandiosity was too bold for this corner as well as Southwest Minneapolis in general and could attempt to set the pace for further and possibly unnecessary over development of the area in the future. His request to the Commission was that they not grant the conditional use permit to allow expansion of the permitted use of four units to nine units. It was mentioned that the residents on the other corner on York were zoned R3. He pulled up information from the City's website which showed that the unit was zoned R2B. What was presented by the architect was not true. For the sake of the letters that were submitted from earlier meetings of Fulton Neighborhood Association from the Tushie Montgomery Architects, it made it sound like there was a lot of neighborhood support and he wanted the Commission to consider the fact with the number of petition signatures, that there was not the support needed to have such a large building. He

understood that they were entitled to have a 42 foot building, but it just didn't fit their neighborhood. He asked the Commission to consider that in their decision.

Vice President Bradley indicated that all of the C1 and C2 property along 50<sup>th</sup> Street, by Code could be 35 feet to 42 feet tomorrow. They were already there, they just hadn't been realized. The compatibility and the character of their neighborhood included 42 foot high buildings.

Mr. Gleason replied that was understood, come see what we look like and they'll see what they mean.

Theresa Baker, 5040 Xerxes Av. S, stated that she lived in the neighborhood since 1989 and back then she could park on the street. Since Dunn Brothers came into the neighborhood she parked in the back. At that time she didn't realize how important it was to come to meetings like this, now that three cats in the neighborhood had been hit by cars and now that they could no longer park on the street, now that trash was everywhere, she realized it was important to come to meetings like his and be heard. She understood that the building could be 42 feet. She would like to see the property developed and would like a restaurant there. But, if she had to build her house to code, let them build to code. Let them use the number of apartments units that they were allowed without a variance. They didn't live in the neighborhood. She knew they said it "should not do this" or it "should provide this," but the reality was that she should not have had her cats hit or her neighbors cat hit or had to put speed bumps in the alley or had to dodge traffic. Regarding the increased traffic at 50<sup>th</sup> and Xerxes, if there was ever a need for Photo-Cop, that intersection needed it. Every time they step off the bus they dodged and didn't know what was coming. She prayed that they came up with a traffic solution and she didn't think increasing the traffic in this manner would help.

Janet Silsby, 4932 Xerxes Av. S, stated that like the previous speaker, she was also a bus rider and could attest that this was an intersection with serious traffic problems. For the record, one night it got so bad when she got off the bus and was alarmed that she called the police, so someplace there was a police record. It was already very difficult to park in front of her house. Yes, like the rest of her neighbors she did have a place to park in the back in the alley, but because of the way the land sloped, for her it was a full set of stairs to her backyard, outdoors. Minnesota being what it is, she was carrying groceries in some pretty evil weather sometimes. She would like to be able to park in front of her house just to carry in her groceries. A lot of times it was not possible now. Now she was looking at something with a business that was potentially going to be open until 10:00 PM, and they were telling her that she would have to wait until 10:00 PM to do grocery shopping? She would like to see this limited to a more reasonable occupancy. The four apartments that would be allowed under with no changes would be a wonderful development there, but not nine. Especially not nine the size that they were proposing.

Vice President Bradley indicated that he was requesting new information from the speakers.

Janet Delvoye, 4941 Xerxes Av. S, stated that she would have a view of the building from her front porch and did not have a problem with the design. She supported the recommendation of the City Planning Department. She believed the development would be an asset to the neighborhood. The opposition seemed to be aimed mainly at the height of the building and parking issues. The height as had been discussed, fell within code. As for parking, when she moved into her house 13 years ago, she was aware that she was next to a commercial district and yes, cars even parked in front of her house. She didn't have a problem with that. She parked in the back, everybody in the neighborhood had alleys and driveways off of alleys. It was not a problem. She also used public transit often. Her suggestion was that the neighbors and business owners work with the developers and with each other to come up with solutions. There were several parking lots on this corner. There were two parking lots very near to the development, one directly across the street and one next to the antique shop North of it. Those parking lots were underutilized, they were seldom more than half full and even half full was rare. Perhaps the owners of the parking lots would allow the residents to use their spaces at night for extra cars that did not fit in the underground parking. Patina also mentioned that at night, the residents could likely use the extra parking spaces that Patina didn't need after hours. A conversation with an elderly neighbor before the meeting gave her the impression that misinformation may have been given out as signatures were being collected to oppose this project.

