Request for City Council Committee Action from the Department of Community Planning and Economic Development – Planning Division

Date: October 16, 2008
To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee
Referral to: Zoning and Planning Committee

Subject: Appeal of the decision of the City Planning Commission associated with the proposed HCMC Family Medical Clinic located at 1 28th Street West, 11 28th Street West and 2815 Blaisdell Avenue.

Recommendation: The following actions were taken by the Planning Commission on September 22, 2008 (BZZ-4145):

A. Variance: Application by Hennepin County Medical Center (HCMC) for a variance of several of the Pedestrian Oriented Overlay District Standards as well as the specific provisions outlined for the Nicollet Franklin area for the properties located at 1 28th St W, 11 28th St W and 2815 Blaisdell Ave.

Action: The City Planning Commission **denied** the application for a variance of the Pedestrian Oriented Overlay District Standards as well as some of the specific provisions outlined for the Nicollet Franklin area which include: (1) Building placement as the first floor of buildings must be located no more than 8 feet from the front lot line; (2) Accessory parking provisions relating to location, dimensions and driveways; 3) Minimum floor area ratio; (4) Corner cuts; and (5) Linear frontage of one use; for property located at 1 28th St W, 11 28th St W and 2815 Blaisdell Ave.

B. Site Plan Review: Application by Hennepin County Medical Center (HCMC) for a site plan review for a 2-floor or 43 foot tall medical clinic for the properties located at 1 28th St W, 11 28th St W and 2815 Blaisdell Ave.

Action: The City Planning Commission **denied** the site plan review application for property located at 1 28th St W, 11 28th St W and 2815 Blaisdell Ave.

Ward: 6

Prepared by: Becca Farrar, Senior Planner, 612-673-3594
Approved by: Jason Wittenberg, Development Services Supervisor
Presenters in Committee: Becca Farrar, Senior Planner

Community Impact

Neighborhood Notification: Notice of the Planning Commission hearing was mailed on August 1, 2008, and notice of the appeal was mailed on October 6, 2008.

- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 120-day decision period: November 4, 2008
- Other: Not applicable

Background/Supporting Information: Lynn Abrahamsen, on behalf of HCMC, has filed an appeal of the decision of the City Planning Commission. The appeal is regarding the decision of the City Planning Commission on September 22, 2008, to deny the following land use applications for the development known as the HCMC Family Medical Clinic located at 1 28th Street West, 11 28th Street West and 2815 Blaisdell Avenue: (1) Variance of several of the Pedestrian Oriented Overlay District Standards as well as the specific provisions outlined for the Nicollet Franklin area; (2) Site Plan review for a 2-floor or 43 foot tall medical clinic. The minutes from the April 28, 2008, City Planning Commission meeting are attached.

The appellant has stated that they intend to develop the site as proposed. The statement outlines the benefits of the proposed medical clinic on the premises as well as the need to move forward without delay to meet their current clinic critical needs. The appellant further states that the recommended direction of a Planned Unit Development (PUD) on the site would pose a substantial future risk to HCMC. HCMC requests that the appeal be granted so that the purchase of the property can be finalized in order to begin remediation of the site prior to construction of the facility which they hope to commence in spring of 2009. The appellant's complete statement of the actions being appealed and reasons for the appeal are attached.

Department of Community Planning and Economic Development – Planning Division
Variances and Site Plan Review
BZZ-4145

Date: September 22, 2008

Applicant: Hennepin Healthcare Systems, DBH, Hennepin County Medical Center (HCMC), Attn: Deborah Sweetland, 701 Park Avenue South, Minneapolis, MN 55415, (612) 873-4910

Addresses of Property: 1 28th Street West, 11 28th Street West and 2815 Blaisdell Ave

Project Name: HCMC Family Medical Center

Contact Person and Phone: Hennepin County Medical Center (HCMC), Attn: Deborah Sweetland, 701 Park Avenue South, Minneapolis, MN 55415, (612) 873-4910

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: July 8, 2008

End of 60-Day Decision Period: September 5, 2008

End of 120-Day Decision Period: On August 27, 2008, Staff sent a letter to the applicant extending the decision period to no later than November 4, 2008.

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: I1 (Limited Industrial District), Nicollet Franklin Area Pedestrian Oriented (PO) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 25

Lot area: 133,052 square feet or approximately 3.05 acres

Legal Description: Not applicable for this application.

Proposed Use: A 60,000 square foot medical clinic.

Concurrent Review:

- Variance of several of the Pedestrian Oriented Overlay District Standards as well as the specific provisions outlined for the Nicollet Franklin area.
- Site Plan review for a 2-floor or 43 foot tall medical clinic.

Applicable zoning code provisions: Chapter 525, Article IX, Variances, and Chapter 530 Site Plan Review.

