

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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MEMORANDUM

DATE: November 14, 2006

TO: Steve Poor, Manager, 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 November 13, 2006

The following actions were taken by the Planning Commission on November 13, 2006. 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, Henry-Blythe, Huynh, LaShomb, Nordyke, Norkus-Crampton, Schiff and Tucker – 9

Not Present: Krueger

13. Pokegama North (BZZ-3241, Ward: 6) 2111 and 2119 14th Ave S, 1408 E 22nd St (Becca Farrar).

A. Rezoning: Application by James Graham, on behalf of the American Indian Development Corporation, for a petition to rezone 2111 and 2119 14th Ave S, 1408 E 22nd St from the R2B district to the R4 district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 2111 and 2119 14th Ave S, 1408 E 22nd St from the R2B district to the R4 district.

B. Conditional Use Permit: Application by James Graham, on behalf of the American Indian Development Corporation, for a conditional use permit for a 6- unit cluster development located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow for a 6-unit cluster development for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St subject to the following condition:

1. Compliance with the specific development standards for a cluster development as stated in Section 536.20 of the zoning code.

C. Conditional Use Permit: Application by James Graham, on behalf of the American Indian Development Corporation, for a conditional use permit to increase the maximum permitted height from 2.5 stories to 3 stories for the proposed carriage house structures located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **denied** the application for a conditional use permit to allow an increase in height 2.5 stories to 3 stories for the proposed carriage house/garage unit structures within a 6-unit cluster development for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

D. Variance: Application by James Graham, on behalf of the American Indian Development Corporation, for a variance of the front yards along E 22nd St from 18 feet 8 inches (subject to a front yard increase) to 17 feet for the structure located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the front yard along E 22nd St from 18 feet 8 inches to 17 feet for the structure on the property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

E. Variance: Application by James Graham, on behalf of the American Indian Development Corporation, for a variance along 14th Ave S from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments for the structure located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the front yard along 14th Ave S from 15 feet to 4 feet at the closest point for a structure and to 7 feet for porch encroachments for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

F. Variance: Application by James Graham, on behalf of the American Indian Development Corporation, for a variance along E 21st St from 23 feet (subject to a front yard increase) to 15 feet for the structure and to 9 feet for a porch encroachment for the structure located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the front yard along E 21st St from 23 feet to 15 feet for the structure and to 9 feet for a porch encroachment for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

G. Variance: Application by James Graham, on behalf of the American Indian Development Corporation, for interior side yard variances along the east property lines for properties located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the interior side yard variances along the east property lines from 7 feet to 4 feet 10 inches at the closest point for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

H. Variance: Application by James Graham, on behalf of the American Indian Development Corporation, for a variance to reduce the 22 foot maneuvering requirement to 7 feet adjacent to 14th Ave S for properties located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the 22 foot maneuvering requirement to 7 feet adjacent to 14th Ave S for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

I. Site Plan Review: Application by James Graham, on behalf of the American Indian Development Corporation, for a site plan review for a 6-unit, single-family cluster development in the R4 district located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for property located at 2111 and 2119 14th Avenue South, 1408 East 22nd Street subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by December 22, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Modification of the proposed carriage house/garage unit to meet the 2.5 story height limitation for cluster developments in the R4 district.
4. Modification of the carriage house/garage units to incorporate windows on the upper portion of the garage door.
5. All proposed vinyl siding shall be removed and replaced with a durable material as listed in Chapter 530, such as cement-based siding, masonry, brick, stone, stucco, wood, metal, and/or glass.
6. Additional plantings shall be incorporated into the final design to meet the cluster development standards as stated in Section 536.20 (7) along the east property lines as well as abutting the interior and rear property lines of the parcel located at the corner of 14th Ave S and E 22nd St.
7. Fencing shall be designed to be graffiti resistant and made of materials that are open rather than board on board fencing.
8. At least four different colors shall be provided for the proposed six buildings on site.
9. At least 5% windows shall be provided on each floor that faces an interior side or rear lot line, unless prohibited by the building code.
10. The applicant shall work with staff to provide accessibility via a walkway to the open space on site between the structures proposed at 2117 and 2119 14th Ave.

J. Plat: Application by James Graham, on behalf of the American Indian Development Corporation, for a preliminary and final plat for properties located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Action: The City Planning Commission adopted the findings and approved the preliminary plat application for property located at 2111 and 2119 14th Ave S, 1408 E 22nd St.

Staff Farrar presented the staff report.

Commissioner Nordyke: On the garage units, those are going to be shared throughout so...it's irrelative to item C with regard to your recommendation to deny... I mean, I understand what you're saying, but if they didn't have the idea of sharing that parking within that one structure, they could probably achieve that same kind of interior volume, the high ceilings and all and not have to ask for a variance for that. It's basically the idea of sharing this parking within that structure that's kind of forcing it beyond the story variance that they're requiring.

