

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

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**MEMORANDUM**

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DATE: March 9, 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 March 7, 2011

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The following actions were taken by the Planning Commission on March 7, 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, Bates, Carter, Cohen, Gorecki, Huynh, Luepke-Pier, Schiff and Tucker – 9

Not present: Wielinski (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

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**3. Riverview Senior Housing (BZZ-5078, PL-251 and Vac-1579, Ward: 12), 5100, 5106, 5110, 5114 54<sup>th</sup> St E & 5344, 5348, 5352, 5356, 5360 Riverview Rd ([Becca Farrar](#)).**

**A. Rezoning:** Application by Plymouth Church Neighborhood Foundation, on behalf of Riverview Senior Housing, for a petition to rezone the properties located at 5100, 5106, 5110, 5114 54<sup>th</sup> St E & 5344, 5348, 5352, 5356, 5360 Riverview Rd from the R1 (Single-family) district to the R4 (Multiple-family) 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 properties located at 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Rd from the R1 district to the R4 district.

Staff Farrar presented the staff report.

**President Motzenbecker:** Can you speak a little bit to some of the requests that we had from the Committee of the Whole?

**Staff Farrar:** I will let the applicant address those specifically. There is a memo in the packet that addresses all of the different comments that came out at Committee of the Whole but I will let the applicant speak to that.

President Motzenbecker opened the public hearing.

**Lisa Germann [not on sign-in sheet]:** I'm with Cermack Rhoades Architects. I'll address the comments that we gathered at the Committee of the Whole meeting. We walked away with four comments. The first one was a suggestion to expand the exterior gathering space near the north entry and we did do that. This is a view of the north side of the site, an aerial view looking down. As we previously proposed, we have surface parking in this area with an entrance to the building coming off the parking lot and we've created a patio area to the west of that entrance as a gathering space for residents. The second item was to incorporate a rainwater garden or other sustainable methods for dealing with storm water on the property. We looked at that quite extensively prior to making our application. We looked at doing a full underground system, a pre-treatment manhole, we looked at rainwater gardens and holding ponds as well as porous paving systems and in the end we took your consideration. We appreciate your recommendation and took that under consideration, but we opted to keep the same stormwater treatment system as originally proposed. The owner had concerns about maintenance for a rainwater garden and initial costs and long term costs. That's the direction that they've chosen to take on that one. With regards to the heating and cooling system, we've been looking at increasing the energy efficiency for the cooling system, looking at some different alternatives for that. There are some limitations given the HUD financing as to what we can do for our cooling system. Currently it's proposed to be hydronic baseboard heating and then thru-wall air conditions and the HUD 202 program will not allow the cooling system to be integral with the heating system because they require separate billing for that that goes directly to the residents. We've considered a split system for cooling that will allow the separate metering for the cooling system. The final item was handicapped accessible parking stalls. There was concern raised about senior residents and proximity to the entrance and circulation and providing additional accessible parking stalls. We looked again at site plan. We have both exterior and interior parking and the owners are proposing to provide dedicated parking stalls, assigned parking stalls, to residents who do require stalls that are in more close proximity to building entrances and elevators and that sort of thing so that that's there propel, to assign parking spaces as needed to residents.

**Commissioner Huynh:** Another comment that came up at CoW was more seating and gathering spaces along 54<sup>th</sup>, along the public streets engaging more pedestrian eyes on the street. Have you looked at options for incorporating seating along the public street?

**Lisa Germann:** No, we have not. We didn't walk away with that recommendation or that suggestion. We could certainly do that.

**Commissioner Huynh:** I know that you have the screened in porch attached to the building, it'd be nice to have more seating that's geared towards the public street versus the parking lot on the north. I'd like to have you at least look at that option with staff.

**Lisa Germann:** Sure. We do have a couple of benches right near the entrance for residents to wait for drop off and that type of thing.

**President Motzenbecker:** Thank you for addressing the gathering area in the back, I appreciate that. I'm just kind of baffled about the stormwater answer. You have a landscape architect on staff who should be more than qualified and able to create rainwater gardens that work with parking lots and deicing and I don't think we were asking you to replace your entire system with rainwater gardens, we were just asking for some supplementary locations on site. I would request that you re-examine that a little bit and look because it never hurts, especially with this much parking and this much impervious surface on a site to be able to infiltrate some more. I'm going to ask that you work with staff to really put in some judiciously where they might fit because I just can't understand that reasoning. Otherwise, thank you for addressing that, I think it will make it much more amenable back there for people to sit and wait.

