

**Excerpt from the  
Monday, February 24, 2003  
CITY PLANNING COMMISSION  
MINUTES  
319 City Hall  
Minneapolis, Minnesota 55415  
4:30 p.m.**

28. **1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South (6<sup>th</sup> Ward - BZZ-971, CUP)**

Application by David Crockett for a conditional use permit for a 22-unit condominium development. This item was continued at the January 27 and February 10, 2003 meetings. (Staff, Hilary Watson)

Hilary Watson presented the staff report. She noted that a condition should be added to the site plan review saying: "The vacated alley shall be designated as a fire lane per standards of the Minneapolis Fire Department." She also noted that the Fire Department recommended denial of the vacation. She had a new Email from Doug Hordyk that the Fire Department had spoken with the applicants, before the building went all the way to the alley and the Fire Department indicated that they needed to get through the alley with emergency vehicles. Because they moved the building 15' 7" up, the Fire Department was OK with it. The applicant would need to designate that area as a fire lane meaning that no one could park in that alley and it would have signs that would indicate enforcement actions. There would still be public access to the alley and because it would be designated as a fire lane, the applicant could never close the alley.

Commissioner Schiff asked where the front setback was?

Watson, staff, replied it was where the existing apartment building is. The district standard is fifteen feet or the established setback of the building and the building happened to be 15 feet back.

Commissioner Schiff asked if the drawing showed the pop out windows or did they go out further?

Watson, staff, showed where they went to. It came around the corner.

Commissioner Schiff indicated when they went through the widths to be a fire alley, there were two entrances to the buildings.

Watson, staff, showed the entrances, and also the location of the electrical transformer and the other was the air conditioning units that were screened in with a masonry wall that matched with about a foot or two of decorative ornamental fencing that ran along the property line.

Commissioner Schiff asked who would use the entrances on the end?

Watson, staff, replied that when one enters, it was where the elevator was. It went from the garage level to the third floor. All of the first floor units were accessed from the street. The third levels had mezzanines.

Commissioner Schiff indicated if they wanted to encourage more activity on 3<sup>rd</sup> Avenue, why wouldn't they switch the fire exit and the location of the elevator from the fire alley to 3<sup>rd</sup> Avenue so it would be more of a public exit?

Watson, staff, replied that it wasn't just a fire exit. It was an entrance as well, residents could go in and out.

Commissioner Schiff asked if staff saw any benefit to switching those two, to encourage more pedestrian use and a more friendly principle entrance on the 3<sup>rd</sup> Avenue side?

Watson, staff, replied that the elevator was centrally located within the building. She could understand that there would be more access if it were switched. Originally the doors didn't have glazing on the 3<sup>rd</sup> Avenue side and she requested it be put in and the applicant also added windows.

Commissioner Schiff indicated that in the landscaped area there was a 2-3 foot wall and it was on the site now and also shown as part of the landscaping plan.

Watson, staff, replied that was the rock-faced base of the building. She replied what Commissioner Schiff was referring to would be removed.

Commissioner Schiff asked if the Fire Department had considered removing the cul-de-sac to create the fire alley rather than making that the fire alley?

Watson, staff, replied it was discussed. It would require MPHA to reconfigure their parking lot and it was decided that the applicant would lift the building up to maintain the fire access through the alley.

The public hearing was opened.

David Crockett, applicant, stated that when he reached agreement for the purchase of this property from the present owner, he immediately contacted the neighborhood organization, even before the purchase agreement was signed. They had the first public meeting with the neighborhood within 13 days and there had been nine subsequent meetings with neighborhood representatives since then. He had sat down with Council Member Zimmerman twice to review the project. The project had changed many times in an attempt to gain the acceptance of the neighborhood, but their underlying principles had not changed. They always wanted to do owner/occupied housing, which was particularly important, as Ms. Watson noted in the Stevens Court neighborhood 93% of the housing units were rental. They wanted underground parking and wanted to do masonry as much as possible on the exterior surfaces which they had done. They wanted moderate sales prices and most importantly they wanted to do this without public money.

Ms. Watson had described the changes in the alley configuration, so he would not comment further on that. She had also commented about it being a difficult site to develop and it certainly had been. The impression in the neighborhood was that this site could not be developed. They had worked hard to accommodate the neighborhoods wishes on this difficult site. In hindsight, perhaps that was an impossible task. He was reminded that they as citizens needed to be realistic about what housing densities were necessary in an urban development for a project to be financially viable without public subsidies. Acceptance of change was always difficult, any development on these parcels would involve significant change. That was because the site had for the last several years been an attractive garden, a nice amenity to the neighborhood, but an amenity that had been maintained by the private owner. They could all understand that this was a situation that could not last indefinitely. In resisting this project, the neighborhood failed to recognize the alternative. The next developer that came along to develop this site, if they went away, may do a low end six-story rental housing project. That was what the current zoning, OR3, would allow. They were very proud of what they had put together.