Drew Lamosse, 4928 Washburn, indicated that he was a life long resident of Minneapolis and was not there to talk about parking or traffic on 50<sup>th</sup>. He had lived in the Fulton Neighborhood for three years and he and his wife also owned the Dunn Brothers at 50<sup>th</sup> and Xerxes. He walked to work every morning. As a resident he was aware of the benefits and disadvantages of living near a business district. He moved into the neighborhood with that knowledge. He believed a strong flourishing business district was an important component of the Fulton neighborhood. He strongly supported the proposal to develop the corner lot which had essentially been vacant for many years. As a business owner he was worried that two vacant store fronts in the neighborhood were only the beginning of the decline for the business district. It should be noted that one of the storefronts had been vacant for more than a year and the other since early this summer. He was encouraged that after more than one year on the market, this property was finally going to be developed. As a businessman, he recognized the investment required to purchase and develop the property. The property was originally listed at three-quarters of a million dollars. In light of this, he supported the application for setback variance and conditional use permit. In conclusion, he wanted to address the petition that Mr. Lemaire was presenting. His immediate neighbor to the South signed the petition after Mr. Lemaire made his case to her. She had no previous knowledge regarding the development plan. She was a PHD student and rarely emerged from under a pile of books. After discussing the issue with his neighbor, she said that she regretted signing the petition. He was also approached by Mr. Lemaire and his argument was convincing, but he believed his conclusion was wrong. Based on what he believed to be the economics of the project, he doubted that the return on investment was the three and a half years as Mr. Lemaire had stated. He asked the Planning Commission to recognize that without both sides of the argument, many un-informed residents had signed this petition and it may not represent the true informed attitude of the neighborhood.

Dave Delvoe, 4941 Xerxes Av. S, commented that he strongly supported this proposal and encouraged the Commission to approve the conditional use permit, variances and the site plan. He wanted to address the issue of neighborhood density and allegations that adding an additional five dwelling units to this project would cause serious problem to the neighborhood. The census numbers from the year 2000 showed that the Fulton Neighborhood, and this development was right at the center of the Fulton neighborhood, lost about 7% to its population over the past ten years. That translated to roughly 422 individuals. He believed that the neighborhood easily had the capacity to accommodate the additional five dwellings without experiencing any negative impact on livability.

Stephanie Morgan, 4928 York Av. S, stated that she was at the meeting because she did not support the project as proposed. She believed the project was too big and that there would be traffic problems. She was concerned about some of the procedural issues. For the variances and conditional use permit applications there need to be findings of fact. The proposal as put together by Ms. Tollefson went through those, but really made conclusions. One of the findings that needed to be made was that this property could not be put to reasonable use. She hadn't heard any proposal from the proposers that there could be alternate uses. They asked why they couldn't do it with four units and make it smaller and the answer was that it wasn't feasible and they didn't know why. There hadn't been any showing by the proposer that this was absolutely necessary to their project. That was the finding that the Commission needed to make. The Commission also needed to show that the circumstances were unique to this parcel of land. Ms. Tollefson's report stated that this project was unique because it was on a corner. She wondered how many unique projects and proposals there were in the City of Minneapolis if it was going to be unique because it was on a corner and it had two yards, there must be a lot of unique projects. She didn't think that fit the findings that the Commission needed to make. The issue of traffic really hadn't been dealt with. The conclusions were that there was no traffic problem. She didn't see that they did a traffic study and thought there would be an additional "x" number of cars and "x" number of buses and this many more people during "these" times at "this" corner and therefore, it would or would not be a problem. You can't make a conclusion based on no facts. She thought that the Planning Commission didn't have the facts to make the findings that they were being asked to make. That would apply also to the conditional use permit, they needed to make a finding that adequate measures had been or would be taken to minimize traffic congestion. There was a lot of discussion that this would bring a lot of retail customers to the area in addition to the residents that would be living there and there would be more traffic, there was no way around that. There had been no showing that this would be dealt with and how it would be dealt with. She thought those were findings that the Commission needed to make before it could grant a variance and grant a conditional use permit. In response to the comment that this could be built to 42 feet and so could everything else, it didn't mean that it should. This was a neighborhood that had smaller scale developments as does Linden Hills, as does 50<sup>th</sup> and Bryant, as does 50<sup>th</sup> and Penn and as did 50<sup>th</sup> and France up until recently. She thought it needed to continue that way.