Staff Farrar: Essentially, because they are proposing ground level parking within the structure, it's triggering the need for the property to actually go up in height. The way that we defined it is that the first story is clearly one story. The second story is also a story. The way the actual floors go up, it's three full stories despite whether it's below the feet. I guess what I was trying to get go when I was talking about the actual floor layout of the site is that ...when you get to the second floor, which is denoted as your floor plan, this whole entire area that has an "x" is open to below. There is not actually any living space there and so, yes, there is the amenity of having this open vaulted ceiling, but when we were looking at the overall design we thought that there was the possibility that this structure being improved. Despite having this open area, you wouldn't be actually, technically, losing any living space or floor space, but you'd have a better design of a structure.

Commissioner Nordyke: No, but you might be losing an aesthetic that someone might prefer that you could have if you weren't accommodating that parking. I am kind of looking at it as a six housing development and the alternative for that one house would be to start spreading these parking garages out all over the other ones and then what would those look like? It just seems like it's doing a little more than standing on its own when we're talking about it going through needing that variance.

Commissioner Schiff: The closest park is how many blocks away?

Staff Farrar: I don't know, actually, where the closest park is. Three blocks.

Commissioner Schiff: Do you have a count on the total number of bedrooms?

Staff Farrar: I haven't counted the bedrooms specifically. It looks like the garage units are three bedrooms and I would speculate that's probably likely, as well, for the other ones. I can look though.

[Voice from audience]: It would all be three bedrooms. There would be a possibility of putting an extra bedroom, if the owner wanted, in the basement.

Commissioner Schiff: Eighteen bedrooms with the possibility of an additional six, except for the garage units which don't have a basement. That's a possibility of another five. Ok. The only green space, play space, is really the street, right?

Staff Farrar: No. I showed you the open space area which is the collective open space. Clusters are required to meet percent open space which is supposed to support...

Commissioner Schiff: And then stormwater?

Staff Farrar: Here and here.

Commissioner Schiff: Two stormwater. Is that green space open? Do we have plans for playground equipment or is there any kind of...

Staff Farrar: At this time, what's been provided to me is that it's open. There's going to be some vegetation within there and it's a place where people that live there can hang out.

Commissioner Schiff: I know we have a code amendment in the works on the percentage of a basement that can be above grade, we don't have that in the code yet right now. Have you been a part of those discussions? The amount of basement area that is above grade for some of these homes is kind of an issue that we're trying to solve so that developers have to dig deeper basements and not have that foundation rising above the grass level.

Staff Farrar: I know what you're relating to. Specifically, as it's outlined in the code, it's six feet or more above grade for 50% or more of the perimeter. In this situation, the actual basement itself is not greater than six for more for 50% of the perimeter and so therefore it was not counted. I think as you're relating it, it's sort of reference to some of these dwellings where they're right at that cusp and then actually, perhaps at some points, they alter the grade where when we actually go on site to inspect it, it turns into a three and a half story structure. I don't see that being an issue on this because it's a flat site. They're not looking at doing significant alterations to the grade and the plans now, as they're before me, don't present that problem.

Commissioner Schiff: Maybe Director Sporlein can fill me in... are we looking to lower that six feet above grade to four feet so it's more compatible or are we going after another problem?

Director Sporlein: We are adding the infill strategy, a whole package of code amendments related to infill housing, but the research and analysis is just being done now. I don't know what the specific recommendation will be. We'll be bringing that work plan to the Zoning and Planning Committee at the City Council in January.

Commissioner Schiff: Ok. Thank you.

Commissioner Tucker: Do we have a category of housing known as "carriage house" and does it have some standards that go with it or expectation of where it's placed or how much is garage and how much is housing or anything like that?

Staff Farrar: Jim Voll might be better able to answer that question. Certainly we have seen them as they exist with new homes. It was used more as sort of a terminology for this structure. When we're looking at the structure, we're still looking at it as a single-family home. When we used the terminology "carriage house structure" and why it was alluded to that within the materials and the report was simply to differentiate it between that and the two and half story structure.

Commissioner Tucker: Ok. This is really a single-family home with a shared garage attached underneath.

Staff Farrar: Right, which is why there's a "/garage unit" in the staff report.

Commissioner Tucker: When you say "carriage house" it suggests that it would be in the back or off the alley or an accessory dwelling, not a front of the street kind of dwelling so that's why I asked that.

Staff Farrar: I don't think we have it defined in the zoning code, but I could be wrong.

Commissioner Tucker: Could you delineate the common space again? With clusters, it seems to me that the common space needs to be connect to all the units in some obvious way and I didn't quite find that myself because there are some units on the north end of that property that are far away from that common space, right?

Staff Farrar: This is a tricky site to be honest with you. Obviously when you look at it you can see that at some portions, because of the way it's configured, this isn't a regular rectangular lot. It's not a standard square lot. I think what the applicant intended to do as part of this is put it in the most accessible area. Certainly some residents are going to have to walk farther to get to the common space.

Commissioner Tucker: Are there paths that connect it?

