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

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MEMORANDUM

DATE: March 9, 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 March 6, 2006

The following actions were taken by the Planning Commission on March 6, 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 Martin, El-Hindi, Krause, Henry-Blythe, LaShomb, Motzenbecker, Nordyke, Schiff and Tucker – 9

Not present: Krueger

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4. 226 33rd Street Building (BZZ-2812, Ward 10), 226 West 33rd Street (Janelle Widmeier).

A. Rezoning: Application by Kim Hilson, on behalf of Boler Enterprises, for a petition to rezone from R2B to R4 for the property located at 226 West 33rd Street.

Action: The City Planning Commission recommended that the City Council adopt the findings and **deny** the petition to rezone the property of 226 West 33rd Street from R2B, Two-Family Residential District to R4, Multiple Family Residence District.

B. Variance: Application by Kim Hilson, on behalf of Boler Enterprises, for a lot size to reduce the minimum lot area requirement from 5,000 square feet to 4,665 square feet to allow a three-family dwelling at the property of 226 West 33rd Street.

Action: The City Planning Commission adopted the findings and **denied** the variance to reduce the minimum lot area requirement from 5,000 square feet to 4,665 square feet to allow a three-family dwelling at the property of 226 West 33rd Street.

Staff Janelle Widmeier presented the staff report.

President Martin opened the public hearing.

Michael Montrose (3200 Pleasant Ave. S.): When the neighbor down the street got this zoning application we started manning the barricades. I have with me 37 signatures that are adamantly opposed to the rezoning to a triplex. I have a police report stating that there have been 19 police calls to that residence, to that unit, within the last year and a half. The property itself is very ill-kept. You can see, this is the front of the property and the side of the property. In this copy trash doesn't show up quite as well, but this little piece of fencing here, just sticking out in the middle of the sidewalk, it's a very bad setup. The garage in the back has been not been used this winter. It's a three car garage. Parking is extreme on this east-west block, which is a lot shorter than the north-south blocks. There are approximately 31 units on that block that goes east-west. On my block there are 33 units and that goes north-south. We're oversaturated in this place. It is a very big concern for the tenants. The 19 police calls are mostly domestics, domestic abuse, uncontrollable kids, threats and music. The neighbors have been having a terrible time with this unit. When it was first applied, we were against it because we had the fear it was going to turn into an absentee landlord unit, which it has now turned into such. We're not happy that the third unit is already being rented out. I suppose we'll address that issue with Inspections. I can't think of anything else except that the letter that was sent to the Lyndale Neighborhood Association from Kim Hilson, from Boler Enterprises… I tried calling them and the numbers are invalid. The other thing is, because of the short notice, the Lyndale Neighborhood Association is not able to get together a real position on the situation. It's just a bad idea.

President Martin: Mr. Montrose, would you be willing to leave the petition with Lisa?

Michael Montrose: I'd be glad to.
President Martin: Thank you. Others who wish to speak to item four?

Norma Pietz (104 W. 35th St.): I also work for the Lyndale Neighborhood Development Corporation. I was real concerned when this came through. When this first came through our neighborhood for approval the neighborhood was really against even having a duplex on this lot. When it was being built, they put a three-car garage in the back and there were three mailboxes hanging on the front, it was obvious that someone was being scammed by a triplex being built there. I am concerned and want to voice that concern of how city inspections let it become a triplex when it was not zoned for that in the first place.

President Martin: Thank you. Others who wish to speak to item number four?

Kim Hilson (3618 Oakland Ave.): I am the one who submitted the request for the variance and the rezoning. I did purchase the property with the impression that it was to be a triplex being that the three-car garage was in place, there were three meters on the outside of the unit, the third unit had already been finished with a refrigerator and stove, and all three egress windows were in place. That was the reasoning behind the purchase of it. I had no idea of any rezoning. I didn't find out about that information until the property was inspected. Upon the inspection I was told that the property was not illegal as far as it not being safe because of the egress windows. I was told that it was zoned wrong, that it was in the proper position as far as it being on that land. I was not aware that there had been previous requests for this property to be rezoned. With the three-car garage, the garage is accessible as far as availability for tenants to park in that property. As far as me being contacted by Lyndale Neighborhood Housing, I saw the number on the Caller ID, but I was never left any messages. I knew that I had submitted all the paperwork that was requested from me as far as rezoning in order to try to get this put into play. When I found about the fact that I had to do the rezoning, I did see what I had to do. I've tried to contact the previous owner. I'm not sure how to go forward or if anything can be done as far as that I've already purchased it. We haven't

been able to contact the previous owner to find out why we were given the impression that it was ok to turn into a triplex.

