



**Request for City Council Committee Action  
From the Department of Community Planning & Economic Development**

**Date:** September 15, 2004

**To:** Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

**Prepared by:** Becca Farrar, Senior City Planner, (612) 673-3594

**Approved by:** Barbara Sporlein, Director, Planning

**Subject:** Appeal of the decision of the City Planning Commission by Peter Coyle for Larkin Hoffman Daly & Lindgren Ltd., on behalf of Continental Property Group (CPG)

**Previous Directives:** At the August 23, 2004, City Planning Commission meeting, eight of the Planning Commission members were present. The Commission voted 5-2, with 1 abstention, to deny all of the land use applications associated with the development known as Parc Centrale.

<b>Financial Impact:</b> Not applicable
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<b>Community Impact:</b> See staff report <b>Ward:</b> 7 <b>Neighborhood Notification:</b> See staff report <b>City Goals:</b> See staff report <b>Comprehensive Plan:</b> See staff report <b>Zoning Code:</b> See staff report <b>Living Wage/Job Linkage:</b> Not applicable <b>Other:</b> Not applicable
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**Background/Supporting Information:** Peter Coyle for Larkin Hoffman Daly & Lindgren Ltd., on behalf of Continental Property Group (CPG) has filed an appeal of the decision of the City Planning Commission. The appeal is regarding the decision of the City Planning Commission to deny all of the land use applications associated with the development known as Parc Centrale. Those applications include:

- Conditional Use Permit for a multiple family dwelling unit, to allow 104 residential units.
- Conditional Use Permit to increase the maximum permitted height from 2.5 stories/35 feet to 21 stories/230 feet.
- Variance to reduce the required corner side yard setback off of Clifton Place from 48 feet to 16 feet for the proposed building and 4 feet for the proposed patio area.

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BZZ-1890

- Variance to reduce the required rear yard off the south property line from the required 45 feet to 19 feet for the proposed building and 8 feet for the proposed patio area.
- Major Site Plan review for any use containing 5 or more dwelling units.

The minutes from the August 23, 2004 City Planning Commission meeting are attached.

The appellant has stated that the decision is being appealed for five reasons. The appellant believes that the Planning Commission denials are improper for some or all of the reasons set forth below: (1) unsupported by the factual record before the Planning Commission; (2) represent an arbitrary and subjective application of the City's regulatory standards to CPG's proposal; (3) conflict with established City policies seeking high density housing in the Loring Park neighborhood; (4) conflict with approvals routinely granted by the City for multi-story residential buildings in the vicinity of the Site that exceed the asserted 2 ½ story standard in the City's Shoreland Overlay District; and (5) discriminate against CPG when measured against approvals granted to similarly situated applicants in the City. The appellant's complete statement of the action being appealed and reasons for the appeal are attached.

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**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permits, Variances & Major Site Plan Review Applications  
(BZZ-1890)

**Date:** August 23, 2004

**Applicant:** Continental Property Group, 253 Lake Street East, Wayzata, MN 55391

**Address of Property:** 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue

**Project Name:** Parc Centrale

**Contact Person and Phone:** Paul Mellblom, Meyer, Scherer & Rockcastle, Ltd, 710 South 2<sup>nd</sup> Street  
7<sup>th</sup> Floor, Minneapolis, MN 55401, 612-375-0336

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

**Date Application Deemed Complete:** July 30, 2004

**End of 60-Day Decision Period:** September 27, 2004

**End of 120-Day Decision Period:** Not applicable

**Ward:** 7 - Lisa Goodman    **Neighborhood Organization:** Citizens For A Loring Park Community

**Existing Zoning:** OR3 (Institutional Office Residence Districts)

**Proposed Zoning:** Not applicable

**Zoning Plate Number:** 18

**Lot Area:** 37,023 square feet or .85 acres

**Legal Description:** Not applicable for this application

**Proposed Use:** Mixed use building with a proposed 21 story, 97 unit residential tower, a 3-story, 7 unit townhome and a 900 square foot commercial space (cafe). A total of 104 residential units are proposed.

**Concurrent Review:**

- Conditional Use Permit for a multiple family dwelling unit, to allow 104 residential units.
- Conditional Use Permit to increase the maximum permitted height from 2.5 stories/35 feet to 21 stories/230 feet.
- Variance to reduce the required corner side yard setback off of Clifton Place from 48 feet to 16 feet for the proposed building and 4 feet for the proposed patio area.

- Variance to reduce the required rear yard off the south property line from the required 45 feet to 19 feet for the proposed building and 8 feet for the proposed patio area.
- Major Site Plan review for any use containing 5 or more dwelling units.

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 525 Article IX, Variances, & Chapter 530 Site Plan Review.

**Background:** The applicant, Continental Property Group, proposes to construct a mixed use 21-story 97 unit residential tower, with 3-story 7 unit townhomes and a 900 square foot commercial space (café). The property is currently a bituminous surface 90-car parking lot located at the corner of Clifton Place and Oak Grove Street. The applicant has proposed 239 parking spaces for the residents, guests and office tenants for the building located at 430 Oak Grove Street in a partially underground parking ramp. Due to the slope on site and the design of the proposed structure a portion of the 1<sup>st</sup> level of the parking garage is located above grade. The subject properties are zoned OR3, however the property is subject to the Shoreland Overlay District standards as the parcels are located within 1000 feet of the ordinary high water mark of Loring Pond. As such the site is subject to a height restriction of 2.5 stories or 35 feet. Access to the trash and loading dock is enclosed in the partially underground ramp.

The proposed tower base and townhomes are located adjacent to a courtyard area at the southeast portion of the site. A stepped terrace and semi-public building amenities are located along the Clifton Place façade. The overall site is projected to be over 50% green space, which is inclusive of the proposed green roofs on the townhomes.

The site is located within a Downtown Parking (DP) Overlay District. The DP Overlay District is established to preserve significant and useful buildings and to protect the unique character of the downtown area and the mixed-use neighborhoods by restricting the establishment or expansion of surface parking lots. The DP Overlay District is not applicable for this application.

The Citizens For A Loring Park Community has written a letter that does not oppose or support the proposed development. The letter is attached for reference. There are numerous other letters and emails in opposition to the project as well as a few letters and emails in support. Additionally, Staff has been provided with a copy of a neighborhood petition that includes 640 signatures opposing the project. Of those, 510 are from Precinct 5 of Ward 7 (the precinct the proposed tower is slated for) and another 130 are from neighboring precincts. Further summary information is provided in the petition packet which has been attached to the staff report. All correspondence received by Staff has been attached for consideration.

**CONDITIONAL USE PERMIT** - to increase the height of the proposed building from the permitted 2.5 stories/35 feet to 21 stories/230 feet

### **Findings as Required by the Minneapolis Zoning Code:**

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Based on the submitted shadow survey, it is evident that there will be impacts on adjacent properties due to the scale of the proposed tower building and the overall massing on site. While it is likely that any building constructed over a height of the allowable 2.5 stories may have some impact on adjacent properties, the height of the proposed building and overall massing on site would cast shadows and limit access to light and air of surrounding properties which could be detrimental to the comfort and general welfare of those properties, especially those properties located to the north and northeast of the proposed tower.

**2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

Staff believes that increasing the height of the building could be injurious to the use and enjoyment of surrounding property and could impede the normal development of the surrounding area. Although there are buildings located within the neighborhood that are over six stories, most of those developments were constructed under a different zoning ordinance at least 25-30 years ago (Summit Towers for example). The context of the neighborhood is clearly buildings that are 3 to 6 stories with a few scattered throughout the neighborhood that exceed those height limitations. The use and enjoyment of surrounding properties will be impacted by the shadowing and overall massing of the building which is inconsistent with the scale and character of surrounding uses.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Staff would expect that increasing the allowable height of the building would have minimal impacts on utilities and drainage. The access roads would be subject to additional traffic due to the proposed residential density. Residents of the neighborhood have voiced concern over the impacts of the development as the area contains a high level of vehicular activity (as well as pedestrian and bicycle activity). The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing 239 parking spaces in a 4-story partially underground ramp. The provided parking will accommodate the existing surface parking for the office building located at 430 Oak Grove Street, all resident parking and some visitor parking for the proposed development. The impacts on overall traffic congestion in terms of vehicular trips generated have not been analyzed by the developer as far as Staff is aware.

**5. Is consistent with the applicable policies of the comprehensive plan.**

According to the *Minneapolis Plan and Minneapolis Downtown 2010 Plan*, this property is located in a downtown neighborhood area as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Downtown Living Policy 5: The *2010 Plan* says that Minneapolis should “Ensure that new residential development contributes to the sense of neighborhoods through appropriate site planning and architectural design.”

This development is proposed to be a 21-story residential tower as well as a 3-story townhome and small commercial space composed of brick and opaque panels. Planning Staff believes that the proposal is not in conformance with the block face scale and character and as such does not believe that site has been appropriately designed.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

With the approval of the conditional use permits, variances and the major site plan review this development would be in conformance with the applicable regulations of the zoning code.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

**1. Access to light and air of surrounding properties.**

Increasing the height of the proposed building will have an impact on the amount of light and air that surrounding properties receive. The properties that will be impacted the most appear to be those to the northeast and due north of the proposed site.

**2. Shadowing of residential properties or significant public spaces.**

The shadow study that was submitted as part of this application indicates that there will be shadowing cast on adjacent residential properties. The attached computer-generated shadowing diagrams indicate that the majority of the shadowing in the morning will be located on the Lyon building shifting north across Oak Grove Street through the afternoon. The shadow study has been included as an attachment to the staff report.

**3. The scale and character of surrounding uses.**

The scale of the buildings in this area of the Loring Park neighborhood are varied. There are taller buildings located within the neighborhood however, the majority of the buildings are older, historical buildings and are typically between two and six stories in height. The architectural style of the surrounding properties also vary. Staff has analyzed the proposed application and has determined that application is not compatible with the block face scale and character.

**4. Preservation of views of landmark buildings, significant open spaces or water bodies.**

The proposed development will impact adjacent views and possibly those of landmark buildings.