Staff Farrar: Not on site because, as you can see, it's tight here. They would have to utilize the private walks which come out from their private structures and walk around or walk through the yard, but there are no paths delineated simply for the purposes of trying to maintain additional green space on this site.

Commissioner Tucker: Did the applicant present other arrangements of these six buildings that might have been more clustery?

Staff Farrar: I have seen this one on and off for about two years and this is the exact same configuration that I have seen from the very beginning. That doesn't mean that there weren't other options explored. The applicant can probably speak to that.

Commissioner Tucker: You're suggesting the alternative compliance for the garage doors on that one carriage house on what is it, 14th...

Staff Farrar: On both.

Commissioner Tucker: ... have windows in it, is that your suggested alternative compliance just some glass in those doors?

Staff Farrar: Yes. We want them to be able to provide enclosed parking for the development and I think that's a reasonable request. That's how we've always deemed it, that providing one enclosed space is a reasonable request. I don't think we want to start having massive windows within a garage door. It seems to make sense that at least there will be some visibility in and out. Maybe not necessarily providing the intent of meaning views in and out depending on the height

of that door, but certainly improving the overall appearance from the street which is what our concern was with that structure.

Commissioner Tucker: So does the carriage house that's at the back of the lot require that alternative compliance as well?

Staff Farrar: Yes. We want the actual physical design to be altered on both structures not just the one that fronts on 14th Ave S.

Commissioner Tucker: Thanks.

Staff Voll: As you know, there are carriage houses throughout the city and that issue is usually handled by grandfathered rights. There is no definition in the zoning code for carriage houses. Typically we look at those as accessory units. In the zoning code you can't have more than one dwelling unit on a zoning lot. The exception being in cluster developments or in planned unit developments. In cluster developments you often see the accessory unit with a dwelling unit above it which you couldn't normally do in other districts. We see that. The only place other than that in which we specifically allow these accessory dwelling units over the garages is in the North Phillips overlay district and that's done as a conditional use permit. This site is in the North Phillips overlay, but because this is a cluster development, that procedure or conditional use does not apply. When somebody would apply for that conditional use, that would be to do carriage house on a lot behind a house. Since this is a unified development, it's a cluster development. Assuming somebody came in to do a carriage house in the North Phillips overlay, the standards that they would be, and I'm assuming you mean the design standards, there's a whole list of them, but the main standard that they talk about is as follows: "the accessory dwellings shall be compatible in character with the principal residential structures on the zoning lot and with the surroundings and shall comply with the following specific requirements: the height of the accessory dwelling shall not exceed the height of the principal residential structure or two and a half stories, or 35 feet whichever is less. The roof of the accessory dwelling shall be similar in form and pitch to that of a principal residential structure. The exterior building materials and appearance of the accessory dwelling shall be similar to that of the principal residential structure. Not less than 20 percent of the façade of the accessory dwelling unit facing the principal residential structure or alley shall be windows." I would mention that these standards are a little bit different than what we would normally apply to those accessory dwelling units because cluster developments have a whole other set of standards. In general, if somebody was coming in the area covered by the North Phillips overlay and wanted to build a carriage house on the back of their lot with the principal structure at the front of the lot, these would be the standards we would look at. As we do cluster developments throughout the city, we look at the cluster development standards.

Commissioner El-Hindi: Right now I see three parking stalls per... there are a total of six parking stalls that are shared amongst all seven buildings...

Staff Farrar: Six.

Commissioner El-Hindi: Six buildings. Ok, that's all.

President Motzenbecker opened the public hearing.

Jim Graham (2101 10th Ave S) [not on sign-in sheet]: I work for the American Indian Community Development Corporation. This particular project has been in the works from the neighborhood for about four to five years. It was part of the master plan that was actually presented to the Planning Commission in the past. The neighborhood has originally thought of having rowhouses in that area so that there would be several more units that would fill that particular area. It was thought that single-family ownership was more important because one of the priorities of the neighborhood plan was to increase homeownership rather than rental units and that increase the number of Indian families living in the community because they were felt to be a discriminated against group that was not being adequately served with home ownership. This particular project is part of the Urban Indian Homeownership Project. It came out of an agreement, a memorandum of understanding with the city of Minneapolis, that the city would assist Indian people who had historically experienced discrimination in housing, in particularly home ownership, but it would assist them in meeting their needs. These units are part of an overall plan that would create approximately 35 units of housing in south Minneapolis in that particular neighborhood because it was necessary to create the necessary mass that would allow for a viable community to be carried on in that area. Many of the institutions that serve the Native American community are along Franklin Avenue and that area. Native people have been displaced from that community in large part by development that has gone on in the past. The houses that will be there will be insulated concrete form houses. They will be sustainable in that they will take about 25 to 30% of the normal energy cost. The houses will look like this. This is one of the houses that went through a master plan review. That will be four of the houses that will be there. Unfortunately, the plans that were presented to you showed the vinyl siding. The vinyl siding has even been a problem on the houses that we built. This particular one has stucco. In fact, another one that we built, the first six have stucco. The four houses will be identical to this. The other two will be what are called "carriage houses", but in fact are single-family houses. All of the property that is there, other than the amount that's immediately under the structure, is a common space. They own, in common, the people who live in this cluster, will own in common all green space. There will be pathways or green space that are owned by all of them. All yards are in common. The space that was shown as a play area can have play equipment there. We decided it would be better to have the families that are there make that decision. There are at least two people moving into those houses that are elders and we don't know which two that they will be occupying if you noticed on it, that whole area that was common space that was pointed out as a play area, that's elevated. The reason it's elevated is so that there is a common area for handicapped people to go into their houses. There is a ramp that goes up. That's also the snow storage area for the winter time which should be a nice play area too given that kids like to slide down mounds of snow. The entire structure, as far as density is concerned, on 14th Avenue there will be four houses. Right now, almost every block in that area, and I went out and took pictures today and would be happy to share them with you, but if you go from 21st to 22nd, from Chicago Avenue to when you run out of houses in that community which is on 16th, you will find that there are about 10 to 13 units per block all the way across on the way over there. Much of the density is very similar to this. Originally there were more housing units on this area than there will be built there. Those houses were torn down and the city lost those housing units. This is a compromise to get the greatest number of single-family ownership in that area. Immediately south of this is the village, the Franklin Village development, and I'd like to show a picture of that.