President Martin: Ok. Commissioner Schiff, you have a question?

Commissioner Schiff: Which realtor did you go through for this purchase?
Kim Hilson: The person that we had been using…I'm drawing a blank… um…I can't even think of the name right now.

Commissioner Schiff: Did you go through a bank for your mortgage?

Kim Hilson: No, we had someone that we had been working with helping us out with properties. From my impression, he knew the people that we purchased the property from.

President Martin: Anything else? Ok. Thank you. Others who wish to speak to item four?

Susan Newell (6437 Lyndale Ave. S.): I am representing Boler Enterprises who are now requiring the property for Ms. Hilson. At the time the property was acquired, it was told to Kim that it was a triplex. She was not under the impression that it was not. When we saw the property that is how it looked, like a three-plex. We were not aware of the rezoning. The fence that was shown previously by one of the neighborhood gentlemen, that is not the fence of the property; it is the fence of the property next door. That fence does not lie on the property in question. There are numerous duplexes around the vicinity and one tri-plex around the block so it's not like it's a misplace or misuse of the property and that's why we're asking for the rezoning. The actual dwelling is a new dwelling as you've seen from previous pictures. It's brand new with a brand new garage. It's not a sore thumb in the area. The property was sold as a three-plex so the price of the property reflects a three-plex versus a duplex. If the rezoning is denied then the duplex will not hold the value of the purchase because it has the purchase of a tri-plex and not a duplex as the purchase price. As far as numbers, our numbers are in working order. There have not been any disconnected, no moving, no way not to get in contact

with us. As for the resident that lived there prior to this rezoning, that tenant resided there as we were under the impression that it was a tri-plex. Upon realizing that it was not zoned, the tenant did move and we've had two additional inspections of that unit to make sure there was no resident living there. That's all I have at this time.

President Martin: Thank you. Anyone else for item number four?

Randy Ferguson (3241 Pleasant Ave.): Whether that's a duplex or tri-plex, that's all public knowledge. Anyone can look up to see if that's a duplex or tri-plex so I feel sorry that they didn't realize what the unit was meant for. Last time that this was applied for a variance to make it a duplex, the neighborhood association voted no, unanimously, and the planner voted no and yet it still went through. We, as a neighborhood association, we very concerned that our word and the word of the planner seemed to be overridden by some other information. We're just hoping that this time you listen to the planner and the neighborhood who are both saying no on this. One piece of information that has been brought up is the alley. When the picture was put up there, you could see that it's on a T-alley. It's a very busy alley with regards to children on bikes, walking pedestrians, strollers with babies and people walk through it quite a lot. Further congestion in that area would be bad. I think it would be a danger to those residents who use that area as a walkway from the church or park or wherever it may be. It's often traveled kids on bikes and skateboards and I think it would be wrong to have more people on that block. It's true; it's a very congested area. We didn't want a duplex on a very small lot and it was built anyway. It was obvious to anyone who saw it being built that they were going to use it as a triplex when they put in egress windows. They got through with the duplex and they're trying to make it a tri-plex.

President Martin: Thank you. Anyone else for item number four?

Scott Moore (3224 Pillsbury Ave.): Everything has pretty much already been covered. I take issue with the statement that the building doesn't stick out like a sore thumb. It is new construction and that's great. There are a couple of berms in the front that were covered with sod. Those are now worn down to dirt. There is constant traffic back and forth so they're no longer grassed. It rains and dirt goes onto the pavement. My son

and I walk down the road to get to Painter Park. There have been at least two instances that I can think of where we walked by and the sidewalk wasn't shoveled. Whenever I drive through the alley to get to my garage, where the waste baskets are, there are heaps of garbage. Not just in the receptacles themselves, but there's broken furniture and trash bags just laying on the ground. Even though it is new construction, it still does stick out like a sore thumb. Trying to compare that as a tri-plex and the one that's on Pillsbury that's two houses down from mine, I think 3236 is the address… the block that is and the orientation of that, it's known as a super-block so the lot is 140 feet deep and that's one of the largest houses on that block. The extension that creates a tri-plex of it goes back into the 140 feet of that lot. You look at the one that's 226 W. 33rd and that's one of those very, very short blocks. There's maybe two feet on either side of that building. Then you have window wells so there's hardly any space in-between that property and the adjoining properties. You can't really compare that to the other tri-plex on Pillsbury. They're just two totally different animals.

