

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

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**MEMORANDUM**

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DATE: June 17, 2010

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

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

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

SUBJECT: Planning Commission decisions of June 14, 2010

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The following actions were taken by the Planning Commission on June 14, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Bates, Carter, Cohen, Gorecki, Huynh, Luepke-Pier, Schiff and Tucker – 9

Not present: Bourn

Committee Clerk: Lisa Baldwin (612) 673-3710

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**5. J. Jerome Boxleitner Place (BZZ-4757, Ward 5), 165 Glenwood Ave ([Hilary Dvorak](#)). This item was continued from the May 10, 2010 meeting.**

**A. Rezoning:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a rezoning to add the B4H Downtown Housing Overlay to the property located at 165 Glenwood Ave.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of the property located at 165 Glenwood Ave to add the B4H Downtown Housing Overlay to the property.

**B. Rezoning:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a rezoning to add the DS Downtown Shelter Overlay to the property located at 165 Glenwood Ave.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of the property located at 165 Glenwood Ave to add the DS Downtown Shelter Overlay to the property.

**C. Conditional Use Permit:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a conditional use permit to allow an 85-unit supporting housing facility located at 165 Glenwood Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit to allow an 85-unit supporting housing facility located at 165 Glenwood Ave subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. There shall be no more than 85 rooming and/or dwelling units in the supportive housing portion of the development.

**D. Conditional Use Permit:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a conditional use permit to allow a 251 bed overnight shelter facility located at 165 Glenwood Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use to allow a 251 bed overnight shelter facility located at 165 Glenwood Ave subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. There shall be no more than 251 beds in the overnight shelter portion of the development.
3. Shelter guests shall be provided with an enclosed waiting area one hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open 24 hours per day.
4. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

**E. Conditional Use Permit:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a conditional use permit to increase the height of the building from the permitted 4 stories/56 feet to 7 stories/78 feet for property located at 165 Glenwood Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit to increase the height of the building from the permitted 4 stories/56 feet to 7 stories/78 feet located at 165 Glenwood Ave subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

**F. Conditional Use Permit:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a conditional use permit to allow a 20-space surface parking lot in the DP Downtown Parking Overlay District for property located at 165 Glenwood Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit to allow a 20-space surface parking lot in the DP Downtown Parking Overlay District located at 1918 19th Ave NE subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. There shall be no more than 20 parking spaces in the accessory surface parking lot.

**G. Variance:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a variance to reduce the west side yard setback from the required 15 feet to zero feet to allow for a connection to an existing building located at 173 Glenwood Ave from 165 Glenwood Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the variance application to reduce the west side yard setback from the required 15 feet to zero feet to allow for a connection to an existing building located at 173 Glenwood Ave located at 165 Glenwood Ave.

**H. Variance:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a variance to reduce the west side yard setback from the required 15 feet to 7 feet to allow a surface parking lot for property located at 165 Glenwood Ave.

**Action:** The City Planning Commission adopted the findings and **returned** the variance application to reduce the west side yard setback from the required 15 feet to 7 feet to allow a surface parking lot located at 165 Glenwood Ave.

**I. Site Plan Review:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a site plan review for the property located at 165 Glenwood Ave.

**Action:** The City Planning Commission adopted the findings and **approved** the site plan review application for the property located at 165 Glenwood Ave subject to the following conditions:

1. The refuse and recycling containers on the Evergreen site shall be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses as required by section 535.80 of the zoning code.

2. The final lighting plan shall conform to the standards of Chapter 535, Regulations of General Applicability.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by July 23, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**J. Registered Land Survey:** Application by Lisa Germann with Cermak Rhoades Architects, on behalf of CHDC Boxleitner Place, for a Registered Land Survey (RLS-59) for property located at 165 Glenwood Place.

**Action:** The City Planning Commission adopted the findings and **approved** the RLS application for the property located at 165 Glenwood Ave subject to the following condition:

1. A document that states that if the CIC is dissolved in the future, then the site will be replatted to create new tracts or lots that are in compliance with the requirements of the zoning code and subdivision ordinance shall be recorded with Hennepin County before the signed RLS will be released for recording with Hennepin County.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Bates moved approval of the staff recommendation (Huynh seconded).

The motion carried 7-0.

**9. The Firm Workout Studio (BZZ-4779 and PL-243, Ward: 5), 1010 2<sup>nd</sup> Ave N, 1100 & 1102 2<sup>nd</sup> Ave N, 250 Fremont Ave N and 227 Colfax Ave N ([Jim Voll](#)).**

**A. Rezoning:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a rezoning from OR2 Office Residence District to the C2 Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District for property located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning from the OR2 High Density Office Residential District to the C2 Neighborhood Corridor Commercial District with the PO Pedestrian Oriented Overlay District for property located at 1000 - 2nd Ave N, 1100 and 1102 - 2nd Ave N, and 227 Colfax Ave N (1010 - 2nd Ave N).