Link Wilson, Miller Hanson Partners, project architect, stated that they were the architects of the East Village Project, which was 172 units of affordable housing on the East side of downtown Minneapolis. They also currently finished the Urban League offices in South Minneapolis. They also had two different projects under construction, one for the Urban League and one for Families Moving Forward, not very far from this site in South Minneapolis. He wanted to give the Commission some context of the type of work they were doing in the City of Minneapolis. They currently have eight projects for 2003 and 2004 in the City of Minneapolis. Specifically in the Stevens Community, they had renovated over 625 apartment units within a ten block radius of the site in question. They were very experienced in the neighborhood and knew the neighborhood extremely well. This particular site, as Mr. Crockett had said, had a lot of design challenges that he thought a lot of developers would walk away from. For one, as Ms. Watson mentioned, the East end of the site had a Minnesota Department of Transportation access and working out the easement with that had been extremely difficult, providing essentially 24-hour a day, 365 day/year access to that spot. There was also a Minneapolis sewer line that ran across the East end of the two-parcel site with the alley running through it. There was tremendous expense to line the sewer. They would create a structural bridge over the top of the sewer line so that there was always access to it and it would not be damaged. The soil conditions on the site were very bad and they would use a Geo Pier System which was low impact, not piles. The other alternative would be piles and they could do timber piles, which would be very inexpensive, but they would perhaps damage homes adjacent through the shaking. Geo Piers are augured, so it was very low impact on the soil and the holes are filled with rubble. The holes are augured as far down as need be to get the right kind of compressive strength for the piers. It was essentially a modified pile system. They had a project in Waconia using the Geo Piers.

Commissioner Bradley asked how deep they had to go?

Mr. Wilson replied that he was unsure, they had a soil report, but they wouldn't know until they got out there. It was typically between 12-18 feet. Over the top they would have a grade beam and then build the foundation over the top. This was a very expensive proposition which they felt would preclude any developer from going in and trying to do single family homes or even townhomes. (He displayed photos of homes and buildings in the area.) They felt that the expense of the foundation system would force any future

developer to go up [increase density]. Regarding the neighborhood context, they felt that this was one of the most dense neighborhoods in the City of Minneapolis. It was characterized (he displayed photos of building that they felt they were in character with in the neighborhood), large 3 1/2 story brick apartment buildings which was what they tried to model what they were doing after. The other issue that they wanted to show was how close the buildings were to each other, which was typical of the context of this neighborhood. Apartment buildings were close to the street and they were close to the neighbors. They felt that this neighborhood had the potential of being extremely attractive throughout for young people who work downtown, who would want to take the bus downtown, walk to work, but at the same time this neighborhood needed some stability. As Mr. Crockett said, 93% of the housing stock in this neighborhood was rental. They felt that it needed some homeownership. Also, as Mr. Crockett mentioned, the site was currently zoned OR3, so someone could build a six-story building. They were proposing a 3 1/2 story building on the front façade. Somebody could do 45 units of housing, they were proposing half of that at 22. They were asking for setback variances, essentially for three reasons. One, they felt all of the cars on the site needed to be underground. They wanted to keep this as a pedestrian friendly neighborhood. The other was to have an adequate density to meet the requirement of this site without any public subsidy or funding and they felt that was very important. Also, to reflect the setbacks that they saw throughout the entire neighborhood. He wanted to show that if you look in the context of the neighborhood, the South elevation of the site, they were in the same height as the neighboring building to the North, the neighboring building to the East, the neighboring building to the West. If you look at the West elevation, they were very much in context with the building to the South. There was a lot of change in scale in this neighborhood. They were tight to the corner, but were matching the other three buildings on the corner. They felt there was a richness of materials, it was nearly all brick building, with hardy panel, which had a stucco finish and they felt was superior to stucco. They had worked with the Police Department regarding lighting and eyes on the street and trying to use some context of defensible space. One of the issues that they could pull back off of the North property line another 18 inches, but they felt it was very important to have a planting strip on the front side of the building. That was part of defensible space design where people who live and own these units start to care for that sidewalk and that planting strip in front of their yard, that became their front yard and they defend that and watch after it and care for it and care for the street.

Commissioner Schiff indicated on the second floor above the door on the most eastern side, there was no brick.

Mr. Wilson replied that it was brick, but a different color

Commissioner Schiff asked if they were using two different colors of brick and hardy plank?

Mr. Wilson replied yes.