**CONDITIONAL USE PERMIT** – to allow a total of 104 dwelling units

**Findings as Required by the Minneapolis Zoning Code:**

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Staff does not generally believe that 104 units of for-sale condominiums would be detrimental to or endanger the public health, safety, morals or general welfare. However, the design of the proposed development in its proposed configuration could negatively impact the public's general comfort and/or welfare. This is due to the proposed scale and massing of the development. The scale of the development is incompatible with the neighborhood. While the proposal is under the allowable density for the site and there is the potential that 104 units (or more) could be constructed on site that Planning Staff and the neighborhood could support, Staff is not able to recommend approval of a specific number of residential units without benefit of a site plan that fits in with the scale and character of the surrounding neighborhood. The neighborhood is concerned with the impact that an additional 100 or more new residential units would have on an already densely populated area. It is reasonable to consider that a development that fits into the scale and character of the area could add a stabilizing element to the neighborhood. Additional residential units that are compatible with the neighborhood would strengthen the owner-occupied base.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

Staff does not believe generally that 104 dwelling units will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Utilizing the site for an appropriately scaled 104-unit for-sale condominium development would provide additional opportunities for housing within the neighborhood. Adjacent uses include a mixture of different housing developments, small commercial uses and offices. However, as Staff has reiterated, the scale and character of the development would need to be analyzed within the context of a modified plan before a specific number of units could be recommended for approval. Staff has a policy not to recommend approval of such large densities without seeing an overall development plan that would work for the site.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

In the OR3 zoning district, residential uses must provide parking for ninety percent of the total number of dwelling units in the building. The residential parking requirement for this development is 93 spaces. The existing office building requires 90 parking spaces. The total required for the proposed development is 163 parking spaces. The applicant is providing a total of 239 parking spaces in a four-story predominantly underground parking garage located on the site. The applicant is also proposing bike storage facilities in the parking garage as well as bike racks outside of the proposed building. Residents, guests and office workers will access the parking garage off of Oak Grove Street.

**5. Is consistent with the applicable policies of the comprehensive plan.**

See the above listed response to finding #5 in the conditional use permit application.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

With the approval of the conditional use permits, variances and the major site plan review this development would be in conformance with the applicable regulations of the zoning code.

**VARIANCE** – to reduce the corner side yard setback along Clifton Place from the required 48 feet to 16 feet for the proposed building and 4 feet for the proposed patio area.

**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.**

**Corner side yard setback:** The applicant is seeking a variance to reduce the corner side yard setback along Clifton Place from the required 48 feet to 4 feet. The proposed tower building wall would be located at approximately 16 feet from the front property line at the closest point and the proposed patio area is located at approximately 4 feet at the closest point from the property line. Patios in excess of 50 square feet must attain a variance in order to be a permitted obstruction.

Planning Staff believes that the proposed use of the site is unreasonable with respect to the scale and character of surrounding uses. Because the height of the building triggers the setback requirement, Staff believes that a reasonable development could be constructed on the property that would meet required setbacks. A building constructed to a smaller scale would require less of a setback variance off of Clifton Place. The OR3 zoning does not entitle the applicant to construct a 21-story residential tower on the site. Development proposals conforming to the applicable district regulations would not seem to be an undue hardship.

**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.**

**Corner side yard setback:** Staff does not believe that there are any specific circumstances unique to the subject parcel other than the property having a corner side setback requirement. If the property only had frontage along Oak Grove Street it would still be subject to an interior side setback requirement of 45 feet. The setback requirements are determined based on the overall height of the proposed project. The ordinance requires that a corner side setback in the OR3 district be calculated by utilizing the equation  $8+2X$  where  $X$  = number of stories above the first floor. It is Staff's position that a building constructed to a lesser height is a reasonable use of the property.

**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.**

**Corner side yard setback:** The granting of the setback variance may not significantly affect the essential character of the area given that there are several buildings within the vicinity which are constructed up to or very near their property lines. However, the variance of yard coupled with the impact of a 21-story building could alter the essential character of the area.

**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.**

**Corner side yard setback:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety. All of the required parking is being accommodated on site in an underground parking ramp. The parking that is provided would also alleviate general neighborhood parking issues as there is excess parking available for visitors to the area in the ramp.

**VARIANCE** –to reduce the rear setback from the required 45 feet to 19 feet for the proposed building and 8 feet for the proposed patio area for properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**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.**

**Rear yard setback:** The applicant is seeking a variance to reduce the rear yard setback from the required 45 feet to 8 feet. The proposed tower building wall would be located at approximately 19 feet from the rear property line at the closest point and the proposed patio area is located at approximately 8 feet at the closest point from the property line. Patios in excess of 50 square feet must attain a variance in order to be a permitted obstruction. The rear property line is very irregular

meaning that the setback varies, however, the most restrictive setback is the one utilized for calculation purposes under these circumstances.

Planning Staff believes that the proposed use of the site is unreasonable with respect to the scale and character of surrounding uses. Because the height of the building triggers the setback requirement, Staff believes that a reasonable development could be constructed on the property that would meet required setbacks. A building constructed to a smaller height or scale would require less of a setback variance. The zoning does not entitle the applicant to construct a 21-story residential tower on the site. Development proposals conforming to the applicable district regulations would not seem to be an undue hardship.

**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.**

**Rear yard setback:** The unique circumstances for this property would be the irregularity of the rear property line and potentially the slope of the existing site, however, as previously mentioned the setback requirements are determined based on the overall height of the proposed project. The ordinance requires that the rear setback in the OR3 district be calculated by utilizing the equation  $5+2X$  where  $X$  = number of stories above the first floor. It is Staff's position that a building constructed to a lesser scale is a reasonable use of the property.

**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.**

**Rear yard setback:** The granting of the setback variance would affect the essential character of the area given that the adjacent impacted neighbor to the south is a single family residential structure. At the closest point the proposed building is located approximately 32 feet from the tower wall. Thus, the granting of the variance would have the potential to alter the essential character and be injurious to the use or enjoyment of other property in the vicinity.

**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.**

**Rear yard setback:** Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback be detrimental to welfare or public safety.

## **SITE PLAN REVIEW**

### **Findings as Required by the Minneapolis Zoning Code:**

**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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

## **Section A: Conformance with Chapter 530 of Zoning Code**

### **BUILDING PLACEMENT AND FACADE**

- 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
- Residential uses shall be subject to section 530.110 (b) (1).
- Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The proposed placement of the tower portion of the new building will be approximately 15 feet from the property line along Oak Grove Street, 18 feet off of Clifton Place and 20 feet off of the rear property line. The connected 3-story townhome units will be located approximately 9 feet off the interior side yard. The townhomes are able to meet all applicable setback requirements, however, Staff is concerned with the layout of the proposed townhomes as the first floor is only an entry with no actual living space. It is Staff's opinion that the layout will not activate the street. Additionally the façade treatments on the proposed townhome units don't appear to be compatible with the surrounding neighborhood. The proposed tower portion of the building will have an approximate 900 square foot café located on the corner of Clifton Place and Oak Grove Street. The cafe and the residential lobby have their own secured entrances. The small commercial space seems perfunctory as it may not be enough to encourage or active the corner/sidewalk/plaza area. Between the building and both Clifton Place and Oak Grove Street there is proposed landscaping, walkways and a relatively large plaza adjacent to Oak Grove Street. The large plaza adjacent to Oak Grove street is located within the required 15 foot setback and will need to be modified to include landscaping to break up the hardscape appearance.

The exterior materials of the proposed building include brick, opaque panels and unspecified window treatments. The percentage of windows required for the commercial space on the corner of Clifton Place and Oak Grove Street is over the required thirty percent according to the elevations. The elevation of the proposed building meets the 20% requirement along Oak Grove Street; however, the entrance to the parking ramp is a very prominent feature on the façade due to the parking ramp not being entirely located underground. The overall design of the structure does not appear to be entirely sensitive to the topography. The doors to the parking ramp appear to dominate the façade. The 20% window requirement along Clifton Place is not being met based on the proposed elevations. If the Planning Commission were to approve the site plan, the applicant would need to include additional windows along the stepped plaza to meet the requirement. As currently proposed (excluding that portion of the façade in which the café would occupy as that portion is subject to the 30% requirement) the façade appears to have approximately 13.5% windows and doors. Staff is concerned with the stepped plaza as it could potentially be inactive, underused and a possibly dangerous area.

The applicant is providing a total of 239 parking spaces in a four-story partially underground parking garage located on the site. Due to the existing grade and design of the building, a portion of the top level of the garage is located above the surface of the ground.

#### **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 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

All building entrances are connected to public sidewalks with walkways of at least four feet in width. The applicant has indicated that snow will be removed from the site. Staff is not concerned with impervious surfaces on site as the areas of the site not occupied by the proposed building are almost entirely landscaped. Approximately 22,000 square feet are proposed to be landscaped. The Public Works Department has preliminarily reviewed the vehicular access and circulation plan. Modifications would likely be required upon circulation of plans through the Public Works Department during the formal review and approval process. The applicant would continue to work with Public Works should the plan be approved.

#### **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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

The applicant has proposed and provided adequate quantities of landscaping materials on the site. The overall open space on site is approximately 22,000 square feet which is the majority of the area not occupied by buildings.

The applicant is proposing a masonry privacy wall that varies in height depending on the location around the perimeter of the courtyard. The applicant proposes the masonry fence to the rear of the proposed building and along the interior side in order to define public versus private space. Staff would require that the applicant provide a detail of the privacy wall for Staff review should the Planning Commission recommend approval of the site plan.

#### **ADDITIONAL STANDARDS**

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- 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.
- 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.

A lighting plan was not submitted as part of the application. Staff would recommend that should the

Planning Commission approve the proposed site plan that a lighting plan showing foot candles be submitted before final plans are approved.

The shadow study that was submitted as part of this application indicates that there will be shadows cast on adjacent residential properties at different times throughout the day. That shadow study has been attached for reference.

To ensure the welfare of the residents of the development and the residents of the area the Crime Prevention Specialist has asked that proper lighting be installed above all entrances and that security measures be taken to ensure the safety of those utilizing the landscaped courtyard.

### **Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

#### **ZONING CODE**

With the approval of the conditional use permits, variances and the major site plan review this development will be in conformance with the applicable regulations of the zoning code. Please see the above listed response to finding #5 in the conditional use permit application.

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

Staff is unaware of any conflict between the proposal and any development plan or objective adopted by the city council.

#### **ALTERNATIVE COMPLIANCE**

The Planning Commission may approve alternatives to any major 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, 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 would be required for this development proposal as in its current layout the applicant is unable to meet the 20% window requirement along Clifton Place. Staff would require that the applicant modify that façade should the Planning Commission recommend approval of the site plan. The appearance of the stepped façade along Clifton Place is more or less creatively hidden service spaces that could potentially be under utilized, inactive and possibly dangerous. Additionally,

Staff would require that the patio area adjacent to Oak Grove Street be modified to include planters or additional landscaping.