Background: The applicant proposes to construct a new 60,000 square foot medical clinic on the block bounded by Nicollet Avenue on the east, Blaisdell Avenue on the west, West 28th Street on the north and West 29th Street on the south. The approximate 3 acre site is zoned I1 and is located in the Nicollet Franklin Area Pedestrian Oriented (PO) Overlay District. Medical clinics are permitted uses in the I1 district. The proposed development requires a variance of several of the PO standards as well as many of the specific provisions outlined for the Nicollet Franklin Area. These standards include: (1) Building placement as the first floor of buildings must be located no more than 8 feet from the front lot line; (2) Accessory parking provisions relating to location as on-site accessory parking facilities must be located to the rear or interior side of the site, within the principal building serviced, or entirely below grade; dimensions as parking lots are limited to not more than 60 feet of street frontage; and driveways as driveway widths must not exceed 20 feet of street frontage; and the following provisions as they specifically relate to the Nicollet Franklin Area (3) Minimum floor area ratio as new development is subject to a minimum floor area ratio of 1.0; (4) Corner cuts as new development on the corner of two street rights-of-way must have a setback at the sidewalk level on the corner of the building that must be no less than two feet and no greater than 8 feet from the corner of the property; and (5) Linear frontage of one use as no single commercial use in one building shall extend more than 120 linear feet of the first floor façade fronting any street. Site Plan review is also required.

The Nicollet Franklin Area PO was adopted by the City Council in September of 2007. The adoption of these standards was a result of a City Council enacted moratorium on new construction in the area bounded by Nicollet Avenue (east and west alley to alley) from Franklin Avenue on the north to the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right of way on the south. The City Council was concerned about the scale, scope, and pace of development projects along Nicollet Avenue and enacted the interim ordinance in order to allow for the completion of a study to inform future development. It was determined that application of a Pedestrian Oriented Overlay District would address the concerns related to future development being in character with the traditional urban form of the area. City Staff met with representatives from the neighborhood group, Whittier Alliance, on an approximate monthly basis between August 2006 and April 2007. The content of the adopted Nicollet Franklin Area Pedestrian Oriented Overlay District is made up of the base pedestrian overlay language, some select components from other existing pedestrian oriented overlay districts, and a few unique features.

The subject site, now abandoned, was formerly used as a meat packing/processing plant since 1975 and is environmentally contaminated. The developers intend to clean-up the site as part of their development proposal. Further, HCMC is seeking LEED certification

for the proposed structure on the site as well as incorporating extensive sustainable design practices. A memo which has been attached for reference outlines these practices.

On August 18, 2008, the Planning Commission recommended that the project be continued two cycles in order for the applicant to investigate other options related to the development of the site. The applicant has chosen to move forward with the submitted development plans; therefore, no alterations have been made to the proposal.

Staff received correspondence from the Whittier Alliance which is attached for reference. All emails/letters received prior to the Planning Commission meeting will be forwarded on for consideration.

VARIANCES –Variance of the Pedestrian Oriented Overlay District Standards which include the following: **(1)** Building placement as the first floor of buildings must be located no more than 8 feet from the front lot line; **(2)** Accessory parking provisions relating to location, dimensions and driveways; and the following provisions as they relate to the Nicollet Franklin Area **(3)** Minimum floor area ratio; **(4)** Corner cuts; **(5)** Linear frontage of one use.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Building placement: It is likely that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance would cause undue hardship. The subject site is an approximate 3 acre, full city block site with frontage on four public streets. In its current configuration, regardless of what development were to be constructed on the premises, it would be difficult to adhere to this standard. Planning Staff typically believes that allowing a variance of this standard is a reasonable request.

Accessory parking provisions: It is likely that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to some of the regulations of this provision of the zoning ordinance would cause undue hardship. The applicant is proposing to vary three accessory parking provisions as outlined in the PO standards relating to location, dimensions and driveways. Planning Staff would argue that based on the fact that the subject site encompasses an entire city block and has frontage on four public streets, that it would be reasonable to allow some leniency relating to the location and driveway provisions provided the overall design of the development was deemed an appropriate use of the subject site.

The location provisions states that on-site parking facilities should be located to the rear or interior of the site, within the principal building served, or entirely below grade. The applicant has stated on numerous occasions that underground and structured parking is cost prohibitive to the project, and there really is no "rear" of the site. There is surface parking located at the interior of the site, however it spills over and is the primary feature on two of the four street frontages, along Blaisdell Avenue and West 29th Street. Planning Staff believes that it would be reasonable to expect a full block development to locate parking primarily at the interior of the block. Parking lots are limited to no more than 60 feet of street frontage in the PO. Planning Staff believes that allowing some parking along Blaisdell Avenue and West 29th Street is a reasonable use of the site; however, allowing parking lots that exceed 60 feet of frontage as they do along Blaisdell Avenue for approximately 360 feet and along West 29th Street for approximately 300 feet is excessive and is in complete violation of the intent behind the PO standards. The driveway width for all parking facilities is not allowed to exceed 20 feet of street frontage. In its current configuration two of the three curb cuts proposed for the site comply with this requirement. There is a curb cut located on the Blaisdell Avenue frontage that exceeds this requirement at approximately 24 feet. Planning Staff believes that extending the driveway an additional two feet is a reasonable request.