President Martin closed the public hearing.

Commissioner Schiff: I concur with the staff recommendation. One of the findings that we need to find for rezoning is whether or not the amendment is in the public interest or solely for the interest of a single property owner and because this area is duplex (R2B), taking one lot and making it R4 is clearly just for the benefit of one individual property owner. My heart goes out to the current owners, you need a lawyer. Plain as can be, you need a lawyer. We see, all too often, in Minneapolis people getting taken advantage of from people who hear where someone got permits to build a duplex and turned around built a tri-plex and then quickly sold it before it was discovered. I looked up Hennepin County tax records and it's actually listed as a duplex. If you don't know what kind of paperwork to pull, if you got a realtor that doesn't know what they're doing, if you are not working firmly with a bank… the individual consumer is really at risk for somebody who is trying to pull a fast one. It's heartbreaking. If we were to approve this, we would simply just be allowing this kind of stuff to go on and really not listening to our zoning code and all of our other policies. Even if this was a vacant lot we wouldn't allow a tri-plex to be built. With that, I regretfully move the staff recommendation forward.

Commissioner Tucker seconded the motion.

Commissioner LaShomb: I totally concur with the motion. I think one of the reasons for zoning is to protect neighbors from overbuilding on sites that shouldn't be overbuilt. I'm not going to be critical of the Board of Adjustments decision, that's water over the dam or water under the dam or wherever, but the fact of the matter is that no one who is rational can take a look at this map and say that an R4 would be a logical decision to make for this site. It's significant overbuilding on the site. For us to even consider doing that would be irresponsible because it would basically violate the basic tenants of zoning. The motion is appropriate and we should approve it.

President Martin: Someone raised the question of the tri-plex on Pillsbury. Conversation with Jason indicated that it's very likely that it's a legal tri-plex, that they probably have a certificate of nonconforming use because the property is large enough so their zoning is ok there as an R2B even as a tri-plex. All those in favor of the motion to deny the rezoning please signify by saying 'aye'. Opposed? Ok.

Motion carried 8-0.

President Martin: We still have a variance.

Commissioner Schiff: I move staff recommendation for denial.

President Martin: Ok. Second?

Commissioner Tucker seconded the motion.

Motion carried 8-0.

5. The Bridgewater (BZZ-2837, Ward 7), 1000, 1010 and 1026 Washington Avenue South, 200 and 212 11th Avenue South (Becca Farrar).

A. Rezoning: Application by Lynn Leegard, on behalf of Shamrock Development, Inc., for a petition to rezone the properties located at 1000, 1010 and 1026 Washington Avenue South, 200 and 212 11th Avenue South from the I1 district to the C3A 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 1000, 1010 and 1026 Washington Avenue South, 200 and 212 11th Avenue South from the I1 district to the C3A district and removal of the IL Overlay District.

B. Conditional Use Permit: Application by Lynn Leegard, on behalf of Shamrock Development, Inc., for a conditional use permit for the properties located at 1000, 1010 and 1026 Washington Avenue South, 200 and 212 11th Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow for a Planned Residential Development for property located at 1000, 1010 and 1026 Washington Avenue South, 200 and 212 11th Avenue South.

C. Site Plan Review: Application by Lynn Leegard, on behalf of Shamrock Development, Inc., for a site plan review for the properties located at 1000, 1010 and 1026 Washington Avenue South, 200 and 212 11th Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for property located at 1000, 1010 and 1026 Washington Avenue South, 200 and 212 11th Avenue South 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 April 14, 2008 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

3. The applicant shall submit a lighting plan showing foot candle measurements before final plans are approved.

4. The Travel Demand Management Plan must be approved by the Planning Director prior to submission of plans for final approval and building permit issuance.

5. No parking shall be permitted at any time within the loading area.

6. Walkways adjacent to the rear entrances of the retail spaces shall be raised or elevated walkways.

7. Screening shall be provided that meets the requirements of 530.170 between the existing surface parking lot and 11th Avenue South.

8. The applicant shall provide a 6 foot wide landscaped strip along the southern edge of the surface parking lot adjacent to 11th Avenue South.

9. The landscape plan must be modified to include the required minimum quantities. All rock mulch must be replaced with wood mulch.