Commissioner Schiff asked what the two colors of brick were?

Mr. Wilson responded that they would use a tan brick and a red brick that matched the rest of the neighborhood.

Mr. Crockett stated that he wanted to close by drawing a parallel between this projects economic impact and the budget problems that they were hearing about from both the State and the City. Compared to a year ago contractors were today looking for work. The city had made very little progress in alleviating the housing shortage in Minneapolis, particularly in the mid-priced range of units. They were proposing some of the more moderately priced for sale units to be offered downtown in recent years. Very importantly these two parcels of land and these 22 units that would be developed would deliver an additional \$71,000 each year in additional real estate taxes. The development would save the City over \$1,000 each year in alley maintenance costs through reverting the alley to private ownership. All of this would be without a cent of public money. He asked that the Commission approve this project. He thought it would be a credit to the Stevens Square neighborhood, it would provide excellent additional housing to the City of Minneapolis and would be a great financial benefit to the city.

John Prebarch, 10531 Prairie Lakes Dr, Eden Prairie, indicated that he had a purchase agreement on 1721 3<sup>rd</sup> Av. S since October and he just found out about this project a month ago. He had some problems with it. He believed that there should be something built on this property, but was not necessarily convinced that this should be the project. He was concerned with the North side setback because he would be the owner of that building and a couple other buildings in the area. He was also concerned, they talked about Geo Piers, what would happen to the building next door and what was the impact? He had other buildings where there had been piers put in and the ground settled around the surrounding area and one building that he owned it had settled a couple of inches. They talked about the prices of the units, what was the price per square foot of the units and what were the sizes of the units?

President Martin replied that she was not sure that was relevant.

Mr. Prebarch stated that he wanted to find out what the ranges of prices were related to square foot. They talked about moderate priced units, it depended on price per square foot if it were moderate or not. When they got above \$140/square foot, it was no longer moderately priced. He was curious because that had been thrown out in conversations. They talked about the possibility of a six-story building with 45 units, obviously six-stories and 45 units on those two parcels of land would never fly. This was the maximum amount of units that could be put on that space. He was very concerned.

Dave Delvoe, Safety Coordinator for Stevens Square Community Organization (SSCO), 110 East 18<sup>th</sup> St, indicated that he wanted to give some background as to how the neighborhood organization comes to making decisions or recommendations on these kinds of projects. In the Clinton sector of the neighborhoods, the East side of 3<sup>rd</sup> Av. to 4<sup>th</sup> Av., as the architect mentioned, there is a huge mix of structures. Everything from single family homes to public housing high-rises. It was a very dense section of the neighborhood. Two and a half years ago the organization determined that this part of the neighborhood was ripe for redevelopment. As a result, there was a series of community meetings and residents came together to produce the design guidelines for the Clinton sector. The purpose behind this was to work with developers who expressed an interest in residential work in the neighborhood so that the residents preferences which dealt with everything from architectural design to building size to setback to usage would have a chance to be taken into account by the developers. As you notice, setback from the street matching the existing pattern of development in the neighborhood, was one of the key pieces of this design. 3<sup>rd</sup> Avenue as the developer pointed out, the building on the Southeast corner of 18<sup>th</sup> and 3<sup>rd</sup> is also designed up to the sidewalk on both sides. That was one of the few buildings in the Clinton sector that followed that design. Most of the other existing 3 1/2 story single lot apartment buildings had significant setbacks up to 15 feet, such as the building to the North. Because of the population density in the neighborhood, the neighbors value the amount of green space. That was why it was his understanding that the setback became such a crucial issue. From Doug's letter regarding the neighborhood organizations position, the setback from the street and especially on the North side the setback from the existing apartment building to the North, were crucial in their decision to reject this project. There had been plans to redevelop 3<sup>rd</sup> Avenue in this part of the city as Avenue of the Arts and they had determined that it was very important that any new developments on 3<sup>rd</sup> Avenue face 3<sup>rd</sup> Avenue. The Loft on Arts Avenue project which SSCO in collaboration with Plymouth Church neighborhood foundation worked on was a good example of a design that came out of this process, that satisfied the neighbors wishes in regard to design in that sector of the neighborhood. It faced 3<sup>rd</sup> Avenue and would have 36 units. They would ask the Commission to deny the request for the variances on this project.