Minimum floor area: It is likely that the property could be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning ordinance would not cause undue hardship. The Nicollet Franklin Area PO requires that the minimum floor area ratio of new development in the Commercial, OR2, OR3 and Industrial districts must be a minimum of 1.0. Planning Staff would argue that utilizing this full city block in a manner that is unable to meet the minimum floor area ratio is an underutilization of the site; especially considering that nearly three quarters of the site is a surface parking lot. The applicant is proposing to construct a 60,000 square foot medical clinic on the premises which equates to a floor area ratio of approximately .45. Essentially, in order for the project to comply with the minimum floor area ratio required, the proposed gross floor area of the building would need to more than double in size. Planning Staff believes that it is reasonable to expect the proposed development to comply with the minimum floor area ratio mandated on the subject site. Further, the applicant could develop the full block in a phased manner as individual phases of a phased development may be less than the minimum floor area ratio of 1.0 required, provided the entire development meets the minimum requirement.

Corner cuts: It is likely that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance could cause undue hardship. The Nicollet Franklin Area PO requires that new development on the corner of two street rights-of-way incorporate a setback at the sidewalk level on the corner of the building. The provision further states that the setback must be no less than two feet and no greater than 8 feet from the corner of the property. The purpose of this provision was to integrate a prominent design feature which is currently present along the corridor into new development specifically related to building entrances. While the applicant is indeed incorporating a corner cut at the intersection, it

exceeds the requirement of 8 feet in order to provide a public plaza space and doesn't necessarily meet the intent of the provision as no building entrance is located in this vicinity. Planning Staff has encouraged the applicant to incorporate an actual principal entry to the building at the corner in order to meet the intent of this provision; however, the design does not reflect one. Despite the fact that the design of the structure does not meet this provision, Planning Staff believes that it would be reasonable to allow a variance due to the interior layout of the proposed building as well as due to the fact that a plaza area is incorporated at the corner which meets the intent of broader neighborhood goals.

Linear frontage of one use: It is likely that the property could be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning ordinance could cause undue hardship. The Nicollet Franklin Area PO limits single commercial uses in one building to 120 linear feet of the first floor façade fronting any public street. The primary intent of this objective was to preclude "big box" developments along the Nicollet and Franklin corridors. In this specific circumstance, allowing a medical clinic to extend beyond the linear commercial use length limitation would seem a reasonable use of the subject site.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Building placement: The circumstances could be considered unique to the parcel of land for which the variance is being sought; however, being that the persons presently having an interest in the property designed the project lacking compliance with the applicable provisions, one could state that circumstances have also been created by persons presently having an interest in the property. The 3 acre, full city block site has frontage on four public streets. Requiring that development adhere to this requirement along all four street frontages would be difficult but not impossible. The site in its current configuration is utilized as a singular industrial use; in order for this development to comply with the building placement provision, it is likely that the site would need to be replatted into multiple parcels and the development proposed for the site redesigned.

Accessory parking provisions: The circumstances could be considered somewhat unique to the parcel of land for which the variance is being sought; however, being that the persons presently having an interest in the property designed the project lacking compliance with the applicable provisions, one could state that circumstances have also been created by persons presently having an interest in the property. The 3 acre, full city block site has frontage on four public streets. Requiring that that development comply with all of the accessory parking provisions described above relating to location, dimensions and driveways would be difficult based on the current design of the development. Compliance with all of the provisions would result in a complete redesign of the site and project.

Minimum floor area: The circumstances would likely not be considered unique to the parcel of land for which the variance is being sought and have been created by persons presently having an interest in the property. The design of the project in relation to the size of the development parcel creates the issue as it relates to the minimum floor area ratio required for the site. The Nicollet Franklin Area PO mandates a minimum floor area ratio of 1.0 for all new industrial, commercial, OR2 and OR3 development within the boundaries of the PO. Planning Staff believes that any new development under the minimum floor area ratio of 1.0 on the premises would be an underutilization of the subject site.

Corner cuts: The circumstances would likely not be considered unique to the parcel of land for which the variance is being sought and have been created by persons presently having an interest in the property. The proposed design of the structure results in the lack of compliance with this provision. Planning Staff has encouraged the applicant to adhere to the specifications of this requirement in order to preserve the existing character that exists along Nicollet Avenue in relation to primary building entrances being located at the corner. Although the development does not necessarily comply with the intent of this requirement even though there is somewhat of a corner cut at the intersection, the tradeoff is that another neighborhood goal of incorporating gathering spaces and green space is located in lieu of the actually principal entry at the corner.

