

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

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MEMORANDUM

DATE: October 31, 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 October 30, 2006

The following actions were taken by the Planning Commission on October 30, 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, Norkus-Crampton, Schiff and Tucker – 8

Not Present: Krueger and Nordyke

9. Porky's (BZZ-3251, Ward 1), 1851 Central Ave NE (Tara Beard).

A. Rezoning: Application by Trygve Truelson to rezone the property at 1851 Central Ave NE from C1 to C2.

Action: The City Planning Commission recommended that the City Council adopt the findings and **deny** the application for a zoning amendment to change 1851 Central Ave NE from a C1 to a C2 zoning district.

B. Conditional Use Permit: Application by Trygue Truelson for a conditional use permit for a fast food restaurant located at 1851 Central Ave NE.

Action: The City Planning Commission adopted the findings and **denied** the application for a conditional use permit for a fast food restaurant at 1851 Central Ave NE.

C. Site Plan Review: Application by Trygue Truelson for a major site plan review for property located at 1851 Central Ave NE.

Action: The City Planning Commission adopted the findings and **denied** the application for a site plan review at 1851 Central Ave NE.

Staff Beard presented the staff report.

Commissioner Huynh: I would like to recuse myself from item number nine, Porky's. I have a direct working relationship with the rep for the applicant.

Commissioner LaShomb: Can you give us the history of why, I believe it's 1835, is zoned C2 and what is that property? Is that the Police Precinct station?

Staff Beard: No, that would 1911, just to the north. The property at 1835 is a mixed-use storefront building. I don't know the exact businesses inside, but that is zoned C2. There is a small building, 1839, that is within the C1 portion...

Commissioner LaShomb: So, am I correct in assuming that 1851 and 1911 would create the 600 feet to allow this to be a C2 if that was approved?

Staff Beard: Because of the large block of OR3 zoning to the south, there is no amount of southern rezoning that could provide the 660 feet.

Commissioner LaShomb: But the 1835 would be counted in those 600 feet?

Staff Beard: It would be broken up by the 1839 property unless that was also rezoned to C2.

Commissioner LaShomb: Ok, I see, I'm sorry. Can you give me a little history about the 1911 property, when that was rezoned to C2 and why it was rezoned?

Staff Beard: That is the 2nd Police Precinct and that was rezoned this year in the summer. The applicant in that case was the City. My understanding is that City Council gave approval for the City to apply to rezone that property in order to provide the 660 feet if a C2 zoning were to occur at 1851 as well.

Commissioner LaShomb: Do you recall the Planning Commission action that was taken on 1911?

Staff Beard: Staff recommendation in that case was to deny the rezoning for a lot of the similar findings in the Comprehensive Plan about...and primarily because we tend to recommend denials of rezonings when there's no proposed new development change, which there was none in this

case. The Planning Commission concurred with staff findings. It did go on to the Zoning and Planning Committee, but staff error resulted in a defacto approval of the rezoning.

Commissioner LaShomb: I don't remember that in the discussion. How did that happen?

Staff Beard: It happened after it came to the Planning Commission. It went on as regularly scheduled to Zoning and Planning. At that point it was realized that an extension letter, extending the 60 day review period had not been sent and so the 60 day review period had already expired and so that resulted in a defacto approval.

Commissioner LaShomb: We have some new Planning Commissioners here and I just want them to understand there is a history to this Porky's issue. What you're telling me is that the City Council approved this rezoning because the 60 day letter had expired?

Staff Beard: Correct. Nobody was trying to hide the fact, the applicant or otherwise, that this proposed rezoning was to allow the Porky's to apply for their rezoning. That wasn't hidden from anybody, but that did prevent the policy discussion to occur about this project and that stage of it. I expect that policy discussion to occur in Z&P and Planning Commission time as I have already sent the extension letter.

Commissioner LaShomb: I was just going to say that I can site probably a million mistakes I have made in the last year so if the staff only makes one mistake a year then I'd say...

Staff Beard: Not the only, but it's the biggest.

Commissioner LaShomb: I'm not trying to scold you, I just want the Planning Commissioners to understand that there was a history about 1911 and I might have more comments about that later because I was a little agitated when that went through and maybe I will be agitated again, but the basic point about this is that if the 1911 property had not been rezoned to C2, this issue wouldn't even be here.

Staff Beard: Correct, the original application in early 2006 for the Porky's was a rezoning application to C4 which would allow the same use without needing any contiguous zoning. That was withdrawn in order to seek this option which was perceived to be more supportable.

Commissioner LaShomb: When I think about this site, I think about the Porky's that's on University in St. Paul. That was a drive-in restaurant, but this is not a drive-in restaurant so there should be no misunderstanding that this isn't going to be a drive-in restaurant, it's going to be a drive-thru restaurant.

Staff Beard: That is correct.

President Motzenbecker: Thank you Ms. Beard. Can I get a show of hands for how many people are here to speak about Porky's? If you're going to speak I am going to ask you that you do sign in on the sign-up sheet outside the door. You can do that after you leave. When you do come up to speak, please give your name and address for the record. We do, as was outlined in the staff report, have a nice ream of letters and we have the idea so I am going to ask if there are a lot of comments we're going to limit the commentary to two minutes each and to please not repeat what you've already written to us because we do have it.

President Motzenbecker opened the public hearing.

Aaron Roseth [not on sign-in sheet]: I want to reflect for a second on Lauren abstaining from this. This project is done outside of the firm that we happen to be colleagues at. I am doing this as an independent project as a friend to Trygve Truelson. I'm an architect in the community and I am representing Trygve Truelson and Norah Truelson on behalf of Porky's. I have a couple of things and I think it may be easier to just address questions. I have a very brief description of the purpose of why we've looked at this site and why we think it's important that you look at is as a potential site for Porky's and then go through a few of the things I believe are going to come up as points of opposition and support for the project. The site is on Central Avenue. Central Avenue right now is going through a great resurgence of activity including new restaurants. There's a new art community. It's going through a change that I think is important to the city and important to the neighborhood and important to developers and commercial people that may be interested in moving into that area. Trygve and his family have owned Porky's for over 50 years with several different locations. At one point, in the life span of Porky's, they operated four different ones throughout the city. It is a family owned restaurant and is intended to always be a family owned restaurant. The idea for them is that as the city develops they can find new locations that might work similarly to the way their old locations have worked. Currently there is only one location that is open and running, it's the location on University Avenue. There's no in house seating in that location and it's all a drive-thru and not a drive-in. I want to talk a little about that definition because I think it's important to this family-run business outside of the way that we think of typical fast food. Along those lines, I think it's important to note that this is fresh food. It is fast food in the sense that it's prepared quickly, but it's very different than... it's not processed food. Everything is fresh. I think that's important, again, because this isn't a typical chain restaurant coming in to here. Along the resurging growth that I mentioned, we have had very good support from a number of people in the community. There was an economist hired by the Northeast Neighborhood Activist Group.

President Motzenbecker: We have all that information.