Mr. Lemaire stated that he had to speak to the issue of the validity of the petition.

Vice President Bradley indicated that the petition was accepted into the public record. Whether it had been shaded in one way or the other, they were not going to judge that.

Mr. Lemaire stated that he approached people and told them that this building was being proposed, that it was a proposed three-story structure and was zoned for businesses and four dwelling units, that Patina was seeking a permit to exempt them from the limitation that the property owner could build only four (units) and seeking a permit to allow them to build nine (units) which would create a three-story building.

Vice President Bradley noted that was in the petition.

Mr. Lemaire indicated that some of the people hadn't heard about it and wanted more time to think about it. When he heard that, he told several people that he didn't want them to sign it if they didn't believe it. Many did not. He gave them his name and number and the last four signatures on the page were from couples who called him.

Vice President Bradley stated that the Commission had the petition and the signatures and were not making any judgment on it.

Mr. Lemaire commented that the petition had to do with the setback variance and he came on one issue, but so many people mentioned the setbacks and that it was a public danger. They had nothing to say about the Xerxes variance, the 50<sup>th</sup> variance was eight feet and Ms. Tollefson said that it would mean less business if you put it back. Parents of children who walk to school and others made him promise to bring this up. He got a sinking feeling in his stomach when he thought of what was going to happen with the danger on that intersection with vehicles and pedestrians and he promised several people that he would bring that issue up. They wanted him to push the variance issue and that pushing it up to the corner was a public danger. His representation was that he was totally transparent and honest in the petition and the phone numbers were there for anyone to call.

Lynn Gaspardo, 3008 50<sup>th</sup> St. W, stated that there was a huge issue with redesigning West 50<sup>th</sup> Street which was in a proposal now and had been tested and was going the length of France to Lyndale. An NRP study was done (she displayed a photo). Xerxes was the issue as far as the traffic study was concerned. It proposed a through lane and a left-turn lane at that intersection. The applicant was told that they had to put their garage entrance on Xerxes. It would get very convoluted there with a left-turn lane, a right-turn lane and a through lane. She found in the study that there were more issues at the Xerxes intersection than there were on 50<sup>th</sup>.

Vice President Bradley asked who conducted the study, was it the City or Public Works or the County?

Ms. Gaspardo replied that it was commissioned by the neighborhood association and paid for ....

Julia Blount, 13<sup>th</sup> Ward Aide, commented that it was an NRP project. The study was the basis of work they were going to be doing on 50<sup>th</sup> Street as far as reengineering 50<sup>th</sup> Street. Xerxes Avenue had not yet been discussed.

Ms. Gaspardo explained that those were the plans that they had been presented with and it was done by [Vice President Bradley noted that the map read, Parson...Shardlow and Uban.] It also called for taking all of the street parking out in front of that building. It was still being worked on and was not finished. 50<sup>th</sup> was in play right now, so this building was adding to a lot of fears in the neighborhood about parking with the other business owners because they were being told now that when the testing was done on 50<sup>th</sup> and Xerxes, they originally wanted to pull all of the parking off of 50<sup>th</sup> so that they would have no on-street parking in front of the businesses. They talked with the City and County and got parking on the north side during the test. It took away fourteen parking spaces and gave them seven. That was what was in play and what she thought was also speaking to the neighborhood. They didn't know what the parking situation was going to be in five years because it was in play and this just added to some of the fears of what was going to happen in the neighborhood.