**RECOMMENDATIONS:**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit application to increase the height of the building from the permitted 2.5 stories/35 feet to 21 stories/230 feet for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the conditional use permit to allow 104 dwelling units for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the corner side yard setback along Clifton Place from the required 48 feet to 4 feet for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the rear setback from the required 45 feet to 8 feet for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review for a 104 unit residential building located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**Attachments:**

Department of Community Planning and Economic Development – Planning Division  
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1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos



**Excerpt from the  
CITY PLANNING COMMISSION  
MINUTES  
Minneapolis Community Planning & Economic Development (CPED) Planning Division  
350 South Fifth Street, Room 210  
Minneapolis, MN 55415-1385  
(612) 673-2597 Phone  
(612) 673-2728 Fax  
(612) 673-2157 TDD**

MEMORANDUM

DATE: August 24, 2004

TO: Blake Graham, Manager, Community Planning & Economic Development - Planning Division; Phil Schliesman, Licenses

FROM: Neil Anderson, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

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

SUBJECT: Planning Commission decisions of August 23, 2004

The following actions were taken by the Planning Commission on August 23, 2004. 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:

**ATTENDANCE**

President Martin, Vice President Hohmann, G. Johnson, Krause, Krueger, Kummer, LaShomb, MacKenzie, and Schiff - 9

**INTRODUCTION TO PUBLIC HEARING**

PUBLIC HEARING

**17. Parc Centrale (BZZ-1890, Ward 7), 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue ([Becca Farrar](#))**

**A. Conditional Use Permit:** Application by Paul Mellblom of Meyer, Scherer & Rockcastle, on behalf of Continental Property Group, for a conditional use permit to increase the maximum permitted height for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**Action taken:** The City Planning Commission adopted the findings and **denied** the conditional use permit application to increase the height of the building from the permitted 2.5 stories/35 feet to 21 stories/230 feet for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**B. Conditional Use Permit:** Application by Paul Mellblom of Meyer, Scherer & Rockcastle, on behalf of Continental Property Group, for a conditional use permit for 104 residential units for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**Action taken:** The City Planning Commission adopted the findings and **denied** the conditional use permit to allow 104 dwelling units for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**C. Variance:** Application by Paul Mellblom of Meyer, Scherer & Rockcastle, on behalf of Continental Property Group, for a variance from the required front yard (corner side) setback off of Clifton Place for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**Action taken:** The City Planning Commission adopted the findings and **denied** the variance to reduce the corner side yard setback along Clifton Place from the required 48 feet to 4 feet for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**D. Variance:** Application by Paul Mellblom of Meyer, Scherer & Rockcastle, on behalf of Continental Property Group, for a variance from the required rear yard setback for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**Action taken:** The City Planning Commission adopted the findings and **denied** the variance to reduce the rear setback from the required 45 feet to 8 feet for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**E. Major Site Plan Review:** Application by Paul Mellblom of Meyer, Scherer & Rockcastle, on behalf of Continental Property Group, for major site plan review for the properties located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

**Action taken:** The City Planning Commission adopted the findings and **denied** the site plan review for a 104 unit residential building located at 343, 401, 403 and 409 Oak Grove Street and 416 Clifton Avenue.

Staff Becca Farrar presented the staff report.

Commission President Martin: OK, before I open the public hearing, a couple of things. We've heard a lot from a lot of people. We have this much material in our packets, mostly telling us that people in the neighborhood don't like this project. And I don't know about my colleagues, but I've read it all. So I have a pretty good sense of the fact that a lot of people are unhappy about views being blocked and shadows being cast, and traffic and density and all of those sorts of things. So in the public testimony, and I also have a list of all the people who wrote letters – if you wrote a letter, it's already a matter of the public record; you don't need to tell us what it is you wrote because we've already got it. So if you come up and start telling me what we already have, I'm going to cut you off because we've already got it. I don't mean to be rude, but we only need so much in the public record. With that, and because this one is complicated, I'm going to ask that the developer do a presentation and then we'll open it up to others who want to speak.

Brad Hoyt (President of Continental Property Group, 253 East Lake Street, Wayzata): I'm going to for the presentation, Tom Meyer from Meyer, Scherer, Rockcastle will give the architectural point of view, then Peter will speak and then I would like to close out and promise to be brief.

Tom Meyer (Meyer, Scherer, Rockcastle Architects, 710 South 2<sup>nd</sup> Street): Mostly, I just want to set the debate I hope. This is a great site. It's a prominent site. The developer and we have the highest aspirations for it and we know that people of goodwill can disagree about how to accomplish that. The fundamental thing I'd like to point out in my remarks is that the shoreline setback would... it seems to be the basis of the objection of the staff... is so at odds with the zoning and also with four projects which are under construction. You can stand on this site and hear the hammers of four projects, all which exceed the shoreline setback requirement. So I would like to encourage that the debate be about the best urban design for the project within the density allowed by OR3. With that, I would like to introduce my colleague, Paul Melbloom to speak in more detail about the design.

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Paul Melbloom (Meyer, Scherer, Rockcastle Architects, 710 South 2<sup>nd</sup> Street) We've been working on this project for a number of months and as Tom mentioned right now under construction in the neighborhood are four projects that don't comport with the Shoreland Overlay District. The Red Cross site, matter of fact I have a little graphic. You have the old Red Cross site here. I think this is 301 Clifton – it's actually called the Mendota Homes building which I believe is 301 Oak Grove Street. Our site is here. And then the Walker Art Center that's under construction. I think the issue is that if we are held to the standard of the Shoreland Overlay district, the concern is that it brings up the legitimacy of the Planning staff denial of the conditional use permits because as far as we can tell, these other projects were recently permitted under that same restriction. The process we've gone through in the last couple of months is we went through preliminary plan review. I met with Becca Farrar, the staff person, on a number of occasions. We met with Lisa Goodman on two occasions and Jack Byers, I believe if I remember correctly, was at both of those meetings. We've also met with the neighborhood on five occasions. The Citizens for Loring Park Organization. At the request of Lisa Goodman, we went through a dot-mocracy exercise which actually was very interesting to discuss the merits of massing versus form, because in our estimation, I think the staff report speaks of this also that a lot of the concern expressed by the neighborhood deals with the massing of the building. I think that the other issues that go along with that density traffic, et cetera, are all tied up in how this building is put on this piece of property. A couple of issues that the staff report mentioned: One of them was the shadow studies and I'd like to speak to that very specifically. Again in our discussions and our discussions with the neighborhood, we looked at both a 6-story building which would comport with the OR3 requirements and also the tower that we feel is a superior design. So my discussion of the shadows is going to kind of touch on the idea of what a 6-story block would do versus what the tower would do. And I think it's important to show that at, this is as I believe 4 o'clock in the afternoon on May 1<sup>st</sup>. You'll see that this is the 6-story block, 84 feet, would cast a shadow kind of completely over the street and in the winter, the shadow is even going to be longer, that's obvious. And I think the issue with us is that this 6-story building tends to keep this whole part of the street basically throughout the winter and creates an unsafe condition. One of the issues that we looked at was that a 20-story tower tends to create a shadow that, while starting over here in the morning and obviously being very large, it's very dynamic, it's a narrow shadow. It's very active, it moves across the site. And yes it does fall on some buildings. It falls on the parking lot of the Woman's Club and it falls on the Woman's Club. The Woman's Club has written a letter that I believe is entered into the public record in support of this project. It also falls on the 430 Oak Grove office building which is being purchased by our client as part of purchasing this piece of property here. So I think that the issue of the shadows is one of, do you want to have a street that tends to be for the winter months permanently in shadow, the sidewalk and the immediate street in front of a 6-story building which would create or allow a 20-story tower, basically the same form of a 6-story building laid out in 3-story townhomes with the tower at the street corner extruded vertically so that the shadow moves dynamically across the site and doesn't tend to be as oppressive on the street in the winter?

Commissioner Krause: Can you speak to whether or not you did analysis of that same dynamic shadowing with the placement of the tower at different spots on that parcel? What kind of impacts did that have?

Paul Melbloom: We didn't do that. What we did is basically checked the 6-story versus the tower.

Commissioner Krause: Why not, if I may ask? Why wouldn't you...shadowing with the tower placed at different spots on that?

Paul Melbloom: Well there are a couple of reasons we placed the tower at the street corner. I was going to go into them a little later, but I'll go into that right now. The scale of the Dunn mansion right here is about 2 ½ to 3-story building and it was of our thoughtfulness on this that we felt that to continue that scale with these 3-story townhomes allow the tower to go all the way to the street corner, both gave the Dunn mansion breathing room and also preserved what we consider to be a really wonderful little public amenity that is a view corridor across the site and you can see it from here up on Clifton Avenue. It's one of the few places up along Clifton Avenue that you can actually see into the park and see downtown. So when we looked at putting the tower in other places, it really tended to obscure that view corridor. So that's what pushed us to put the tower over on the street edge. Additionally, it allows you to have this kind of lower massing that creates that street edge that abuts to the Dunn mansion so the Dunn mansion doesn't feel kind of squished by a larger mass. And having the tower over here, we also decided that it was better to have the tower with kind of the major access of it perpendicular to the street as opposed to lengthwise to the street and I'll talk about that a little bit more when I talk about the variance that we've requested.

Commissioner Krause: Quick question: And why the reference to the massing of the Dunn mansion as opposed to Lyon House?