**B. Conditional Use Permit:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a conditional use permit for a major sports and health facility located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit for a major sports and health facility for property located at 1010 - 2nd Ave N subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the

use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

**C. Conditional Use Permit:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a conditional use permit to extend the hours of operation from 6:00 a.m. everyday to 5:30 a.m. everyday for property located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit to allow the major sports and health facility to open at 5:30 a.m. everyday for property located at 1010 - 2nd Ave N subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

**D. Variance:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to reduce the required interior east side yard setback for proposed Lot 2 for an existing transformer from 7 feet to zero feet for property located at 1010 2nd Ave N and 227 Colfax Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to reduce the required interior east side yard setback for proposed Lot 2 for an existing transformer from 7 feet to zero feet for property located at 1010 2nd Ave N and 227 Colfax Ave N.

**E. Variance:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to reduce the required interior west side yard setback for proposed Lot 3 for existing parking from 7 feet to zero feet for property located at 1010 2nd Ave N and 227 Colfax Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to reduce the required interior west side yard setback for proposed Lot 3 for existing parking from 7 feet to zero feet for property located at 1010 2nd Ave N and 227 Colfax Ave N.

**F. Variance:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance of the maximum gross floor area of a building and addition from 30,000 square feet to approximately 31,600 square feet for the 1010 2nd Ave N building.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to increase the maximum allowable gross floor area from 30,000 to approximately 31,600 square feet for property located at 1010 2nd Ave N.

**G. Variance:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to allow the parking area to exceed 60 feet of frontage to approximately 225 feet on Glenwood Ave for property located at 1010 2nd Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to allow the parking area to exceed 60 feet of frontage to approximately 225 feet on Glenwood Ave for property located at 1010 2nd Ave N.

**H. Variance:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to allow the parking area to exceed 60 feet of frontage to approximately 211 feet on 2nd Ave for property located at 1010 2nd Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to allow the parking area to exceed 60 feet of frontage to approximately 211 feet on 2nd Ave for property located at 1010 2nd Ave N.

**I. Variance:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a variance to exceed the PO Overlay District maximum of 119 spaces to 158 spaces and deny a variance to exceed the Chapter 541 maximum of 158 spaces to 180 spaces for property located at 1010 2nd Ave N.

**Action:** Notwithstanding staff recommendation, the City Planning Commission **approved** a variance to exceed the Chapter 541 maximum of 158 spaces to 180 spaces for property located at 1010 2nd Ave N, with the following conditions:

1. Bicycle parking shall be provided equal to 20% of the total number of automobile parking spaces.
2. To encourage visual interest and pedestrian travel, the final elevations shall show areas for public art, but not murals, on the first floor 2<sup>nd</sup> Avenue North elevation that total not less than 20 percent of the non-window wall area of the first floor.

Based on the following findings:

1. The variance will allow a reasonable increase in parking.
2. The applicant provided information that the fitness center has unique and high-volume customer activity, including overlapping classes with timing based on their experience with customer demand in this area.
3. There is infrequent bus service during certain days and times of day.
4. The use will add bicycle parking.

**J. Site Plan Review:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a site plan review for property located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the site plan review for property located 1010 2nd Ave N subject to the following conditions:

1. CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
2. All site improvements shall be completed by July 23, 2011, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
3. Provision of a four foot wide walkway that connects the building entrance to the public sidewalk on Glenwood Avenue as required by Section 530.130 of the zoning code, with an increase in landscaping along the walkway to provide an improved pedestrian character along the walkway.
4. Provision of one tree per 25 linear feet of parking lot frontage on Glenwood Avenue for a total of seven trees in the landscaped yard between the parking lot and the public sidewalk more or less uniformly distributed as required by section 530.170(b)(3) of the zoning code.
5. Compliance with the applicable SH Shoreland Overlay District regulations.
6. The applicant shall work with staff to increase the number of plugs in all the rain gardens.

**K. Plat:** Application by BC Gateway LLC, 227 Colfax LLC, and The Firm for a preliminary and final plat for property located at 1010 – 2nd Ave N, 1100 & 1102 – 2nd Ave N, 250 Fremont Ave N, and 227 Colfax Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the preliminary and final plat subdivision application for properties located at 1000 - 2nd Ave N, 1100 and 1102 - 2nd Ave N, and 227 Colfax Ave N (1010 - 2nd Ave N) and 250 Fremont Ave N.

Staff Voll presented the staff report.

President Motzenbecker opened the public hearing.