**Matt Crellin (430 Oak Grove):** We are co-developing the project with Common Bond and this building will provide housing for seniors 62 years of age and older and the building comes with rental assistance for all the units provided by HUD that comes along with the \$6.2 million that HUD is investing in this building with us. We have partnered with the city on this project. The city owns this property. We came into this project with the Minnehaha United Methodist Church, Lake Nokomis Lutheran Church and Pastor Drew Plathman. What the foundation does, like we did on the Nicollet Square building is provide technical assistance and organizational assistance to faith communities to provide for the housing needs that they see in the community. This project could not have been done without those faith communities or the city of Minneapolis. To address what was said before on those two issues as far as the rain gardens and the drainage, in conversations with Public Works, we proposed some raingarden locations and they were rejected with Public Works. We are willing to continue that conversation to see what we can do. On the HVAC system, I think we are committing ourselves to doing what we can afford to do and we have been working on a combination of things to keep the existing system which HUD prefers but to enhance it with a much more efficient boiler to go with the heating piece and also with spray foam insulation or something to increase the wall insulation. If we can do it, we're working on alternates in our bidding to get the numbers on that to be as efficient as we can. The process we've gone through to develop this building has taken several years and we have had a number of many public meetings and neighborhood meetings. We started the process working with VA LRT station area plan process. The congregation members and ourselves went to those meetings in the Nokomis East neighborhood. We entered our project in the CPED sponsored request for proposals for the project which also entailed many public meetings, presentations for this particular site plan that is basically the same as what you see here and the size of the building is the same as what you see here. We went through the process with CPED and affordable housing trust fund dollars and had meetings as well. We've had a number or neighborhood meetings with Nokomis East neighborhood association and we have to thank them for sponsoring. We look forward to having this move forward in the process.

**Lisa Germann:** I just wanted to correct something that Mr. Crellin said with regards to the stormwater design. The proposal to Paul Chelsen was to use the pre-treatment man hole so we could pretreat the water before goes into the underground system and we were advised not to do that. He said he did not have enough confidence in that system that it would work as it's proposed to work, that he did not recommend going with that system. I just wanted to make that clarification.

**President Motzenbecker:** Ok, but I am just saying that there are other places on site that don't have to be pre-treatment for your system. All I am asking is that you look for it and explore it. There's a whole front along 54<sup>th</sup> Street that could have some. There are plenty of school gardens that Paul Chelsen has done that are successful and that are just blooming wonderfully. There are examples out there that work.

**Lisa Germann:** We'll look at that.

**Council Member Colvin-Roy:** I know you know how complicated any housing project is, especially with some subsidies for the rents. Before it gets to you it's been through at least 100 meetings. I wanted to acknowledge that you probably just want to move forward with this and we're really ready for it. We're really happy. Thank you for whoever thought to ask about more gathering space to the north of the building, I think that is going to be really helpful to the residents that live there. To those on the project team who are still working on the final design, I would be happy to give my assistance to more rainwater treatment on site. I would like to be a part of that conversation. I just wanted to let you know that I'm here in case you have any questions of me.

**Kat Van (3723 27<sup>th</sup> Ave S):** I'm a member of Lake Nokomis Lutheran Church, one of the faith communities that they spoke about. I'm just here because it's been a journey for our church and working with the neighborhood. We feel it's been a very respectful process and it's been a learning type of situation for us as well as we learned and listened and heard from many people in the neighborhood. There are many people from the neighborhood who attend our church as well. We're very excited about being in partnership with these organizations and with Minnehaha United Methodist and ensuring that people who live in our neighborhood who retire have the opportunity to live in an affordable housing situation. I urge your approval. Thank you.

**Barnaby Wiesner (5000 E 54<sup>th</sup> St):** My house is the photograph of the "before" neighborhood area, it's the small gray house with the red door on the corner of Hiawatha Lane and E 54<sup>th</sup> St. I'm here to request a continuance of this process because I was not timely informed of this particular project. I only received the staff report on Thursday afternoon which only gave me two business days to prepare my response and I have not seen any elevations, they were not included on the website. I have not seen elevations of the new project until this evening. I'd like to request a continuance for an adequate amount of time so that I might prepare an adequate response in opposition to this application.

**President Motzenbecker:** Thank you for your comments. We do not act on your request immediately, sir. We will discuss it with the commission and if the commission feels there is a need for continuance we will so vote that way.