Linear frontage of one use: The circumstances could be considered unique to the parcel of land for which the variance is being sought and have been created by persons presently having an interest in the property. The proposed design of the structure results in the lack of compliance with this provision. The building extends approximately 215 feet along Nicollet Avenue and approximately 220 feet along West 28th Street. The purpose of this provision in the Nicollet Franklin Area PO was to prevent "big box" from developing along the Nicollet and Franklin corridors.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Building placement: The granting of the variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity if it were on a smaller scale. The fact that the majority of the site is a large surface parking lot makes the variance difficult to support despite the fact that applicant has provided generous landscaping and screening on the premises.

Accessory parking provisions: The granting of the variance for all three provisions relating to location, dimensions and driveways, would likely not be in keeping with the spirit and the intent of the ordinance and would likely alter the essential character of the locality and be injurious to the use and enjoyment of other property in the vicinity. As

previously mentioned, Planning Staff would partially support a variance of these provisions but not in full as proposed. The most detrimental provision would be allowing the surface parking lot along both Blaisdell Avenue and West 29th Street to exceed the maximum width allowed by such a large linear amount. Granting a variance to allow a parking lot to exceed 60 feet of frontage as it does along Blaisdell Avenue for approximately 360 feet and along West 29th Street for approximately 300 feet is excessive and in complete violation of the intent behind the implementation of the PO standards.

Minimum floor area: The granting of the variance would likely not be in keeping with the spirit and the intent of the ordinance and would likely alter the essential character of the locality and be injurious to the use and enjoyment of other property in the vicinity. The incorporation of a minimum floor area ratio into the Nicollet Franklin PO standards was to prevent a circumstance such as this; a development that results in an underutilization of a full city block site.

Corner cuts: The granting of the variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. While the design of the structure doesn't exactly meet the intent of this PO provision, it is a compromise as there is somewhat of a corner cut at the intersection. Essentially, the tradeoff is that another neighborhood goal of incorporating gathering spaces and green space is located in lieu of the principal entry at the corner.

Linear frontage of one use: The granting of the variance would likely be in keeping with the spirit and the intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The purpose of this provision was to attempt to prevent "big box" retailer developers from coming into this established small business oriented corridor. Allowing a medical clinic to exceed the 120 foot maximum linear frontage of one commercial use in this area would appear to be suitable provided the remaining portion of the site was designed in a supportable manner.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Building placement: Staff believes that the granting of the variance of building placement aspect of this PO variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Accessory parking provisions: Staff believes that the granting of the variance of the accessory parking provisions aspect of this PO variance would likely have no impact on

the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Minimum floor area: Staff believes that the granting of the variance of the minimum floor area ratio provision of this PO variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Corner cuts: Staff believes that the granting of the variance of the corner cut provision of this PO variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Linear frontage of one use: Staff believes that the granting of the variance of the linear frontage of one use provision of this PO variance would likely have no impact on the congestion of the public streets or on fire safety, nor would it be detrimental to the public welfare or safety.

Overall, Planning Staff is unable to support the variances of the Nicollet Franklin Area PO standards due to the above listed reasons.

SITE PLAN REVIEW:

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**

- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
- **Residential uses:**
    - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
        a. Windows shall be vertical in proportion.
        b. Windows shall be distributed in a more or less even manner.
    - **Nonresidential uses:**
      Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
        a. Windows shall be vertical in proportion.
        b. Windows shall be distributed in a more or less even manner.
        c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
        d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
        e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
        f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**

- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The majority of the proposed L-shaped structure is located within 8 feet of Nicollet Avenue and West 28th Street; however, not within 8 feet of Blaisdell Avenue and West 29th Street. Alternative compliance would be necessary. Planning Staff believes that based on the circumstances of the site with frontage on four public streets, that the Planning Commission typically should grant alternative compliance in this situation. However, due to the fact that the site is being underutilized and lacks compliance with several of the required PO standards, that alternative compliance should not be granted. The proposed structure is oriented toward two of the four public streets. The use of progressive design and street-oriented building alignments is partially reinforced with the proposed development along two of the four street frontages. The design also partially maximizes natural surveillance and visibility, as well as facilitates pedestrian access and circulation as the entrances are either located directly adjacent to the public sidewalk or connected via walkways. The area between the buildings and the public streets would have new tree and shrub plantings along all four street frontages. On-site parking facilities are required to be located to the rear or the interior of the site, within the principal building served, or entirely below grade. Alternative compliance would be necessary for this provision. Planning Staff will recommend that the Planning Commission not grant alternative compliance from this provision in this circumstance. There is surface parking located at the interior of the site, however it spills over and is the primary feature on two of the four street frontages, along Blaisdell Avenue and West 29th Street. Planning Staff believes that it would be reasonable to expect a full block development to locate parking primarily at the interior of the block. Planning Staff is also concerned with the amount of surface parking provided along both street frontages as parking lines Blaisdell Avenue for approximately 360 feet and West 29th Street for approximately 300 feet.