Earl Robinson, 1718 Clinton Av. S, indicated he lived in the condominium building next to the project and his major concern was the North side setback and the density of the project on the size of lot. It impedes traffic with the neighbors at the high rise and the neighborhood that he lived in. It was a dense place to live the way it was. Yes, 93% apartment dwelling versus owner/occupied housing may be the case in Stevens Square but in this area, there was a lot of condominiums, the project across the street was a condominium, the one around the corner was a condominium, there was also single family homes in the neighborhood. This project dwarfed the scale of all of that. He was concerned about the apartment behind his building because the building was right up to that apartment building. The people living there would have a building six feet outside of their window. According to Mr. Crockett, these were just renters so they didn't matter, but they mattered to him. People who lived in the high-rise mattered to him. The scale of this project was too big. He realized as a homeowner and property tax payer in this city that a property at some point had to be and would be developed. He didn't oppose development on that property, the scale of the development was just too much for the size and for the neighborhood that he lived in.

Mary Diedrich, 1718 Clinton Av. S, representing the Clinton Condo Assn., stated a concern that they were being portrayed as intransigent people who were afraid of change. She did not think that they were afraid of change, they would like to see more owner/occupied dwellings in their neighborhood because they lived there and wanted that neighborhood to be a safe and pleasant place to live. One concern that hadn't been addressed was the issue of safety. She was grateful to Mr. Crockett for deciding not to block off the alley because that was a concern that they had in terms of creating closed spaces where people could loiter. In their neighborhood, the minute you have a space that wasn't visible from the street, somebody could sleep there, somebody could drink there, smoke crack there and that was what happened. It happened around the corner of their building and they didn't want to see any more spaces like that created. One of the things that she noticed in the new drawings, was that the North side of the proposed development would run about 2 1/2 feet from the fence on their South side. There would be a 2 1/2 foot corridor with a fence facing Clinton Avenue and people would be able to walk in there from the alley and take a nap. She didn't think that was a good idea. Those kinds of safety issues were concerns. The other thing that she wanted to mention was that the SCCO guidelines were something that they valued because they valued gardening. They all gardened in their condominium and in public spaces and hated to see this entire space lost to public use. They thought that the citizens of the neighborhood deserved some green space.

Bill Meyer, 1718 Clinton Av. S, indicated he had submitted a letter that detailed what most of the other speakers had said. Ms. Watson mentioned that two of the three residents on either side of the alley had approved of the vacation and indicated that the Clinton Court residents hadn't given their approval to the easement for the alley, and the reason was because they were never asked. The developer, the City Planning Commission and the Department of Public Works had never contacted them to find out whether they had any objections to the proposal for the alley.

The public hearing was closed.

Commissioner LaShomb motioned, Nestingen seconded to adopt the findings prepared by staff and **approve** the street vacation for the "L" shaped alley in Block 12, Jackson, Daniels & Whitney's Addition, bounded by East 17<sup>th</sup> Street, East 18<sup>th</sup> Street and Clinton Avenue South, Minneapolis, MN subject to the retention of easements by Xcel Energy and Qwest.

Commissioner Johnson stated that it was a public alley that they were changing to a privately owned property. She wanted to make sure if the vacation were approved, that all of the other buildings into perpetuity would have access and egress. Would that be reflected in the change to the deeds?

Watson, staff, replied that it would be signed as a fire lane which meant that it could not be closed at any time. The Timbercraft site was an example of fire lanes that have been done on other buildings. Fire lanes run through the front of all of those properties, they were covered with turf grass, but there was a hardscape underneath. Because it was posted as a fire lane it could not be developed or closed off. Within the title or the deeds of the applicants of this development, they would be granting easements to the three adjacent property owners to utilize the alley.

Commissioner Schiff stated that he would support the motion, but he thought that the preferred alley would be one that would reconfigure the parking lot and remove the cul-de-sac.

Commissioner Young asked if this was replacing a beautiful community garden between the grocery store?

Watson, staff, replied no. It was being used as a community garden, however the current property owner had entered into an agreement to sell the property to the applicants. She assumed that the current property owner had allowed the neighborhood to use the land as the community garden, but it was not owned by the neighborhood.

Commissioner Young stated she had a sadness of losing gardens.

Commissioner Nestingen indicated that staff stated that both the Fire Department and the Department of Public Works were opposed to the vacation of the alley.

Watson, staff, responded that the Fire Department had changed their mind and no longer were opposed.

Commissioner Nestingen asked in approving the vacation should the Commission acknowledge pending approval by Public Works?

Watson, staff, replied that Public Works could have made it a denial subject to the consent of the property owners or approval subject to the consent and they chose to make it a denial. In this case they saw that there was a public purpose for the alley. The Planning Department saw that there would still be a public purpose for an alley, it would still appear to be an alley. This would go to the City Council for final review.

Commissioner Krause stated that the Council had a lot on their plates right now and he thought they were relying on the Commission to figure these things out. He wanted to see if staff knew of any other instances around the city that were similar to this, where it was a vacation and kept as an alley. He had some concerns about how this would work. It would be fine at first, but over time would that erode away and become a problem?