10. Incorporation of windows, entries, recesses, projections or other architectural elements along the interior north, south and east ground floor elevations of the proposed mixed-use building to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120

11. Approval of the conditional use permit for a Planned Unit Development.

D. Preliminary Plat: Application by Lynn Leegard, on behalf of Shamrock Development, Inc., for a preliminary plat application for property located at 1000, 1010 and 1026 Washington Avenue South, 200 and 212 11th Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the preliminary plat application for property located at 1000, 1010 and 1026 Washington Avenue South, 200 and 212 11th Avenue South.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

Commissioner LaShomb moved approval of the staff recommendations (Krause seconded).

The motion carried 8 – 0.

7. Grand Avenue Townhomes (BZZ-2830, MS-143, Ward 10), 3535, 3539 and 3543 Grand Avenue South (Janelle Widmeier).

A. Rezoning: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a petition to rezone the property of 3543 Grand Avenue South from the C1 district to the R5 district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the application for a petition to rezone the property of 3543 Grand Avenue South from the C1 district to the R5 district.

B. Conditional Use Permit: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a conditional use permit to allow 5 dwelling units for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 5 dwelling units for the properties located at 3539 and 3543 Grand Avenue South.

C. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 15 feet to allow a residential structure for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 15 feet to allow a residential structure for the properties located at 3539 and 3543 Grand Avenue South.

D. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 9 feet to allow three patios for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 9 feet to allow three patios with 3-foot high railings for the properties located at 3539 and 3543 Grand Avenue South, subject to the following condition:

1. The railings shall not be more than 60 percent opaque.

E. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 12 feet to allow three entrance canopies for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement along Grand Avenue South from the established setback to 12 feet to allow three entrance canopies for the properties located at 3539 and 3543 Grand Avenue South.

F. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the interior side yard requirement along the North property line from 15 feet to 7 feet to allow two side entrances for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement along the North property line from 15 feet to 7 feet to allow two side entrances for the properties located at 3539 and 3543 Grand Avenue South.

G. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the interior side yard requirement along the South property

line from 15 feet to 7 feet to allow a side entrance for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement along the South property line from 15 feet to 7 feet to allow a side entrance for the properties located at 3539 and 3543 Grand Avenue South.

H. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum floor area of a detached garage from 776.6 square feet to 1,219 square feet for the properties located at 3539 and 3543 Grand Avenue South.

I. Variance: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a variance to reduce the minimum drive aisle width from 22 feet to 7 feet for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the minimum drive aisle width from 22 feet to 7 feet for the properties located at 3539 and 3543 Grand Avenue South.

J. Site Plan Review: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a site plan review to allow a 5-unit building for the properties located at 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a 5-unit building for the properties located at 3539 and 3543 Grand Avenue South, subject to the following conditions:

1. Approval of the final elevations, site and landscape plans by the Community Planning and Economic Development Department – Planning Division.

2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by March 6, 2007, or the permit may be revoked for non-compliance.

3. No more than 80 percent of the site shall be covered by impervious surfaces.

K. Minor Subdivision: Application by Karl Drecktrah, on behalf of Drecktrah Real Estate LLC, for a minor subdivision for the properties located at 3535, 3539 and 3543 Grand Avenue South.

Action: The City Planning Commission adopted the findings and **approved** the application for a minor subdivision for the properties located at 3535, 3539, and 3543 Grand Avenue South.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

Commissioner LaShomb moved approval of the staff recommendations (Krause seconded).

The motion carried 8 – 0.

9. Central Avenue Mixed-Use Development (BZZ-2807, Vac-1443, Pl-195, Ward 1), 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 910 and 916 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast (Hilary Dvorak).

A. Rezoning: Application by Loren Brueggemann with Sherman Associates for a rezoning of 910 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast and from C1 to C2.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of 910 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast and from C1 to C2.

B. Conditional Use Permit: Application by Loren Brueggemann with Sherman Associates for a conditional use permit for 66 dwelling units for properties located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 916 24th avenue Northeast and portions of the properties located at 2323 Jackson Street Northeast and 910 24th Avenue Northeast.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application for 66 dwelling units located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 910 and 916 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

C. Variance: Application by Loren Brueggemann with Sherman Associates for a variance to reduce the rear yard setback from the required 11 feet to zero feet for two parking spaces for properties located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 916 24th avenue Northeast and portions of the properties located at 2323 Jackson Street Northeast and 910 24th Avenue Northeast.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the rear yard setback from the required 11 feet to zero feet for two parking spaces located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 910 and 916 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

D. Site Plan Review: Application by Loren Brueggemann with Sherman Associates for a site plan review of properties located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 916 24th avenue Northeast and portions of the properties located at 2323 Jackson Street Northeast and 910 24th Avenue Northeast.