Paul Melbloom: Well, the Dunn Mansion is, right now, this is a 4-story building right here. Let me go back to this. This is a 4-story building right here and the Dunn mansion sits pretty much squeezed between whatever is going to be here and there. This is one of the reasons why we felt the 6-story building wasn't a very good urban design because it really does tend to go from a large building to the Dunn mansion, squeeze it in and go up to here. So the closer that we move the tower over toward the Dunn mansion the more it seemed to create that squishing effect on the Dunn mansion. It didn't seem to have as strong of effect on the Lyon house. The other issue with block face and character is... the staff referred to it, there were a few things that I think that are pertinent to this. What we submitted to the Planning Commission, we've since made some updates to and I'd like to show those to you from what Becca showed you. Part of this was at the request of Council Member Goodman. We met with Council Member Goodman twice and her concern was always that the base of the building have a sense of character relating to the historic scale materiality of both the adjacent buildings but also of the greater neighborhood so that the base of the building where people really experience the pedestrian level really feels integral to the neighborhood. This is an updated kind of version of the building as far as the tower – this is the main body of the tower, this bit right here steps back, this bit steps back further, so it seems wider than it actually is on the street presence. What we've done is taken the townhomes and made them basically in entry pairs, so that it really feels a little bit more of an urban experience and it tends to lessen that fact of a lot of repetition down and gives it a more grand scale so that ties in better to that part of the building over here that fronts the tower. So this is the Dunn mansion right here. The idea is to preserve that scale, make it kind of march across the building, then allow the tower to kind of take over some presence here—the entry to the parking garage which does tend to be a little bit tall, but that's because we've sheltered all the trash services in the building so we need to accommodate about approximately 18 feet to get trash trucks in there. So the garage is a little bit taller than it would otherwise if we had those services exterior to the building. And then coming over here, the brick masonry picks up and comes around to the side of the building. As you can see, this slopes up and as Becca mentioned we have the entire kind of strip along Clifton Place landscaped with steps and the reason we've done that is both to buffer the building but also to create a more safe passage down that hillside in the winter months when inclement weather keeps that a bit unsafe. This is kind of a rendering showing the street level with kind of the tree canopy and then what I've done is I've also taken the same thing, you take some of the trees out, just so people can see the building. The idea that we have a sidewalk, some low masonry walls indicative of the walls across the street at the Woman's Club, but the other benefit of this is that then they tend to separate visually without creating any type of security kind of place for people to hide. The semi-private front lawns for the townhomes, the townhomes kind of march down the street, you can see that they're brick, this will be some sort of stone that's indicative of the limestone or the granite that's on the 430 Oak Grove building as will be the caps on the low walls. The idea was to create something that was historic, yet keeping in not create a faux historicism, but to create something that's historic and contextual with the materials and the scale of the existing adjacent buildings. When we looked at the neighborhood, the neighborhood varies actually very greatly. There's buildings of sandstone brick, granite, limestone, there's a bunch of pre-1920's apartment buildings and some of the old mansions, but there's also a number of 1960's apartment buildings. I think when people think of this neighborhood, if I could go back just for one second to this graphic, you can see that along Oak Grove Street there's only 1, 2, 3, 4 remaining old mansions. The majority of buildings along this street are in the 4, 5 and 6-plus story relationship and actually the buildings relatively close to us, the Dunn mansion is a beautiful old sandstone building. I'm actually standing on the existing site right now, the existing parking lot and these are two of the buildings that are across the street from us. I would like to correct something. Becca said that she thought this was a roughly 6-story building. This is actually 8 stories on Oak Grove Street and it's 10 stories because it steps down on the park. So I think that the existing character of at least the immediate neighborhood is not quite the historic that people present it to. In fact when I did a little analysis of if you take a façade of the entire street front, you'll find on Oak Grove Street, you'll find that about 20 percent of the buildings along the street or the massing of the buildings on the street are above 6 stories. About 60 percent of those are 3 to 6 stories and about 10 percent of those are less than 3 stories. Our project currently as designed, the 3-story townhomes are comprised about 70-75 percent of the façade of the building, and the tower portion is about 25 to 30 percent of the building. So that comports with actual the existing block face and scale of the neighborhood. I very strongly disagree with the Planning staff's findings on that. Some of the other issues are, you can see from this that we've tried to bring in some of the historical touches – the masonry base, the entire building is wrapped in a masonry base with this very light, translucent tower above to specifically create a strong masonry base that is sympathetic with the historical context of the neighborhood and I think another piece of that is when we started looking at the 6-story options. I have some of the massing studies and this is what a 6-story, 84-foot building would look like. That's the Dunn mansion. This is a 6-story building and it just seemed a bit more, well, it seemed quite oppressive when you look at that compared to if you take the 20-story tower and approximately this height is where the townhomes are – that just seems a lot more sympathetic, I think, to the Dunn mansion and then the ribbon of buildings as you step along the street rather than the 6-story building. I think another piece of this is although the Planning staff didn't necessarily make any recommendation one way or another, the number of units that were we to stay within the 2 ½ story height, we'd only be allowed probably 25 or so units with because this

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of the retaining wall back here that fronts the alliance, anything that's built back here, especially if it's less than 2 stories is negligible, it's never going to sell, people are going to be looking at a retaining wall and looking up into the sky and seeing the alliance back there. So it's just not economically feasible to build anything back there and that's what caused us to make this kind of very nice green space back here. The idea that when somebody, again, I talked about that view corridor, when somebody looks across the parking lot for the alliance here and they look all the way into downtown. They have this beautiful view of the park. You look across this nice green courtyard and you look across the green roofs of the townhomes and you basically are looking past the tower because it's been slid over. When we talked about where to locate the tower, Commissioner Krause asked about that, to not require the variance would make the tower both be approximately in the center of the site but also it really then begins to impinge upon this view corridor and also it begins to create a building that's very long and has a very long street front on Oak Grove which we felt, again, really begins to pinch down the Dunn mansion between whatever is built here and the adjacent 4 ½-story apartment building on that side and that's why we sought out the variance to push the building over up against the Clifton Place and Oak Grove Street intersection and that provided us the ability to make a kind of public patio down here which the café would front on, it would help enliven that street corner. Thank you.

Commissioner G. Johnson: I had one question about your parking garage door. Isn't it heated parking, or just open-air parking.

Paul Melbloom: No, it's not heated parking.

Commissioner G. Johnson: Is there any way you could make those garage doors opaque so there's some sort of screen instead of a solid figure so that it doesn't look so massive?

Paul Melbloom: We could do that. That would certainly be something that we would consider. Our thought was to let... it's a garage entrance, it is a significant piece of the façade. There's no way that you're ever going to disguise it to not being so and our philosophy was just to accept it as what it is and accept that that's a part of the neighborhood is the parking. And getting rid of the parking and shielding the parking underground and inside the building so that it's away from the view of anybody on the exterior. All you really do see is the garage entry.

Commissioner G. Johnson: Right, it just seems like such a huge mass. It's solid, right? It's like a door that opens, or is it completely open.

Paul Melbloom: It's completely open.

Commissioner G. Johnson: OK, then never mind.

Paul Melbloom: So you would see in. We're accommodating the parking of the 430 Oak Grove building because that's the existing parkers on the lot, so the idea is to make it so that it's welcoming for them to be able to walk in directly across from the building.

Commissioner G. Johnson: So there's not actually a door there. OK, great. Thank you.

President Martin: OK, more?

Peter Coyle (attorney, Larkin, Hoffman, Daly & Lindgren): Good evening Madame President, members of the Planning Commission and staff. I just want to briefly highlight a couple of items that are in the record and some that are not in the record and I want to do it with reference to a project that the City has recently approved which is under construction and I believe that the developers in the city are rightly proud of it. And that's the so-called Grant Place or Grant Park project which is a very large mixed-use residential project relatively east of this site. Madame Chair, one of the things that was lacking from the staff report which I wanted to just note for your information – Paul touched on it very briefly – but I think it's important to document the structures that are currently around this important area of the city, Loring Park. You've got the Summit House building which all of you are well aware of, those are 20-plus story structures and they are within walking distance of the proposed site. You also have the Park Terrace building which Paul alluded to which is at the lakefront side as a 10-story building. You have recently approved projects which look like they're going to be beautiful buildings. They're all 6-story buildings and well in excess of the 2 ½-story limit that staff is asserting applies to the site this evening. And then as you work around to the north, you have the 110 Grant building which is over 20-stories by my count and you also have the old Salvation Army building which is a 20-plus story structure. All of those are within

the 1000 foot Shoreland District and yet they exist there today and have for many years. Moving into the staff report then, Madame Chair and members of the Planning Commission, the staff talks about the significance of the shadow survey and the shadowing effect that this proposed project will have on the community. And Paul has walked you through the analysis that was done. It was instructive, I thought, to look at the staff report discussion of shadowing for the Grant project and it was relatively miniscule, in fact it concluded that it would have a nominal effect on the neighborhood. And I thought well maybe there's nothing else there, but in fact if you drive into that neighborhood, that building today is surrounded by three and four-story brownstone buildings no different than the kinds of structures that surround the proposal that's before you this evening. And yet staff thought that the shadowing effect for that project would be nominal and has found for some reason that the shadowing effect of the proposed project this evening is somehow significant and we would say that there's no difference and it ought to be treated the same from that standpoint. I've noted the number of tall structures, relatively tall structures, 6 floors or better that surround this property and I would say that that establishes the character of the neighborhood. And yet the staff, for whatever reason, chooses not to point that information out to you and I think for the sake of the record it needs to be understood that way. And if you read paragraph 2 of the staff report at page 3, I think that that additional information amplifies on the analysis completed by staff. Staff also commented on potential traffic issues associated with this proposed project and yet the Grant Park project was a 28-story residential structure with proportionately greater parking and traffic impacts and staff concluded that there were no discernable problems and that those could be worked out with traffic engineering staff on an off-line basis. For the most part, I think they are acknowledging that with us and yet they are calling out the neighborhood opposition to the project, in part based on traffic concerns. So I think that that contrast needs to be drawn in the record. Madame Chair, in addition, in paragraph 5, the staff highlights the policies of the comprehensive plan that bear on this project and staff, through gleaning of your comprehensive plan, identified only downtown living policy five which ostensibly supports the project. And they concluded after that careful analysis that the proposed project is not in conformance with your comprehensive plan. So I thought, well what did the comprehensive plan say that justified Grant Park? And staff chose to supply about six different policies that supported Grant Park and I won't read them for you because you'll find them in the record of the staff report at page 7 that's dated May 13, 2002, but interestingly, as you read through that staff report, one of the policies that staff pointed out to the Planning Commission, I presume some of you, and maybe also to the City Council was that the City wanted to capitalize, and I'm quoting here, the City wanted to capitalize on sites that are well suited for housing, especially along the riverfront and around Loring Park. Now this is in context of the Grant Park application. It's remarkable to me that this direct reference to Loring Park and the encouragement of medium to high density housing development, that's found nowhere in the staff report that's before you today and I don't understand why there would be that discrepancy there. So there are multiple policies that the staff has highlighted in the Grant Park application which I think bear on the application this evening. Staff supported that project and we think that their support for this ought to be the same. There's repeated references in the staff report to negative impacts on light and air and yet there's absolutely no analysis to support that. There's no technical information, no scientific information, no meteorological information – there's just a bald-faced conclusion that this is going to have a negative effect on light and air. We've gone through the shadowing study, that's data, that's information. We've compared the shadowing study that we proposed for our project with the shadowing study for the 6-story structure that theoretically would fit on this site. We think our proposal is better. We think it will have a less shadowing effect, if you will, a lesser shadowing effect on the neighborhood and we think overall it will be better for the community. The staff concludes that the scale and character of the proposed use is out of character with the surrounding neighborhood and they say that at page 5 of their staff report and I've covered the reasons why I think that that's just simply incorrect and the factual record of the buildings that are in that neighborhood today really speak volumes about what's appropriate and what's permissible, as is the background photo that all of you probably saw in the Minneapolis Tribune which highlighted this proposed use fairly dramatically against the background structures of Summit Towers. We are appreciative that the staff has seen fit to acknowledge that the density that's proposed for this project with 104 residential units is appropriate and it will not detrimentally affect the health, welfare and safety of the community. That's an important policy conclusion for them to reach. We thank them for that and we agree with it. The challenge, as was suggested by the lead out speaker this evening then, is to balance that policy objective, which we support, with the trade-off of if you want to have a shorter structure, you got to go with a bigger, fatter structure. And so the trade-off is that policy mix between taller and skinnier versus shorter, more squat, perhaps more block-like. We haven't presented a specific detailed site plan that reflects that shorter squat structure, because in our professional judgment, as you heard earlier, we think that the proposed structure is a better use of the site and more sympathetic to the neighborhood. And yet staff, for what ever reason, doesn't seem to highlight that policy trade-off as one that's worthy of consideration for you this evening and we think it's important for you to discuss that directly because that will set the tone then, for everything else that's going to happen within a thousand feet of this lake. That's an important decision to make. I've tried to highlight the Grant Park project because that's an OR3 zoning district as well surrounded by 3 and 4-story brownstone residential properties and I think that presents kind of a unique distillation if you will of the policy choices that you must make in reaching this conclusion. And certainly the record of

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your past decisions indicates that the 2 ½-story limitation that staff is asserting controls has not been one that you've adhered to and I would say very respectfully to you and to your staff that you cannot choose tonight to apply it to this project, that that would be inappropriate, it would be arbitrary, and frankly, it's not supported by the facts and the record both from this decision that's before you this evening as well as from other, prior projects that you have acted on within the recent years. Madame Chair, with that – that concludes our comments. I believe that the developer of the project would like to just offer a few concluding comments then.