Watson, staff, replied that on one of the Timbercraft properties the alley was signed as a fire lane. It wasn't vacated, it was a private alley, but it was designated as a fire lane, which meant that Public Works could never remove the alley because it was a fire lane. In this case the applicant was proposing to vacate an alley and the Fire Department indicated to ensure that it remain open for health and safety reasons first and for access of the property owners second, they would designate it as a fire lane.

Commissioner Krause indicated that he understood the principle, but he wondered how many examples there were and if it was working. He wished they could hear from the Department about this. He knew what the intention was at the time of approval didn't always get carried forward.

Watson, staff, noted that the Lupient site may be one example of a vacation, the condominiums were on the outer edge and the lane in the middle was a fire lane.

Commissioner Krause asked if those included the issues of requiring access for other properties?

Watson, staff, replied yes, every condo on that block had a garage off of the fire lane.

Commissioner Krause felt this was somewhat different and that it required easement agreements with the adjacent properties that weren't part of the project. He was not necessarily going to vote against the motion, but thought it may bear a little more consideration.

President Martin believed if the Fire Department said no and then changed their decision, they looked at it more carefully and decided that it would work.

Commissioner LaShomb indicated that he didn't want to show disrespect to the Public Works Department, but he didn't think their reticence about this was the defining issue. He thought the defining issue was if this would be an alley that met a public purpose and there was, it was going to be a fire alley. The real question over time was making sure that the tenants of this building understood that they couldn't park in that space. He thought it was reasonable to do.

Commissioner Hohmann suggested there be a condition of approval requiring that it remain a fire alley or access.

Anderson, staff, replied that could be included with the site plan, but they couldn't place conditions on vacations because the City was giving up the right to that land.

Watson, staff, suggested they might want to add that to the CUP and site plan.

Commissioner Johnson asked if this was made a fire lane and it was private property, who would be responsible for plowing?

Watson, staff, replied that the applicants before the Commissioner through their deeds and easement would be required to maintain the entire length of the alley.

Commissioner Bradley replied in their homeowners association. It was also noted in the applicants presentation materials that, "247 lineal feet of the alley to be maintained in perpetuity by the private condominium association, but retained for public use."

Commissioner Young asked what they were doing about the fact that the neighborhood group and tenants from the adjacent building were opposed to the project? They were not dealing with that, they were going straight to the vacation. Were they going to have any discussion that addressed some of their concerns like it being too big of a project and too close to the condominiums?

Watson, staff, replied that there had been a series of neighborhood meetings prior to the involvement of staff. After she became involved she met with the applicants at the neighborhood associations office to talk about the project. They discussed safety and they also met with Officer Judy Perry from Crime Prevention and the Crime Prevention Specialist for Stevens Square at a separate meeting. As a result, they opened the alley which was one concern. There would be fencing between the adjacent properties fences and theirs, so people won't go in the 2 1/2 foot space, it would be fenced on the North side. Sometimes they needed to move forward with a project. She told applicants or

concerned residents if they only approved what neighborhoods liked, they might not have as good of a city that they have today because as professionals, they put a lot of thought and effort into these projects and recognize neighborhood concerns. The alternative was that they pull the buildings off the property line and build six stories, they would have more shadowing and less light. That was alternative to what was before the Commission. They could build 45-units in a six-story building and meet all of their setbacks and wouldn't have to come before the Commission.

Commissioner Young indicated that the people still came to testify and had questions and they were just moving ahead.

President Martin stated that they were starting with the vacation because it was the one that affected the other approval the most.

Commissioner Young responded that was why she was trying to get some clarity before she voted.

President Martin indicated in most of the discussions and in the written communications from the neighborhood group, there wasn't much discussion about the alley. There was discussion about other issues.

Commissioner Young replied if they approved the alley, it was almost like it was OK.

Commissioner LaShomb stated his view wasn't if they approved the alley, they approved everything else, his view was that he didn't want to go through seven items and then not approve the vacation.

President Martin called for a vote.

The motion to approve the street vacation as noted above **carried**, Commissioner Young voted no.

Commissioner Johnson noted in the Stevens Square Community Organizations letter, they referenced the size of the units. She knew that they weren't supposed to get into that, but one of the things that they were trying to encourage were units that were family friendly. She wanted to make sure they were getting good housing that would include families, so she was concerned about 800-900 square foot units and how that would work for families. They brought up the point of long term residency, but she was concerned about the families rather than smaller units, which she believed there were already more of.