President Motzenbecker: Mr. Graham, does that pertain to this... any of the particular land use applications that we're discussing?

Jim Graham: It simply shows the number of units that are there. This is immediately across the street, the twin homes that were put in some years ago. The Franklin area, that has what was

originally thought of as being there. That has the houses in a cluster that are all adjoining that area all single-family houses too. In the same area, they have about three times as many units. As far as the density, this is not very dense at all. As far as the structures, the three-story unit was designed that way so it would...

President Motzenbecker: Mr. Graham, you are aware that we are recommended approval for all but one item. If you want to just speak to that and maybe summarize for us.

Jim Graham: That particular unit was designed so it would have the greatest desirability for someone that lived there. It would have four foot wide stairs so that if someone were handicapped they would be able to install a lift that would go along side the stairs. It has lofts, it has fireplaces that you look down a great room... it's designed to be very quality housing for someone that would want to live in the inner city. It is affordable. The families that will live there will pay about \$399 to \$420 per month for these houses that will be valued from \$310,000 to \$325,000. Part of the purpose was to create the most amenities possible in those units since they were above a garage.

Commissioner Schiff: I think it's a great project; bringing home ownership. I think the way you have done this so that it's affordable is also really commendable. I really have a problem with the design and the height of those carriage houses. At this point I am going to agree with the staff recommendation and try to work with you to come up with another plan and perhaps it's the requirement that we have a similar roof style that's causing the additional height and maybe we can give on that since this is a rather eclectic neighborhood as you showed. It's definitely a much more urban design than the driveways across the street. The fact that there is a playground... just one question on that... do you have any plans for play equipment or is that going to be up to the homeowners to finance on their own? What are you going to do with that?

Jim Graham: Well, that probably would be up to the homeowners and the Mille Lacs Band to supply those sorts of amenities, which they have in the past. We decided we would allow the people who live there to make those decisions. It certainly is designed so it would meet that requirement so that it would have a play area that would be safe and secure. The roof, if we put a gable roof in so that you had a hanging loft instead, it would work just fine, but it might be a little taller and not lower.

Commissioner Schiff: For the house on the corner of 21st and 14th, would you be able to... I don't know if the sideyard width is there that you're planning for... would you be able to do a wraparound front porch so there are more eyes on the entire corner?

Jim Graham: We could. The carriage house unit actually has a wall of glass looking right at the corner that will be very viewable from all floors of the house. I would love to do a wraparound, but then we would have three other people saying "why didn't I get a wraparound", but the glass that will be in that one unit will look all the way down that unit. It has a wonderful view of downtown.

Commissioner Schiff: So you could do the wraparound. It's the only true corner house on the plan.

Jim Graham: I love big porches. In fact, I wanted these porches to be bigger but it doesn't fit.

Commissioner Schiff: What about fencing? What are your fencing plans?

Jim Graham: The fencing plan was that there would be a security fence... not a security fence, but what do you call them when they can't see into the back yard? There would be solid fencing that would go down the one side and then across along the parking lot. There was a request from one of the people that lives kitty-corner from that for some type of sound proofing in that area. She already has that privacy fence there so we could install another privacy fence there, but our intention originally was to put in wrought iron and a quality type of fencing, much like that house that I showed you because it's simply a greater amenity and doesn't give you that stockade type of feeling. It just makes a house look much better.

Commissioner Schiff: So many of the security fences are being covered with gang graffiti and so the more slats and space there is the better it is for crime prevention.

Jim Graham: We thought that it would be better to have a quality fence that would go around. In fact, one of the homeowners... at the neighborhood meeting, by the way, there were two votes against this project. One of the people later changed his mind. I have a letter saying "I fully support it after seeing what was going on", but he had a concern that he was about to put in a fence and I said "please wait because a wrought iron fence would be better".