**Barnaby Wiesner:** If the continuance is not granted will I have a second opportunity to present the opposition?

**President Motzenbecker:** I don't think so. I think this is final.

**Barnaby Wiesner:** With that on the record, I would just like to recommend that this application be denied. I would like to refer to an application of January of last year that was before this body. It was BZZ-4617 for a property at 846 22<sup>nd</sup> Ave SE which was an application for a zoning change and it was exactly the same as in this case from R1 to R4. In that case, there was absolutely no change to the property and that request was recommended that it be denied. If you look at photographs of 846 22<sup>nd</sup> Ave SE and 850 22<sup>nd</sup> Ave SE and 842 22<sup>nd</sup> Ave SE you will see that all the buildings look approximately the same, story and a half single family homes just like my home, just like the homes that surround this proposed site to the east, to the west and to the north. There are no properties in Minneapolis to the south. What this applicant proposes I now see is a 52 foot tall building that is going to be built 40 feet from my neighbors homes on both sides. It doesn't fit in this neighborhood and to change the zoning would be basically not making an island of nonconforming use, but a peninsula of nonconforming use and basically it would be called spot zoning. I'm asking that the commission recommend denial of this application for that reason. Also the staff report did not list that the request conform to Minnesota state law, especially concerning eminent domain. I have lived in that neighborhood for 16 years, but my grandparents are the second owners and first residents of the house I live in and they lived there 50 years before I did. The state, through eminent domain, took this land to build Highway 55. Highway 55 was built in a different location. I have seen nothing on the record where the state or city went through and offered the land back to the original owners, the private parties that it was taken from, that is a requirement of state law. I have not had an adequate opportunity to do the research since we didn't find out what the plan was going to be until Thursday after business hours. That's a second reason I would like a continuance, just to find out if the project has followed the proper procedures. Even though the state has had the land in some cases for about 40 years, the next one will be 20, the next one will be 10, the next one will be a year, the next one will be a few months, the next one will be a few weeks, the next one will be a few days. They say this is state land. It was taken under eminent domain. I haven't had a chance to research whether it was, but I do not see it listed in the staff report that the requirements of state law have been met. In the report that I have, the staff report recommends as a basis for approving the application, their belief. This body can't act on belief; it has to act on substantial evidence. I have approximately 300 photos and I have put some into PowerPoint of what our neighborhood could expect if this project begins. These are photographs of other projects in the neighborhood, the LRT, Highway 55, Cruise Miller Garrison which I note the Federal Government told us was not in our neighborhood so it can't be considered south of 54<sup>th</sup> St, the Fisher house which is not in our neighborhood since it is south of 54<sup>th</sup> St, Vantage Flats along Minnehaha Ave, Olin Crossing I along Minnehaha Ave and Minnehaha Place along Minnehaha Ave, all of which caused and continue to cause disruption in my particular part of the neighborhood. I also noted that even though you requested the address of everyone who came up here, the proponent of this project did not give his address. He doesn't live in my neighborhood; I don't know what neighborhood he lives in. If he would like to build a project like this, I recommend that he put it closer to his own neighborhood rather than one which is so impractical. The report mentions that this site is close to the VA LRT station, it is as the crow flies, but if this is going to be senior housing, seniors don't fly and unless they are veterans they won't be allowed to go across 54<sup>th</sup> St since there is a sign that says "no trespassing." They will have to travel along 54<sup>th</sup> St, up across the train tracks and then down Minnehaha next to the LRT tracks to get to the station. It is farther than a quarter of a mile. I know because I walk it several times just to make sure. It's not really within the quarter mile radius. Everything is shown on the overhead with a circle drawn around it, a radius,

that is not the way that someone could walk along it. For two months, from the December 13 storm until the evening of February 13, the city left a berm of snow approximately three feet tall...

**President Motzenbecker:** We're not going to get into snow removal right now.

**Barnaby Wiesner:** What I'm saying is that it's a lack of snow removal. It make is impossible for people, especially seniors, to be able to get to the LRT station. It was totally blocked by snow for two months. It's also an impractical site to build it. It appears on paper to be closed to amenities, but it is not. It is blocked by the train from grocery stores and the post office. There is a drug store on 46<sup>th</sup> St on the north side but if any of you live in the southeast corner of Minneapolis like I do, you know that during the busy times of the day, because of the LRT, it is virtually impossible to get through the intersection of 46<sup>th</sup> St and Hiawatha to be able to get to the drug store so it's not as convenient as it would appear on paper.

**President Motzenbecker:** I think we understand your displeasure with this project.

**Barnaby Wiesner:** What I request, if this body recommends approval, I request the names and addresses of the proponents, or names and telephone numbers of the proponents, so that at 6:15 in the morning or 5:45 in the morning or 5:15 in the morning or 4:45 in the morning, all of which times I was awoken by construction machinery and goods being delivered in violation of city ordinance, I would like to be able to call the people who want this built and have them come over and tell their contractors to stop violating city ordinance. I've done it for 12 years. I'd like it noted that I was not given timely notice. Am I going to be able to finish my remarks?

**President Motzenbecker:** I'm not looking at 300 pictures, sir.

**Barnaby Wiesner:** The proponents said he had years to prepare, I've only had two days, sir. I've only seen brief glimpses of the new proposal.

**President Motzenbecker:** I'm sorry that that is the case. This has been noticed, there have been hundreds of meetings going on, I'm not sure but perhaps you should talk with your council member, your neighborhood representatives and become a little more aware of what's going on around you. I can't speak to why you were not informed, but we hear that a lot and I understand it's frustrating. If I was not informed of something I would also be frustrated. We have heard your testimony. If the commission thinks it's compelling enough to continue this, that will be a discussion. If they don't, I'm really sorry but I can let you know that all that we are probably going to continue to hear is reasons why you do not want this in place and we understand that. We don't need to hear two more hours of your testimony to make that impression on us. I think we are very clear that you don't like this and there are reasons for that and I really appreciate that you have taken the time to come down here and tell us because it is important for us to hear opposition remarks. We don't have two more hours to go through 300 pictures of yours. If you have five pictures that you'd like to show us, I'm happy to let the commission see those and I will give you a couple minutes for concluding remarks.