The proposed design of the structure would incorporate windows at the first floor. At least 40% of the first floor façade that faces a public street or sidewalk shall be windows and at least 30% of the first floor façade that faces an on-site parking lot shall be windows. Approximately 57% are provided along the Nicollet Avenue frontage and approximately 56% are provided along West 28th Street. Approximately 50% are provided on the south elevation facing the on-site surface parking lot and approximately 45% are provided on the west elevation of the building facing the on-site surface parking lot. All ground level windows must be transparent (non-reflective). The proposed structure meets the 10% window requirement on upper floors facing the public streets and on-site parking lot. The proposed structure exceeds all window requirements. The windows are vertical in proportion and

distributed in a more or less even manner. There is one blank, uninterrupted wall greater than 25 feet in width along the west elevation of the building that does not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance would be necessary. Planning Staff would recommend that the elevation comply with the requirement. Based on the uses located behind the building wall, Staff would expect architectural detail to be included in lieu of windows or doors.

The exterior materials would be compatible on all sides of the proposed building. The applicant is proposing that the exterior of the structure be composed of brick and metal panels with metal elements.

The proposed building form and the pitch of the roof line is compatible with the area. The majority of the proposed roof line would be flat, and a 4-story (2-floor) building would be compatible with other structures in the area.

All proposed parking for the development would be provided in a 172 space surface parking lot which covers the majority of the site not occupied by the footprint of the building.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

There are two principal entrances to the proposed building, one which is located along the Nicollet Avenue frontage and connected direectly to the public sidewalk and another off of the interior site ajdacent to the surface parking lot which is also connected in a rather circuitous manner to the public sidewalk via walkways that are at least 4 feet in width. The parking facilities for the proposed development are located in a large surface parking lot with access to and from Blaisdell Avenue and West 29th Street.

The applicant is proposing to integrate an adequately sheltered transit stop on the south side of the site near the intersection of Nicollet Aveneu and West 29th Street as the site is along a Metro Transit bus line.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The on-site curb cuts have been consolidated as there is one on the Blaisdell Avenue frontage and two on the West 29th Street

frontage.

Although there are adjacent residential uses across Blaisdell Avenue, there would not be significant negative impacts expected on those adjacent residential properties as the site is heavily landscaped and screened to mitigate the impacts of the proposed surface parking lot.

There is no public alley adjacent to the site as the subject site encompasses one full city block.

The site has been designed to minimize the use of impervious surfaces through the use of landscaping throughout the site as the proposal meets the 20% requirement. Although a parking lot covers the majority of the premises in conjunction with the proposing building footprint, the site is heavily landscaped and concrete pervious pavers are also utilized within the proposed surface parking lot.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
    - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
    - **A decorative fence.**
    - **A masonry wall.**
    - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The proposal meets the 20% landscape requirement. The total site area of the subject site is 133,052 square feet or approximately 3.05 acres and the proposed building footprint on the site would be 30,000 square feet. A total of 20,611 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing approximately 21,307 square feet or approximately 21% of the site not occupied by buildings. The zoning code requires that there be at least 51 trees and 207 shrubs. The applicant is proposing to provide 63 canopy trees, 45 ornamental trees and approximately 755 shrubs on the subject site. Also, 12 canopy trees are proposed in the public-right-of way. The proposal is exceeding the minimum landscape quantity requirements.

The surface parking located on the premises is subject to a 9 foot landscaped yard adjacent to all four public street frontages. The proposal is in compliance with this provision. Additionally, the property is subject to the screening requirements as outlined in Chapter 530. The applicant is proposing to provide screening in the form of hedges along all street frontages which meets the screening requirements.

Parking lots fronting public streets are also subject to the provision that requires that not less than 1 tree shall be provided for each 25 linear feet of parking or loading area lot frontage. The proposal is in compliance with this provision. Additionally, interior lot landscaping is required for areas within parking lots are unavailable for parking or vehicular circulation. The proposal is in compliance with this provision. Parking lots with 10 spaces or more are also required to be designed so that no parking space is located more than 50 feet from the center of an on-site deciduous tree and tree islands must have a minimum width of 7 feet in each direction. The proposal complies with both of these provisions as well.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

The proposed parking lot is curbed. On site retention and filatration is encouraged. Due to the size of the parcel, a stormwater management plan has been required by Public Works.

Planning Staff would expect the development to have minimal impacts on the blocking of views and shadowing of adjacent properties. The proposed building would also be expected to have negligible impacts on light, wind and air in relation to the surrounding area.

The City's CPTED officer commented that the plan met City of Minneapolis requirements for police safety and had no additional comments. Planning Staff found the submittal adequate as it incorporated a lighting plan.

There are no historic buildings or rehabilitation alternatives on the subject site as it is currently houses several vacant industrial structures.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE - The proposed use of the site for a medical clinic is permitted in the I1 district.