Commissioner Schiff: Jim, can you put the picture up of the stucco example? These homes you're planning, are they also going R50 energy? You're walking along the front and what you're staring at are the piers of the front porch, is there a way to either put landscaping along there or some kind of covering over that so that you're not just staring at the underside of the foundation?

Jim Graham: The underside of the porch? That actually hasn't been installed yet. This house is supposed to have that installed. There is white lattice work that fits in, it just hasn't been installed.

Commissioner Schiff: Ok. I just wanted to make sure that's part of it.

Jim Graham: By the way, this particular stucco that's going on, you can throw baseballs off of it; it's a wonderful product that we intend to use. That had vinyl siding on it for cost consideration. This is a much better quality product that we intend to use.

Commissioner Tucker: Does this house that you're showing have habitable space in the attic or not?

Jim Graham: No it doesn't and that's a shame.

Commissioner Tucker: I'm just wondering if, given this kind of a shell, if you could have those bedrooms up in that space so that we can comply with the two and half story...

Jim Graham: You could, but the design of this cluster is to maximize what is there and to give the greatest amenity...

Commissioner Tucker: I'm not suggesting reducing the number of bedrooms, just fit them in under the roof a little more cozy; the way you find in bungalows for instance.

Jim Graham: If you do that, we will do that, of course.

Commissioner Tucker: You haven't explored that yet, but you will be? Ok.

Jim Graham: We actually explored that. In fact, these I would like to put hanging lofts in there, but the Mille Lacs Band said that they didn't need them to be eight bedrooms and this would reduce the cost and that was fine, that was big enough. If anyone has seen the designs I did for the actual carriage houses with the hanging lofts, it bothers me to waste that space.

Commissioner Tucker: Did you also explore other arrangements of your six buildings to possibly get that three car garage off the street and in the back there somehow or another? That's the weak point of your project.

Jim Graham: We tried to do that in any number of ways and it just simply did not work. We could not do it. If you started moving those garages around, you ended up with housing cars instead of people [tape ended]...it's not the intent; it was to get the housing to be for people rather than cars. That's why it's designed the way it is. We went through many, many reiterations of what would be the best use. It ended up being that you might have been able to get two houses on a block that used to have nine or ten housing units. You might have had two or three units there. That particular site, the house that's immediately next door to it on 21st Street was moved there by PNIA years ago. They moved it purposely across the thing so that they reduced that lot. It created a wonderful, big suburban type of yard on the other side, but it restricted that. Then the county put two or three other little lots together to make half of this lot. It has what used to be six, seven or eight buildings as part of it but they were such cut up that it's just the way it came out.

Commissioner Tucker: Are you ok with the staff recommendation on the alternative compliance for more windows in the garage doors?

Jim Graham: Oh absolutely. That's fine.

Commissioner Tucker: ...or another idea on how to get that to be a more friendly street presence?

Jim Graham: The reason they're not on here now is because sometimes people in some communities come along and look in to see what you have in your garage. The neighborhood actually originally designed this in for this area and wanted these units because of the crime and blight on those empty lots.

Commissioner Huynh: Thank you for coming out to speak tonight. Regarding the CUP request for increasing the height of the building...if you could put that photo up of the homes across the street once again. Do you know the heights of the rooflines for the homes across the street there? Also, the row of townhomes...

Jim Graham: I have one here. What Commissioner Schiff was referring to was that development...

Commissioner Huynh: I guess just looking specifically within the vicinity of the area, what are the average roof heights?

Jim Graham: One second and I will have it for you. This particular one is a particular row of houses I was looking for before. These would be almost a full roof height higher. The houses immediately across the street... this will be higher than any of the ones that we will be building by quite a margin.

Commissioner Huynh: Do you know what the exact elevation is of the roofline?

Jim Graham: On this particular one?

Commissioner Huynh: Yes.

Jim Graham: This one I don't know. I do know this is a higher house than any of the ones that we've designed. This would be considered a two and a half story even though it clearly has three stories of living space.

Commission Huynh: The reason you're requesting the 32 feet, four inches... is it purely aesthetics or is it another design aesthetic that we just don't know about?

Jim Graham: It's a mixture. It's to get the most housing possible above that area, but it's also for aesthetics so that you have this wonderful living space that anybody would want to live in.