Aaron Roseth: There was proposed conditions of operations for Porky's that were sent to me this afternoon that we would be willing to meet if staff found that they were in favor of this project. Without repeating any of the information that you have in front of you, I guess I will just wait for questions.

Commissioner Norkus-Crampton: One of the things handed to us at the last minute here was a document from Windom Park with a police report. It seems that they are trying to make a case for the problems at the Porky's on University site. I was curious... it looks like a lot of the disturbances happen at all hours, but certainly some of them are happening at one in the morning, two in the morning, three in the morning... what are the hours that you're proposing for this particular site?

Aaron Roseth: The hours proposed I don't have in front of me right now, but they would meet the C2 which is, I believe, closing at 11 p.m. Friday and Saturday and closing at 10 p.m. Sunday through Thursday.

Commissioner Norkus-Crampton: I guess the follow-up question is it seems like there is a lot of reports about drunkenness. You're not going to be serving liquor at this facility so I am just

trying to figure out why that's the case, but it does look like there have been some problems and I am just curious if you can give us any idea of what that's about.

Aaron Roseth: I am probably not the best person to speak to this. The owner probably should talk to this, but my understanding is that they do not have problems whatsoever on site. They've worked with the St. Paul police to work through some of their more difficult times with traffic in terms of when the State Fair is open and when they have car shows when there is an increased number of cars in the area. I know that they've worked through those issues with them, but specific incidences I can't speak to.

Commissioner Tucker: I would like to go back to the suggested conditions in the staff report and let you respond to those individually. I found three or four. One is moving the building up to within eight feet of the property line.

Aaron Roseth: Yep. I don't think that's a problem at all. The idea by setting it back eight feet is that we allow for outdoor seating along Central. If this is passed today and we have the ability to work with the neighborhood group in the future that if that is something that they think is important we would like to work with that as well.

Commissioner Tucker: The second one is to move the entrance to Central.

Aaron Roseth: Not a problem.

Commissioner Tucker: A third is 25 feet of blank wall, is that something you can correct?

Aaron Roseth: It is corrected.

Commissioner Tucker: I think there's one more here. If site plan is approved staff would recommend alternative compliance for the roof not being flat. How would you address that?

Aaron Roseth: The majority of the roof is not flat. The only portion of the roof that is currently flat is where we're trying to screen all of the mechanical equipment and duct work. If you look at the rendering, this is all sloped and in the center, basically like a doughnut, the very inner part of that is where the hoods come up and we're trying to screen it without putting a fence on top.

Commissioner Tucker: I think staff's point is that most buildings adjacent have flat roofs and this one has a distinctly not flat roof and suggest alternative compliance. Is that something that you talked to staff about?

Staff Beard: In a situation like this where we're recommending denial of all applications we go through the site plan review and look at everything that is not being met and what we would be likely to recommend alternative compliance for if it were approved and what we wouldn't. In this situation, because it's a stand alone building, it's quite far away from the storefront-type buildings and the materials and the signage are going to so clearly differentiate it that it would be kind of forcing it to...

Commissioner Tucker: So your alternative compliance would be to waive the requirement.

Staff Beard: Right. That's not actually a discussion I had with the applicant, it was just something in reviewing the site plan review, staff...

Commissioner Tucker: So really there are just the three that you're suggesting? Move it up within eight feet, move the entrance to Central and get rid of the blank wall.

Staff Beard: The only other condition of approval, which I don't think I heard you talk about, that staff would recommend is replacing some of the proposed evergreen trees with canopy deciduous trees which is clearly spelled out in the code as the intent requirement.

Peter Vevang (1006 Lowry Ave NE): I'm a resident of the area. My main objection to this project is based on the site plan. There has been a lot of talk about how the thing actually looks, but I think we need to look at also how this thing functions. There has been some talk about pedestrians. This flies in the face of what we need to do in order to build solid pedestrian traffic in the area because there are going to be big curb cuts, lots of cars, wide open expanses of asphalt and it really is not the kind of environment you, as a pedestrian, would want to go through. Right near by this area are store fronts. It's a main street type of environment. For them, pedestrian traffic is absolutely critical. If we sacrifice pedestrian traffic for this project, all the other businesses around there and buildings around there are going to be harmed by that. I think there are successful templates for dealing with development in northeast. There is the area by Surdyk's, the area by 28th and Johnson where we have these little store fronts which have come back and been restored. There are alternatives to this that meet pedestrian goals. There are also clear examples of harm from this kind of project. Just down the street at 18th and Central, is a Burger King which has a site plan that looks remarkably similar to this plan and that is not a successful project for the community. It detracts from property values. There are already a few problems to the west of Central with non-homeowner occupied housing and it's not kept up as well as it should be. If you put a business like this next to a home owner, people aren't going to want to live there. It will be more likely to be a rental property. There's always going to be problems from nuisances like trash and so on...

President Motzenbecker: Summarize for us please, Mr. Vevang.

Peter Vevang: I think this is a very, very harmful project to the neighborhood in terms of the way it works. When Porky's is gone, whether that's 10 or 20 years from now, this zoning is still going to be there and this harm is going to be ongoing so I would urge you to object this.

Matt Novachis (1900 Polk St NE): This is my house right here and that is exactly where the drive-thru would be. My driveway is right here. I'm strongly opposed to this as are most of my neighbors except for the people in the high-rise. I know that this developer is capable of building a restaurant that is not fast food. He's the developer of Tryg's in south Minneapolis on Lake Street. It's a nice, fine dining establishment. It's something along the lines of Pop! and Snap! up in northeast. My wife and I make a point to go to the Convention Grill in Edina. We get out of our car, we go get a hamburger, we walk around, we go to the rug shop, we go to the liquor store there and we support other businesses in the area. The biggest thing that the supporters of this want is a good hamburger and a good place to eat and I support that fully. I would love to walk out my back door and go to a nice restaurant and eat. I don't want drive-thru traffic stacked up to my driveway along 19th to Central. It would be very difficult for me to run my life, my property value would drop. The house right next to it and the duplex next to that are both owner occupied. They're both going to move if this is built and then I've got two more rental properties next to

me. The other thing about the slanted roof is you can't see the mechanicals from Central, but you can see it from my yard. I would be looking straight into the mechanicals of a Porky's fast food drive-thru. The noise and the trash are a big concern. I don't know about the crime, traffic or garbage in St. Paul, but I have driven by and I have seen what happens there and I don't feel like that's fitting to Central Avenue.

Dave Buchanan (2107 19th Ave NE): I'm just coming here to oppose this rezoning for the drive-thru just for the fact that the drive-thru doesn't fit. I've already written a letter and there are just a couple things that came to me yesterday that relate to this I think. I don't know if any of you are familiar with 50th and France, it's kind of a main street type of area and recently, in the last two years, they have torn down an Arby's fast food that was right in the middle of all that and replaced it with condominiums and mixed-use development. I remember going to that drive-thru when it was an Arby's and what it was like trying to get through all that pedestrian traffic. It seemed like a huge hindrance. The second thing I'd like to cover is that I have spoken to people from Merriam Park in St. Paul and Jay Benanav, a City Councilman, and they both gave me documents that address the crime and pollution and noise issues along with traffic and how St. Paul has had to allocate police just for that area. It's not to say that this would happen on Central, but who knows 10 years from now if University has a light-rail, that might kind of migrate down to Central and that could become the new drag strip. I can submit these if you like.