Commissioner Krause: Madame Chair, I just had a couple of questions for Mr. Coyle. Mr. Coyle, you're aware that we revised our zoning code in this city rather recently and a lot of the examples you cited pre-date that major rezoning. [in response to applause from audience] Please don't do that. Please don't do that. I guess what I'm looking for, and you cited Grant Park which is not within the Shoreland ordinance, so I guess what I'm looking for if you wanted to cite precedent or context is a site that is bordered on two sides by historic structures within the Shoreland ordinance, built within this last revision of the code. That's I think what is the appropriate reference for us and that, I didn't hear you cite any examples like that.

Peter Coyle: Madame Chair, Commissioner Krause, thank you for that question. I would respond in two ways. First of all, staff has framed this as a character and scale discussion. You can't have character and scale unless you consider the history of the property surrounding the site. All of those other structures are relevant to the question of character and scale. Nobody is proposing that they go away. So not withstanding that you have the discretion to change the zoning ordinance as you have done, that doesn't eliminate the fact that as part of a character and scale analysis, you have to consider what else is around this property. And I think it's instructive that the property owner directly south, the Architect's Alliance, supports the proposed project. The project directly to the north, the Women's Club, supports the project. They're the most directly affected by the proposed tower structure and its configuration. They support it. I acknowledge the City has the discretion to change its zoning ordinance, but irrespective of that you have approved three projects that are under construction that are 6-stories, well in excess of the 2 ½-story limit. Those are fresh projects, Commissioner, and I would suggest at a minimum that demonstrates the preferences of the City for more density as supported by your staff, so if I neglected to do that, I hope that that will provide a partial explanation.

Commissioner Krause: And just one last question, Madame. In your opinion, Mr. Coyle, who exercised that discretion then in determining what really is appropriate reference for context? I mean is it this body?

Peter Coyle: Madame Chair, Commissioner, certainly Planning Commission has a vote and a decision in that process. If somebody chooses to take an appeal to the Zoning and Planning Committee, I guess ultimately the City Council would have that decision. I recognize that's a judgment for you to make. All I'm saying is, your record in the past suggests that in a project of this sort is appropriate and the most recent approvals indicate that certainly a 6-story structure is appropriate also. But if the Planning Commission tonight decides that 2 ½-stories is now going to be the rule of the land for this part of the city, then you had be prepared to say it to everybody else within a thousand feet of the Shoreland District, because that's the new height limit that you will have established directly in conflict with the quoted language of your Minneapolis Plan, which I think speaks volumes about the decision that you're making. Thank you very much for your time this evening, I really appreciate it.

President Martin: Mr. Hoyt, quickly.

Brad Hoyt (Continental Property Group): Madame Chairman, members of the Commission. The staff report, through its repeated reliance on this seldom enforced, if ever, ordinance for Shoreland height is I think setting a dangerous precedent. This is an important project. It has important issues, certainly and important implications. Before you is an opportunity – an opportunity to approve a project of substance and enduring architectural value as well as economic value in the neighborhood. When I first approached this project, I saw an opportunity to build a project of which I and my children could be proud. Over the years, I've constructed over 20 million square feet. A project I've done that you'd be familiar with immediately nearby would be Thresher Square about 20 years ago. It's not often that we have an opportunity to come to an in-fill site and develop a property that can address all of the issues in a neighborhood. Certainly it's controversial. It was bound to be. But we believe that we've engaged the neighborhood and all of the residents in the spirit of discussion. Certainly not everyone agrees here. But I saw a chance to build something that I could be proud of and I didn't take that responsibility lightly. When I interviewed architects, I selected Garth not only because of his reputation, but because of his enthusiasm for this project and his ideas. We analyzed every viable concept for this development. It's a very difficult site. Not only does the site slope 20 feet from the southeast corner to the northwest corner, but along the south perimeter of the property is a retaining wall that holds up the Architectural Alliance building

that's 20 feet high. These are big challenges. We have the Dunn mansion, which is immediately next door to the east, which is virtually right on the property line, in fact its fire stairs are on the property. It doesn't have any parking at all. We have met with the Dunn mansion and the Bina mansion, talked to both of those people and I think that it's telling that all of the property owners who are immediately adjacent to this development support it. All of them. We have worked with Mr. Bina, we've met with Mr. Jackson, we've meet with all of them. This property has something of a unique character because it benefits currently the office building across the street; however, this isn't a codified requirement. This is just simply a business relationship that exists between this property and the office building. The office building has the same zoning. We are building on this site in the context and the economic scale of this project parking facilities that not only replace those 81 stalls, but we also are building 1.5 stalls per unit which is far in excess of City code. And as such, this project is a friendlier neighbor in terms of accommodating cars and traffic and getting them off of the street than a lower rise building that cannot within its economic scale accommodate those costs. It can't happen. Now when we did these studies, one study we did not do was a study showing what a building would look like if it was 2 ½-stories or 35 feet. But as coincidence would have it, and as Paul Melbloom mentioned, 75 percent of this site actually is below 35 feet. 52 percent of this building is green. It breaks new ground in terms of using green roofs that moderate the outflow of water from the site. And we're taking a site that is, let's call it what it is, it's a weed infested parking lot that is completely unimproved, that is neglected and a blight, and we're building a project that is 52 percent green area. And I don't think that we really had enough attention paid to that or got much credit for that in the staff report. There's a lot of conflict. You'll hear a lot of things yet tonight. You've seen a lot and you'll probably hear that reiterated. We engaged the neighbors, we met with the Council Member several times and delayed the project so that we could continue to meet and attempt to explain our situation to the neighbors and try to get to know each other and I think that it was fruitful. Obviously at the end of the process, and I think we got to the point where, much with our current political situation – people have made up their minds and nobody is going to change them any more at this point. So we've moved forward. Regardless, I'm sure you'd agree that if we studied this area for 20 years, we'd still have people in opposition and those in support of the project. There's a diversity of people and not just opinions in this neighborhood, as in this country. That's what makes this country great. And just as our society opposes political gentrification, we have to stand also against aesthetic gentrification. If the standard set forth in the staff report were applied wherever possible in this city, we would have tens of thousands fewer residents and we'd have no skyline. The standard set forth in the staff report, in fact is a recipe for Levittown no less. The opportunity before you is a fleeting one. The condo boom that you're seeing is a result of the empty-nester influx and favorable interest rates. A year or two from now, neither of these conditions are going to exist as they do today. Much of the demand will be satisfied for units and interest rates are going to be much higher. A two percent increase in mortgage rates will knock 40 percent of the current supply of buyers out of the market. It's been said that no matter what, if you get rid of that Hoyt guy, there will always be somebody to develop the property. That's not necessarily true. We've been here 150 years and it's empty today. If the burden of these findings are placed upon that property, I as a developer, as a threshold issue would have a hard time even entertaining the prospect of developing it and I'm sure so would many of my fellow developers. A delay will likely cause the market to pass and so will the opportunity. Alternative projects will possibly require public financial subsidies in order to replace existing parking. To say that I think if you looked at a 6-story building which has been bandied about but certainly not in the staff report, the staff report speaks to 2 ½-story buildings, but if in a discussion of a 6-story building, that's considered to be far less of an impact, I would argue that in fact it is not. A 6-story building as I said does not have the financial capability to replace the parking that partially serves the building across the street. Who it really serves is the neighborhood. The churches park there, the Woman's Club parks there, other people in the neighborhood park there. If that parking lot is going with some development, if that development doesn't do anything to try to be sensitive to those needs for parking, then it's just going to put more people on the streets competing for precious parking with the neighbors. In closing, I think this opportunity to build this project combines our attempt to build the old with the new and I would ask you to seize this opportunity and bestow your approval on it. Thank you.

Staff Neil Anderson: I just wanted to make a few comments to set the record straight. The staff report does not say that the height of this building has to be 2 ½-stories. What the staff report did indicate is that the 21-story tower was out of scale and character with the surrounding area. The surrounding area is between 3 and 6-stories on the average. We indicated also in the staff report that we could not indicate how tall the building should be without seeing a site plan that would come in with something different to be able to take a look at it. But I just wanted everybody to understand this since the developer is proposing it, this staff report does not indicate that we're saying that it has to be 2 ½-stories. It is in the Shoreland, which means that if it's going to be over 2 ½-stories would require a conditional use permit for height. That was the reason it was brought up in the staff report.

Scott Mayer (400 Groveland Avenue): You'll have to excuse me; I'm not an attorney with Larkin, Hoffman, Daly, and Lindgren.

President Martin: Most of us aren't.