Janet Stately (1403 E 21st St): I live in the property right next to the corner lot. I bought the house 26 years ago. It's a stucco Victorian house similar in design to the one he chose to show. I'm glad that he made the change from vinyl to stucco. That is one of the reasons I came today because some things have to match in the neighborhood, we can't keep patch-working things. Also, if that had been approved to go to the three stories, then the only time I am going to get sunlight on that side of my house is at high noon because it would totally overshadow the property. As it is there is only going to be four feet of yard. I do own the side lot, not the corner lot, but the one next to it. That is a big, open vacant lot. I have some concerns that because there are limited places for these 18 plus children to play because there is no such thing in our neighborhood of one child per bedroom, that there is going to be a problem with my half lot that I purchased from the city some years ago. It had a vacant and boarded and burned house on it so the city offered it to us because it's only 27 feet wide and can't be built on. Next to me is a Habitat house. It's a beautiful home. The homeowners sent a letter along with me, but I think it's kind of late to present that. She is also against this. I have some concerns about the children and their safety in a lot going that far. I have some concerns about green space. I also have a question. I have some big, old trees in my back yard that are hanging over onto where something is being built where the playground space will be... who is going to be responsible for the removal of those trees or are they going to cut my big trees in half?

President Motzenbecker: I don't think that's a question for us.

Janet Stately: That's going to be very expensive and I hope not for me. I think when we're considering bringing in homes to value at \$350,000 for other people and beautiful aesthetics for people, we consider the neighbors and the property that's already owned there.

Penelope Buck (2112 14th Ave S): My property is directly across from the driveway on this project. My objection to this project is the density. I've done historic research on the houses on the blocks in the neighborhood there. There only ever were three houses facing 14th Avenue and one house facing 21st Street that have been torn down. To put six houses on this lot seems to be

incredibly dense and an overload for the immediate block area. They are providing off-street parking for six units, but most people have more than one car especially if you're a two job family. We are already having traffic problems on E 22nd, on 14th and on E 21st this will add to the congestion. My neighbors on either side of me are not happy with this plan either, but didn't complete their letters on time. There's a language problem for the one side. I showed the plans and everybody said "six houses, are they nuts?" The vote at the neighborhood meeting, there were two against and I was one of them and there were 10 for it, but there were seven people that abstained that had so many questions and so many objections that they simply couldn't go either way. Again, the play space is a concern with me. The houses that are next to me and behind me have yards for the kids to play in and we still almost had a child abduction this summer. The fact that you're adding six homes here with no immediate yard space for the families to stay in the house and watch the kids, that's a real concern.

President Motzenbecker: If you could summarize for us please.

Penelope Buck: That's it.

Knowles Dougherty (2100 S 14th Ave): I live across 14th Avenue from the propose project. I happen to be very much in favor of the goals of the project. I think it's excellent. One of the reasons I purchased the building where I live is that I can see that the Native American Development Corporation had done good things in the neighborhood. Since I have been there a house was built on our block and I thought the project worked out very well. My only concern is similar to the previous lady and that is, it seems like a small area to do as many things as they're trying to do.

President Motzenbecker: Ok. I think we got that. Is there new information that we haven't heard that you would like to talk to us about? We understand that there is some concern with density and the play spaces.

Knowles Dougherty: No.

President Motzenbecker: Ok. Thank you.

Rhonda Inberg (1106 E 22nd St) [not on sign-in sheet]: On 22nd there are rowhouses and townhomes and it's all really condense there. The street is very narrow and you can only park on the south end now. It's not going to be a one-way anymore. We need houses in the neighborhood. Nice houses. There are kids that play in the street. They do have the boys and girls club a couple blocks away. We do need parks in the neighborhood. That's about it.

President Motzenbecker closed the public hearing.

Commissioner Norkus-Crampton: I have a question for the applicant. The fencing that you have listed on there, is that continuous fencing around the whole development or does each individual house have separate fencing? Is there connectivity between the lots or is it separated by fencing between?

Jim Graham: No, it would be one fence around the outer edge because all of the green area is common space. All of the people share that as a community.

Commissioner Schiff: Can the applicant or staff trace with your finger the walking pattern to get from house number one to the green space. So from 21st and 14th, how do you get to that playground?

Jim Graham: You want to get from this house to the green space? You can walk along. There's a four or five foot space all along there that you could walk in or go down the sidewalk.

Commissioner Schiff: You got arborvitae planted there on your site plan.

Jim Graham: Right, but you can get back in there from there because this house ends right here. There is a space to walk there. Otherwise you would walk down, along side, and then through the rain garden and then in the other way.

Commissioner Schiff: Through the rain garden.

Jim Graham: If you were going to come to there from that particular house, that's the only way that you would walk because all the yards are shared area. None of the green space is private.

Commissioner Schiff: When you said "along the way", you took your finger off, can you keep on tracing it?

Jim Graham: From here you could come out of the back door, come down, come up the driveway, come up the ramp and come into the play area.

Commissioner Schiff: Up the ramp?

Jim Graham: There is a ramp there. There's a wheelchair accessible ramp that rises to the raised area.

Commissioner Schiff: Thank you. Our copies are small. I think I got the answer I was looking for. Ok. So you have to walk through that driveway? Ok.

Jim Graham: Down the driveway and then up the ramp.

Commissioner Tucker: I move item A, the rezoning R2B to R4, the staff recommendation (El-Hindi seconded).

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

The motion carried 8-0.

Commissioner Tucker: Item B, I move the CUP for a cluster development per staff recommendation (El-Hindi seconded).