President Motzenbecker: Submit them to the clerk. Anyone else?

Chris Bubser (1027 20th Ave NE): I live a couple of blocks from this site. I have been a resident of northeast for seven years and Minneapolis for ten. I have been practicing architecture since 1991. I oppose this rezoning and the conditional use permit as well. I think there is a letter from my wife and myself in your packet so I will try to avoid the points that I made in there. I think that I made the point pretty clearly about advocating for pedestrian friendly development and transit friendly development. I'd like to hitch on to what Dave said. I've reviewed the information that he has seen and the main point there is that I've been told that the owners of Porky's have not been cooperative in terms of mitigating some of these outstanding issues. I want to make my objection chiefly on the grounds that this project is clearly designed not to serve the neighborhood; it's designed to serve through traffic, people coming through the neighborhood. It will not add to Central Avenue because the people who patronize Porky's will not leave their cars. They will get their food and drive on so it's not going to enhance the business activity on Central Avenue. The final point I'd like to make is hitching on to some of the other things that Matt said. One of my hobbies, I walk my kids around and pick up trash because I hate having a dirty neighborhood. I think it detracts from the livability of our area. This is the trash I picked up in just 20 minutes last night in the dark. I could've gone out farther, but I just went around one block and I came back when the bucket was full. I had to step on it to get stuff in here. This is mostly from a business near my house that we've repeatedly, as a neighborhood, tried to get them to help clean up the trash better. It's mandated that they do that, but they are not doing a good job. There are also a lot of fast food wrappers in here from White Castle and Wendy's which are nowhere near my house. I also pick up a lot Taco Bell, McDonald's, Burger King and other fast food wrappers. I promise you I would be picking up Porky's wrappers if this project goes through. Thank you.

Jeff Kraker (1510 Jefferson St NE): A couple of things I could say. This is really hard. I am listening to both sides and I'm also a chairperson of the Logan Park Neighborhood Association. I have attended some of the meetings. I enjoy a good hamburger and I will drive to get a Juicy

Lucy or go to Lion's Tap and things like that. I have visited Porky's. I can see both sides to the situation with the homeowners and wanting to have... not have this drive-thru in their neighborhood and all the other associated things and I also see the need for development on Central Avenue and bringing in what I think is an exciting looking building. It doesn't really fit with the other things that are on the street, but I think to keep things all the same maybe is a little bit short sided so I support the change of zoning and the development there. We haven't taken a formal vote for Logan Park, but in general I can represent that many of the board members would support the continued development on Central Avenue and that would include this Porky's.

Karen Peterson [not on sign-in sheet]: I work for the Holland Neighborhood Improvement Association and I am here on the behalf of the directors of the Holland Neighborhood to reiterate Holland's support for the Windom Park residents who are here this evening and also to remind you that, in the past, Holland residents and the Holland board have reviewed car eccentric projects on the avenue. In particular, between 18th and 26th, and we have overwhelmingly and consistently been against those even when the business has been something that the neighbors were in favor of. For example, the community was very much in favor of a flower shop that was proposed for the avenue, now in the location of the east side food co-op, however, the proposal included a drive-thru which minimized the size of the building and pedestrian access and so the proposal was rejected. I believe that you have the full content of this letter in your packet.

Doron Clark (1914 Ulysses St NE): I'm approximately three quarters of a mile from this site. I am the co-chair of Windom Park Citizens in Action. We have come out very strongly against this and we continue to reiterate that. I brought along additional letters from individuals who are opposed to the site. I will turn them into the clerk. I spoke with people from St. Paul today, as well as in the past I have talked to Jay Benanav's office and what they said is that the traffic there, around the St. Paul Porky's, is unbelievable. Metro Transit has to reroute busses off of University on nights of these big car shows. Aldine Street is close to this location as well and approximately seven or eight years ago they added traffic circles because Aldine was the main route back to the Porky's site from when they would cruise by and then get back to Fairview. They added traffic circles to prevent people from making this a drag strip. Additionally, there is mention of a petition out there from the senior high-rise. We respect the senior high-rise and their signatures, however, we have collected 200 signatures as well and many of those also came from the senior high-rise. I'll be happy to ask the neighbor to submit that petition. The main thing I want to talk about is that Windom Park has had [tape ended]...of this 25 different meetings. In each time, neighbors have said that this is not appropriate. I will also turn this into the clerk. The developer has not been at each of those 25 meetings. The 25 meetings have been public meetings and this topic has come up and each time the overriding statement is that this is not appropriate. Windom Park's views on this are that we are creating a main street feel for Central Avenue. There is a deliberate checkerboard zoning on Central Avenue to allow a variety of businesses on there. The accidental rezoning of the police station is the only thing that allows this to come forward. The only reason it was able to be rezoned was the 60 days expired and by state law it had to get in there.

President Motzenbecker: If you could summarize, please.

Doron Clark: Certainly. The summary is this; we need to look at this as land use. The land use has a drive-thru exiting on 19th. We've tried signs before in other places to make people turn left and they don't work. There is crime issues associated with the Porky's in St. Paul. If you look at the crime report, the crime starts going when the weather heats up. There have been 22 incidents

between May of this year and now. There were 29 incidents between May of 2005 and October of 2005. This is not something that we want to invite to Central Avenue and to change our feel of Central Avenue. Central Avenue has opportunities. We are growing. Central Avenue is something that we know is continuing to improve. I implore you embrace the staff report, the overwhelming consideration of the neighbors, and the Windom Park Citizens in Action, Holland and others who have said no to this.