**David Phillips (227 Colfax Ave N) [not on sign-in sheet]:** The question here is really on the total number of parking. This is in the Glenwood Basset Creek redevelopment area. We will retain ownership of lots one and three, selling the center lot to Neil. With respect to this parking, I think KKE has done an excellent job of providing landscaping, rain gardens and really thoughtful stormwater management design. The business needs of The Firm really require the 180 at this time. As far as alternative transit, we'll be going to the light rail meeting June 22. Our property on Fremont becomes Van White Boulevard and it's just north of the light rail so we see this property to continue evolving after this. Long range, the purchaser, The Firm, would see complying with the Bassett Creek desires to have a four or five story on Glenwood Ave, they really want a street frontage building there. On my property to the west on Van White and Fremont, we would have a similar four or five story. The remainder of The Firm's parking lot as well as the easterly part of my west lot three, in this area, which would be the parking west of The Firm building and it'd be east of the proposed building we would have on Van White, we see that as structured parking for the entire block. There are some buildings redeveloping and as that happens this whole area becomes parking. As the owners, we've all cooperated with The Firm and we see this redeveloping one more time to provide a structured parking solution so you don't have a lot of surface lots. In the meantime, we ask that you allow this business to prosper in our neighborhood and give them the 180 for the time being while we wait for the redevelopment.

**Neil Miyamoto [not on sign-in sheet]:** When I read through the staff recommendations it talked about hardship. I've never been through this process so I guess I'm looking to ensure that you get your questions answered or that our information is delivered in the most digestible format. There's information from an economic development standpoint which The Firm can explain, as well as the people that represent the neighborhood. They really want The Firm to stay in the neighborhood to ensure economic development. There's some empirical data that's based on health club to health club industry and the amount of parking that's needed to run a health club successfully.

**Commissioner Gorecki:** My question is focused on, if staff is suggesting denial, the information we need is to counter staff's rationale for the 158 parking spaces and right now we don't have any anecdotal information from you of why that's needed or necessary. In order for us to consider overturning the denial, you have to give us some information from parking counts to number of employees. In Committee of the Whole we talked about the cross-over in your classes and the number of people coming from one class to another class so we need that kind of information to help us make a decision.

**Neil Miyamoto:** I know you have been through this information in Committee of the Whole, but The Firm has been in the neighborhood, it's been around for 24 years, we do about 85 classes a week. We really are an instruction/fitness based type of organization where each class is an event so people show up for these classes and there's this carry over period of people showing up and getting ready to go in their class prior to the people that are participating in the existing class so there's this overlap. We are seeing the need. We wanted 200. The only reason we're looking to move and own our own location was to be able to help have the parking for our clients. We needed 200, we knew that would be an issue, we thought we had found a middle ground at 180

and so really the hardship is that our business really needs that parking. People are coming from all over from Apple Valley, Bloomington, Minnetonka, and Wayzata as they commute to downtown to go to work and then our place is a destination. People are coming for specific reasons as the classes start and exit. They aren't coming to get on the treadmill per se, that's not our niche business.

**President Motzenbecker:** What is your parking now? How many spaces do you currently have and where do they park?

**Neil Miyamoto:** Currently there are 155 legal parking spots. There are about another 15 in the center isle where people park and there's another on the curb parking on 2<sup>nd</sup> that's really only available for an hour. Sometimes the IMS gate for IMS parking is open at which time we ensure that our clients know that they are allowed to park there, that has been communicated to us. We are spilling out into the neighborhood. We are bringing in a lot of people from a lot of different areas into the area and we just can't accommodate them.

**Commissioner Schiff:** Just a question on the design, I know rooftop workout space is a new trend in the industry; are you utilizing your rooftop at all or planning to use it in the future?

**Neil Miyamoto:** We would love to but we are not using it now.

**Commissioner Schiff:** Do you have plans for this building to use it in the future?

**Neil Miyamoto:** If we could get more parking, yes.

**Commissioner Schiff:** I ask because for the math it matters. We've calculated so far 201 space of parking per 200 square feet of gross floor area and I'm assuming that did not include rooftop use and I know that rooftop use is sought after by clients so if you were planning in the future to use rooftop use that could be something that we could taking into consideration when granting a variance.

**Commissioner Huynh:** Since we're on the topic of parking, could you also talk about a question that was raised at Committee of the Whole which is your analysis of looking at shared parking with the adjacent businesses and also any bicycle storage. I notice there is only six in the application. Since this is a fitness facility it'd be interesting to look at incorporating more. I was just wondering why it was limited to six. With 158, that's a little over three percent of the entire parking stall count.

**Neil Miyamoto:** The bike parking isn't limited to six. The bike parking is as demanded. Right now we're meeting the demand, but it's very simple to increase that and we plan on doing that as people ride their bike to the facility. The shared parking, the long range plan is to have structured parking on the south section of the property here and further develop the Glenwood property. This parking structure would be able to accommodate surrounding businesses on all sides of it and still allow us to have the parking that we need as the Glenwood lot gets further developed.

**Commissioner Huynh:** My question is specifically looking at your proposal for 158 to 180 and how you made contact with existing businesses to see how you could make the lower number work versus requests 180 parking stalls at this time.