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

The motion carried 8-0.

Commissioner Tucker: Item C, I move staff recommendation to deny the height of the building increase beyond two and a half stories (Schiff seconded).

Commissioner Huynh: My personal view is that I don't find any issue with granting the three stories at 32' 4" just because two and a half stories are allowed with 35 feet and it seems to be below the 35 feet mark, but it didn't have any effect in terms of increasing the building façade regardless of what the height was. It seems to improve the inside aesthetic of the living conditions. I, with the 32 feet, find it below the 35 and have no problem with actually asking that we approve that. I'm not sure if that's done through a second motion or...

President Motzenbecker: Just discussion.

Commissioner Tucker: I would just repeat the staff argument that the two stories plus the roof...actually three stories plus the roof...makes a very blocky façade right there compared to the other buildings that they're proposing and I think it already has a rather blank façade with those garage doors, which I know they're to mitigate, but the extra two stories makes that even formidable.

Commissioner Nordyke: I agree with Commissioner Huynh's comments.

Commissioner LaShomb: I think that we wouldn't have the three story issue at all if they weren't developing the garages the way they're developing them. I think Commissioner Nordyke put it right on that head that if they decided they were going to attach the garages to the other buildings, then we wouldn't be telling them they have to lower the size of the other buildings. I think the idea of having all the garages in one place is a good idea. I think there are some security issues involved in that. I think that it's going to make the other houses look more like houses in Minneapolis look and that is houses that don't have attached garages. There are a lot of ways that you could design this site. I supposed you could put all the houses in a row and put garages next to them or create an alley or do all this stuff. I think we're penalizing them for doing something creative in putting the garages all in one place. Commissioner Nordyke made the point very early on that I agree with and that is that it's nice to have some variety when you're selling units like this where you can say to people "this unit has a wrap around porch because it provides greater oversight of the street and these are garage buildings, but the price you pay for living over the garage is that you get a more unique kind of unit". So I think there's a lot of arguments for simply saying that the conditional use permit is appropriate so I guess I'll lose on this one, I don't know, but I think the basic point is that we're penalizing them for doing something creative by providing a variety of amenities so that all the units don't look all alike.

Commissioner El-Hindi: I would like to remind the commission that we did approve a project that was a three story condition with the height being less than 35 feet although it was a flat pack house in Kenwood before granting that, the height was under 35 feet and maybe the issue of two and a half stories versus 35 feet was kind of a technical issue. Although, with this comment, I still do agree with Commissioner Tucker and Commissioner Schiff about the use of the space of the attic in this specific condition that there is a potential of using the unusable space that's there right now in the drawings to actually become bedroom space and usable space. Maybe it would require us to think about dormers and things like that. Maybe that would break up the roof line a little more. I would take the position of supporting the staff condition in this case because of that.

Commissioner Schiff: This lot is a little bit different because it's a reverse corner lot and this carriage house is so visible. The original idea when we were talking about carriage houses and permitting them in the city of Minneapolis was that we wanted to go back to the day when there were carriage houses built throughout the city of Minneapolis. Yes, some of them were barns that

were converted. This goes into that category. This looks like a barn. I don't think we're penalizing the developer, I think we just need to call the developer on the fact that this doesn't fit in and it doesn't look like the type of carriage house that would come from an era when carriage houses were built in the city of Minneapolis when people lived above garages. This looks like quite a large residential structure calling itself a carriage house. If we were to imagine if this was a neighborhood full of single family homes and this was stuck towards the alley, would it stick out? You bet it would. All the more that this would be visible on the corner. I think we should challenge them some more to lower that height of the structure and redesign it. The fact that the façade is not asymmetrical also lends it to being very different from anything else that's around and I supposed that's going to be necessary for a three-car garage, but I think some design work needs to happen. I think denying this conditional use permit will force them to go back to the drawing board and come up with a better project.

President Motzenbecker: Any more comments? All those in favor of the staff recommendation to deny the CUP for the height? Opposed?

The motion carried 5-3.

Commissioner Tucker: I move we approve variances D, E, F and G per staff recommendation (Huynh seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I will move item H per staff recommendation to approve, although I am a little unhappy with having cars back into the street. It's the same issue of having those garages on the street which is not the best way to handle your front yard there (Schiff seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I will move staff recommendation for the site plan review to approve it, hoping there is some discussion on the common space and its accessibility to all the units (Schiff seconded).

Commissioner Schiff: I might let some of our other architects talk about accessibility to that common green space because I think it's an awkward pattern to get there. I think it's really vital for the success of the project to have a place where, easily, two dozen children could be living in. The couple other details I want to throw in on site plan while we're considering the access question... a wrap around porch on the unit on the corner of 21st and 14th Ave S, I don't believe that will require an additional sideyard variance, I think it can be added within the variance granted. Number two, a fence that will not be a privacy fence, but a graffiti-proof fence that allows visibility in between each of the panels. The covering over the exposed foundation below the front porch on each of the single family homes is shown on the drawings so that's fine. Two other issues, we don't have the same glazing requirements under the cluster developments as we would normally if these were being built individually and I just want to verify that with staff. I think it's also important that we have different colors on each of these. I don't know if you're planning on painting them all the same color, but hopefully not. I think we should make that a

requirement so we don't end up with six yellow houses that will really stick out from the neighborhood, but that we have at least four different colors on these six structures.