With the approval of the variances and site plan review, this development would meet the requirements of the I1 zoning district.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per 300 square feet of gross floor square feet for medical clinics. Therefore, based on the proposed 60,000 square foot structure with reductions for mechanical equipment of 2,362 equaling 57,455 square feet, a total of 192 parking spaces would be required for the proposed development. The applicant proposes to incorporate a sheltered transit stop into the development per the specifications outlined in Section 541.200 of the Zoning Code. This would allow for a 10% reduction. The applicant also proposes to include a bicycle rack in lieu of one required parking space. Therefore, with a 10% reduction for an adequate sheltered transit stop as well as a reduction for bicycle parking, the parking requirement would be reduced to 172 required spaces (the bike rack must accommodate four spaces). The applicant is proposing to locate 172 off-street parking spaces on the premises. Further, the applicant is proposing to incorporate two small loading spaces within the parking lot to serve the proposed medical clinic use.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) 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. A trash enclosure is located adjacent to the West 28th Street.

Signs: No signage is proposed at this time. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

Lighting: All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for all structures in the I1 District is the gross floor area of the building which is 60,000 square feet divided by the area of the lot which is 133,052 square feet. The outcome is .45 which is less than the maximum of 2.7 that is permitted. Further, the Nicollet Franklin Area PO mandates a minimum floor area ratio of 1.0 which the proposed project is not meeting. The variance findings above outline that variance request.

Minimum Lot Area: Not applicable for the proposed development.

Dwelling Units per Acre: Not applicable for the proposed development.

Height: Maximum building height for principal structures located in the I1 District is 4 stories or 56 feet, whichever is less. The proposal would conform with this requirement as the structure is proposed to be 4 stories (2 floors) or 43 feet tall.

Yard Requirements: Not applicable for the proposed development.

Building coverage: Not applicable for the proposed development.

Impervious surface area: Not applicable for the proposed development.

MINNEAPOLIS PLAN

According to the *Minneapolis Plan*, the subject parcel is located within a vicinity that contains a mixture of land uses including services and commercial uses, retail commercial uses, single-family and multi-family development, etc. The subject site is also located along Nicollet Avenue which is a designated Commercial Corridor as well as in close proximity to an activity center located at the intersection of West 26th Street and Nicollet Avenue. According to the Principles and Polices outlined in the *Minneapolis Plan,* the following apply to this proposal:

9.5 *Minneapolis will support the development of residential dwellings of appropriate form and density.*

Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

9.6 *Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.*

9.23 *Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.*

The proposal to locate a new 60,000 square foot medical clinic on the property is partially in compliance with the above listed principles, policies and implementation steps of the comprehensive plan. The proposed use is a supportable and desirable use within the neighborhood and even though the project complies with the majority of the Chapter 530, Site Plan Review standards, due to the underdevelopment of the property and the overall lack of compliance that the project has with the adopted Nicollet Franklin Area PO standards, the project cannot be supported by Planning Staff.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

There is an additional small area plan that must be considered when evaluating the proposal. "Nicollet Avenue – The Revitalization of Minneapolis' Main Street", was adopted by the City Council in May of 2000. The subject site is the former GFI meat packing/processing plant and is briefly discussed within the plan. Essentially the document recommends the following:

2.4 For industrial uses which are compatible with adjacent commercial and residential uses, encourage improved site and building design. If improved site and building design cannot be achieved, pursue relocation of the industrial use, rezoning of the site, and redevelopment compatible with surrounding uses and plans for the area.

2.5 For industrial uses which are incompatible with adjacent commercial and residential uses, pursue relocation of industrial use, rezoning of the site, and redevelopment compatible with surrounding uses and plans for the area.

As previously discussed throughout the staff report, the site is also subject to the Nicollet Franklin Area Pedestrian Oriented Overlay District requirements; many of which the project is not in compliance with due to the overall design of the development. Please

see the variance section listed above for further information.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested by the applicant to meet the following standards:

 Building placement: The majority of the proposed L-shaped structure is located within 8 feet of Nicollet Avenue and West 28th Street; however, not within 8 feet of Blaisdell Avenue and West 29th Street. Alternative compliance would be necessary. Planning Staff believes that based on the circumstances of the site with frontage on four public streets, that the Planning Commission typically should grant alternative compliance in this situation. However, due to the fact that the site is being underutilized and lacks compliance with several of the required PO standards, that alternative compliance should not be granted.

 On-site parking facilities: On-site parking facilities are required to be located to the rear or the interior of the site, within the principal building served, or entirely below grade. Alternative compliance would be necessary for this provision. Planning Staff will recommend that the Planning Commission not grant alternative compliance from this provision in this circumstance. There is surface parking located at the interior of the site, however it spills over and is the primary feature on two of the four street frontages, along Blaisdell Avenue and West 29th Street. Planning Staff believes that it would be reasonable to expect a full block development to locate parking primarily at the interior of the block. Planning Staff is also concerned with the amount of surface parking provided along both street frontages as parking lines Blaisdell Avenue for approximately 360 feet and West 29th Street for approximately 300 feet.