The public hearing was closed.

Commissioner Hohmann stated that the Commission heard about increased traffic over the years and about three-five cars per household. If you look at population projections over the next 20 years for the Twin Cities, if you are living anywhere near a transit corridor, you can expect a lot of increased growth as well as a lot of increased traffic. He lived in Linden Hills and considered 50<sup>th</sup> and Xerxes part of his neighborhood as well. He did business there and spent a lot of time there. He lived a block off of France Avenue and wouldn't be surprised to see developments along France Avenue in the next decade. He would coin this project as a "poster project" for mixed-use development. Somebody raised the idea of a unique project, he would say that it was a unique project in that it was a privately funded project with no tax money and no subsidies. It was very unique in terms of what the Commission saw every meeting that they sat in. It was a unique project and a project he wished they would see a lot more of throughout the City.

Commissioner Hohmann motioned, LaShomb seconded to adopt the findings prepared by staff and **approve** the conditional use permit for a mixed-use development subject to the following conditions: 1) An erosion control plan shall be reviewed and approved by Public Works prior to the issuance of any permits; 2) The parking facility shall incorporate a mirror and signal for exiting vehicles; 3) Signals that create noise shall be limited to the hours of 7:00 a.m. to 10:00 p.m; 4) A security system for access to the parking facility during late hours shall be provided; and, 5) A security system for access into the stairwells shall be provided.

Commissioner LaShomb indicated that he drove on 50<sup>th</sup> a lot, starting in Southeast Minneapolis and going to St. Louis Park. The problem in Southwest Minneapolis was it was a problem going around Lake Harriet or going on 50<sup>th</sup>. 50<sup>th</sup> seemed to be the biggest alternative. He agreed that there was a lot of traffic on 50<sup>th</sup> and it was a real mixed-use street. You have sides of houses, commercial and it was a problem. Last Thursday they had a discussion at the Committee of the Whole about Metropolitan Council forecasts for population, jobs and housing and the estimate was that in 30 years, they would have to add 26,000 housing units in the City of Minneapolis to accommodate the population growth. You need to start somewhere. He didn't like traffic on 50<sup>th</sup> the way it was now, but he thought this was a reasonable use of the site and Commissioner Hohmann had hit it on the head, they needed to see more mixed-use development and have a tax base that supported the kind of life we want in Minneapolis and that would require some sacrifices.

Commissioner Krause stated whenever they had issues like this, it never seemed to be about the number of people going into the neighborhood, it was always about the cars. People didn't seem to mind if they had more neighbors, but they just didn't like more vehicles. What they were trying to do about that as a Commission, was trying to find more projects like this one that were mixed use. They were starting to move the neighborhoods toward more walk-able neighborhoods where one can live and work and entertain and go out in the evenings without having to get into your car. He thought if they denied these requests, it would have negligible impact on the traffic on 50<sup>th</sup>. 50<sup>th</sup> was a larger "animal" that was affected by many more factors than just this. This was one small way, if they could do more of this around the city, they could start to turn it around so they were not battling vehicles and would get to a better quality style of urban living. He was going to support the motion.