**Neil Miyamoto:** I don't understand the question.

**President Motzenbecker:** Instead of asking for 180 parking spots, I think Commissioner Huynh is saying that 158 as staff recommends and then keep the sharing arrangements with IMS and other places to make up your difference.

**Steve:** Let me answer that; we also own the property to the east which is between Aldrich and Colfax and that's there The Firm is currently located. As far as shared parking, one of the requests is just the opposite, instead of The Firm going out to share other people's property, there was a request from the Builder's Exchange to connect. There's a common driveway that would go out to Glenwood and there's a request to be allowed to connect to the driveway and the parking there our existing building at 227 Colfax and it has about 18,500 feet rentable and we'd be allowed 90 parking stalls and we have 58 in the final redevelopment so we would ask to use part of Neil's overflow if our traffic is mostly morning and his is late afternoon but it's really for the whole neighborhood including the block from Aldrich all the way to Fremont there's a shortage of parking so it really doesn't give Neil the opportunity to go to others. When they park in IMS it's not with permission they're just doing it. We think this is temporary. If Neil expands to the rooftop you would justify his parking. We do see this as an interim viable economic use that stimulates the entire neighborhood and allows us to make it to that light rail discussion where we really get into the full redevelopment.

**Pat Carney (837 Glenwood Ave)[not on sign-in sheet]:** A lot of the more important issues that come up with the idea of the threat of losing The Firm in our neighborhood is that several of the businesses that relocated there, relocated there because they were clients of The Firm's and saw the neighborhood and wanted to move in. We are trying our best to develop this neighborhood, especially with the kind of businesses that bring in the neighborhood and we're excited they're going to stay and they're going to improve another building in the neighborhood, it's really important for us. There are 15,000 cars a month that, in my first letter, I suggest that we redirect as much as we can to get them going down Glenwood Ave so those counts go up so that retail businesses who look at that street say it's a street with enough traffic to be viable for a business. When we first moved into our building at 837 Glenwood...by the way, his people overflow into my parking lot and I let them, it's ok. When we first moved in there, we looked around for franchise businesses who might be interested in moving into the neighborhood and everyone of them had exactly the same response, not enough traffic down that street. That's because up until now that traffic stops right there at The Firm. What we want to do is get them out on to Glenwood Ave where we can get a count up, we can get a coffee shop and a grocery store and a drug store which the neighborhood desperately needs. This is the first step for those things to happen. We see the parking down 394 getting to be sort of...it's not that it ends anything but it certainly slows down the development that will happen along 394. We are spending our time concentrating on Glenwood Ave because we see Glenwood Ave as our next best brightest tomorrow and this is one of those steps to make that happen. Thank you.

**Steve Faber [not on sign-in sheet]:** One of the conditions that we need to be aware of as we develop in Bassett Creek is that the water table is three feet below the surface. We came up with these plans for all this high density that looks nice in plan and would be great urban development but the problem is that we can't park it because we can't park down because the water table is three feet below the ground. Hopefully this isn't the last time we're going to have an issue with somebody wanting to come into Bassett Creek Valley because we want people to come and find a home there if they're not there already. The issue will always be how do we park it because we

can't go down. We will either have to build two or three floors up and stack something above that but it's going to be an ongoing issue simply by virtue of what's there and what's below it. The other thing that I want to point out is on the plan there in the 1010 building and then they're going to add two stories to it, the two stories had to be added on the north end of the property because the Bassett Creek Valley tunnel runs along the west side of the property. It's a difficult area. The other issues we're going to have in the neighborhood in trying to invite people in to develop and keep people there is we've got zoning that crosses up, we've got easements that go through...

**President Motzenbecker:** Let's bring it back to this particular property.

**Steve Faber:** The bottom line is, we have an opportunity to keep somebody that's been in the valley for 24 years. We need parking. There's a lack of parking there and I would ask that you approve the parking. Thank you.

**Randy Lindemann [not on sign-in sheet]:** I'm the design professional or architect of record and principal at KKE Architects. We've been working on The Firm project for a little over a year. We've met with various officials from the city about a half a dozen times, we've been in front of the Committee of the Whole, we've met with the commissioner who has jurisdiction in this neighborhood and we've submitted no fewer than five different submittals to the city including two resubmittals, we've been working side by side with David Phillips architect. David happens to be an architect and also an adjacent land owner and seller. I was a little bit surprised to hear that there was no information granted whatsoever with regard to the parking variance. There was a three page synopsis that we submitted as part of the general land use application.