Commissioner Krause indicated before they began voting on some of the variances, he didn't have a problem with the scale of the project. He thought it fit, there was a high-rise a short distance away. He had a couple of concerns about the way the project was configured, one of which was the orientation to 3<sup>rd</sup> Avenue. It was really weak and he thought that the design guidelines that the neighborhood had put together for 3<sup>rd</sup> Avenue were good ones and needed to be enforced. They were going to miss an opportunity to do that with this project by allowing a very weak orientation of the building to 3<sup>rd</sup> Avenue. Similar to that was the setback on the 3<sup>rd</sup> Avenue side, which was a little too much. He thought the project could do some good things for the neighborhood and he was not too concerned about the size of the units. He didn't think this project needed to meet those needs, but those two things concerned him.

President Martin stated in response to Commissioner Johnson's concerns that this was not a publicly funded project and they were entitled to do what they wanted.

Commissioner Johnson replied she understood that, but wanted to raise the issue.

Commissioner Young stated knowing this area, it was not the most family oriented area. It didn't mean that they weren't concerned with families and where they lived, but there was a large percentage of single and two-person space there.

Commissioner LaShomb noted that when he lived in Loring Way he appreciated seeing fathers with kids in the park, to build family units in a neighborhood like this would increase the price. These units are probably for individuals who are working in the downtown area who would like to own a piece of property and walk to work.

Commissioner LaShomb motioned, Krueger seconded to adopt the findings prepared by staff and **approve** the conditional use permit application for the 22-unit condominium building located at 1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South subject to the following conditions: 1) There shall be no more than 22 units located within the building. **Carried.**

29. **1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South (6<sup>th</sup> Ward - BZZ-971, Variance)**

Application by David Crockett for a variance to reduce the width of the drive aisle from the required 22 feet to 17 feet for a 22-unit condominium development. This item was continued at the January 27 and February 10, 2003 meetings. (Staff, Hilary Watson)

See public hearing discussion in item #28 above.

Commissioner Schiff motioned, Bradley seconded to adopt the findings prepared by staff and **approve** the variance to reduce the width of the drive aisle from the required 22 feet to a width ranging between 14 and 19 feet subject to the following conditions: 1) The three parking spaces that are adjacent to the portion of the drive aisle that is 14 feet wide shall be posted as compact parking spaces. **Carried.**

30. **1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South (6<sup>th</sup> Ward - BZZ-971, Variance)**

Application by David Crockett for a variance to reduce the front yard setback along 3<sup>rd</sup> Avenue South from the required 15 feet to 0 feet to allow for two bay windows and a balcony to be constructed and to 3 feet to allow for the remaining portion of the building to be constructed for a 22-unit condominium development. This item was continued at the January 27 and February 10, 2003 meetings. (Staff, Hilary Watson)

See public hearing discussion in item #28 above.

Commissioner LaShomb motioned, Bradley seconded to adopt the findings prepared by staff and **approve** the variance to reduce the front yard setback along 3<sup>rd</sup> Avenue South from the required 15 feet to 4.5 feet to allow for bay windows that expand the upper three floors of the building to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed.

Commissioner LaShomb indicated that he heard what Commissioner Krause said, but was there a solution to the problem?

Commissioner Krause replied that he was not going to vote for this one and hoped that the neighborhood and the developer could do more work on it if it didn't pass.

Commissioner Bradley noted that the building immediately South across the street had zero setback. If they were looking down 3<sup>rd</sup> Avenue, if this building were setback 15 feet, you would see the building South of this sticking out 15 feet.

Commissioner Krause indicated he was looking to the North and that was where he thought the problem was.

Commissioner Bradley indicated across the street on 18<sup>th</sup> Street the next building was on the sidewalk. This building started to funnel your vision back down 3<sup>rd</sup> Avenue rather than looking at that building sticking out. This was a tight urban site and they didn't go all the way to the sidewalk, he thought that was good.

Commissioner Nestingen noted that the stairwells at the East and West, were they exit only or did people use those stairs every day?

Mr. Wilson replied that he thought people would use them every day. In their discussions with the Police Department, they were encouraging that. They wanted glass in the window and door and all the way up. The tight spot was only in the one area and then the building backed off of the property line.

Commissioner Nestingen asked if that stairwell could be less of a fortress, there was just a small window. You would never go to the mezzanine on the stairwell. Both the stairs could be almost one story shorter.

Mr. Wilson replied yes, they could pull the roof down over the top.

Commissioner Nestingen indicated that the stairs could have windows to the interior, so when they were looking to the interior of the site they could see somebody walking on the other stairwell, a window on the East and West, in addition to what they had. They could also see into the narrow area that people had concerns about.

