

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: June 2, 2011

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 May 23, 2011

The following actions were taken by the Planning Commission on May 23, 2011. 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, Cohen, Gorecki, Huynh, Luepke-Pier, Schiff, Tucker and Wielinski – 8

Not present: Bates (excused) and Carter

Committee Clerk: Lisa Baldwin (612) 673-3710

8. Oaks Station Place (BZZ-5146, PL-254 and Vac-1583, Ward: 12), 3550 46th St E (also known as 4536 36th Ave S) ([Jim Voll](#)).

A. Conditional Use Permit: Application by Oaks Properties and the Metropolitan Council for a conditional use permit for a planned unit development to allow 104 dwelling units have applied for the following applications for property located at 3550 46th St E (also known as 4536 36th Ave S).

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for a planned unit development for property located at 3550 – 46th St E, 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.

B. Site Plan Review: Application by Oaks Properties and the Metropolitan Council for a site plan review for property located at 3550 46th St E (also known as 4536 36th Ave S).

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a 150 unit residential building located at 3550 – 46th St E, subject to the following conditions:

1. CPED Planning staff review and approval of the final elevations and site and landscaping plans before permits may be issued.
2. All site improvements shall be completed by July 1, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. The 18 parking stalls in the Metro Transit lot are required to be signed, designating their exclusive use by the patrons of the retail tenants, so that they are not used as “park and ride” spaces. This information should be included in the Travel Demand Management Plan as well.
4. The site plan shall show one small (10 feet by 25 feet) on-site loading space as required by Section 541.490 of the zoning code.
5. The plaza design shall provide the two required additional amenities as required by Section 535.800(9) of the zoning code, unless a variance is obtained.
6. The elevations for the first floor of the vehicle pass-through shall be provided on the final site plan and they shall provide architectural detail, so there are not blank walls, without a change in material for lengths of more than 25 feet.
7. The final plaza design is subject to CPED-Planning staff review and approval.

C. Plat: Application by Oaks Properties and the Metropolitan Council for a preliminary plat for property located at 3550 46th St E (also known as 4536 36th Ave S).

Action: The City Planning Commission **approved** the preliminary subdivision plat for property located at 3550 – 46th St E, subject to the following condition:

1. The easements for the building and for the pedestrian and vehicular access shall be reviewed by Planning staff and shall be finalized at the time of the recording of the final plat.

D. Vacation: Application by Oaks Properties and the Metropolitan Council for a Street Vacation of 36th Ave S between 45th and 46th Streets East for property located at 3550 46th St E (also known as 4536 36th Ave S).

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the street vacation of 36th Ave S between 45th and 46th Streets East.

Commissioner Schiff: I have a quick question for staff. Can I go ahead with that now? Ok. I understand there has been one more meeting scheduled with the Standish Ericsson neighborhood

for input on the plaza design for this property. When I was at the neighborhood meeting, I noticed the concrete planters that were in some of the drawings and they appear to be in the public right-of-way. Can you tell us what is being approved as of today's actions?

Staff Voll: I can't find the drawing for the plaza, but my understanding is that the plaza would be entirely on their site but there might be parts of the pavers and so forth that would go into the public right-of-way but they would need Met Council's approval and my understanding is that they are ok with that. Public Works for anything in the city right-of-way. I could look into that further and ask the applicant if they would want to comment on that, but I need a minute to look at my stuff to figure that out and answer that question.

Commissioner Schiff: If there's some kind of conditional approval we can give subject to staff review and the further neighborhood input that I know has been scheduled.

Staff Voll: I was in a meeting with the developer and some other folks about the plaza and the developer was willing to continue to work on the plaza design. Right now we have a plaza design that is approvable for the minimum standards so we could approve it. I would ask Mr. Wittenberg to help me with the condition, but then we could certainly come back and look at redoing the design and let the project move forward and then take the plaza back through, even administratively, subject to the neighborhood input. I'm not sure how you could guarantee that would happen other than the developer saying that he would be willing to do that, which I think he is. I don't know how to come up with a condition that says they have to come back after it's approved but if you don't approve it, it holds up the project.

Commissioner Schiff: At issue is what appears to be about a three foot tall concrete wall.

President Motzenbecker: It's on that corner where the tree is shown.

Staff Voll: Can you help me with what the concern is? It might be something we could address now.

Commissioner Schiff: I'm just wondering the need for it. I know there's a grade change on the property but if those planters were level with the ground versus raised that would be more pedestrian friendly and less attractive for graffiti.

Staff Voll: I would have to talk to the applicant about whether that needed to be raised to do the actual plantings.

President Motzenbecker: Do you want to just pull this one?

Commissioner Schiff: I think they are ready to address it.

President Motzenbecker: If it gets too long, I'd rather just pull it.

Jim Schloemer [not on sign-in sheet]: I'm with Kaas Wilson Architects. The site work in that rendering actually isn't accurate to what we've proposed yet. The rendering was done for the purposes of showing the neighborhood what the building would look like. The planters will more likely be more of a versilock masonry aesthetic and they wouldn't be accurate height-wise to what's shown on that rendering.

Commissioner Schiff: How about if I just add a condition that says the final plaza design is subject to staff approval?

Jim Schloemer: Ok.

President Motzenbecker: A condition added that the final plaza design is subject to staff approval. All those in favor? Opposed?

The motion carried 6-0 (Huynh recused).

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Huynh moved approval of the consent agenda, recusing herself from item number eight (Tucker seconded).

The motion carried 6-0 (Huynh recused).