**President Motzenbecker:** We do have that in our packet.

**Randy Lindemann:** There is some rationale for why we think the parking should be increased. I'd like to address some of things we've done since the Committee of the Whole, one of them was the lack of bike parking. At the time we showed the code required minimum of three spaces for the C2 zone, we went back and doubled that to six. If there is a need to increase that more, I guess it's good to hear that from the commissioners here and there is room on the site to do that. The second thing we did is we went through extensive design and redesign with a civil engineer to provide rain gardens, filtration swales and increase the amount of green space and open space beyond the requirement. What the plan in front of you shows is the latest plan that was resubmitted as part of the PDR resubmittal. It shows a reduction in the drive aisles from 24 feet to 22 feet. It shows a reduction in the driveways from 24 feet to 20 feet and it shows an increase in the landscape area. In the end, from the plan that we presented at Committee of the Whole to the plan that is in front of you and is the official submittal to the city, the landscape and green space exceeds the code requirement by 33%. That was all done in an attempt to try to impress upon this body the fact that the applicant and the design team was making extra steps to try to gain approval for the parking that they feel they need. To get back to the anecdotal information, the written response talks about the idea that they have instructional based fitness and the classes are scheduled and they overlap and so the reason the parking lot needs to be sized the way it does is because the overlap and the clients or students coming to class, it's just that simple. I understand, I've had lots of talks with Mr. Voll about the reason for the code being written the way it is. As a design professional in this community I support that. I think traffic congestion is extreme in the city of Minneapolis and I think that everything that we can do to try to lessen that is a step in the right direction. One thing I'm interested in and curious about is this notion that

reducing parking will somehow reduce the congestion by traffic flow and the idea that reducing parking will somehow influence people to use public transportation. Being a lead design professional, I researched the city of Portland's code, which is the lead document that they refer to for the parking standard for US Green Building Council, and I was curious to find in that code they also have maximum parking standards for commercial development, but one thing that code does that is different from our code is it also makes exceptions, it's not black and white. One of the exceptions they make is for exactly what we're trying to accomplish as a community and that is if the site is properly and frequently supported by public transportation, no exception is granted, but if there is a infrequent public transportation service, that particular code represents a deviation from the maximum. We did a study regarding this site; we looked at the MTC bus route, we looked at the inbound and outbound number nine schedule and then we looked at the frequency. The frequency is defined by the Oregon code as any frequency that's less than 20 minutes or under 20 minutes is considered frequent and adequate as it applies to the parking code and anything 20 minutes and beyond, and specifically 30 minutes and beyond would be considered infrequent and in that case in that code and in the LEED language would have the opposite impact where parking would have to be increased because a site was less than adequately serviced. In the site we're talking about, it's a little bit of a mixed bag. The math calculates out that during the peak frequency, which is rush hour, they have a frequency in their schedule which is on the side of this map which is shown as 15 to 20 minutes. For the remainder of the day, they have a frequency from 30 minutes to 60 minutes. On weekends it's all 30 minutes to 60 minutes. The thing that's interesting about that is we're trying to influence the congestion or reduce congestion by suggesting that we have greater access or greater use of public transportation, which I think we all agree with. The problem with this site is it doesn't apply uniformly. It's not to say that it's not there but I don't think that the frequency gets to the level that we need to be able to pull the parking off. The second thing that that particular code refers to is another study which is the International Transportation Engineers study. I think this might be particularly interesting to this body because it takes a little finer slice regarding parking specifically for health clubs. I'm not here to pick on the Minneapolis zoning code, I think it's a fine code, but I think this particular study helps to lend a little bit of data that...

**President Motzenbecker:** Tell us what this one says.

**Randy Lindemann:** What this group did in 2004 is they looked at 20 different health clubs across the country, 18 of them were in suburban areas, two of them were in urban areas. Three of the 20 sites were here in the Minneapolis metro. What they did is look at peak hour parking, which is exactly the design challenge that we have in front of us. They discovered that peak hour parking at health clubs was from 11:00 a.m. to 6:00 p.m. which is exactly what our design challenge is. The average of the health clubs that they looked at here were about pretty close in size. What they discovered is that those peak loads, they looked at it two different ways, they looked at gross floor area and if you throw out the highs and lows and you take the 85% and 35% median and you split that in half it comes out to 6.06 cars per 1000 square feet. Down in the red, we calculated that out to The Firm's case and came up with 192 cars. They also looked at those same health clubs and the membership and they came up with a factor for parking needed based on membership and in this case they looked at the average of 1400 members. We're just under 1500 members. If you drop off the high and low and take the midpoint between the 33 and the 85% range, the factor [tape ended].

**Commissioner Schiff:** If someone was walking to the gym, which way would they walk or where would they come from? Would they be coming from Glenwood Ave cutting through your parking lot or coming down 2<sup>nd</sup> Ave N?

**Randy Lindemann:** We believe it'd be both. In the staff analysis, Mr. Voll pointed out that we did miss the sidewalk that is required from Glenwood and that's something that we will be adding, a four foot sidewalk from Glenwood Ave to the front door.

**Commissioner Schiff:** Will they be coming from east of the site, south of the site, west of the site...where are they coming from if they do walk?

**Neil Miyamoto:** The people would be coming from the housing that is in the IMS so they would be east of us walking west on Glenwood on the site.