Paul Ostrow (Ward 1 Council Member): When this proposal was first presented, my view then and my view continues to be, that I would support this under the right circumstances. I do believe that the analysis of this particular site raises some very significant planning issues that you should all consider in terms of our Minneapolis Plan and also how we do planning. First of all, frankly, the Central Avenue Plan does not, as is suggested, preclude this use at this site. I actually was involved in that going to 6 a.m. meetings more than 10 years ago. What the Central Avenue Plan talked about back then was how to create the right mix of activities on Central Avenue that is going to foster success. Clearly in that plan there is an emphasis on pedestrian orientation but also a mix of use. Frankly, there is no discussion in that plan of a drive-thru. If you do nothing else today in your decision making, frankly, the use of that plan as a reason to reject this, I think would be inappropriate. It has not been adopted by the City as official City policy. It certainly needs to be looked at again. I also would really encourage you to think about how we define the different areas of our commercial corridors. Central and Lowry is an activity center. From 22nd to 26th is a pedestrian overlay district. Also from 22nd to 26th is our special service district. That's where we assess property owners for snow removal and other activities to support those pedestrian activities. From 18th to 29th is the commercial corridor in this particular area. Then when you get north of 29th and south of 18th, then you have a community corridor. Our commercial corridor in our Minneapolis Plan, frankly, includes the following language. It talks about the streets having a mix of uses, with commercial uses dominating. It goes on to say that the commercial element typically includes some auto service uses and/or drive-thru facilities. It also suggests that impacts of those facilities need to be looked at and the negative implications of those uses need to be mitigated. I would suggest to you that just in terms of rational planning processes, if we're looking at restricting pedestrian orientation, or promoting pedestrian orientation, we ought to do it by way of our pedestrian oriented development districts which we have on Central Avenue. I was specifically persuaded not to expand that area when I worked with staff several years ago saying that "no 22nd to 26th is the appropriate area for this particular use". Let's also remember that this is a site that has been vacant for almost a decade. We have a couple very important vacant sites on the avenue which need to be developed. I do believe that a Porky's restaurant run well with the right conditions is going to be an amenity and a positive at this location. It's across the street from the precinct, which was brought up by several of you, which is about as auto-oriented a use as you can get, quite frankly, with a huge sea of parking and squad cars coming in and out all day. Also, diagonal from this is a car wash. This part of Central Avenue is not the pedestrian orientation that we have elsewhere on the avenue in that core activity center. How do we balance all of these interests? I think we need to make sure we have very strong conditions on this applicant. That's something that staff didn't get to, frankly, because staff, as soon as they recommended against the rezoning, don't really get to conditions. I think those conditions here will be strong. I have suggested and encouraged and they are looking at much more of a drive-in component. There is some unique technologies that allow you to order right from your car that I know are being looked at as being included in this particular site. They're looking at using that in the late hours so there's not noise into the neighborhood. We've also insisted that the traffic not go into the neighborhood and that 19th Avenue have not just signage, but an actual structural barrier or that it will be structurally developed so it will be

extremely difficult to take that right turn into the neighborhood. We have worked with Public Works, in particular, who generally approve of that approach. There have been other site plan changes and I won't go through all of those.

President Motzenbecker: If you could give a summary that would be outstanding.

Paul Ostrow: The neighborhood and community are split on this. There's no doubt that the residents of the high-rise, as long as I have been a representative of this area, have been looking for more options in terms of eating on the avenue and the vast majority of them are strongly supportive. The Chamber of Commerce is very supportive of this because they see a real need to make sure that this blighted vacant site be developed. There are some very strong views that you've heard tonight about the drive-thru and what that means for long term philosophy of development on Central Avenue. The community is split. I believe we ought to work with this applicant. We ought to have very strong conditions, but that we ought not reject this proposal tonight because I think that if it is done correctly that it can, in fact, be something that would attract more people to the avenue and be a positive and I think it's consistent with our planning goals. I know that I am out of time. I do want to file a petition that I thought could be filed directly with the clerk, but apparently I was told that I should provide it. This is a petition that our office received. I know that other letters have been received as well on this. I think you have a memo that summarizes who signed this petition, but I will present that to the clerk.

Molly Coyne [not on sign-in sheet]: I'm four blocks away from the proposed site. I do agree with Paul. We need positive development on Central. I think that the neighborhood agrees with Paul. I am on the neighborhood group board and we talk about it a lot and we do a lot of work around that. Doron just handed me a photo and it was a good reminder of the art that we've been working to put up on that site as it's been sitting there not looking very good for quite some time. After that point of "yes we want development on Central" is where I start to disagree. I don't think we want just any development, we want positive development. I bought my house in northeast six years ago. I bought my house there because I thought it was a growing, flourishing neighborhood. It had a long way to go, I liked that. I wanted to join my community group and make it a better place. I think we've done a lot of things to move it in that direction. This is not a turn in that direction. This is not an improvement. This will add to the noise that I listen to every night while I am trying to sleep. It is already a struggling neighborhood, but we're struggling to get better not to take a step backward and add tremendous amounts of traffic to a pedestrian neighborhood. The proximity, simply of the house, to where the drive-thru will come out is ridiculous. There are plenty of other good locations for drive-thru's and this is not one of them. Just because we are not block by block, we're two blocks off, of what is currently the proposed pedestrian overlay doesn't mean we don't want people walking in our neighborhood. Most of the neighborhoods in northeast have already formed walking groups for the evening to increase safety, but also to increase the presence of neighbors in the neighborhood. We want to be able to walk around. Now we're going to get to 18th and not be able to walk any further? It doesn't make sense, it doesn't fit. They may make great hamburgers and there may be a couple of people in the high-rise who are very vocal who want a good hamburger and nothing wrong with a good hamburger, but to say the community is split when there are several people in a high-rise that won't be affected by the noise and pollution of a drive-thru is not an accurate statement. There is not a car wash across the street from this proposed site as Paul has just mentioned. It is further down Central Avenue as you saw from the overview, but there are stores there. All I am asking is that you think about noise, think about the people who live there and where we would like to see the neighborhood go. Allow us to sleep through the night. Thank you.

Gail Bonneville [not on sign-in sheet]: I'm the staff person for the Windom Park Citizen's in Action neighborhood group. You've heard some theme that this is maybe an orphan site blighted and that nobody wants it and we have to take the first development that comes down the pike. I just wanted to add from the office of the Windom Park neighborhood organization standpoint that there have been about four developers coming forward in the last four years so this is not a situation where we feel desperate and we hope you see that the same way.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: About a year and a half ago, maybe longer, I went to a fund raiser up in the park that is half in Minneapolis and half in Columbia Heights and as I was driving on Central Avenue, as a Planning Commissioner I always look to see how things are going on a street, and I was very impressed with what was going on on Central Avenue from the river all the way up to Columbia Heights. A lot of good stuff is going on; a lot of new stuff is going on. I live very close to Lake Street and so I said to myself that I wish that we folks on Lake Street could figure out how to do all the stuff they're doing on Central Avenue which is a little unfair to Lake Street because they're doing well. The problem, I think, with this is the same problem we had when the issue of the police station came up here which is that a drive-thru restaurant is disruptive to a neighborhood anyway you cut it. There is noise, there are cars that honk, there are people jamming the streets trying to get into the drive aisles and it's a difficult issue trying to deal with pedestrian traffic. We had a fatality in south Minneapolis about six months ago where a woman was killed coming out of the door of a drive-thru because they didn't have the right traffic pattern. It's just a burden any way you cut it. The fundamental question to me is, is it an appropriate thing to do on a streetscape like this. The answer to me is that fundamentally it's not a good thing to do. In fact, I stopped going to drive-thru's a long time ago with my car because basically I didn't like them. I didn't like being in cue, I didn't like any of that stuff. More importantly, I started to realize how disruptive it is to the neighborhood. We all knew this was going to come at us after the police station thing. People who were promoting rezoning of the police station didn't hide the fact that the real reason was to allow a rezoning for the Porky's site so I give them credit, at least they were being honest at the time. At that time I referred to it as a Trojan Horse, well now we're in the middle of Troy and the Trojan Horse made it through despite my crying and weeping about it. The fundamental principal isn't any different than it was when we were doing the police station so I am going to move the staff recommendation on the denial of the rezoning (Tucker seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 6-0 (Huynh recused herself).

