

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

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

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MEMORANDUM

DATE: July 2, 2009

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 22, 2009

The following actions were taken by the Planning Commission on June 22, 2009. 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, Cohen, Gorecki, Huynh, Luepke-Pier, Norkus-Crampton, Schiff and Tucker – 9

Not present: Nordyke

Committee Clerk: Lisa Baldwin (612) 673-3710

7. Aeon parking lot (BZZ-4414, Ward: 7), 714 and 718 E 17th St ([Hilary Dvorak](#)).

A. Rezoning: Application by Alan Arthur with Aeon, for a rezoning from R6 and DP Overlay to OR2 and DP Overlay for the properties located at 714 and 718 E 17th St.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning of the properties located at 714 E 17th St and the westerly 14.00 feet of 718 E 17th St from the R6 zoning district to the OR2 zoning district.

B. Conditional Use Permit: Application by Alan Arthur with Aeon, for a conditional use permit for a surface parking lot located in the DP Downtown Parking Overlay District at 714 and 718 E 17th St.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for a 19-space surface parking lot located in the DP Downtown Parking Overlay District located at 714 E 17th St and the westerly 14.00 feet of 718 E 17th St 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 19 parking spaces located in the parking lot.

C. Variance: Application by Alan Arthur with Aeon, for a variance of the DP Overlay standard that requires the parking lot be located on the same zoning lot as the use served for the properties located at 714 and 718 E 17th St.

Action: The City Planning Commission adopted the findings and **approved** the variance of the DP Downtown Parking Overlay standard that requires the parking lot be located on the same zoning lot as the use served located at 714 E 17th St and the westerly 14.00 feet of 718 E 17th St.

D. Variance: Application by Alan Arthur with Aeon, for a variance to increase the percentage of impervious surface on the site from the maximum 85 percent to 89.8 percent for the properties located at 714 and 718 E 17th St.

Action: The variance application to increase the percentage of impervious surface on the site from the maximum 85 percent to 89.8 percent has been **returned** to the applicant.

E. Variance: Application by Alan Arthur with Aeon, for a variance to reduce the required front yard setback for the properties located at 714 and 718 E 17th St.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required front yard setback from the required 15 feet to ten feet located at 714 E 17th St and the westerly 14.00 feet of 718 E 17th St.

F. Variance: Application by Alan Arthur with Aeon, for a variance to reduce the east interior side yard setback for the properties located at 714 and 718 E 17th St.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required east interior side yard setback from the required five feet to zero feet located at 714 E 17th St and the westerly 14.00 feet of 718 E 17th St.

G. Variance: Application by Alan Arthur with Aeon, for a variance to reduce the west interior side yard setback for the properties located at 714 and 718 E 17th St.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required west interior side yard setback from the required five feet to zero feet located at 714 E 17th St and the westerly 14.00 feet of 718 E 17th St.

H. Variance: Application by Alan Arthur with Aeon, for a variance to reduce the rear yard setback for the properties located at 714 and 718 E 17th St.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the required rear yard setback from the required five feet to four feet located at 714 E 17th St and the westerly 14.00 feet of 718 E 17th St.

I. Site Plan Review: Application by Alan Arthur with Aeon, for a site plan review for the properties located at 714 and 718 E 17th St.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for the property located at 714 E 17th St and the westerly 14.00 feet of 718 E 17th St subject to the following conditions:

3. Landscaped screening equal to three feet in height and 60 percent opacity shall be provided along the northern portion of the western side of the parking lot and along the northern side of the parking lot.
4. Wood mulch shall be used along the east side of the parking lot in lieu of rock mulch.
5. A decorative metal fence shall be provided along the west property line. In the area where the parking lot is located one foot from the west property line the ground cover underneath the fence shall be wood mulch.
6. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
7. All site improvements shall be completed by June 22, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

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

The motion carried 8-0.

10. Zoning Code Text Amendment (Ward: All), ([Brad Ellis](#)).

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

Amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances related to the Zoning Code: Site Plan Review.

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances related to the Zoning Code: Regulations of General Applicability.

Amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances related to the Zoning Code: Off-Street Parking and Loading.

The purpose of the amendment is to require the provision of enclosed parking with new single- and two-family dwellings.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **deny** the zoning code text amendment, amending chapters 525 and 530, and **return** chapters 535 and 541 to author, based on the following findings:

1. The text amendment is unnecessary.
2. Alternative structures (e.g. sheds) can accomplish the goal of storage of materials.

Staff Ellis presented the staff report.

President Motzenbecker: This will be affecting very little either way.

Staff Ellis: Yes, either way.

Commissioner Huynh: I understand the reasoning for having the garages. With the percentages that you did present it seems logical in terms of the economy today and people wanting higher resale values for their homes, however, there may be homeowners that do not want to build a garage. What is the process for those homeowners? Is it similar to what Richfield would do in terms of providing a plat of land that says “we are not going to construct it now, but we could potentially.” How do those two things factor into this?

Staff Ellis: As proposed, there would not be that requirement. They would have one year or up to two years to construct that as part of their original building permit, however, there was also the option for...the change to Ch 525 would allow a variance to this. Usually that would be in cases of hardship on a lot or something along those lines.

President Motzenbecker: So you’d have to ask for a variance if you’d want to not build one.

Commissioner Bates: Why, given that it was only 13 people, why have it? Why be affirmative...

President Motzenbecker: I think you should ask Commissioner Schiff.

Commissioner Bates: The reason I ask is that we don’t have a garage. We have an easement, it’s awful, but I’m curious what the history is.