**Commissioner Schiff:** How many people do you have rotating through your building on an hourly basis and how does that fluctuate during the day?

**Neil Miyamoto:** I don't know. The peaks are right when we open, 5:30 to 8:00 a.m. and then it clears out, a big lunch rush and then it clears out and then from 4:30 to 7:30 p.m. it's heavy traffic and then it lightens up until close.

**Commissioner Schiff:** So you don't have any actual numbers for your peak hours? How many classes, how many people attending classes?

**Neil Miyamoto:** At peak there could be about 185 getting ready to exit and another 100 coming in.

**Commissioner Tucker:** Where do you propose to put this four foot path that goes out to Glenwood?

**Steve Faber:** It'd be along the eastern edge.

**Commissioner Tucker:** Will you increase the landscaping there to make that a pleasant walk?

**Steve Faber:** Right now the landscape open area exceeds the code by 33% so it's easy enough to...

**Commissioner Tucker:** One thing we're looking at here is that in a way the vacated Dupont there is really being recreated as a pedestrian street particularly if this goes in and it'd be very nice if it were a pleasant walk coming from Glenwood on down. I have one other question, it sounds like you have two parking lots, one for the outgoing class and one for incoming, is it possible to reschedule things so you don't have the entire changeover all at once but only a third of it or something like that? It seems that we have plenty of parking it's just not being managed in a proper way and we are ending up with the time...after everyone's done arriving and leaving, half the slots are empty.

**Neil Miyamoto:** I think we could if we were in a residential area. Right now, our patterns are based on people coming and going to work and their lunch breaks. It's what the market

conditions have born on this particular type of business so we need to accommodate the classes at times that people are here.

**Commissioner Tucker:** They all have to be on the hour?

**Neil Miyamoto:** They aren't, they're staggered but we still end up with the situation we have.

**Commissioner Tucker:** Staff found no hardship for granting this variance, do you have a hardship that we could work with?

**Randy Lindemann:** I just think the code, as good as the code is and as much thought that has gone into it, it doesn't allow for the exceptions and I really think that both the economic model and the need, the overlap need for this building, is the exception. If the code simply allowed for an exception we could come to you and say we need that, but it's so black and white and we have to go through the variance method. The transportation engineers studied this type of facility and their telling us with imperial data what the need is.

**President Motzenbecker:** Transportation engineers are also conservative in their parking numbers by default.

**Staff Voll:** I know that's what I wrote in the staff report and I don't want this decision to be made just because it wasn't written as artfully as it could have been. When we look at variances, we look at hardship but is there a hardship that doesn't allow somebody to use their property in a reasonable manner to similarly situated properties, it doesn't mean that they have to have an absolute hardship. I think they presented information that explains how their property can't be used in a reasonable manner to similarly situated properties. What you have to evaluate is whether or not you agree with that information. I don't think the things that they've talked about can be excluded because they're not a specific or unique hardship about the property.

**Commissioner Huynh:** In reference to parking and LEED, that's in reference to developments that do not have a zoning ordinance such as multiple campuses and multiple buildings and campuses so I'm not sure how that would apply to this since this does have an existing zoning code. With that, I do want to move on to your alternative compliance request regarding the principal entrance and also windows on the first floor of the west elevation, I know at the Committee of the Whole we asked for you to look at some modifications or studies looking at increasing that because this is in a pedestrian overlay and it is a commercial corridor so I'm interested in hearing what you've done since our discussion.

**Randy Lindemann:** The first thing we should do is refer back to the site plan. What we did is added a sloping sidewalk that goes from 2<sup>nd</sup> Ave N to the building entry. There's about a three and a half foot rise between the sidewalk and the ground floor of the building. We also did the same going northerly toward the parking lot so both sidewalks slope up. They're not quite to the handicap ramp elevation. We tried to create a landscape plane that goes from the front door down to 2<sup>nd</sup> Ave to try to demonstrate to the pedestrians a friendly human scale walk. The third thing that we did is we applied for a variance with Public Works to remove 18 inches of sidewalk on the 2<sup>nd</sup> Ave side and plant low growing greenery less than 18 inches high along the base of the building and then Boston Ivy the full 135 foot length of the existing building along 2<sup>nd</sup> Ave.

**Commissioner Huynh:** I know you've done some work with the sidewalk and I don't expect to see an additional door but I guess what studies have you done in looking at drawing people's attention, especially for pedestrians, parking on each of the side streets on Glenwood or on 2<sup>nd</sup>?

**Damon Farber [not on sign-in sheet]:** What we did, and there is much more landscaping than this particular plan suggests. What we did to address the issue of the access from 2<sup>nd</sup> Ave was looked at creating a very strong row of trees and that's what this does. You walk through a grove of Quaking Aspen to the front door and the curve and linear quality of the sidewalk is meant to reflect Bassett Creek. Recognizing that people do come from both Glenwood and 2<sup>nd</sup> Ave but that you ask for greater accent from 2<sup>nd</sup>, we've created that really strong landscape grove through which people arrive at the main door which now has a canopy over it.