Scott Mayer: Exactly. But I will try to be succinct and I have gone to most of the meetings in the neighborhood. I do feel I need to respond to some of the things that have been said previously. First of all, they have done tonight exactly what they've done to us in the neighborhood. They bring to our attention a very unattractive, big block, 6-story building and they say, do you really want this horrible looking building that has shading all over, or do you want our slender (which they don't say anymore), but a 21-story tower that has less shading? Folks, Commissioners, Madame President, we're not here tonight to talk about their version of a 6-story, big block building, we're here to talk about the merits of the 21-story tower that they're proposing. So I truly believe because I love architecture that other architects, if Meyer, Scherer, Rockcastle cannot, other architects can come in and design something within 84 feet that is in fact appropriate for the history and character of the neighborhood. Secondly, Mr. Melbloom says they met with the neighborhood on a series of occasions... Well, you can meet with the neighborhood 'til you're blue in the face, but if you don't take their input into consideration, that whole exercise is futile. In fact, I knew we were in trouble when Mr. Melbloom, the architect of record, indicated in a letter to the Citizens for Loring Park Committee that the architect's intent at these meetings is to quote: Educate those willing to participate about what constitutes good urban design (end quote). Commissioners, I say to you, the citizens who live in the neighborhood really don't need the education. Those of us in Loring Hill, we have a vision for our neighborhood. Over 600 neighbors, 674 I believe to be exact, have said they don't want any buildings over 84 feet and that's why you have heard no controversy over the other three current developments in the neighborhood that all have remained within the 84 foot code. And that's another point that I want to mention. They seem to kind of lump all of these new developments with theirs. All of these other new developments are over the 2 1/2 stories – that's true, they're over 2 1/2-stories, but are they 225 feet? Are they 21 stories? I think not. They're within the character and history of the neighborhood. They're within 84 feet. And all of us in the neighborhood have embraced those buildings because they retain the character and history of the neighborhood. This 21-story, glass block building simply does not do that. The attorney from Larkin Hoffman talked about 110 Grant and some other buildings, I mean that's clear on the other side of the park. We're talking about buildings that are in the Loring Hill neighborhood, a very historic, charming piece of Minneapolis that we can't replicate if they start building 21-story towers. What I'd like to do is to briefly show you the buildings that immediately are adjacent to the property in question. This is a mansion, this is a mansion, this is less than 84 feet, the Architectural Alliance to the rear, this is the Woman's Club across the street, this is the mansion on the other side, and this is the mansion on the other side. I don't see any other 20-story towers. I don't think anybody else does either. So I guess what I'd like to say that I don't believe it's too much to ask this of interested developers, that they come to our neighborhood with an open mind and create a design that conforms to codes, reflects neighborhood input, and preserves the history and the charm of the neighborhood. And have they come to our neighborhood with an open mind? They have not. They came to our neighborhood with a pre-designed 21-story tower. Have they accepted our input and reflected that into changed design? They have not. Thanks to our excellent suggestion by our Council Member Lisa Goodman, we had an exercise in dot-mocracy at one of our meetings where we could vote on what we believed we preferred. The architects didn't even come in with a 6-story possibility, we had to create that. And then the majority of people there voted for that building that didn't go over 6-stories. Have they designed a building that reflects the existing and new buildings around them? They have not. And I just wanted to point out one other point quickly and then I'll be done and that is that I asked Mr. Rockcastle, the architect of record at an earlier CLPC meeting if his proposal took into account the other new developments in the neighborhood. He shrugged his shoulders, then he admitted he hadn't even talked to any of the other developers. Please tell me how a firm can maintain their interest in the development surroundings when they don't even consult with the development going into the neighborhood one block away from the proposed property – that's the new development that's up at 301 Oak Grove. They simply have not designed a building that reflects the existing and new buildings around them. So, should they be rewarded with your approval? They should not. Thank you very much.

Bob Copeland (1303 Yale Place, former Chair of the Minneapolis Heritage Preservation Commission, currently serves on Loring Park Land Use Committee): The current 6-story height limit in the Loring Park Hill section of the Loring Neighborhood was put in place after a block by block zoning review of Loring Park Neighborhood only a few years ago by the Loring Neighborhood and the City Planning Department and we decided at that time that no greater height limit would be appropriate for this area. The historic churches, the mansions, the apartment hotels and tree-lined streets make up most of the character of the Loring Park Hill and are not compatible with an influx of giant towers which would dwarf them and greatly diminish the historic character of this unique section of the Loring Park Neighborhood. Much of the Loring Neighborhood has high rise construction, this is true. And I know that much is being sought by the Loring Park CLPC Board in some locations within the neighborhood, we really encourage development. This one section of the Loring Neighborhood has a 6-story height limit for a good reason and it needs to be maintained. The historic character

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and livability are both fragile things and yet they both have a positive economic return to the City if treated as important parts of an overall development philosophy. If we allow a 21-story tower to build on the hill, there's no stopping any other proposal down the line. Once the height limit is exceeded for this developer, the City really has no legally defensible reason for denying the next one and the next one, until the hills is nothing but a sea of towers. The mansions and old apartment buildings will all be gone I'm afraid and the views to the historic churches, the towers of Saint Marks and Central Methodist. And if the land values of the property on the hill is not set at the 6-story limit that it's currently zoned, and at an anything goes height, I fear that we'll see the demolition on the hill like we haven't seen since the Gateway District was cleared in urban renewal. We have examples of three developments currently going up on the hill section of the neighborhood-all of them building within the height limits of the current zoning. And if they can do it, I'm sure that this owner of 401 Oak Grove, with his excellent architect, can build a fine project that will fit within the height limits and within the character of the neighborhood. I urge you to deny this applicant the conditional use and the variances he's applied for. Thank you.

Alisha Baines (400 Groveland Avenue): I'm going to be very brief. I'd just like to, as many people have already pointed out, we have a very beautiful neighborhood that's historic and charming and is made up primarily of low rise brick buildings. The current developments going in are all 6-stories or less with the exception of one which is 7-stories, but still within the 84-foot height limit as far as I know. Two weeks ago, the CLPC, which is our Loring Community Neighborhood Group, passed a motion for a small area study of the Loring Ridge area. A small area study will enable the residents of the area to get together and create guidelines for what growth of the neighborhood should look like and such a plan would help developers coming in, make decisions easier for the CLPC and Planning Commission, and also give the neighbors a chance to help make the Loring Ridge area all it can be. A plan would include such things as size and type of architecture, goals for what kinds of commercial spaces we want in our neighborhood and also considering parking and traffic issues. Finding ways to keep the area with its friendly feeling where people want to walk down to the Oak Grove Grocery and hang out on their balconies or on their front steps when the weather is nice. When we get together and make this plan, the neighborhood will be a better place because we have worked together to create a vision for our neighborhood and to move it forward and embrace new additions, while keeping in mind the historic nature of the neighborhood and area of the city. The proposal which you are considering today will take away that chance for the residents to put our vision for our great neighborhood down on paper to establish goals and guidelines. By adding modern architecture that doesn't fit with the current new development or the currently existing buildings, we risk a precedent that will determine the direction of all new developments without input from the neighborhood. Please give the neighbors who are clearly against the current proposal that has been made for 401 Oak Grove a chance to get together, make our plan, and work with developers who want to take advantage of the historic, charming feel of the neighborhood and great location in the city. Thank you.

John Van Heel (110 West Grant, President of Citizens for a Loring Park Community): Thank you for allowing me to speak this evening. While not many of us on the Board of Citizens for a Loring Park Community live in our neighborhood stretch of Lowry Hill, or as it's also known, as Loring Hill or Loring Ridge, I do believe that everyone in our neighborhood, no matter where they live, recognizes that this is a very special and unique corner of our city. It is I think out of a deep sense of caring for this place that so many residents have stepped forward. Attendance at committee meetings on this issue have far exceeded that of any previous issue in the five years that I have participated in the neighborhood organization. Sadly, the Parc Centrale proposal has proven to be a very divisive issue for our neighborhood. While an overwhelming majority of those who have spoken out have been opposed to the tower, there have also been those who believe that the tower would be appropriate. There have been very valid concerns expressed by both those who would like to avoid either the looming height of the tower or the wall effect of a 6-story block. Residents have articulated these concerns far better than I could here today. I do feel, however, that I must share with you a couple of important concerns that people on both sides of this issue have raised – issues that may prove critical to the future of the Hill as a place and a community. Loring Park has been and continues to be a place where people believe that new development and high density is good. There's been strong support on all sides for both density and height in the area along our stretch of Nicollet Avenue. Nicollet Avenue, however, is not Lowry Hill. It does not have historic mansions or grand churches. Until now, our neighborhood organization has addressed development proposals for the Hill one by one, but now the pace of development is as a wave. We now ask ourselves where is it going and what is at risk? The Parc Centrale proposal has acted as a warning bell. Whether for or against, the prospect of a new tower on the Hill took everyone by surprise. It has raised extremely difficult issues on how to proceed when we do not have an agreed upon urban plan. The zoning code has served more as a source of confusion than as a reliable guide. In this void, the neighborhood is now confronted with the difficult prospect that the action on this one proposal will set a precedent that will itself determine the pattern of future development. Nothing has made this prospect more apparent than the latest Hill development which has raised the possibility of a second tower close by. The lack of an urban plan and the urban

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analysis and community discussion that would go into its creation creates ominous possibilities. There are scenarios of ongoing development that may threaten the very qualities that are today drawing in new developers and residents. Setting aside for a moment the issue of high rise towers, we should also look at property values. The proposal you are considering today would have a dollar value somewhere around three times that of other current projects on similar sized lots on the Hill. The next proposal to come before you from the Hill may have a similar value. In some respects, this can be viewed as very positive but we should all be called upon to consider first the fragile nature of the Hill's charm. The phenomenon of speculative land values overtaking the buildings and usages that are on the land is one that is alive and well in the city of Minneapolis. Demolition and condo conversions are not all bad, but when the community is left with big unanswered questions about the possible course of ongoing development there is instilled a justified fear that the highly valued aspects of the neighborhood are in danger of being lost. One of these is our neighborhood's outstanding architectural heritage. Only a small fraction of the old homes that line the Hill are protected. Citizens for a Loring Park Community has a long and proud history of promoting the preservation of these homes and so we take very seriously the concern that these decisions that we make today may affect their survival. The Loring community also has a long history of embracing the diversity of its residents, the elements of young, old, native and non-native provide the neighborhood with its spark of vitality. We should understand that true diversity depends on significant affordable housing options. As an 18-year old moving away from my parents' home in Golden Valley, I moved to a place on Oak Grove. Even more than back then, the Loring Neighborhood is a wonderful location for which a young person can begin to make their way in the world. Affordability benefits the entire community. Again, we don't know how the decisions that we make today will affect the course of future development and valued assets such as affordable housing, but it is a valid and important concern. The CLPC board has not taken a position on this proposal, but there is unanimous belief that a community based urban planning process is critical for this part of our neighborhood. And with that in mind, I ask that you take the utmost care and caution in considering the issues of this project. Thank you.

Joshua Kellington (board member, Citizens for a Loring Park Community, business office 430 Oak Grove Street, not on sign-in sheet): As a board member for Citizens for a Loring Park Community, we were presented with the collective concerns of approximately 500 area residents in addition to numerous letters, telephone calls and e-mails that were received by our offices. The majority of these citizens were in opposition of property developments that would exceed the current zoning limitations. Unfortunately, to my embarrassment, the majority of my fellow board members didn't concern themselves with the input of the citizens that make up the 'C' in CLPC. They were moreover entangled in their own agenda. Please do not make the same mistake that our organization did. Citizen input, especially in organized quantities, is difficult to come by. When it is made available, let's not make the blatant error of ignoring its value – the very value that we are here to act on behalf of tonight. Please join me in my support of property developments that are both aesthetically pleasing to the Loring Park neighborhood and that remain within the current zoning guidelines.

Pat Hafvenstein (232 Clifton): Four and half years ago, we went before the Loring Committee to have a proposal to tear down our mansion of our organization and they asked us not to. They looked at our mansion and our little office next door in the coach house and behind and said that they didn't want us to tear down one more mansion in the neighborhood, to lose yet another mansion to parking lots. They wanted to save the character of the neighborhood. Well now within one block of us, there are five condo units going up. The smallest of which is 301 Clifton which is across from us and at 44 units, it dwarfs our neighborhood but it matches the neighborhood in its construction so we've appreciated that. So we know that this parking lot doesn't look nice there and we want something there. We're ok with development. But a tower like that doesn't go with the character and right across the street from it – half a block – is a proposed other tower for 18-stories and we just are afraid of where it will go from there. Last week there was a show on TV called Lost Twin Cities and what is not here any more that was here years ago and I just ask you that Loring Hill won't be a show on Lost Twin Cities in the future.