 Blank walls greater than 25 feet: There is one blank, uninterrupted walls greater than 25 feet in width along the west elevation of the building that does not include windows, entries, recesses or projections, or other architectural elements. Alternative compliance would be necessary. Planning Staff would recommend that the elevation comply with this requirement should the Planning Commission choose to approve the site plan review application. Based on the uses located behind the building wall, Staff would expect architectural detail to be included in lieu of windows or doors.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **deny** the application for a variance of the Pedestrian Oriented Overlay District Standards as well as some of the specific provisions outlined for the Nicollet Franklin area which include: **(1)** Building placement as the first floor of buildings must be located no more than 8 feet from the front lot line; **(2)** Accessory parking provisions relating to location, dimensions and driveways; **3)** Minimum floor area ratio; **(4)** Corner cuts; and **(5)** Linear frontage of one use; for property located at 1 28th Street West, 11 28th Street West and 2815 Blaisdell Avenue.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **deny** the site plan review application for property located at 1 28th Street West, 11 28th Street West and 2815 Blaisdell Avenue.

Attachments:

1. PDR Report
2. Statement of use / description of the project
3. Findings – CUP
3. Correspondence
4. Zoning map
5. Plans – Site, landscape, elevations, floor plans, shadow survey, etc.
6. Photos

7. Oblique aerial

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
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(612) 673-2157 TDD

MEMORANDUM

DATE: October 7, 2008

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

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

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

SUBJECT: Planning Commission decisions of September 22, 2008

The following actions were taken by the Planning Commission on September 22, 2008. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Gorecki, Huynh, LaShomb, Luepke-Pier, Norkus-Crampton, Schiff, Tucker and Williams – 9

Not present: Nordyke

Committee Clerk: Lisa Baldwin (612) 673-3710

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7. HCMC Family Medical Center (BZZ-4145, Ward: 6), 1 28th St W, 11 28th St W and 2815 Blaisdell Ave (Becca Farrar). This item was continued from the August 18, 2008 meeting.

A. Variance: Application by Hennepin County Medical Center (HCMC) for a variance of several of the Pedestrian Oriented Overlay District Standards as well as the specific provisions outlined for the Nicollet Franklin area for the properties located at 1 28th St W, 11 28th St W and 2815 Blaisdell Ave.

Action: The City Planning Commission **denied** the application for a variance of the Pedestrian Oriented Overlay District Standards as well as some of the specific provisions outlined for the Nicollet Franklin area which include: (1) Building placement as the first floor of buildings must be located no more than 8 feet from the front lot line; (2) Accessory parking provisions relating to location, dimensions and driveways; 3) Minimum floor area ratio; (4) Corner cuts; and (5) Linear frontage of one use; for property located at 1 28th St W, 11 28th St W and 2815 Blaisdell Ave.

B. Site Plan Review: Application by Hennepin County Medical Center (HCMC) for a site plan review for a 2-floor or 43 foot tall medical clinic for the properties located at 1 28th St W, 11 28th St W and 2815 Blaisdell Ave.

Action: The City Planning Commission **denied** the site plan review application for property located at 1 28th St W, 11 28th St W and 2815 Blaisdell Ave.

Staff Farrar presented the staff report.

Commissioner Schiff: Did we continue the public hearing or did we close the public hearing and only postpone the matter?

President Motzenbecker: We did close the public hearing and I was not going to reopen it because it didn't seem to change.

Commissioner Schiff: I agree.

Commissioner Schiff: As long as the applicant doesn't disagree that they're not changing their proposal today and that we're still looking at the same applications as we looked at two weeks ago without change then I think we're ready to act.

President Motzenbecker opened the public hearing to hear from the applicant.

Lynn Abrahamsen: I was here a few weeks ago with my team. I know you're not looking forward to having me back, however I did want to bring you up to date on some of our difficulties and perhaps engage you in some problem solving. We remain requesting a variance of the existing pedestrian overlay district restrictions at this site. The city has let us know, and clearly you have, that you would prefer that we would propose a planned unit development for this site that would obligate HCMC to develop the property much more densely with structured parking in the future. This poses a substantial risk to HCMC into the future. We believe that the type of development that the city wants for this site will not be economically viable unless or until Nicollet Ave reopens. We've been unable to establish a comfort level relative to whether HCMC would be free from that future development risk until Nicollet reopens. We're prepared right now to move forward to buy the land, remediate it and build a beautiful new clinic on that site which we believe create value for you that you do not currently have at that site. I am in the position of not being able to commit beyond my budgeted dollars or to assume the downside risk of future development. I won't go into, because I know you've heard from us a couple of times, about the value to the community of our clinic. We're a current neighbor to that site, we're only two blocks away. We see about 20,000 visits a year. We need to build a clinic. It would be 60,000 feet and see more like 55,000. It is a major teaching engine for our family practice residents that serve the state. We have the money and intention to build now. We have a ten million dollar payroll. We

believe we would be value added to that site. We've engaged in a transparent and inclusive planning process. We've had both Whittier Community Alliance and business alliance pass resolutions to approve our site plan.