**Barnaby Wiesner:** If you'd grant me just a few minutes to find some photos.

**President Motzenbecker:** If you would like, I will allow you to come back up. You can sit down and pick out some photographs and I'll allow you to come back up and have a few minutes to show us those.

**Barnaby Wiesner:** Thank you. Are you going to allow any of the other commissioners to ask questions?

**President Motzenbecker:** If anyone has questions. I don't see anyone that has one for you yet, sir.

**Andrew Neary (5364 Riverview Rd):** I'm a direct neighbor to this property. This is my property right here. As you can see, I will be basically in a driveway. My property will be worthless. No one will want to live in a circular driveway for a 42 unit building. I've asked them to move the driveway, they will not do that. I wish Teresa Cunningham from CPED was here, but it's on record that Nokomis East did not want this development. It's too large for this area. There is other high density housing nearby and there's limited access off of Riverview Road to 54<sup>th</sup>. The traffic pattern was not thought about. I have problems with the height of the building. There's no transition. Nokomis East neighborhood association wanted some gateway to the neighborhood. We spent hours on this, nights away from my family, then the church comes in and bullies us, plant members of the church in the meetings to steer it in certain ways like they are doing tonight. These people don't live in the neighborhood and they have no idea how this will affect us. I wish that you would please reject this plan. I am a reasonable person, something will be built here, but this is not the proper project. Thank you.

**Rachael Blackman (5118 E 54<sup>th</sup> St):** I live in the other house that's going to be directly impacted on this site. I want to reiterate everything that Mr. Neary just said. This property does not fit well in the neighborhood and it will become a problem for me and Mr. Neary in terms of our property values. It's very important that we maintain some sort of access where we can get the city to come through and plow and have garbage removal. I've been to a number of the meetings and my understanding is that it would be a three story building and that the fourth story was a garage under the ground. What I'm seeing today is more four stories everywhere. I think having single family homes without transition to this big project is a problem in this neighborhood and not conforming to our neighborhood. Thank you.

**Barnaby Wiesner:** Yes. I believe what my two neighbors were talking about was to show the diminution of the value of their homes, which they're going to have to do to oppose the spot zoning here from R1 to R4. Basically they are saying their homes will be valueless, they will. They will be completely cut off by the city. If you park down there to walk your dog, you'll know that across the street from my neighbor on Riverview Rd there is already a wall on the east side of him. What this building is proposed to do is build a much larger, much taller wall to the west of him. This was one of the largest trees in Minneapolis, it was a large Cottonwood that grew just by the alley by Hiawatha Lane and Minnehaha Ave. This was cut down to build Vantage Flats. The Mississippi River Critical Area Corridor, which this property and the proposed property are both included in, specifies that trees with a diameter of 12 inches or more are not to be cut down. There are trees on the proposed property site. I haven't been able to look at the new... there have been hundreds of meetings, but that was for the old one, this is a new one. I just found out about it that they actually had a plan because what NENA has told us, and I actually was a board member of NENA for four years, is that they haven't heard anything from

Plymouth Neighborhood Foundation and then last week I got my notice. This is what's going to happen. Ms. Colvin-Roy's predecessor...

**President Motzenbecker:** Let's just focus on your pictures. I want to hear this reasoning in your background here.

**Barnaby Wiesner:** These are reasons why it's impractical to build it in that location. This is the sidewalk on the north side of East 54<sup>th</sup> St. East 54<sup>th</sup> St, because the VA is immediately adjacent to this property, is plowed by the state rather than the city. The state, to keep the street open, plows five to six times for every significant snowfall. Every time they plow, they throw snow on to the previously plowed sidewalks. This is what it looks like from the proposed property all the way up to Minnehaha Ave during the winter during a significant snowfall. If it's a year like this, that starts in November and may go through April. The residents of this facility would have extreme difficulty walking and would not be able to get to the LRT. There's no boulevard or place for snow in front of the proposed property and all along E 54<sup>th</sup> St. You'll notice that the pile of snow here is only six inches tall. For very little snow, the state has still thrown snow all over the sidewalk. When it gets deeper, that mound gets taller. This car belongs to a resident of Minnehaha Place. The site of Minnehaha Place used to house a Holiday gas station. There was a facility originally proposed for that site which was supposedly a three story senior high-rise. What we got was a five story supposed condominium, but because the condo units didn't sell it's now rental property. The parking is so bad along E 53<sup>rd</sup> St that the garbage trucks and recycling trucks could get through, they posted signs for no parking from 6am to noon and if you go down there, you will find between one and nine cars parked there anyway. I have watched recycling trucks having to back out of E 53<sup>rd</sup> St on to Minnehaha Ave in order to get through. This is what will happen on Riverview Rd. You can't really see much in this photo, it's all dark. That's because it's about 5am. What this is, is one of the construction trucks parked directly outside of my house. This has happened for the last 12 years, I would like it not to happen again or at least for measures to be taken because every time I've talked to one of the contractors they say that no one has ever told them that they couldn't be there whenever they wanted to.

**President Motzenbecker:** That's incorrect so that should be something that should be dealt with. You are correct. It is 7:30 a.m. start time until about 5:30 p.m.