Larry Dunbar (staff member of Hennepin Avenue United Methodist Church): I'm representing a number of pieces of property. I'll show you. With the exception of 401 Groveland, we currently own all of the property up to the bridge along Groveland. We're in the process of selling the property right here to a developer, that's the Groveland property. The Grovelands is what they were calling it. That sale should be hopefully completed in the next several months. So as a consequence, we do have one residence here and that is at 425 Groveland and that's a parsonage also. Our church has membership of well over 2,000. We have on our main site approximately 170 surface parking spaces. In regards to the development, our official position of the church would be the fact that we object to the scale of the development. That is really the single thing that we could really look at, and the fact that our steeple is a well-known landmark in the Twin Cities. We've been in that particular location since 1915. The parsonage has also been there since that particular time too. It used to be one of the Walker family residences. So that's our official position at this point in time is that we object to the scale of the project.

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Mike Marn (400 Groveland): I came this evening with a prepared text, but several of my neighbors have already spoken very eloquently to what I was going to say, so I'm going to honor Madame Chair's request and not be repetitious. There are a couple of things I would like to highlight though from what I was prepared to say. And that would be in regard to the petition which is in the packet that you are viewing. As of this date, there are now 675 signatures on that petition. 675, that is equal to the total number of people voting in the last mayoral election from our precinct, precinct 5 of ward 7. We think that's a pretty resounding mandate. Also, the developer and the architect mentioned a letter that you had received from the Woman's Club. So I would just like to mention briefly that our city planner, Rebecca Farrar received over 40 letters and two or three of those letters were actually in favor of the tower and over 40 opposed. Also he mentioned that everyone who immediately bordered the tower proposal were in favor of it, and that certainly is not true. I don't think he spoke with Ron Simon, one of the current owners and residents of the Lyon house because Ron Simon signed our petition. And of the 675 signatures on our petition, there are three sets of names that I would like to particularly like to mention. Gary and Pat Hafvenstein of 228 Clifton, you heard from Pat this evening; Ron Simon and Karen Cato of 1600 Clifton Place; Rob and Lorie Daniels of 431 Clifton place; they are the current owners and residents of three of the precious few old mansions on Loring Hill still serving as private residences. As I mentioned, Ron is the owner of Lyon house which the neighborhood saved from demolition five years ago and watched as it was restored to its turn-of-the-century glory. Rob and Lorie Daniels are in the process of restoring their home to its original design and they are interested in adding their house to the historic registry. They embody our vision to preserve the character and charm of Loring Hill. They have signed our petition with 670 of their neighbors because they know that this 21-story glass tower is not compatible with that vision. Thank you very much.

Dustin Nygard (2513 Grand Avenue South): I'm an employee at Architectural Alliance, 400 Clifton Avenue. I'm not speaking on their behalf tonight. There's been a lot of talk in the previous presentation about the other buildings going up that have been approved recently and I've been watching them. And I don't think they're doing a service to the neighborhood. They are not historic, they're puffed up, cheek to jowl with the historic mansions that are right next door to them. And I think they really show the benefits of the proposal that's before you tonight. Just because you put brick and copper in a building doesn't make it historically appropriate, it doesn't mean it's serving the needs of the neighborhood or preserving the historic quality of the neighborhood. A 6-story building on that block is going to be very ominous, it's going to block out the street and what you'll be able to watch is the 6-story building that's been approved at Groveland goes up and the project that's going up on Oak Grove as it blocks out the views of the mansions on Clifton Avenue behind it as its parking lot is pulled up out of the ground because there's just not the economic motivation to do a quality project. And I believe that the proposal that's before you is a quality project. It's substantive, it's carefully thought out and it should be approved. Thank you.

Tom DiAngelo (President of Architectural Alliance, 400 Clifton, not on sign-in sheet): We've been mentioned tonight as being a supporter of the project and we are. But I would like to frame the letter we sent to you for the record. First of all, we said that we are very supportive of you developing a sensitive local area plan for the Loring Hill neighborhood. We feel like it's a very unique neighborhood. We feel like the decisions you make about this project are quite different than a lot of other projects that have been mentioned around the area and that it is very important to consider it on a case by case basis. We have stated that we're very supportive of anything that can happen to support a local area plan. However, in the absence of a local area plan, we have stated that we prefer a regular massing on the site – one that could have a tower in the location it is shown with views through to Loring Park. Loring Park is our front yard. The Loring Hill neighborhood was cut off from Ridgewood, it was cut off from Kenwood and it's our main way of breathing. So we very carefully looked at this issue and felt that we needed to maintain some view corridors through the area so our position is that we're very much against a 6-story walled building and we find the irregular massing of the proposal better than a 6-story walled building.

Sarah Holmberg (230 Oak Grove Street): As stated on the City of Minneapolis' web site, the City has several goals which were implemented or adopted in January of '03 as the result of an audit done by McKinsey and Company. One of the goals is to, quote, foster the development and preservation of a mix of quality housing types that is available, affordable, meets current needs and promotes future growth (end quote). It also has several expectations for this goal including one listed as, quote, housing quality. The City will ensure housing quality through planning, zoning, and building and housing code compliance. Housing quality is defined as housing that is safe, well constructed, well maintained and designed to fit the character of the neighborhood in which it is built (end quote). The character of the neighborhood by the buildings that are there, by what the neighbors say, by buildings that are ongoing construction and even by what the developers are saying are 3 to 6-story squat wide. That's the character of the neighborhood. We are not against a new development as it's obvious that beautiful buildings do more for a neighborhood than empty lots do. But we don't need

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to be told what makes a building beautiful by someone else. We don't need developers telling us what's best for our neighborhood. We live there, we know what's best. What we need is quality housing and this tower is not it. I urge you to keep the City goals and your staff's recommendation in mind when you vote on this proposal. Thank you.

Neil Carlson (Summit House, 400 Groveland): I should say in advance that my unit does not face the proposed project – I'll be looking at 317 Groveland if it's built. I've lived in the metropolitan area for 50 years, sometimes in Minneapolis, sometimes not. Loring area is one of my favorite neighborhoods. Loring and Mount Curve, that's where I've been walking for over 50 years and I like the hills and I like the variety of buildings but I am getting tired of looking at the ugly parking lots. All those parking lots represent buildings that aren't there anymore. We need more density in our neighborhood and in the city. We also need to get more taxes. I've walked by there many times this year and I think the proposed project with the 21-stories and the low-rise townhouse is by far the best for that lot. I also support the project being towards the southwest corner so that the way the tower is arranged would interfere the least with the views from Summit House and from 410 Clifton Avenue. Some of the people that have spoken before me have been afraid to say where they live, some of them are giving out false information, for example there is no such address as 431 Clifton Place. Now I could take a petition and go up to Calhoun Square for example, Lake and Hennepin, and I'm sure within a couple of days I could get a thousand signatures on there opposing the high rise, but that's not really appropriate. As far as mixing high rise and low rise, I think that's excellent. I walk around New York City, in fact I just got back again last night and I see a lot of neighborhoods that have the older buildings and the newer buildings. A new, well designed building, so far what has been proposed I think would be an excellent asset to the neighborhood. Thank you.

John Luhman (Summit House, 410 Oak Grove Avenue): Just a couple of points because most of the speakers have covered most things. One thing that hasn't been covered adequately is one of the main things of living in this neighborhood, especially up in the Groveland and Clifton Avenues are the views. And there's not just one view, there are three views. There's Loring Park, there's the churches, then there's the downtown view and of course I have the City view which I really like but because of the way the building is skewed, I can see Loring Park and the churches and the other. And all of these projects including the one that is proposed for the southwest corner that was just alluded to interfere with a good part of the views and I live on the 20<sup>th</sup> story and I'm least affected. And so I just want to make a point that the blockages of the people in the 510 building – that's the one at the bottleneck intersection and the views of many if not most of the Summit house people will be interfered with in more than just one way. The other thing is we shouldn't repeat the mistakes of the 60's which would mean that the building I live in now wouldn't be there. Just because they made a mistake and put a 10-story building on the front of Loring Park which is the ones that the Dunns brothers was in or built the Summit House condominiums which is slightly mitigated by the fact that it's on the top of the hill, shouldn't be repeated at the bottom of the hill. In California, as wild as they build, at least they have respect for the views as they go up the hill. You don't suddenly start putting a massive building at the bottom when you have things at the top. And then in conclusion, in a sense the decision here is to replace, I think it was the Hattie Mae on Lake Harriet with the River Queen. We're talking about scale here. Nobody is opposed to a development but there's a difference between a huge riverboat on a pond and something that will [be] more like a yacht.

Rob Daniels (431 Clifton): Just for the record for credibility's sake, I am the owner of 431 Clifton Place and in fact it does exist.

Jana Mitchie (Coordinator of CLPC, not on sign-in sheet): Just as a point of clarification, I know you have these minutes in your packet, our board meets every other month – we don't meet monthly. Our committees meet monthly. At the June land use meeting there was a motion that was passed 33-yes, 13-no; which stated that any building be within the existing zoning at 84 feet. When it came to our board in August, it failed. Another motion was put forward to not support the tower, that also failed. So another motion was put forth to neither support or oppose the project that was a vote of 10-yes, 1-no. And then in July we had a unanimous motion come forward from land use that asked for the creation of a small area plan for the issues that you've heard in the room tonight. That passed the board unanimously. So just pulling it all together.

President Martin: I'm going to ask Director Sporlein to say something about the backup in time for small area plans that people want done.

Director Sporlein: Well it's currently not on the '05 or '06 work plan, but there's other ways, I mean I'd like to see the resolution presented and we can certainly talk about other resources to get a land use plan done. It doesn't all have to be done by our staff. There's other resources and other timing issues and I'd be happy to sit down with the neighborhood and our staff and talk about that.

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President Martin: OK, anyone else who wishes to speak to this issue?

Erick Groat (225 West 15<sup>th</sup> Street, not on sign-in sheet): I've lived there for over 25 years. I believe it's a 4-story brick walk-up apartment building, I believe it's that building and buildings like it as well as the residential buildings that make up the character of the neighborhood, not the litany of buildings that the attorney mentioned such as Summit House, Park Terrace, the 110 Grant Tower, or even Oak Grove towers. I don't believe that those buildings determine the character of the Loring Neighborhood. It's a matter of scale, this building under question. The building is measured by its entire presence, not simply the views that could be had around it or the shadow that it may cast throughout a day. A tower creates an incredible presence and a good example if you need one in the neighborhood, I think an example of a mistake, is that 110 Grant tower that was built at the destruction of the Nawahawka flats. It has also alongside of it a little townhouse gesture, again as this development is trying to suggest that it's being sensitive to our neighborhood when in fact 21-stories simply does not fit into a neighborhood scale. Thank you.

President Martin closed the public hearing.

President Martin: OK, Commissioners, we have four items. Commissioner LaShomb.