Staff Farrar: I might look to Jim Voll because he has the zoning code up there, but if we're looking at doing a wrap around porch on the corner of 14th and 21st, it would indeed require that we modify the variance that we approved for that.

Commissioner Schiff: How would we have to modify that?

Staff Farrar: Because porches aren't allowed to encroach any closer than ten feet to the front yard and by virtue of just the configuration of that property alone it would have to be altered. The structure itself went to four feet and the porch encroachments went to seven further down the block. The bay window itself actually projects within four feet. Is it more for appearances or functionality? I just think we should take a look at that because we may need to revise that variance that was formerly approved.

Commissioner Schiff: So the variance allows the bay window, we just have to change the wording to say the variance allows the bay window and a wrap around fence?

Staff Farrar: It actually just says "to four feet for the structure and to seven feet for porch encroachments". You'd have to alter the seven feet to four or whatever you want to have for the porch encroachment that wraps around on that 14th front. Does that make sense?

Commissioner Schiff: I think. I might ask Jim for the final language.

Staff Voll: I'm not sure I'm totally following this, Commissioner Schiff, but if we didn't notice for that variance we can't grant a variance we didn't notice for. I would have to ask Ms. Farrar's help on this, but we can't do a variance for something we didn't notice for.

Commissioner Schiff: Yeah, I understand that for a new variance. I thought you were saying modify the variance already granted to make it explicit that we're allowing for this.

Staff Farrar: It would actually end up reducing it which would require, as Jim Voll stated...

Commissioner Schiff: Then on the glazing, are we under different glazing requirements because this is a cluster development?

Staff Voll: Do you want to answer that Ms. Farrar?

Staff Farrar: You go ahead.

Staff Voll: For single family and two family homes and so forth we have the site plan standards that are listed in Chapter 535 and they talk about five percent windows on the rear and interior facades. Normally you would have to have that percentage of windows, but when you're in a cluster development, they are a use that falls under site plan review. Under site plan review, the residential requirements, as you'll see from multi-family developments and cluster developments, there is no window requirement on the interior and rear side wall. If I'm understanding your question, they would not be required to provide windows on those facades under a cluster development. It doesn't mean that we can't require some percentages, but we have to be careful

that they don't exceed the amounts allowed by the building code as we're reducing the setbacks on some of those.

Commissioner Schiff: What are the requirements under 535 for the rear and the side?

Staff Voll: Not less than five percent of the walls on each floor, so five percent on each floor, that face a rear or interior side lot line shall be windows. Half stories are not subject to that requirement.

Commissioner Schiff: Ok, so we could insert that and then with the statement "unless prohibited by the building code".

Staff Voll: That's correct.

Commissioner Schiff: Ok, that's what I'll suggest then.

Commissioner Tucker: I will accept those additional conditions to the six made by staff. The fence, glazing, and five percent unless prohibited by code.

President Motzenbecker: Different colors, was that also one?

Commissioner Schiff: Yes. There are six structures here so at least four different colors. That way the carriage houses can match their principal unit.

Commissioner El-Hindi: I would like to respond to one of the questions that Commissioner Schiff brought up which is the accessibility to the green court or green space in the back. One suggestion would be to maybe look at the possibility of access between house 2117 and 2119 from the sidewalk. Since that is shared space, that would probably be a better situation accessing that court rather from the driveway and up the ramp. Maybe that would have to require a ramp on that side since that is a raised yard as well. I don't know, but maybe the applicant can respond to that.

Jim Graham: That would be fine. In fact, it would be very easy to put a set of stairs that would go down to there. Also, if there were fewer arborvitaes on the one end, it would be very easy to have a walk-thru on there with the removal of the arborvitaes or placing them in another place.

Commissioner Tucker: I'm curious if Commissioner El-Hindi is suggesting that we add a condition that the path be emphasized. Applicant to work with staff to make the space between 2117 and 2119 more of an access to the play space?

Commissioner El-Hindi: I'm only suggesting a possibility that it might be a better access to the raised yard.

Commissioner Tucker: I like that because it makes that common space more accessible and brings things together.

Commissioner El-Hindi: The applicant is open to that so I think we can add that condition.

Commissioner Tucker: Ok, we'll do that too.

President Motzenbecker: Any further comments? Ok. I think we have our site plan review with the additional comments and conditions that were added. The graffiti proof fence, the four different colors, five percent windows unless building code prohibits and then the path added for access to the play space between 2117 and 2119. All those in favor? Opposed?

The motion carried 8-0.

Commissioner Tucker: I move approval of the preliminary plat (Commissioner Huynh seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