Commissioner Schiff agreed that the massing and height were appropriate. He looked through the design guidelines that Stevens Square had articulated and he didn't know how they could have hit it more on the head. But the one thing that was atypical for the neighborhood were the punched out windows, the bay windows. No other building in the neighborhood had bay windows. He had already said that he didn't care for the two tones of brick which was also a variation in the neighborhood and he was not willing to go the whole 4 1/2 feet to allow the pop out windows which were so different.

Commissioner Hohmann spoke in favor of the bay windows and felt that they added tremendously to the eyes on the street concept.

Commissioner Nestingen understood what Commissioner Schiff was saying, but because they had more sophisticated building techniques, they could articulate facades and it became more interesting.

The motion to approve the front yard setback along 3<sup>rd</sup> Avenue South from the required 15 feet to 4.5 feet to allow for bay windows that expand the upper three floors of the building to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed **carried**, Commissioners Krause, Schiff and Young voted no.

31. **1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South (6<sup>th</sup> Ward - BZZ-971, Variance)**

Application by David Crockett for a variance to reduce the corner side yard setback along 18<sup>th</sup> Street East from the required 14 feet to zero feet for a 22-unit condominium development. This item was continued at the January 27 and February 10, 2003 meetings. (Staff, Hilary Watson)

See public hearing discussion in item #28 above.

Commissioner LaShomb motioned, Schiff seconded to adopt the findings prepared by staff and **approve** the variance to reduce the corner side yard setback along East 18<sup>th</sup> Street from the required 14 feet to zero feet to allow for bay windows that expand the upper three floors of the building to be constructed and to 1-foot 6-inches to allow for the remaining portion of the building to be constructed. **Carried**.

32. **1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South (6<sup>th</sup> Ward - BZZ-971, Variance)**

Application by David Crockett for a variance to reduce the north interior side yard setback from the required 11 feet to 1 foot for a 22-unit condominium development. This item was continued at the January 27 and February 10, 2003 meetings. (Staff, Hilary Watson)

See public hearing discussion in item #28 above.

Commissioner Schiff motioned, Krueger seconded to adopt the findings prepared by staff and **approve** the variance to reduce the north interior side yard setback from the required 11 feet to 2 feet 6 inches to allow for four stairwells and seven ground-level patios to be constructed and to 7 feet to allow for the remaining portion of the building to be constructed. **Carried**.

33. **1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South (6<sup>th</sup> Ward - BZZ-971, Variance)**

Application by David Crockett for a variance to increase the lot coverage requirement from the permitted 70 percent to 77.8 percent for a 22-unit condominium development. This item was continued at the January 27 and February 10, 2003 meetings. (Staff, Hilary Watson)

See public hearing discussion in item #28 above.

Commissioner Schiff motioned, Krueger seconded to adopt the findings prepared by staff and **approve** the variance to increase the lot coverage requirement from the permitted 70 percent to 75 percent.

Commissioner Krause asked if they availed themselves of any of the bonus densities for the increase in lot coverage?

Watson, staff, replied that the density wouldn't speak to the lot coverage. The lot coverage did not include the sidewalks or the driveways, it was just the building, in this case it was mostly the floor area of the parking garage that was making the number higher.

Commissioner Bradley asked if the buildings that they saw above grade, did not go to 75%? If they include the garages, they would have to cut out about three spaces across the opening?

Watson, staff, replied that it included the space above or below the alley in the lot coverage.

The motion to adopt the findings prepared by staff and **approve** the variance to increase the lot coverage requirement from the permitted 70 percent to 75 percent **carried**.

34. **1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South (6<sup>th</sup> Ward - BZZ-971, Site Plan Review)**

Application by David Crockett for site plan review of a 22-unit condominium development. This item was continued at the January 27 and February 10, 2003 meetings. (Staff, Hilary Watson)

See public hearing discussion in item #28 above.

Commissioner Nestingen suggested this be the place where the language about lowering the stairwell and adding windows that were in-facing was inserted.

Commissioner Bradley indicated on the interior, middle elevation, the corners would get detailed and would have a sloped roof and come down lower.

Commissioner Schiff thought it would be inconsistent with the design style of the neighborhood.

Commissioner Nestingen indicated they would lower it as a gesture to be a smaller building to the neighbors to the North and there would be a little more light. It wouldn't look odd.

Mr. Wilson stated that they would wrap the cornice line around the North side about 18 inches and then the roof would go down over the top of it which would give a continuity. They see that as a characteristic in the neighborhood. The condominium on the Northeast corner had a different color brick that wrapped around to the sides and ended. It would be something similar to that. He felt confident accomplishing what Commissioners Nestingen and Bradley were suggesting.