President Motzenbecker: We know all that. If you could tell us what we let you up here for that would be wonderful.

Lynn Abrahamsen: I will cut to the chase. Deb Sweetland will describe our response to the concerns regarding our request for the pedestrian overlay and she'll also give you input from two developers regarding the significant financial burden involved with this site. Our contention is, you may be unrealistic to expect us to be able to do a planned unit development. We request reconsideration for the pedestrian overlay district.

Deb Sweetland: We have moved forward in talking with developers about this specific site and specifically we've talked with them about what would be developed on the site and have talked with the city about what we've planned to develop on this site in the future. I think the critical point here is "in the future." Speaking with two developers, both developers have talked about the considerable risk of being able to actively put forth a plan that's realistic on this site. As you know, the pedestrian overlay district goes right down the middle until our property and then it bumps out and completely encompasses that entire block. It'd be significantly a financial burden for anyone to develop the entire block and probably why it's sat vacant for so long. The concepts that we went into a little bit yesterday are the conversations that we've had with developers. We estimate it's going to cost a few million dollars to remediate this site; it's pretty much a dump. It's old buildings that have been that have been vacant for many years, significant hazardous chemicals on this site and the cost of remediation is significant. The one developer I talked with said that that's the reason why they've made a significant offer to the individual who owns this property below fair market value because they know how much it would cost to remediate and clean up this site. The other developer we've talked with in terms of bringing forward parking structures and cost of development also are very hesitant that any future development on this site…you know where the site's located, it's a dead-end street right now, any future development and attraction of business and retail commercial on this site isn't going to be able to happen from a financial perspective, which puts us at a significant financial risk until Nicollet is open. We believe we can give the city a significant catalyst to do that by beginning our clinic site on this block. It's a catalyst for the neighborhood. As Lynn said, we'll conclude that we haven't been able to move forward to completely mitigate or even get our comfort level around the significant financial risk of development on this site.

President Motzenbecker closed the public hearing.

Commissioner Tucker: I will move staff recommendation and finding to deny the variance (Gorecki seconded). There is no new information. I think that's the direction we are going. We hoped very much that the intervening two cycles would give a chance to work out something or at least show some way forward, but we don't have that so I think it's best to move it along and perhaps there will be a resolution there.

President Motzenbecker: I agree. There was a reference made to problem solving. Those are the things we do at Committee of the Whole; we've asked previously for that. You said that your ability to buy this site seems to be imminent, there might even be a possibility as the discussion goes further to subdivide the site and submit an application just for your side which would be

much more palatable perhaps, with a parking lot on the other side perhaps. It wouldn't be the best, but it might be an interim deal because we all know that parking lots are placeholders for buildings. That's just an idea.

Commissioner LaShomb: I kind of hoped when I recommended that we lay this over two cycles ago that we'd see a little different response today. It is in the public interest to have a clinic. I don't think that's an unrealistic assumption. It's also in the public interest to use land in an appropriate way, especially land that has a high degree of potential in the long run. The problem I have with the proposal that Hennepin County Medical Center has come through with is, if we approve this today, effectively, we'd have a very small building and a very large parking lot on a very substantial piece of real estate and I can't guarantee that the city is going to be able to take a bulldozer and plow through the middle of Kmart in a year or ten years. I don't have a clue. What I do know is that if we do approve the kind of project that the medical center is recommending here, they could simply say ten years up the road that they built what they wanted to build and we approved it. I think what it really comes down to is trying to weigh the public interest. I think the public interest of having a clinic there is really high, but I think there is also a public interest in using property in Minneapolis to its highest level of potential. This project, in my mind, doesn't come to the highest level of potential. What it does is jeopardizes the long-term high potential use of this property. If Hennepin County's medical center doesn't believe that they've got the resources to develop this site then my reaction to that is to simply say that perhaps there needs to be another look for another site. I guess that's an issue that can be taken up in the Zoning and Planning committee. I am going to support the denials, feeling badly that in one cycle we didn't see some progress that I kind of hoped we would because there is a public interest in having a clinic but there is also a public interest in maximizing the value of precious property in a neighborhood that is revitalizing itself at a very rapid pace.

Commissioner Gorecki: The one thing I wanted to point out, Nicollet is a thriving street. For the same reasons you want to be on Nicollet to place your clinic, obviously the Whittier neighborhood I think is a tremendous place for HCMC to land. I think your argument of Nicollet needing to be open for development to go forward falls a little short. Obviously, Nicollet has done extremely well over the last five years and is going to continue to do well. I don't think you would place your clinic there if you if you thought Nicollet was such a detrimental advancement of development, whether it be for housing, commercial or for your clinic. I think you need to think about that argument as you say it's bad for development going forward, but at the same time you think it's good enough to build your clinic.

President Motzenbecker: All those in favor of the POD standard staff recommendation? Opposed?

The motion carried 8-0.

Commissioner Tucker: I move staff recommendation to deny the site plan review (Huynh seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.