**Barnaby Wiesner:** This is about Vantage Flats, 5359 Minnehaha Ave. This is the very first construction vehicle before they even started doing construction. When you wonder what's wrong with this photo, this is parked on the odd side of the street on the third day of the snow emergency. They went out of their way to break the law here but this continued for two years while they were building it and it continues since Vantage Flats began renting. The proponents of Vantage Flats told the neighborhood that parking was not going to be a problem. We have, because we have single sided parking, only 24 available parking spots on the street we can park on. It is legal to park on E 54<sup>th</sup> St, but it would be dangerous to do so. I have counted more than 23 cars from Vantage Flats parked along the street. This has gone on for two years and I'm only just doing one picture, but I have many pictures of the various contractors and the various visitors to that facility parking along our street.

**President Motzenbecker:** We get the idea.

**Barnaby Wiesner:** I'm requesting that this body deny the application so it doesn't happen again. Thank you.

**President Motzenbecker:** Mr. Wiesner, if there's a possibility to get copies of those emailed in for the record we'd appreciate it.

**Barnaby Wiesner:** I've sent a PowerPoint to the head of Minneapolis 311.

**President Motzenbecker:** We will need it sent to a different place.

**Staff Wittenberg:** The photos that were considered to be part of the record should be sent to the staff Ms. Farrar or the clerk Ms. Baldwin.

**Barnaby Wiesner:** The almost 300 photos that were not part of the record, where can I send those?

**Staff Wittenberg:** You can certainly submit all of the photos if you'd like, but most importantly is to get the ones that you just showed us.

**Greg Bastien (2709 E Minnehaha Pkwy):** I'm a former NENA board member and have been on a housing committee with NENA and also on a housing committee with the two churches that were previously mentioned. I'm going to speak briefly about the process with went through with the Plymouth Foundation. The neighborhood has had several meetings, the most recent being in November where there was a meeting, most of the people speaking to you tonight were at that meeting and have repeated themselves over and over again. As a proponent of this project and one that's worked on it for a number of years as a member of NENA, affordable housing for seniors in the neighborhood meets with the goals of the City of Minneapolis, goals of the neighborhood association and the goals that we've set out with these churches to bring about places for people to live that are affordable. This project has been looked at from many points of view. We're looking at a 42 unit building that is separated by a space of land called Yard Hill which is owned by the Department of Revenue. I think it would not be an island development, I think that it would be a suitable gateway development for the City of Minneapolis in the sense that it is near the light rail line. We have listened to the issues of parking and other things and have tried to make adjustments to the plans to make those things more pedestrian friendly and user friendly. In terms of the process, the NENA website that I looked at a few days ago had notices of this meeting and notices of other things there. There was a Planning and Zoning meeting that was done in the past couple weeks and those things were all on their website as part of what was going forward. The meetings are always open for people to come to. This has been a long time in planning in trying to get something for that area. Nothing would be more fitting than to provide something for the people in the neighborhood where they can live near where they may have vacated their homes. I urge you to approve the project and to make sure that this goes forward. Thank you.

**Commissioner Gorecki:** You are not speaking on behalf of the Nokomis East Neighborhood Association, right?

**Greg Bastien:** I am not. I am a former board member.

**Commissioner Gorecki:** Did you participate in any of the neighborhood meetings?

**Greg Bastien:** I participated in all of them going back to 2002.

**Commissioner Gorecki:** Can you confirm the statement that was made that the Nokomis East Neighborhood Association voted this project down?

**Greg Bastien:** No, that I cannot support.

**Commissioner Gorecki:** That's not what I asked. Were you at the meeting where this discussion was taking place and the neighborhood took a position on this?

**Greg Bastien:** The last large public meeting was in November, which I was at, and no action was taken there. Some other people were at the Planning and Zoning committee meeting that took place a few weeks ago, I believe from the report from that that I got back that that's not an accurate statement.

**Wanda Driver (5041 37<sup>th</sup> Ave S):** I'm from the Minnehaha United Methodist Church. One of the reasons we started talking about affordable housing was because the light rail was there. We saw it as an advantage for people living on limited income so maybe they could get by with one car instead of two. As it ended up, we were able to get affordable housing for seniors which turned out to be even better because our hope is that people from our neighborhood will be able to move into the affordable housing for seniors and some of the smaller homes that we have in our area will be emptied and they can become a first home for some people so it's a life cycle housing that occurs. I'm going to be 79 on the 19<sup>th</sup> of this month and I could walk that distance easily.

President Motzenbecker closed the public hearing.

**President Motzenbecker:** I have a question for staff, maybe you can clarify about the neighborhood, the statement that was made about them denying this application.

**Staff Farrar:** The statement in the staff report is accurate. I haven't received any correspondence whatsoever, yay or nay, from the neighborhood association. The applicant can speak to it. I don't know if the neighborhood group has a representative here today, it doesn't appear that they do. I didn't hear anything before this meeting. I never received any additional public letters. I haven't heard from the people opposing the project until this meeting today.