**President Motzenbecker:** I just want to say it's not our goal to kick you out and we don't want you to leave. We love having you there and that's not the point we're trying to make. We're trying to look at ways to kind of meet halfway and I know there's been back and forth on this parking, I'm just curious for your numbers of people who come...I'm going to go back to the bike parking, I'd like to see more bike parking which you can use to offset your car parking. Do you have ideas of your members that come from North Loop, from downtown, from Harrison as opposed to from out of the city? I'm curious if there's any programs that you guys might have inside to encourage more biking or walking, things like that, that could help reach a balance here.

**Neil Miyamoto:** We'd love to see everybody bike. We're a destination type of niche boutique business that people come a long ways to get to. In addition to that, we're part of the artery of feeding downtown with people that work there. We're doing all we can to support the biking and we're providing as much parking as possible and encouraging people to bike.

**President Motzenbecker:** I got an idea on the planting mixes for the swales and things and I noticed you guys weren't planning any irrigation and they were all going to be seeded, is that correct? I have a little concern about a parking lot with bio swales and with plugs and having a difficult enough time with that knowing what happens with seeds.

**Damon Farber:** We don't have it irrigated and the reason we don't is primarily native grasses that are going in and so they have a different requirement except for when it comes to the establishment of that seed. This is identical to the project that we just completed for the city of Minneapolis at Hiawatha, the maintenance facility there. It utilizes new irrigation which is more sustainable, it utilizes two different kinds of grass mix. The other thing we're doing is asking for three year maintenance contract on the native grasses and we require in our specifications that it be 90% established before we accept it.

**President Motzenbecker:** Is it included that they water it weekly?

**Damon Farber:** The person that installs it may not maintain it for three years. We don't require that they irrigate it weekly. The intent is that it become established and that once established The Firm will be maintaining it.

**President Motzenbecker:** That was the only thing with the alternative compliance and questions I was curious if maybe you guys wanted to push the pedestrian overlay and wanted to make a great connection to Glenwood and desirable for people, I know how long it takes to establish those things. You could be three years with basins that look like dirt before it gets the point,

especially with the mowing and things that might have to occur so I might encourage to work with staff and add more plugs instead of seeds to at least get it going and have some actual plants in there.

**Damon Farber:** There are plugs going in. This is a poster that we give our clients who put in native grasses to show them that the first year it looks like this and then it takes three or four years for it to become truly established. It will take time and care.

**Commissioner Huynh:** This is regarding the blank wall space exceeding 25 feet, I know that you're proposing the green ivy on the one façade, are there other options of looking at public art or we had discussed additional glazing but there's been the concern raised about having people look into the building. Have you looked at windows that would allow daylight into the building without having people gaze into the business?

**Randy Lindemann:** What we did is increase glazing on the second floor beyond the code requirement, trying to make up for a little bit of missing the mark on the ground floor. If you remember from our discussions at Committee of the Whole, the problem with the ground floor is its studio space. It's basically a dance studio with a mirror wall along 2<sup>nd</sup> Ave. At the time, we did not consider clear story or transom style lighting because we did not think that that met the code which required a view in and out of this space so we did not go down that path. We did look at multiple different ways to try to soften that wall. That wall is 36 feet high, 135 feet long, there are two windows in it and everything that we do right now will soften it. We settled on the ivy. One thing that we are not showing is the possibility of doing some thematic lighting so at night the building might have a light pattern that brings down the scale and that creates a more pedestrian feel to it. It is a considerable challenge as you can imagine. That wall is a sixteen inch concrete block for 135 feet and we have a use that wants to be dark on the ground floor.

President Motzenbecker closed the public hearing.

**Commissioner Schiff:** I will move all the items that staff has recommended approval for so that would be all but H and I.

**Staff Wittenberg:** Before we start referring to specific letters, I noticed the lettering is actually inaccurate. There are two D's.

**Commissioner Schiff:** I will move approval of D1 and D2.

**President Motzenbecker:** We will just say everything but the parking maximum variance and the site plan review is moved for staff recommendation (Tucker seconded). All those in favor? Opposed?

The motion carried 8-0.

