

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

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MEMORANDUM

DATE: July 18, 2007

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

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

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

SUBJECT: Planning Commission decisions of July 16, 2007

The following actions were taken by the Planning Commission on July 16, 2007. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Motzenbecker, El-Hindi, Huynh, LaShomb, Mains, Norkus-Crampton, Schiff and Tucker – 8

Not Present: Nordyke and Williams

Committee Clerk: Lisa Baldwin (612) 673-3710

2. Minneapolis Park and Recreation Board (Vac-1523, Ward: 5) 17th Ave NE of the West River Rd (Jim Voll).

A. Vacation: Application by The Minneapolis Park and Recreation Board to vacate 17th Ave N lying east of the West River Road for park and trail purposes. This is a non-built "paper street" between the West River Road and the Mississippi River.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the vacation subject to the reservation of easements for Qwest and the City of Minneapolis.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the staff recommendation (El-Hindi seconded).

The motion carried 7-0.

17. Vantage Flats (BZZ-3619, Ward: 12) 5341, 5345 and 5359 Minnehaha Ave (Hilary Dvorak).

A. Rezoning: Application by Randy Schold for a rezoning of the properties located at 5341, 5345 and 5359 Minnehaha Ave from C1 to OR2.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning of the properties from C1 to OR2 located at 5341, 5345 and 5359 Minnehaha Ave.

B. Conditional Use Permit: Application by Randy Schold for a conditional use permit for 37 dwelling units for the properties located at 5341, 5345 and 5359 Minnehaha Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for 37 dwelling units located at 5341, 5345 and 5359 Minnehaha Ave subject to the following condition:

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

C. Variance: Application by Randy Schold for a variance of the front yard setback from the required 23 feet to 15 feet for the building and to zero feet for an eight-foot wide walkway for the properties located at 5341, 5345 and 5359 Minnehaha Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the front yard setback from the required 23 feet to 15 feet for the building and **denied** the variance application to reduce the front yard setback from the required 23 feet to zero feet for an eight-foot wide walkway located at 5341, 5345 and 5359 Minnehaha Ave.

D. Variance: Application by Randy Schold for a variance of the south interior side yard setback from the required 11 feet to three feet for an electrical transformer for the properties located at 5341, 5345 and 5359 Minnehaha Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the south interior side yard setback from the required 11 feet to three feet for an electrical transformer located at 5341, 5345 and 5359 Minnehaha Ave.

E. Variance: Application by Randy Schold for a variance of the rear yard setback from the required five feet to zero feet for a loading space and from the required 11 feet to three feet for an electrical transformer for the properties located at 5341, 5345 and 5359 Minnehaha Ave.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the rear yard setback from the required five feet to zero feet for a loading space and from the required 11 feet to three feet for an electrical transformer located at 5341, 5345 and 5359 Minnehaha Ave.

F. Site Plan Review: Application by Randy Schold for a site plan review for the properties located at 5341, 5345 and 5359 Minnehaha Ave.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for the property located at 5341, 5345 and 5359 Minnehaha Ave subject to the following conditions:

1. The applicant is encouraged to consider adding a cornice or other architectural element at the top of the exterior elevations.
2. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by July 16, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. The transformer shall be screened.

Staff Dvorak presented the staff report.

Commissioner Schiff: Can you clarify the width of the sidewalk and in the landscaping plan are we creating a boulevard here inbetween the curb and the sidewalk?

Staff Dvorak: That is correct.

Commissioner Schiff: How wide will that be?

Staff Dvorak: I may need the applicant or architect to respond, but here is the existing sidewalk and it runs all along Minnehaha Ave. They are going to be transitioning and pulling it up, which the small area plan talks about doing along Minnehaha Ave. I apologize I don't have the dimensions right here, but you can see that the sidewalk continues on their property and actually, after PDR, what it's going to do is it's...it can't transition on someone else's property so it's going to have to transition back to the existing sidewalk with the confines of their own property line and then you'll have a green boulevard with trees there. I don't have the exact dimensions, but I know that the Park Board was alright with the dimensions of it and it met their standards with the minor change that it needs to transition on their property.

Commissioner Schiff: Ok. If the applicant could clarify when they come before us that'd be great. Thank you.

Randy Schold (1600 University Ave, St. Paul) [not on sign-in sheet]: The architect, James O' Shea with Collaborative Design Group, is here. We have a five foot green boulevard from the curb to the sidewalk.

Commissioner Schiff: Great, thank you.

Rita Ulrich (3000 E 50th St): I'm with Nokomis East Neighborhood Association. If there was a manual on how a developer should work with a neighborhood, this is how they should do it. This developer has worked with us from the beginning and responded appropriately and with effort to suggestions from the neighborhood and residents and we whole heartedly support this development. We have seen all the plans. They have probably met with us and residents about six times. We appreciate that and look forward to continuing working with them.

Kimberly Wegscheid (5332 Hiawatha Ln) [not on sign-in sheet]: This is the development and I'm right here. My concern is that they're talking about this transformer and the utility pole they have to use will be in my corner and I've got three dogs back there so that's going to be an issue. The other thing is, with the alley, a lot of the neighbors have been talking about the alley way because it can't be a one-way because the garages sit every which way. I'm not quite understanding what they're trying to do with the zero variance so we can drive around or pull over. So, I guess I really don't know. I guess I just came up here to say that the neighbors really don't like this, we can't do much about it, but I just want to say for the record that I'm sitting right there with the transformer next to me and also four stories... I've lived there for 13 years and have a privacy fence with a deck, people can look out the fourth story and see what I'm having for dinner, what I'm wearing, if I'm having people over and I guess I just wanted to put that on record and say that I'm not happy with this.

President Motzenbecker closed the public hearing.

Commissioner Huynh: I have a question. Due to the concern of the neighbor there, would you consider screening the transformer as a condition?

Randy Schold: Yes, we would be happy to screen the transformer as long as it complies with whatever power company regulations... we would be totally fine with that.

Commissioner Huynh: I believe that there are several products on the market that still allow access to the transformer that meet utility agreements, but we'll go ahead and add that as a condition under the site plan review. Thank you.

Commissioner Norkus-Crampton: Is there going to be a narrowing of the alley around your proposal?

Randy Schold: There is not. Just as a point of clarification with the history of the pull off that we've achieved. In meeting with the neighborhood a number of times, we

understood that deliveries were going to be a matter of concern and also a concern was the ability for a car to pull off slightly from the alley to allow traffic to pass so as not to hold up opposing traffic. Our plan didn't initially include a drive off, but we were trying to respond to neighborhood desires for that drive off and that's the parking space ...that's the reason for the zero setback.

Commissioner Tucker: I was delighted to hear that the neighborhood Nokomis East worked so successfully with the developer; that's always good news. I'm glad when people can come in with an agreement. I will move item A to rezone C1 to Or2 (Huynh seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 7-0.

Commissioner Tucker: I'll move item B, the CUP for residential development for 37 dwelling units with one condition (Norkus-Crampton seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 7-0.

Commissioner Tucker: I'll move items C, D and E noting that in C we would deny the eight food walkway (Huynh seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 7-0.

Commissioner Tucker: I'll move F, the site plan review, with the three conditions recommended by staff plus a fourth one suggested by Commissioner Huynh to screen the transformer (Huynh seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 7-0.