Staff Ellis: Council has been concerned. They were concerned earlier but did not pass. Some council members were supporting it more than others since it was not adopted back in 2002. It was reintroduced. Council is concerned about that. It also is concerned in terms of the inherent property values, other things like that, since it does increase the value. It is also concerns in correlations between not having a garage and other issues related to homes that have gone into foreclosure.

Commissioner Bates: Even though it’s only 13 parcels, right?

Staff Ellis: Correct.

Commissioner Bates: I think it’s odd that we’re building our entire...or that we have a zoning code then that’s promoting a residential space that includes a house for a car. I think that’s sort of a little antithetical to where we’ve been going.

Commissioner Norkus-Crampton: Being a garden person, I'm thinking enclosed...could enclosed be like living green walls around a building so it's almost like a gazebo like structure with a roof? Is that enclosed enough?

Staff Ellis: It would need to meet the definition of the enclosed building requirement in terms of...

Commissioner Norkus-Crampton: It says "enclosed parking" it doesn't say an enclosed building.

Staff Ellis: Correct, but the way I would read it and understand it is that it would meet the interpretation in terms of the enclosed building requirement and would be required to have a door of some sort. You could perhaps build or do some interesting materials with the garage, have a roof on it but it would require controlled access.

Commissioner Norkus-Crampton: That is spelled out somewhere else in the code? When I look at enclosed parking I think there's a lot of ways to enclose a car that doesn't necessarily have to have a door or complete building. I understand we might want to have something over it, a roof or whatever, but something that encourages people to be more creative with that aspect of things, more green ways, things that can be incorporated into landscaping, maybe a multiple use space so when the car's not there you can use it for a dining area or something. I'm trying to invite a little more innovation into how we might do that in a little more creative way.

Staff Ellis: As proposed it would not be able to do that.

Commissioner Tucker: This text amendment automatically goes forward to Z&P is that correct?

Staff Ellis: Yes.

Commissioner Luepke-Pier: I wholeheartedly support this and I can't stress enough how wholeheartedly. Even though we're trying to be more pedestrian friendly and less auto oriented in our city, even if you're pedestrian oriented sometimes you have a bicycle and you need someplace to put it...the problem in my neck of the woods is if you don't have a place to store a shovel or lawn mower or your vehicle, it ends up not getting done. Sidewalks don't get shoveled, lawns don't get mowed. I've actually seen cars pulled up on to the back yards of houses because there isn't a garage and they're afraid someone's going to break into it so they pull up next to their back door which means that by the end of summer there's no grass which is a whole condition with runoff. It's horrible. I've also seen where less scrupulous builders have built homes and just poured pads in the back. Those homes are now either in foreclosure, currently boarded and vacant or not boarded and all the windows are broken out of them because nobody lives there because it's gotten run down because it's meant to be slum rental and why build a garage for tenants who you don't care about. I think this is a great way to be equitable and it provides shelters for the necessities to maintain a home like the different chemicals you use. It also provides a place to store vehicles without fear of getting them broke into or things getting stolen. This is great, we love it and I'm supporting it. I move to support it.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

The motion to support the item failed with no second to the motion.

Commissioner Tucker: We did discuss this at length at a Committee of the Whole meeting and wondered why we needed this at all. I think many of us do not have garages but think we have nice houses. I understand Commissioner Luepke-Pier's point for those 13 that don't seem fit to store their outdoor equipment properly. I move that we deny this and pass it along with our notion that this is unneeded in the code (Cohen seconded).

Commissioner Luepke-Pier: Is there any way to mandate it if someone pulls a rental license that they're required to have a garage? That is the big thing. You may maintain your home without a garage but a lot of other properties do not. I don't think there's a way, without this passing, for that to happen.

Staff Ellis: There's no mechanism through the zoning code by which that could occur. It's possible you could attach it to a rental license but I'm not sure whether they would have the legal authority to do that or not. I'm not sure on that.

Commissioner Luepke-Pier: I'm against Commissioner Tucker's motion. I just know we will bring down blight in my neighborhood.

Commissioner Norkus-Crampton: I don't mean to sound insensitive to those kinds of issues because I've lived in neighborhoods where the security aspect is really nice. Also, keeping people out of your garage was a full time job. Moving forward, if this motion goes through, I think I'd appreciate talking in terms of functionality of the structure. Should there be a storage component? Maybe there could be a shed with some kind of roof with some kind of whatever. There's a lot of varieties if we break this down as far as what's really necessary and invite people to be innovative. In the areas that I find the most innovative are the areas where people don't have a lot of resources but they have a lot of imagination and I've seen some amazing things that I get very inspired by to see what people do if they're given the criteria of what they need to work with. I think if we figure out the functionality of these structures and what they serve for the security of the neighborhoods. I had a roommate who had a garage and he kept the garage unlocked so people wouldn't break in it and he kept his car unlocked so people wouldn't break in it. I think there's a lot of different ways that people accomplish these kinds of things.

President Motzenbecker: Is that a recommendation to both staff and City Council?

Commissioner Norkus-Crampton: Yes.

Commissioner Tucker: I would endorse that comment as that was one of the major justifications in the staff report was storage of outdoor gear more than automobiles. That's still a problem that doesn't go away but garage may not be the only solution.

President Motzenbecker: Motion is to deny and send forward with recommendations stated regarding alternative forms, structures, uses to meet the needs that have been brought forth. All those in favor? Opposed?

The motion carried 5-1.