Commissioner LaShomb: I am going to move the conditional use permit denial (Tucker seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 6-0 (Huynh recused herself).

Commissioner LaShomb: I will move the denial of the site plan (Tucker seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 6-0 (Huynh recused herself).

10. Aldrich Ave Rowhouses (BZZ-3227, Ward 10), 2501, 2505 and 2509 Aldrich Ave S (Becca Farrar). This item was continued from the October 16, 2006 meeting.

A. Rezoning: Application by Room Inc., on behalf of Aldrich Ave, LLC, for a petition to rezone the properties located at 2501, 2505 and 2509 Aldrich Ave S 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 2501, 2505 and 2509 Aldrich Ave S from the R2B district to the R4 district.

B. Conditional Use Permit: Application by Room Inc., on behalf of Aldrich Ave, LLC, for a conditional use permit for 9 residential dwelling units in the R4 district for the properties located at 2501, 2505 and 2509 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow up to 9 dwelling units on property located at 2501, 2505 and 2509 Aldrich Ave S.

C. Variance: Application by Room Inc., on behalf of Aldrich Ave, LLC, for a variance of the corner side yard setback requirement from 12 feet to 8 feet along the N property line adjacent to 25th St W for the properties located at 2501, 2505 and 2509 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance of the corner side yard for the proposed residential structure along the north property line adjacent to 25th St W for property located at 2501, 2505 and 2509 Aldrich Ave S from 12 feet to 8 feet.

D. Variance: Application by Room Inc., on behalf of Aldrich Ave, LLC, for a variance of the rear yard setback requirement from 9 feet to 0 feet along the east property line adjacent to the alley for the properties located at 2501, 2505 and 2509 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance of the rear yard for the proposed residential structure along the east property line adjacent to the alley for property located at 2501, 2505 and 2509 Aldrich Ave S from 9 feet to 3 feet.

E. Variance: Application by Room Inc., on behalf of Aldrich Ave, LLC, for a variance of the required 22 foot minimum drive-aisle for maneuvering within the interior of the site to 16 feet for the properties located at 2501, 2505 and 2509 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance of the required 22 foot minimum drive-aisle for maneuvering within the interior of the site to 16 feet for property located at 2501, 2505 and 2509 Aldrich Ave S.

F. Variance: Application by Room Inc., on behalf of Aldrich Ave, LLC, for a variance of the minimum lot area per dwelling unit from 1,500 square feet to approximately 1,489 square feet for the properties located at 2501, 2505 and 2509 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance of the minimum lot area per dwelling unit from 1,500 square feet to approximately 1,489 square feet for property located at 2501, 2505 and 2509 Aldrich Ave S.

G. Site Plan Review: Application by Room Inc., on behalf of Aldrich Ave, LLC, for a site plan review for 9 residential dwelling units in a U-shaped, 3-story structure for the properties located at 2501, 2505 and 2509 Aldrich Ave S.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for property located at 2501, 2505 and 2509 Aldrich Ave S 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 1, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Modification of the north and west elevations to incorporate the minimum 20% window requirement on the first floor as required by section 530.120 of the zoning code.
4. Impervious surfaces shall not be increased to exceed the requirement of section 546.150 of the zoning code.
5. The applicant shall provide an acceptable snow removal or storage plan.

Commissioner El-Hindi: I'd like to recuse myself from voting on this application. I am part of the design team that is involved in this project. If you excuse me, I would like to step down and maybe be able to provide some comments on the project. Thank you.

Staff Farrar presented the staff report.

Commissioner Tucker: I am curious about the term "adjacent". How far away can one be and still be adjacent to a commercial corridor? Do you have a rule of thumb that you use?

Staff Farrar: I don't think that we have a specific rule of thumb, but clearly a half a block away would be considered to be adjacent. The properties that actually line Lyndale Avenue South share a public alley with these properties in question.

Commissioner Tucker: Another question, what are the heights of adjacent buildings, do you happen to know?

Staff Farrar: I do know. There are some pictures in your packet. They do vary from two to three stories. Even the R6 zoned property, which is located across the street, appears to be three stories even with the dense...

Commissioner Tucker: Do you have idea in feet how high they are? I think this proposed is 35 feet, but I am just curious...

Staff Farrar: Three stories, thirty-five feet. In the R2B district, even if you have a two and half story single family or a duplex unit, two and a half stories is technically thirty-five feet so they

are proposing three stories, thirty-five feet. In terms of what, specifically, the heights of adjacent buildings are in feet I don't have that information.

Commissioner Tucker: One last question, was there a previous proposal for this site with more units?

Staff Farrar: There was an application that was filed, but it never actually got to this point. It was withdrawn before it got to Planning Commission. It was for a more intense development with an R6 zoning classification and 20 units of housing. It was essentially a development that would have covered the entire parcel on the block.

Commissioner Schiff: What's the maximum number of units that could be built on three lots that were zoned R4 like this?

Staff Farrar: It would be eight depending on how you're going to do it which is why they need the lot area variance for, basically, eleven square feet per dwelling unit or 1 percent.

Commissioner Schiff: Ok. I just wanted to clarify if they were going up to the maximum or not. In looking at the rest of this block, which is so intact right now, do you think this paves the way with the Planning Department's support for similar rezonings for the rest of the block if developers wanted to buy up those parcels?

Staff Farrar: I think that, typically what the City policy is, of course, we evaluate all of these projects on a case by case basis. Certainly, if there was going to be some sort of proposed rezoning at mid-block, clearly, we'd think that it was a (tape unclear) ...of the neighborhood. With a proximity to Lyndale, which is a commercial corridor and a major bus route, we felt that this transition into the neighborhood was appropriate. Given that there are numerous nonconformities, even for the multi-family housing that exists in the area, the proximity to R6 and all these things can certainly be considered.

Commissioner Schiff: Ok, thanks.

Commissioner Norkus-Crampton: Are those bump-outs actually at eight feet or is it on average eight feet?

Staff Farrar: At the closest point so when you have recesses and projections in a façade we would calculate it at the closest point so at the projection it's the closest at eight feet.

Commissioner Norkus-Crampton: Do you know how the parts where it goes deeper in, how far that is, on the northwest corner?

Staff Farrar: My guess would be it's two to three feet, but the applicant can address that.

Commissioner Norkus-Crampton: It seems that for three lots, three units per lot, doesn't seem... there are triplexes in my neighborhood and I'm an R2B... I guess I'm just curious, and I'm not an architect, but why do we end up with so many variances for something that doesn't seem like excessive use of the property? Are there some particular hardships or something you guys are sitting in supporting these variances or some particular circumstances? It just looks like a standard lot to me. It's flat. There don't seem to be land features that are in the way. Is there

some challenge to the site that I'm not seeing that we can't get nine units within...using the existing...the described setbacks?