Commissioner LaShomb motioned, Krueger seconded to adopt the findings prepared by staff and **approve** the site plan review application for a 22-unit condominium building located at 1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South subject to the following conditions: 1) The solid masonry and translucent fence located along the north interior property line shall be no taller than 6 feet; 2) The Planning Department shall approve the final site and elevation plans; 3) The landscaping plan shall be reviewed and approved by the City's Landscaping Consultant; 4) The Planning Department shall approve the final lighting plan; 5) The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way; 6) All site improvements shall be completed by June 1, 2004, or the permit may be revoked for non-compliance; 7) The applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits are issued, or the permit may be revoked for non-compliance; 8) The applicant shall re-articulate the roof and lower the stairs one story and install in-facing windows on the North side; and, 9) The vacated alley shall be designated as a fire lane per standards of the Minneapolis Fire Department.

Commissioner Schiff suggested a condition that the bricks should be one color.

Commissioner Bradley replied that the building next to this had bricks that were two colors. He thought it was consistent for this building to have two colors.

Commissioner Schiff noted that was on an interior wall and wasn't intended to be seen.

Commissioner Bradley stated he was going to align himself with Commissioner Nestingen in terms of the treatment of the façade and the brick color and bay windows. It was an issue of materials and techniques that allowed them to do that. He saw this as an evolution of the existing condos at 1718 Clinton and this started within that family and evolved to have more features.

Commissioner LaShomb suggested he would not accept that as a friendly amendment.

Commissioner Bradley stated that the second color was done in limited places and he didn't see the colors fighting themselves. This was getting into taste and he liked the evolution.

Commissioner Young indicated this taste wasn't about the Commission personally, it was about thousands of people that lived in that area and what their visual impact was.

President Martin replied either they would like it or not like it, just like everything else.

Commissioner Nestingen asked if the cornices on the South side were inspired by something in the neighborhood, on the 18<sup>th</sup> Street side? Half of it was cornice, half of it was bracket supporting dormers.

Mr. Wilson replied that those were brackets that were supporting the overhang, they had a structural purpose. Their thought was that there was a strong cornice line, but the horizontal element, when seen in 3-dimension, was a lighter part of the structure. It was different than the bay and you could see them holding up the overhang. To a certain degree it was a decoration, but it was coming from a lighter element that was coming up out of the building as opposed to something being held all the way to the foundation. It needed to be light and a little more ethereal because it was a wood structure that was coming out of a masonry structure.

Commissioner Krause stated that they had addressed all of his concerns other than the variance on 3<sup>rd</sup> Avenue side, but he still thought it had a very weak façade on the 3<sup>rd</sup> Avenue side and he didn't know how to approve that with an additional condition.

President Martin responded that the problem was that the parcel of land was running strongly East/West with a short....

Commissioner Krause thought some improvements to the doorway could be made along 3<sup>rd</sup> Avenue.

Commissioner Bradley asked if they would like a canopy? It would be a small one.

Commissioner Krause indicated that may require a change in the variance on that side.

Commissioner Bradley stated if they kept it at the same distance as the bay window, which was 2 1/2 feet, they could do something.

Watson, staff, indicated that the applicant was OK with that.

Commissioner Krause made a friendly amendment to add the following condition: 10) A canopy shall be incorporated into the 3<sup>rd</sup> Avenue entrances.

Commissioner LaShomb accepted the friendly amendment.

The motion to adopt the findings and **approve** the site plan review application for a 22-unit condominium building located at 1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South subject to the following conditions: 1) The solid masonry and translucent fence located along the north interior property line shall be no taller than 6 feet; 2) The Planning Department shall approve the final site and elevation plans; 3) The landscaping plan shall be reviewed and approved by the City's Landscaping Consultant; 4) The Planning Department shall approve the final lighting plan; 5) The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way; 6) All site improvements shall be completed by June 1, 2004, or the permit may be revoked for non-compliance; 7) The applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before building permits are issued, or the permit may be revoked for non-compliance; 8) The applicant shall re-articulate the roof and lower the stairs one story and install in-facing windows on the North side; 9) The vacated alley shall be designated as a fire lane per standards of the Minneapolis Fire Department; and, 10) A canopy shall be incorporated into the 3<sup>rd</sup> Avenue entrances. **Carried.** Commissioners Schiff and Young voted no.

35. **1725 3<sup>rd</sup> Avenue South and 1728 Clinton Avenue South (6<sup>th</sup> Ward - Vac-1402)**

Application by David Crockett for a an application to vacate the "L" shaped alley in the block bounded by East 17<sup>th</sup> Street, East 18<sup>th</sup> Street and Clinton Avenue South for a 22-unit condominium development. This item was continued at the January 27 and February 10, 2003 meetings. (Staff, Hilary Watson)

See public hearing discussion **and motion** in item #28 above.