**Commissioner Schiff:** I will move approval of item H, the application to grant a variance exceeding the maximum spaces to 180 as sought by the applicant (Gorecki seconded). I think this has been a really good discussion, I'm glad we spent so much time on it. These parking maximums are new in our zoning code. I checked briefly with Jason Wittenberg and he said he could remember one other application so far because soon after we enacted them into our code we had an economic meltdown which pretty much stopped most economic development in the city of

Minneapolis. Now that things are coming back I think it's good that we develop standards for when we grant variances. Like Portland, we don't have an inflexible zoning code, we do have a flexible zoning code and these applications exist for a reason and I think for the Planning Commission when we grant these variances we should consider what the real intent is which is, in this case, is to create a friendly pedestrian environment. There are conditions I can think of that would help create a friendly pedestrian environment for this site. We should get into practice I think of developing, just as we do whenever we allow someone to not provide the parking required by code when they're providing too much parking I think we should also condition those approvals. The application being sought for is only a 15 percent increase of the total parking allowed on site, I think that's moderate and reasonable. The use is reasonable. Stripping out 22 parking spaces I don't think will help us meet our goal of making it more pedestrian friendly and may hurt some of the economic development that this project has the potential...it strikes me when we calculate the square footage for properties in the C2 area that in the table of uses these types of uses, the gyms, are particularly unique, the high volume of customer turnover, the fact that you'll have a 45 minute ab class and then you want to get in and get out quickly. I'd like to believe that everyone from the central business district on their lunch break going to a workout class is going to walk but I don't think so. Given the bus service at this location, I don't think they're going to jump on the bus either to get to their class. They may bike however. The first condition I'd propose is a one to one ratio for the additional parking spaces. Much like in retailing where an excess of surface area is often included by big box retailers to attract people to drive, I think an excess of bike racks will attract people to bike. I think adding another 22 bike parking spaces on this site will be a good way to encourage people to see that it's an option for them when they come to the gym. Looking at the ivy on 2<sup>nd</sup> Ave, I was interested to know which way people would walk if they were walking. When trying to create a pedestrian friendly environment, you usually need a wide sidewalk, a buffer of trees between the curb and the sidewalk and you need an attractive environment for people to look at and so far we're 0 for 3 on 2<sup>nd</sup> Ave. I did get to see, in Seattle most recently, pedestrian level public art that was incorporated onto blank walls and buildings in several projects in that neighborhood. I'd like propose in addition to the landscaping, public art on the 2<sup>nd</sup> Ave side of the building that would be affixed to the building. It could be mosaic tile, I'm not talking about a mural, but something more sculptural that does draw the eye. Something in lieu of windows that would attract pedestrian interest and make people want to walk and enjoy the walk as they do it.

**Commissioner Tucker:** While we're talking about landscaping, I'd like to strongly urge that the applicant work with staff to make the pedestrian connection out to Glenwood as pleasant as the entrance from 2<sup>nd</sup>. Can we add that as a condition to work with staff to make the walkway out to Glenwood as hospitable as that from 2<sup>nd</sup>?

**President Motzenbecker:** We can, but we're still on the variance.

**Commissioner Huynh:** In regards to approving the variance from 158 to 180 stalls that we look at increasing the bike parking stalls, Commissioner Schiff had proposed 22, I'd like to propose 20 percent of total parking stalls. If they're providing 180 then they provide 36 on site in bike racks.

**Commissioner Schiff:** That works, sure.

**Commissioner Bates:** Another way to maybe approach it too is who wants to bring their bike if they work downtown and keep it there. They could put in a Nice Ride station. If they had a Nice Ride station maybe we could say a little bit less space for biking if that's what they were going to

do because then the Nice Ride station would be a major encouragement to the central business people hopefully to ride.

**President Motzenbecker:** What I have right now is a motion to approve 180 stalls instead of 158 with the condition that we add 36 bike parking spaces, perhaps also with the recommendation that you look at the Nice Ride option and see if that might be a possibility and then that we add some type of public art on the 2<sup>nd</sup> Ave façade blank spaces to enhance that along with the ivy that you're planning for that. Any other questions? All those in favor? Opposed?

The motion carried 8-0.

**Commissioner Schiff:** Could you just have staff clarify the suggested size for public art?

**President Motzenbecker:** Please add to that for the applicant work with staff for the appropriate size for the art on that building.

**Staff Wittenberg:** You could leave some discretion with staff on that, but certainly there's the chance that we'd end up with something smaller than you intend. I don't know if Mr. Voll has a suggestion about the appropriate square footage.

**Commissioner Schiff:** I'm thinking about 30 percent of the first floor façade, 30 percent of the blank space and no less than 20 percent. I will move approval of the site plan review (Gorecki seconded).

**Commissioner Tucker:** This is the point that I will add the condition that the four foot path out to Glenwood...applicant work with staff to create a path out to Glenwood as felicitous as the one proposed from 2<sup>nd</sup> to the entrance.

**President Motzenbecker:** That's already condition three so we can just add to it something to the effect that it be of sufficient space...

**Commissioner Tucker:** Substantial increase in landscaping along that eastern edge of the northern part of the property.

**President Motzenbecker:** I would also add to work with staff to increase the number of plugs in all the rain gardens to a much more substantial amount. Your landscape architect will know exactly how much to fit in there to make them look good. Any other comments? All those in favor? Opposed?

The motion carried 8-0.