Staff Farrar: Not to delve too deeply into it, but there were, at one point... well, there are two existing duplexes on this site. One of those has since been demolished. It's a duplex at the corner, a vacant lot in the middle and then another duplex. I was looking at this this afternoon thinking about what could have been built if the R2B zoning were to be maintained. Without having some additional information, it looks like at most you could have five actual units on site, possible two duplexes with a single family home and possibly two duplexes that could actually be rebuilt on this site. The reason for that is that one of the lots is actually substandard. It doesn't meet the lot regulations in the R2B district and therefore would have to be combined to create...it'd have to be the elimination of the substandard lot and it would likely be two duplexes that could be put on there. Jim Voll has told you much, much about this sort of thing over the years. That's likely what would happen in this situation. Regarding hardships and whatnot related to the variances, I mean, yes there are definitely some variances that are being requested as a part of this. I think when we're looking at how to validate approval of these, if possible, if there is a hardship we're also looking at the context and the scaling character of the area. I think, as part of that, even with the diagrams that were included by the applicant, which I think are helpful, regarding the actual numerical setbacks and certainly the staff report goes into it a little bit more. The corner side yard just showing how the existing structure as it currently sits is closer to the property line than what, at the closest point, the building with the projections would be located I think is interesting. Trying to maintain the character along the block, along West 25th, I think, I even missed one even further down the block that's six inches from 25th Street...and so when we're looking at that we're also think about if it makes sense to actually require the building to be setback a much greater distance than the other buildings so we'd be preserving the street edge and preserving the street character along 25th by allowing that to go from 12 to eight feet. Along the alley there are other buildings that are located at a zero lot line along that building. I think we probably could have found justification to allow it to go to zero, but that's not something that we typically want to practice is promoting buildings up to zero lot lines simply because of safety clearance. It's a public alley. Sometimes it seems like public alleys are narrow enough, it's hard enough to maneuver. With commercial uses that are located along Lyndale, we wanted to provide additional clearance to three feet so that there is that separation.

Commissioner Tucker: Am I correct that on Aldrich that there would be two curb cuts eliminated that are currently there?

Staff Farrar: That's correct. Two on Aldrich and then one on 25th.

Commissioner Tucker: So one might judge that there's a little more street parking because of the elimination of those curb cuts.

Staff Farrar: I think that's probably fair to assess.

Commissioner Tucker: Would you be able to maneuver a car into that garage in the corner?

Staff Farrar: That's a specific question that we had and therefore that is why the diagrams were provided to us. Those are within the packets and certainly from looking at that we thought it would be a tricky maneuver, but they are clearly showing that it is something that is achievable at

the interior of the site. They show they can do it and we don't typically try to regulate it too much on private property.

Eric Hawkins [not on sign-in sheet]: I'm with Aldrich Avenue, LLC. My partner, Jim Gray, is here with me. We're proposing a nine unit rowhouse development. Mr. Gray is a long term investor in this neighborhood and this area. He owns over 200 units with a 10 block radius of this property. We have, combined, and owned these properties since June 2002. The first property was on the corner 2501 Aldrich. Within a couple of years, the neighboring property there, the previous owner began to rehab it and he had owned that property for approximately 30 or 35 years. It was paid for, there was no mortgage. His idea was to redo it as a duplex that it once was. He quickly found that it was not feasible. We then bought that property with the mind of doing something to those lots that would improve that area and to better use those lots. We originally proposed, or contemplated, a 21 unit building which provided for approximately 19 underground parking spots. We took that drawing, that proposal, to the Lowry Hill East Neighborhood Association. We also brought that to the Committee of the Whole in 2005. The feedback that we received, in particular from the neighborhood association, was documented in a letter from November 7, 2005. The sense I got was that they could not and would not approve that project zoned as an R6 because it had too many units and was too high at four stories and the building was too large. We took that feedback and came up with a new design. We decreased the height to three stories, we decreased the rezoning to an R4, we were still providing off-street parking for each unit and we tied into what everyone seemed to appreciate in the neighborhood and made reference to as to what they would expect or would like to see in that area that is more consistent with the neighborhood. Specifically, it's the rowhouses, the brownstones, on the corner of 25th and Lyndale. What we came up with is a project that tied into that, wrapped around 25th and onto Aldrich. We took this proposal to the neighborhood association; we got some feedback from the people there. I got the sense that it wasn't the particular building that was objected to, it was the precedent that might be set if they, as an organization, approved this application. Aldrich Avenue LLC wanted to get more of a sense from the neighbors of that area. We went door knocking, we talked to neighbors who live in that rowhouse on 25th and Lyndale, people who look at these three properties on a daily basis, we talked to the condominium owners across the street on 25th and Aldrich and we talked to people who live on the block. I believe those letters are included in your packet.

President Motzenbecker: Yes, we have those. Do you have any points to address any of the items before us specifically that you'd like to talk to the Commission about?

Eric Hawkins: I think I would defer to the architects at this point. I think they have a better sense of the details.

Donovan Nelson [not on sign-in sheet]: I am with Room Architects. Thank you to you all for hearing about this project. We started this phase of the project looking at rowhouses and brownstones anywhere from Netherlands, Boston, Baltimore as well as the ones that are on 25th and Lyndale. We wanted to use those as a precedent to build on our site and the things that we looked at were the texture and the scale of those projects and how we could use our project to expand that fabric and character in the neighborhood. The project that we're proposing is a nine unit project, eight of which are rowhouses that wrap 25th and then down Aldrich. The ninth unit being on the interior of the lot. Each of these has individual pedestrian entries. They also all have off-street parking. The square footages for the rowhouses are approximately about 1500 square feet. The ninth unit is about 1000 square feet. In our minds, this project had the

opportunity to add to the neighborhood, a building that would stand the test of time much like the ones on Lyndale and 25th and be appreciated many years from now. That being said, the entire facades along 25th and Aldrich are brick. It actually does wrap into the alley and into the sideyard and then the interior materials would be a combination of stucco and cementitious siding.

President Motzenbecker: Real stucco?

Donovan Nelson: Real stucco. As far as the parking goes, we met with CPED and Traffic and Public Works. The result of those meetings was to try to come up with a design solution that minimized the traffic impact on the neighborhood. What we did was remove the two existing curb cuts as well as bring all of the access points into the parking that we're providing off the existing alley. In summary, we accept the staff recommendation. I do have a model.

Commissioner Tucker: I think staff recommended the window increase from 17 and a half percent to 20, is that doable in your project?

Donovan Nelson: Absolutely.

Commissioner Tucker: It would be possible to have all your entries just on ground level, right?

Donovan Nelson: We did that as a feature to vary...

Commissioner Tucker: I'm just curious why you might have done that.