Action: The City Planning Commission adopted the findings and **approved** the site plan review for a mixed-use development including 66 dwelling units and fifteen thousand square feet of commercial space located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 910 and 916 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast subject to the following conditions:

1. Thirty percent of the commercial windows shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views as required per section 530.120.

2. The exit-only lane from the drive-through facility shall be eliminated.

3. The width of the east-west drive aisle shall be increased by two feet.

4. Three more canopy trees shall be included in the landscaping plan in order to meet the minimum requirement as required by Section 530.160 of the zoning code.

5. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.

6. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.

7. All site improvements shall be completed by April 14, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

E. Vacation: Application by Loren Brueggemann with Sherman Associates for an alley vacation for properties located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 916 24th Avenue Northeast and portions of the properties located at 2323 Jackson Street Northeast and 910 24th Avenue Northeast.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the vacation application of all that part of the public alley dedicated in Block 9, Wilson's Rearrangement to the Eastside Addition to Minneapolis, Hennepin County, Minnesota, lying north of a line extended westerly

from the southwest corner of Lot 5, said Addition, to the southeast corner of Lot 16, said Addition, according to the recorded plat thereof, Hennepin County, Minnesota subject to the retention of easements in favor of the Xcel Energy and Qwest.

F. Preliminary Plat: Application by Loren Brueggemann with Sherman Associates for a preliminary plat for properties located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 916 24th avenue Northeast and portions of the properties located at 2323 Jackson Street Northeast and 910 24th Avenue Northeast.

Action: The City Planning Commission **approved** the preliminary plat application for Wilson Central Addition located at located at 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 2323 Jackson Street Northeast and 900, 910 and 916 24th Avenue Northeast.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

Commissioner LaShomb moved approval of the staff recommendations (Krause seconded).

The motion carried 8 – 0.

10. Central Avenue Mixed-Use Development, Townhomes (BZZ-2810, Ward 1), 2316, 2320, 2322, 2324, 2328 and 2338 Central Avenue Northeast, 910 and 916 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast (Hilary Dvorak).

A. Rezoning: Application by Loren Brueggemann with Sherman Associates for the rezoning of portions of the properties located at 2323 Jackson Street Northeast and 900 24th Avenue Northeast from C1 to R4.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast from C1 to R4.

B. Conditional Use Permit: Application by Loren Brueggemann with Sherman Associates for a conditional use permit for 7 dwelling units for property located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application for 7 dwelling units located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

C. Variance: Application by Loren Brueggemann with Sherman Associates for a variance application to reduce the front yard setback from the established 20 feet to 15 feet for the building, to 11 feet for air-conditioning units and to 9 feet for the open porches located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the front yard setback from the established 20 feet to 15 feet for the building, to 11 feet for air-conditioning units and to 9 feet for the open porches located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

D. Variance: Application by Loren Brueggemann with Sherman Associates for a variance to reduce the corner side yard setback along 24th Avenue Northeast from the required 12 feet to 10.5 feet for the building and to 6 feet for a vehicle maneuvering area for property located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the corner side yard setback along 24th Avenue Northeast from the required 12 feet to 10.5 feet for the building and to 6 feet for a vehicle maneuvering area located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast subject to the following conditions:

1. Additional landscape materials shall be added between the vehicle maneuvering area and the property line in order to screen this area from the public street and sidewalk.

E. Site Plan Review: Application by Loren Brueggemann with Sherman Associates for a site plan review for property located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast.

Action: The City Planning Commission adopted the findings and **approved** the site plan review for 7 dwelling units located at 900 24th Avenue Northeast and a portion of the property located at 2323 Jackson Street Northeast subject to the following conditions:

1. Windows shall be added to the north side of the building on the upper two levels and architectural detailing shall be added to the south side of the building on the upper two levels to help maximize natural surveillance from within the building and to help break up the blank walls over 25 feet in length.

2. The vinyl siding shall be removed and instead a cement base material shall be used.

3. The ten percent window requirement, as required by section 530.120(b) of the zoning code, shall be met on the upper two levels of the building facing 24th Avenue Northeast.

4. The applicant shall submit a lighting plan that complies with the lighting level requirements of Chapter 535.

5. Enhanced landscaping shall be installed around the perimeter of the building along both Jackson Street Northeast and 24th Avenue Northeast in order to screen the first floor wall.

6. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.

7. All site improvements shall be completed by April 14, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

Commissioner LaShomb moved approval of the staff recommendations (Krause seconded).

The motion carried 8 – 0.