Commissioner LaShomb: Well I need to do two disclaimers. First of all, for the record, I did meet with Scott Mayer about a week ago and most of our conversation was about old friendships but part of it also dealt with this idea of a vision for the Loring Community and we discussed an example, Bryn Mawr, which was in front of the Planning Commission a little while ago and also Loring East, I'm sorry, not Loring East, Lowry Hill East. I'm also a member of Hennepin Avenue United Methodist Church, but since I don't see an economic interest in being a member there, at least as it applies to this project, I'm not going to waive my right to vote. We've had a lot of conversation about this project and I'm probably the number one supporter of high rise buildings on the Planning Commission, but somehow this one doesn't work for me very well. I lived in the Loring Park community for 17 years and I lived in the high rises as part of the Loring Park community. I lived at 210 Grant and if I turned around I saw 110, and when I looked a little farther I saw Loring Green and maybe that isn't totally in the Loring Community, but my kind of sense is that Loring is different than Elliott – there was a lot of reference to Grant Park, for a lot of reasons. One is because in Loring there is a pretty good mix between ownership and rental, affordable and not affordable. In Elliott, they're crying for affordable ownership housing and as it turns out, affordable for them turns out to be kind of expensive. We've approved three high rise projects in Elliott within the last 6 months and they've come in and told us every one of them is wonderful, not everybody on the Planning Commission thought it was wonderful, but I don't think Loring is in that position. I think you've got a real mix of affordability and a real desire to have density but not the kind of density that the people in Elliott want. I think there is a mixture of home ownership versus rental. There's a nice mix of people there. I think there is no way to compare. What bothers me about this project is when I think about sitting in Loring Park and looking toward my church and Saint Mark's and the others that I see this building as an impediment. I see Summit House up there, but for some reason it doesn't seem as much of an impediment to me and you don't see the Oak Grove apartments because they're kind of way over to the other side. But if this project were put in, what it would look to me like would be having two large bookends on Oak Grove with a bunch of low buildings in the middle and it doesn't make sense to me that that's how that street should look. So I'm going to move the staff recommendation on the conditional use permit, on A and B simply because I think that there's a reason why we don't want these kinds of building so close to Loring Park Lake, but more importantly, I don't think this project really does fit the character and scale of that part of the Loring Park neighborhood. It might have looked better over on our side of the Loring neighborhood where 110 and 210 and all the others were there, but I don't think it works well here (Kummer seconded).

Commissioner Krueger: I just wanted to mention that I represent the Library Board on the Planning Commission, I'm appointed by them and we do have on contract MS & R for two of our community libraries renovation, so I just wanted to disclose that item. I did want to thank Madame President for allowing all the members of the public to speak tonight on this issue and I want to thank the public for coming here tonight, I know it's been a long evening, it's been four hours, it's warm in this room, so I do appreciate you coming out to speak to the Planning Commission. I do believe that this building though is way too high for the character of that neighborhood so I would recommend that we support the motion which is to deny.

Commissioner Hohmann: Well, I think this project has got a lot of good things going for it for a number of reasons. It's a parking lot currently. There are other high rises in the vicinity. I like the way that most of the frontage on these buildings is 3-story so when you're on the street front it's not a massive wall in front of you. I think [tape unclear] towers in an

area, you've got a narrow band of obstruction is a good way to get density into an area as opposed to just a 6-8 story wall. It's all private funds. I've seen so many projects come through here that are dependent upon public subsidies. The City all of the sections of the Comprehensive Plan, the city is supporting density and supporting transit, and supporting getting people living downtown and this project does just that. Bringing people into downtown in an ownership situation – they've got disposable income, they're going to be spending money and working downtown. It just seems like it's what we're after. Somebody mentioned that there's 600 plus petitions and that's the number of people that voted in the last election. I thought that was real interesting. We've had other people come in the past on a number of different projects and complain because their view is going to be ruined with this new tower that's going up a couple blocks away or something and one of those situation, I remember I responded if you don't want your view to change, you should be buying lakeshore on Lake Superior. It's unrealistic to think that you can live in the city, especially in the core downtown area, and not have your views change over time. It's a fact of life and it's going to happen. I'm still trying to understand how all the staff recommendation is to deny, but I think this is the kind of project we need and I would hope other Commissioners give it a thought in terms of what is in the Comprehensive Plan and what our overall goals are and support the project.

Commissioner Krause: Well, Madame Chair, I think the architects did a great job with the building. My hats are off for them and I heard the developer make a very impassioned plea for the project although most of his arguments were economic which is not something that we take notice of particularly. But what's important to me in this is its location for a lot of reasons. Let me just highlight one. That is the importance of sensitively developing within the Shoreland ordinance. I attended a meeting today where the primary topic of conversation is the importance of stormwater in the city and it's rising as a priority and we have that Shoreland ordinance as one of several tools available to us to sensitively manage development within those Shoreland setbacks. This clearly is too large a building within that setback and I would be concerned about the precedent we would set in undermining out use of that tool to do some work that's of great importance to the city over the next 10 or 20 years, so I'm going to support the motion to deny.

President Martin: Commissioner Schiff will be next, but before you do that, I just wanted to mention to my fellow Commissioners that one of the things that I did in preparation for this discussion was to pull out my set of slides of the plat maps of Loring Park from 1875 to 1905 and I was trying to imagine the discussion that might have gone on had there been a planning commission in 1895 or 1900 when all of the mansions were selling off big pieces of land so that new apartment buildings could be built. The only point that I want to make as Commissioner Hohmann has just said, the City is a place that changes a lot. And this is a neighborhood that has changed enormously. When I talk to my students at the University about suburbanization in Minneapolis, I say it started in Loring Park in 1870. That was a suburb because the city was way up at the river front a mile and a half away. I'm not sure what that has to do with this project, but it certainly puts it into a context of the kind of churning and change that's been going on here for a long time.

Commissioner Schiff: Thank you, Madame Chair, I'm sure you'll agree-it's certainly not Levittown however. Different kind of suburbia. I want to thank the developer and everyone from the neighborhood who came down here today. I think the developer hit it right when he started off saying he's aiming for the highest aspirations for this site, I have to disagree however, I think it's a little too high. And when we look at the development of Loring Park and what was lost through the demolition of so many brownstones that happened all the way up through the 60's and we have to decide what the future of Loring Park is so I'm glad to see the neighborhood struggling with the area plan and the idea of really tackling the question of what should development look like for the next 30 years and I wish you the best of luck in going through that – it's a good practice that will guide you to get you out of this reaction mode that I know you're in right now, but I think it's necessary and it's been well done by those in your neighborhood who have guided you through this process. I think for Commissioners who are confused about what makes this different from other parts of the city, I think that's a question we've grappled with in the past year. We've gone from the 80's and 90's when we were so desperate about losing population, about losing real estate value and wondering if anyone was ever going to invest in this city again. And when we started seeing development and so many units being built that we've actually surpassed our goals on an annual basis for what we need under the Met Council's 2030 Blueprint Plan, where we're supposed to get an amazing 1,000 units new residential construction each year on line up through 2030, just in order to keep up with our share of regional growth. Well we're doing that. We're well beyond a thousand units per year coming on line in the City of Minneapolis, so we're making a lot of progress, and I think now the question is, what is good development and how do we guide it for the future? Occasionally that means saying no to bad development and I think we should ask ourselves whether or not we want Loring Park to be demolished and whether or not we want it to be a place where there are 12 more high rises in the next decade or not. Certainly we've opened up all of downtown to sky's the limit skyscrapers and I think that's appropriate except for in historic districts or except Shoreland Overlay districts and this is one of those. I also think we've opened up a lot of parts of this area – it must be amazing to the members of the Loring Park community who

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watched us sit here and debate whether 3 or 4 stories was appropriate on Cedar Avenue and how much that pained us to have that debate and luckily this is an easier decision here tonight. So I think we're making a good decision here. I think staff made a good decision. I encourage the developer to take his investment and invest in a part of the city where we've certainly opened the doors for high rise development and that includes downtown Minneapolis on any of those surface parking lots in the Central Business District. Also note the Elliott Park neighborhood has opened up their neighborhood to high rises. I was the lone nay vote on that, concerned about the historic character of the neighborhood and how that would be impacted on the future, but they do not have the concerns that Loring Park has and we have set the precedent by approving a very, very tall tower in Elliott Park, two of them now in the last five years, so I think that shows that we've got places in the city for this kind of investment and we should keep a focused growth plan in our sights.

Commissioner G. Johnson: Thank you, I think what you've designed is a beautiful building – the tower and the 3-story townhomes and I actually don't agree with the staff recommendation. I think it's a great asset to Loring Park. When I first moved to Minneapolis, I lived in Loring Park for 4 ½ years. I loved it and I loved the density (I hated the parking). They got the parking permits after I left. But I see that this is being handled with 239 parking spaces which is just incredible. I love the density, I love the idea that they're putting retail in. And yes, the City does change a lot. And it think that now a lot more people are going to have the opportunity I had which is being within walking distance of downtown, colleges, churches, art museums. I think it's a great addition, it's a great way to bring businesses, people into downtown to experience downtown life. That was my world when I lived in Loring Park. Downtown was my world. When I moved to North Minneapolis, Robbinsdale became my world. When I moved to Northeast, Fridley became my world. Where you live is where you truly live and I think the more people that are in the Loring Park area, the better neighborhood you're going to have. The more festivals, the wonderful things that occur there now should be experienced by a lot more people and I think that is one way to have that happen.

Commissioner Kummer: Thank you Madame Chair. As the newest member of this group and the Park Board representative, I think the Shoreland District is something that needs to be respected and I am certain that when this body put it in place that there was a lot of discussion and I don't think a thousand feet from the shore line is a bad criteria to allow the majority of people to have a good view of one of the greatest assets in this city which is our parks and our lakes. If we allow ever larger towers to surround them, there will be just a select few that will get to look at them unless you happen to walk up there. But the majority of citizens who have come to rely on just being in an area because that is the one thing that's kept our property values up around the city in the lake areas, they have maintained. So it's a very attractive building and all that, but this is definitely not the right place. I was a little amazed at the lack of concern about the shore line district. Like it was just a gnat to be brushed away. And this is going to come back again, in fact I think there's another proposal on another lake and we're going to go through this discussion again. And if we vote this one in, we don't have much of an argument when the next one comes up. Thank you.

President Martin: The motion that's before us is to approve the staff recommendation on both the CUP's A and B, all in favor please signify by saying aye.

The motion carried 5 – 2 (G. Johnson and Hohmann opposed).

Commissioner LaShomb: Move the staff recommendations on the variances, C and D (Krause seconded).

The motion carried 5 – 2 (G. Johnson and Hohmann opposed).

Commissioner LaShomb: I'll move E, the staff recommendation on the site plan (Krause seconded).

The motion carried 6 – 1 (G. Johnson opposed).

President Martin: Thank you all. It's been a long night for you and for us.