Donovan Nelson: It was just to vary the character of each unit so that it didn't feel... one of the things that we really wanted to capitalize on is that this project has the ability to feel like individual units although they are connected. With that, we varied the elevations of each of the units.

Commissioner Tucker: So this is to break it up a little bit more?

Donovan Nelson: Yes.

Commissioner Tucker: Did you have any other comments on Commissioner Norkus-Crampton's question on why so many variances?

Donovan Nelson: One of the primary things that we worked with and I kind of highlighted that in the end of the presentation was that parking was really difficult to get inside the interior part of the site without putting curb cuts and doing kind of alternate ways of getting those amount of stalls in there. As a result, we had to kind of push the building so that we had enough space in the interior there to be able to maneuver around. We do feel that, like on the case of the 25th, we did study several blocks around the site and looked at the street face and we're only trying to strengthen the one on 25th to kind of create the uniform building face of the that block.

Commissioner Schiff: I appreciate what you just said about the uniform building face because I think the building does this in many different ways, but I am having a hard time with unit number nine which is tucked along in the back facing the back yard of the adjacent home. Can you explain why that unit is necessary and how it differs from the other units?

Donovan Nelson: It is different quite a bit. It's just a flat... it's 1000 square feet around. One of the things that we're trying to do with this interior drive was to not just have it be a paved surface of asphalt. One of the ways we felt we could do that was if we kind of contained that and put some plantings in there and treated that paving a little bit differently so that it was given back to those residents as an amenity to the site instead of just surface. We felt like if we lowered that part of the "c" shape of the overall building mass that it kind of loses that and kind of oozes out into looking... instead of looking at the inside courtyard you're looking down past the garages and into the commercial alley.

Commissioner Schiff: Can you show me on the site plan the access to the ninth building both from the underground parking as well as from the sidewalk?

Donovan Nelson: The parking stall for that unit is right here. The pedestrian access to that, we still have to work this out, but it's adjacent to that.

Commissioner Schiff: How many parking stalls, in total, are underneath the ninth unit?

Donovan Nelson: There are three in addition to their own.

Commissioner Schiff: Thanks.

Commissioner Tucker: Let me see if you know the answer to my height question about adjacent buildings... not number of stories, but number of feet from pavement to the roof line or point of the gable.

Donovan Nelson: The ones that we had talked so much about, these ones on Lyndale and 25th, those are about two feet depending on where you're measuring; shorter than the building that we're proposing.

Commissioner Norkus-Crampton: The entrance doors that are on the first floor, is that just sort of anteroom... do you go into a small room and then go directly upstairs because the garage is behind it?

Donovan Nelson: It's actually a fairly large room down there. You could actually have a bedroom if you chose to down there.

Commissioner Norkus-Crampton: Do you know what the square footage is? Just an estimate.

Donovan Nelson: Maybe 10'x12' minimum.

Commissioner Norkus-Crampton: Alright, but it's a door that goes into some sort of small room...

Donovan Nelson: It goes into a room and then there's a staircase that leads you up to the main living level.

Commissioner Norkus-Crampton: For the entrances that start on the second floor, then that just goes directly to the unit so the rooms continue on underneath that staircase then for the first floor people?

Donovan Nelson: In the case of both units, whether they are entered from the street or from that upper level, the plan is virtually the same with a little bit of different dimensions so there is that same space on the ones that you're entering on the main living level.

Commissioner Norkus-Crampton: As far as the green space that's around there, I appreciate that you guys are trying to do stuff at street level, most of the buildings around there have some sort of a stoop or some sort of elevation or some sort of defined thing that creates a private space... is there some sort of railing? I'm just trying to look at this green space here and figure out who... it seems like the stoop going up for the entrances that are on the second floor, there's not much of a porch or stoop or anything there. It looks like the land underneath that would sort of be shaded by the stairwell. What's your vision for how that space would be used as far as... certainly the interior space is basically a driveway and so the only green space you have for a use by the residents if they were going to use it for anything and have some street activity would be along the sides there. How do you envision that working?

Donovan Nelson: Our intent is to have each unit have its private kind of garden area in the cases of the ones that you noted that have the at-grade entries. There is a wrought iron fence that kind of contains that. In the other cases, there are those boxwoods that are trying to contain that. While there isn't a direct access to it from grade in that space that you had mentioned, we still intend it to be able to be accessed for them to come down and enjoy that garden.

Commissioner Norkus-Crampton: Thank you.

Commissioner Tucker: What do you do with the snow?

Donovan Nelson: That is a good question. We're going to have to revisit some of the site plan issues and try to find a place. We had talked about snow removal from the site as a potential option.

Commissioner Tucker: Now you're thinking about snow storage area in there?

Donovan Nelson: We have to kind of work that out, but we know that it is an issue.

Commissioner Huynh: Just a design question... just looking at your different unit layouts in terms of having a unit walk up on one floor and then a unit walk up to the second floor, what were some of your design concepts in looking at altering why you would have it at street, then second, then at street and at second?

Donovan Nelson: Again, I think the intent was just so that we didn't have this uniformity or sameness to each one of the units so that it didn't feel that it was kind of this mono-block with some windows and doors in it. We don't really feel like it alters the patterns of living because everything is really happening from the living level which is the level above the garage and then the level above that.

Commissioner Huynh: Ok. Thank you.

President Motzenbecker opened the public hearing.

Steve Benson (2204 Aldrich Ave S): I am here to oppose this rezoning mostly. I am a member of the Lowry Hill East Neighborhood board. The board voted to not support this project. The Lowry Hill East Neighborhood went through a large rezoning study in 2004 and 2005. It involved a number of committees, certainly over 100 people, a number of meetings... the three items that came out of that rezoning study were, number one, we had a desire to save old structures. Number two; we had a desire to retain the core of the neighborhood as R2B. The core of the neighborhood we define as everything north of 28th and not directly facing a commercial corridor. The third thing we came up with is we wanted approximately half the neighborhood, or 50% of the land area, to be some sort of high density. We feel that it brings a lot of amenities, it bring retail and transit. The transit corridor is going though in the 29th Street greenway so we wanted to accommodate that. However, we did want to retain approximately 50% of the land area to continue to be R2B. That, to some degree, is a little difficult considering the CPED recommendations of anything that is adjacent to a commercial corridor should be up-zoned. Unfortunately, our neighborhood on average, being how it's a wedge, we're approximately only 1200 feet wide. If 500 feet is adjacent, then pretty much the neighborhood's toast. What we have essentially said is we define the core as anything that was actually was adjacent and we were interested in retaining the rest of the neighborhood interior as R2B.

President Motzenbecker: If you could summarize for us please.

Steve Benson: I guess that's probably about it.