**President Motzenbecker:** That also goes for my second question of the neighbors on site that have these concerns. Those would have been great to hear at Committee of the Whole and we weren't aware of any of that. I think some of that is quite valid, the buffering and placing of the driveway. We didn't get into discussing driveway placement because we were under the assumption that these were all ok and that they had been ok. The screening for Mr. Neary's house in particular is actually quite sparse. The screening for Ms. Blackman's house seems a little more intense and palpable. I'm curious to hear either from you or some of the applicants about what happened. According to them, they have been trying hard for quite some and nothing seems to have moved forward.

**Staff Farrar:** I will definitely have the applicant speak to that because I have received nothing formal. No one has made any telephone calls to me opposing this project so this is all news to me.

**Commissioner Schiff:** Becca, can you use the site plan that shows the surrounding properties and just run through what is being vacated, what will remain and how will the two remaining single family homes on the block have access to their properties?

**Staff Farrar:** All of the shaded properties are basically what is involved with this specific development plan. Obviously, with the configuration of the proposed structure, which is basically a “V”, the vacation of the alley was necessary. If you take from here, this specific portion of the alley...this is in your packets, this shows the area in question with the alley and the alley is supposed to come out in this location but the alley as it’s built has never sat correctly in the public right of way. This particular stub that goes from here to here is not a dedicated public right-of-way and that will be taken care of if this project moves forward, it will be a dedicated alley to the city and will provide access to these two homes. This is the site that is the subject redevelopment site. This site that is highlighted in orange is the only piece of this parcel that is included in the redevelopment agreement. This specific parcel here is slated eventually for future development when this was originally discussed many years ago. The idea was, and perhaps up until a couple of years ago, this was looked at as being some sort of phased development but that is not the case. With this specific development, it is just this area highlighted in orange that’s subject to the redevelopment agreement.

**Commissioner Schiff:** We have different maps and I can’t tell if it’s just the date of the maps or not. How many residential structures remain today?

**Staff Farrar:** Two.

**Commissioner Schiff:** We have some old photos that show two other properties, but they’ve been torn down already?

**Staff Farrar:** Yes, these are the only two that directly abut it on the east side of the site and these are the only two parcels that abut it on the west side of the site.

**President Motzenbecker:** I’d like to get the applicant up here to clarify some things.

**Matt Crellin (841 Portland Ave, St Paul):** I’m in kind of an uncomfortable position in representing the neighborhood association.

**President Motzenbecker:** You can represent yourself.

**Matt Crellin:** I’m with the Plymouth Church Neighborhood Foundation. The Nokomis East Neighborhood Association provided at least three letters of support for the project; one each for our two HUD applications and one for the application for affordable housing trust fund dollars for the city. It’s not to say they were unequivocal support but they supported senior housing and section 202 HUD applications.

**President Motzenbecker:** Was there ever a discussion or letter requested for support for these applications for the planning commission from the neighborhood?

**Matt Crellin:** They were notified of the meeting. We had a series of meetings just in the last month or so and spoke specifically on the drawings that you see and there was not a lot of opposition to anything. I think there was one meeting that was postponed because there weren’t

any objections. Over the last year or so we've had other sets of meetings at NENA with the neighbors. The piece that's missing here tonight is the CPED... the city owns the property and they are selling it to us. There are some conversations that happened without our attendance between CPED about alley access...

**President Motzenbecker:** I think we got that. I want a more specific answer in regard to the question I asked regarding the neighbors and the concerns that were raised.

**Sarah Larson (3669 Lincoln St) [not on sign-in sheet]:** For this project, we had a three meeting process. The first meeting Ms. Blackman was in attendance and the resident of Mr. Neary's property or someone who said they were the resident of his property was there and both presented concerns about screening. We incorporated the request that were addressed. The first meeting was to get the immediate neighbors there to address was they were hoping for in terms of the project. The second meeting, we presented the plans fairly close to what we are presenting here. We wanted to come back and see if we accurately incorporated what the neighbors requested. [tape ended] ...it's only about four or five people in attendance and in their formal November meeting there were not comments or questions raised.

**President Motzenbecker:** It's unfortunate, but as was pointed out, it's not officially relevant to our discussion, it's always good to have those positive or negative to inform us, but it's not required. It seems odd.

**Commissioner Luepke-Pier:** I have a question for the two residents that live there. The last speaker's presentation she made it seem as though they had a request for what they would like incorporated into the project and amenities that would kind of ease their burden and she made it sound like they accommodated those request so I am curious if there are things they requested that weren't accommodated or how that dialogue went between the project and the two neighbors that were most impacted.

**Andrew Neary:** Teresa Cunningham with CPED, I've been to her office three or four times. I can't believe she's not here. This is how this whole project has been. Communication has been terrible. I have called the council office many times. I don't get notices of meetings. This is the first time I saw this when you gave it to me at 3:30.

**Commissioner Luepke-Pier:** At that meeting when they asked...

**Andrew Neary:** All these concerns were addressed months ago with CPED. We get tired of saying the same things over and over.

**President Motzenbecker:** For our benefit, if you would grant us and tell us some of the things that you asked for that would have benefited. It sounds like some of the request that you had were granted. What did you request?