Vice President Bradley indicated that historically in the last 40 or 50 years Minneapolis had lost population. The number of housing units has remained pretty much the same because all of the kids move to the suburbs, that was where the sprawl came from. Now we have houses with two people living in them. He had 2,800 square feet for he and his wife. We have a life that we like in Minneapolis that was supported by tax dollars, but they were running out of people to keep supporting that lifestyle which meant the tax base was going to dwindle. In order to get the tax base up, we have to get more people in. It went back to what Commissioner Krause said, cars happen. The Commission listens about development and the two biggest issues are density, which is difficult when the City has lost population. You could support 422 new people to just get back to zero for the last ten years. Nine units, maybe 18 people wasn't going to create a density that would overwhelm this neighborhood, at least not from an urban planning point of view. Would it change the character of the neighborhood? Let's say yes, it would. It was a bigger building, a mixed-use building, it was something that they didn't now have and change happened. It happened to all of us. The Commission hears about traffic and about parking a lot. The Commission didn't have an answer for that. Public Works hasn't told them that any streets have reached capacity and they set the mark. They were not Public Works, so they didn't try to answer for them. There would be more traffic and it would be more intense. There probably needed to be a solution and they had already started by getting a study done. He didn't know that they had come up with conclusions, but keep doing it. It sounded like the Council Members Office was aware of it and that was the place to start a dialogue and keep working on it. These things are difficult and the Commission has a project like this every other meeting from a neighborhood not different than yours and they had to wrestle the same way. If the Metro region is going to grow by half its current population, some of those people would be living in the City of Minneapolis in a different housing type than we currently have. It is going to be a mixed-use building like is being proposed.

The motion to **approve** the conditional use permit for a mixed-use development subject to the following conditions: 1) An erosion control plan shall be reviewed and approved by Public Works prior to the issuance of any permits; 2) The parking facility shall incorporate a mirror and signal for exiting vehicles; 3) Signals that create noise shall be limited to the hours of 7:00 a.m. to 10:00 p.m; 4) A security system for access to the parking facility during late hours shall be provided; and, 5) A security system for access into the stairwells shall be provided **carried**.

25. **3100 50<sup>th</sup> Street West (13<sup>th</sup> Ward - BZZ-819, Site Plan Review)**

Application by Tangletown Properties LLC for site plan review of a mixed-use development of residential, retail and possible food and beverage use. (Staff, Kim Tollefson)

The public hearing was opened.

See discussion in item #24 above.

The public hearing was closed.

Commissioner Hohmann motioned, LaShomb seconded to adopt the findings prepared by staff and **approve** the site plan review subject to the following conditions: 1) Continuous sidewalk shall be provided over the curb cut on Xerxes Avenue; 2) The applicant is subject to 530.210 (planting material standards) and 530.220 (installation and maintenance of materials); 3) The applicant shall provide a lighting plan for approval prior to the issuance of building permits; 4) The applicant shall provide a snow removal plan or snow storage area on-site shall be provided; 5) The Planning Department shall review and approve final site, landscaping and elevation and floor plans prior to the issuance of any permits; 6) If estimated site improvements exceed \$2000, a performance bond of 125% of the estimated costs shall be provided prior to the issuance of any permits; and, 7) All site improvements shall be complete by October 30, 2003, unless as authorized by the Zoning Administrator or the permit may be revoked for non-compliance. **Carried.**

26. **3100 50<sup>th</sup> Street West (13<sup>th</sup> Ward - BZZ-819, Variance)**

Application by Tangletown Properties LLC for a variance to reduce the front yard (50<sup>th</sup> Street) setback from eight feet to zero feet to allow continuous building frontage on 50<sup>th</sup> Street for a mixed-use development of residential, retail and possible food and beverage use. (Staff, Kim Tollefson)

The public hearing was opened.

See discussion in item #24 above.

The public hearing was closed.

Commissioner Hohmann motioned, Nestingen seconded to adopt the findings prepared by staff and **approve** the variance application to reduce the front yard (50<sup>th</sup> Street) setback from eight feet to zero feet. **Carried.**

27. **3100 50<sup>th</sup> Street West (13<sup>th</sup> Ward - BZZ-819, Variance)**

Application by Tangletown Properties LLC for a variance to reduce side yard (alley setback) from nine feet to four feet to allow a lower level parking facility for a mixed-use development of residential, retail and possible food and beverage use. (Staff, Kim Tollefson)

The public hearing was opened.

See discussion in item #24 above.

The public hearing was closed.

Commissioner Hohmann motioned, Nestingen seconded to adopt the findings prepared by staff and **approve** the variance application to reduce side yard (alley setback) from nine feet to four feet. **Carried.**