**Andrew Neary:** The alley situation is really bad. It just dead-ends into their property and we have to have easements to get out of our alley. I have privacy issues. The driveway is ten feet from my door and I asked them to move it into the vacant property somewhere because they are planning on putting townhomes there. We are cut off from neighborhood. We won't be part of this neighborhood anymore. Hiawatha is right there. We're not part of the neighborhood. The

access on to 54<sup>th</sup> has never been addressed. That is 100 feet from Hiawatha and you're going to have all these people coming out of all these townhomes.

**President Motzenbecker:** I'm talking about your property.

**Andrew Neary:** Moving the driveway, the height of the building that they're doing shadows my property. Nokomis East was fine with a two story property, this is four and a half.

**Rachael Blackman:** The biggest concern I think is that people would be accessing the property in and out of the alley instead of using... and it basically just creates a loop where they would come in here to the property instead of using the proper access so there would be an increase in traffic to our area. We brought that up. We've asked if a speed bump could be put in place, if it could be private, if there could be a sign directing traffic. The biggest concern is there will be traffic going through our properties and it will devalue our properties and create noise and traffic. I don't know if it's been appropriately addressed. They said they would bring it to the city and ask if they could put up a sign but I haven't heard anything back about that.

**Commissioner Luepke-Pier:** Could the applicant explain how they responded to some of these requests and how they tried to accommodate these neighbor's needs?

**Sarah Larson:** About the location of the alley, CPED owns the parcel. We said to CPED that we were open to moving the alley to the middle of the parcel and we were open to having conversations...

**President Motzenbecker:** The alley or the driveway?

**Sarah Larson:** Our driveway. CPED staff indicated that they would prefer the driveway be shifted to one side so they could maximize the development potential for the remaining parcel. Public Works indicated they did not want the driveway off of 54<sup>th</sup> because of vision triangles and the traffic on 54<sup>th</sup>. It was in conjunction with CPED and Public Works staff that the driveway location was located so we're trying to work with that and that's why we are trying to screen. We're open to more screening if that's a condition. In regards to the access around the alley, there are alley issues. What's used as an alley is not platted as an alley. That was negotiated with CPED staff. We don't own the triangle and are limited by Public Works what we can and cannot put there. We did commit to the neighborhood and to these individual neighbors that we were open to putting additional siding and speed bumps should Public Works allow. We did have a preliminary conversation after the town hall meeting and Public Works has indicated that they would be fine with us putting a directional sign by what would become the new entrance to the alley pointing as the apartment entrance. We don't own that land so we can't promise or commit to the sign forever being there, but we will pay for it at our cost.

**Commissioner Luepke-Pier:** The concern about being shadowed by your building, is there a study that shows to what extent his property is shaded by your building based on the height?

**Sarah Larson:** That was not required.

**Commissioner Schiff:** Can you clarify what you just said about that sign? You pointed to a spot that's private property.

**Sarah Larson:** Nope. This triangle is owned by the city.

**Commissioner Schiff:** Is that part of the site plan in front of us? It's not. Ok. I have a question for staff. The existing kind of alley that leads into Yardville, what will happen to that?

**Staff Farrar:** The plan is at some point Yardville will be removed and it will be torn up as part of the redevelopment contract.

**Commissioner Schiff:** Just turned to grass and the curb cut closed?

**Staff Farrar:** Correct.

**Commissioner Schiff:** Who did you say owns the rest of Yardville?

**Staff Farrar:** I'm not sure if it's MnDot, but it's not the city.

**Council Member Colvin-Roy:** What you're looking at are the remains of land that MnDot owned for many years. MnDot did not ask for the permission from the city to put in what looks something like an alley coming from one direction that's now going to be vacated. That's how they act. I think Becca said that the project will be vacating part of Yardville. I just verified, they are not planning to vacate Yardville so that's all green space. I think what you're talking about Commissioner Schiff...

**Commissioner Schiff:** The north-south running extension of ...coming off 54<sup>th</sup> St.

**Council Member Colvin-Roy:** There will be an accommodation made and I'd like the developer to explain this so that there's access to the one house with a garage that currently uses that bit. There will be arrangement made, but they are not vacating Yardville. Tell us how Hazel will get to her garage there, please.

**Sarah Larson:** This Yardville, this driveway on Yardville, Mrs. Love lives right here and what we're doing is working as part of the redevelopment agreement there's a condition in our redevelopment agreement that we negotiate agreement with this owner to provide alternate garage and alternate driveway so she is no longer required to use the driveway that is on this Yardville tract so she'll be using a driveway on her own property.

**Commissioner Schiff:** That will be constructed for her?

**Sarah Larson:** Correct.

President Motzenbecker closed the public hearing.

**Commissioner Gorecki:** I like this project. I think the applicant has tried to do some much needed housing in this area of the housing. I do have some issues with the findings. I have an issue with the rezoning and conditional use permit findings, especially in lieu of some of the comments we heard tonight. Under rezoning, number two, whether the amendment is in the public interest and is not solely for the interest of a single property owner, staff clearly states it's for one single property owner and I think we have to think about that a little more in regards to how it affects the surrounding neighbors. I think the same with number four, whether there are

reasonable uses of the property in question permitted, under the existing zoning classification there are. I think the more egregious items are under the conditional use permit, number one and two, especially number two. I do have some concerns in light of the two neighbors. When we state in our findings that it will not be injurious to the use and enjoyment of other properties. I question if that's a fact we can represent here tonight. In light of that, I am open to the idea of a continuance so additional conversations can take place between the neighbors and applicant because I do think those four items that I cited are contrary to an approval.

**Commissioner Schiff:** Was there a motion made with that? No. I will move staff recommendation (Tucker seconded). I hear what Commissioner Gorecki's concerns are on the findings for the rezoning but unless the rezoning is being applied for by a unit of government for a public building, I think that you're always going to find that somebody benefits, some individual is going to benefit from a rezoning. I think that it is consistent with our Comprehensive Plan to want to have more multi family housing near light rail and transit. This block is just one block off of a state trunk highway and when you go further north on Hiawatha you can go to 26<sup>th</sup> Ave S and 34<sup>th</sup> St and see another senior multi family building that was built and this Planning Commission rezoned vacant land to R4 to allow that to be built. It has been consistent, particularly on this side of Hiawatha, to support increased densities on vacant land to allow multi family consistent with our transit plans. The justification for the rezoning is really found in the Nokomis East Light Rail Transit Station Area Plan that was approved in 2007 where it specifically calls out this site as appropriate for multi-family residential and that is part of our approved plans and was written with multiple opportunities for neighborhood involvement at the time and the adoption of the plan wasn't opposed when this body approved it. I think this is the way we should be building multi-family senior housing, places that are not concentrated in just one neighborhood. A lot of seniors would move out of their homes if there was senior housing nearby. They like their neighborhoods. They don't moving out of their home to mean moving out of their neighborhood. I think multi-family housing in the designation of R4 is appropriate for those reasons.

**President Motzenbecker:** I do think there is something to some of the CUP concerns and how those fit with the rezoning is something we should consider as we move forward if it is rezoned to R4 and the CUP is denied what are the moves there. I do agree with Commissioner Gorecki about items one and two on the CUP but that's not the item before us now. With that that, the motion is to adopt staff recommendation and to rezone the site from R1 to R4. All those in favor? Opposed?

The motion carried 7-1.

**Commissioner Schiff:** I will move staff recommendation for item B (Tucker seconded).

**Commissioner Luepke-Pier:** I agree with Commissioner Gorecki on this one. I find it kind of shocking that more outreach wasn't directly done to these two neighbors. I actually think this is a wonderful project but I think they have a legitimate gripe in feeling as though... there is only two houses on that corner, one would think that someone from the project team could have walked over and talked to them. That seems to be something that is lacking. I guess I would hope that something could be done to give some time so I am leaning towards continuance to give them a chance to mitigate this issue because it seems this would be wonderful for the neighborhood but we need to also take into consideration their valid concerns and I certainly think that driveway

looks obscenely close to his property. I would not be in favor of the CUP at this moment just based on the fact that some outreach needs to be done.

**President Motzenbecker:** I'm of the same opinion and we're in a little quandary here because we acted on one item and haven't acted on four. I would almost like to look at a second motion to continue items B through E for a couple cycles to see if that can be worked out. If we deny the CUP, I believe it has to completely change before it comes back to us and that would cause the project to not move forward.

**Commissioner Bates:** I appreciate that because my concern about the rezoning piece was that it seems like with the two properties that this area needs to be addressed fully. Those two properties can't just be marooned out there. I am concerned that given how highly particular this situation is that the neighborhood didn't take position on it and really consider that. When we were changing all of the developing, the zoning from R1 to R4 around the Greenway, there was a sense of how to do it in terms of how to step between R1 and R4, how to move between those different parts of the city and we're not addressing that. Even though I share Council Member Schiff's interest and the city's interest in increasing density and increasing affordable housing along this corridor, I'm just concerned that this area hasn't been fully considered. I support the continuation but I'm concerned about the zoning decision in light of what that would mean then for the peninsula of abandoned homes now.

**Commissioner Schiff:** I think what I hear people questioning is site plan issues not issues related to the conditional use permit.

**President Motzenbecker:** I think it's pretty clear about the detrimental and injurious use findings for conditional use permit, especially for those two houses. I think that's what Commissioner Gorecki stated pretty clearly and I feel the same way a Commissioner Luepke-Pier so I think it relates to the site plan. I think how the site plan is laid out contributes to those injurious factors but I don't think it's specifically site plan related. I don't know if just the site plan review would be able to deal with that as I think the CUP has stronger findings behind it.

**Commissioner Gorecki:** My goal in making this motion is that all parties can come together and make this work. I will move continuance of items B, C, D and E (Huynh seconded).

**President Motzenbecker:** We recommend two cycles to April 11 if that's acceptable. Ok. All those in favor? Opposed?

The motion carried 8-0.