Meg Tuthill (2420 Bryant Ave S): I own a business in our neighborhood so I feel I have double interest in what happens in the perimeters of our neighborhood. My husband and I moved into this neighborhood 35 years ago when everything was R6 and everything was up for demolition. We worked very hard on the first zoning changes that were made in the 70s and again sat on the most current land use committees for our neighborhood again. Some things that concern me, seeing some of the history of the city of Minneapolis of the Planning Department, one of them is that once we take a little chip out of that little bit of R2B that we have really seems to set a precedence and anytime a developer comes, we have a real hard time getting support from the city because the precedence has been set and we're open for a lawsuit. This concerns me greatly. The other thing that really concerns me is that as I am sitting her listening to the developers, there's a number of that haven't been worked out yet, snow removal being one of them. The access to the ninth unit for pedestrians hasn't been worked out. It doesn't sound to me as though this plan is really ready to come before you yet. Snow removal is certainly a huge issue in the city of Minneapolis. Access to your dwelling unit is also another issue. I'm very concerned and would hope at this time that you would take a look at the fact that 87% of our neighborhood is already high density and we have been very generous to the city and said Lyndale, Hennepin, Franklin and the greenway along with Lake Street you may build whatever you need to help build the city for additional high density but we really want to maintain the core of our neighborhood and this change from R2B to R4 concerns me along with the number of variances. It seems like an awfully lot to me. Thank you very much.

Julie Aponte (2552 Aldrich Ave S) [not on sign-in sheet]: I've lived in the neighborhood since 1992. It's a fairly quiet eclectic kind of stretch there and I enjoy that. It's become busier and that's cool because the city's growing and that's good. I agree with Meg's last comment. We agreed to build on the outside perimeter and now it's starting to encroach in the core. I ask that you really consider not doing that and keeping our neighborhood that kind of... when you drive in it's houses and it's a little bit quieter. That street is already getting more traffic since I've lived

there off of Lyndale and 26th and I don't want to see any more traffic come down Aldrich there. Thank you.

Rex Dale (2518 Aldrich Ave S): Lyndale Avenue at this area is only marginally commercial. It may, in the long run, be fairly commercial. There is no traffic light at 25th and Aldrich. The traffic from this project will go into the neighborhood before going out of the neighborhood. The fact that there is an R6 condominium diagonally opposite only suggests that we already have a lot of density at this intersection. I do feel as though this is an instance where a duck not sounding like a duck or looking like a duck may be R4 but they are requesting every variance in the book and it is substantially to accommodate parking. I think cars are what we do not need to maximize in our neighborhood. Thank you.

Peter Kim (2204 Colfax Ave S) [not on sign-in sheet]: I want you to think about the concept of a commercial corridor whether it's located in Boston, LA or Paris. This is Minneapolis and I am really opposed to this proposal about a commercial corridor. I think one commercial corridor next to Lyndale is enough. I am a Zoning and Planning chair and this project was not supported by the Zoning and Planning and the board. There was no recommendation from the neighbor's letter as well. This means no one is supporting from the neighbors. They want really high density so we are losing a lot of potential opportunities here. Spot zoning is an issue. You buy the property based on the zoning as it is. I believe this is not down-zoned and I don't understand why you want to up-zone. You already knew you bought as an R2B. I don't see there was any effort to make it better. I bought my house four years ago and I did all the siding and the roof and I don't see an effort put on this property before you develop as some other project. I'm really disappointed as an owner and a neighbor.

President Motzenbecker: If you could summarize for us please.

Peter Kim: Bottom line is, I have a feeling that this project does not go with the character of the neighbors. Please think about the character of the neighborhood and the location and density. Thank you.

Judy Schwartau (2449 Colfax Ave S) [not on sign in sheet]: During the past few months it seems that our neighborhood has suffered several different problems with zoning. I don't know how they all came up. I live in an R2B block and a duplex was rezoned for a triplex and a block or so away another building accidentally got approved for having a much higher roof and a different pitch than it should. Whenever there is somebody picking away at the zoning that we understood was very much agreed on in the last process even though there wasn't a final approval of a document. There was no disagreement that that entire core of Aldrich, both sides of Aldrich including the back side of Lyndale, is a residential Avenue and should be R2B. You take a nice smile and you take a nice block and you start plunking out houses and you've got a smile with the teeth missing. I just worry it will lead to speculation and intentional deterioration so other people can tear down a house and do a different development. The house I bought is a duplex that was built in 1890, the same year that construction was begun on this building. Those two buildings have nothing else alike. The fact that there are still vintage homes that are of the earth and have the historical character and age that are still available and could be affordable to people... it's a pity to lose that housing stock and endanger that in the future. Thank you.

Commissioner Norkus-Crampton: One of the comments that you made is that one of the houses on your block was turned from a duplex to a triplex. Was there a change in form of the building from the exterior on that?

Judy Schwartau: Not at this time. Maybe Peter could answer that better.

Commissioner Norkus-Crampton: I guess my question is if there's not a change in form I just want to understand your objection to that. I am just trying to understand the lay of the land here and the issues that you guys are bringing up. What exactly... there's an additional unit there, there's one additional parking space, but there's not a change in form that's affecting the adjacent properties. Is there something specific?

Judy Schwartau: It was recognized as a triplex and then immediately put up for sale as a triplex.

Peter Kim: There is two cases as Zoning and Planning chair. That was zoned a duplex so you can have two households there. There was a violation of a residence there that kept happening. The city approved that accidentally to allow the third unit. That means that you can have a kitchen and a third floor.

Commission Norkus-Crampton: Thank you. I think I understand.

Peter Kim: There is a second one. The physical form was changed.

Kurt Madsen (2510 Lyndale Ave S) [not on sign-in sheet]: I'm not strongly opposed but a few things about the development concern me. Snow removal is one of those. These properties were acquired by people who wish to build on this site and as many letters to the city that I have read indicate there is little or no maintenance done over the last five years or so. It's kind of become an eyesore in the neighborhood. Although the developers have letters of support, what neighbor wouldn't want the lots nearby to be developed and look better? I feel that is some kind of ploy to build support for this development. For me it's difficult to trust the people who maybe let these lots crumble when they could have been renovated into the character of the existing houses. Today I went to Star Tribune to look for rental units in Lake Calhoun and there were 475 rental units available. I guess I would ask if it's truly in the public interest to create more units in the area. It seems that the need is for more affordable housing and that's not necessarily what this is. I would like to know why the recommendation of the neighborhood association was disregarded. Specifically, I go to a letter written by Stephen Benson who spoke earlier who said that it took hundreds of people, they agreed on zoning for the parcels as detailed on the website and discuss at neighborhood meetings with CPED staff and it took over two years. They have agreed on a mutual plan for the parcel. What's the point of developing a plan and community input if the next council person or CPED staff immediately dismisses the plan?

President Motzenbecker: I think we get the idea. We have a lot of opposition to this so I am going to close the public hearing. Ok. I will allow two more but we need it succinct and to the point please.

Jim Gray (2101 Hennepin Ave S) [not on sign-in sheet]: I am one of the persons that's proposing this. One important thing for us was the city did do that, I believe it was called the 40 Acre Survey of the rezoning in the area. Even though the whole program is not implemented, it did recommend that this area be rezoned. We went to the neighborhood with a project that was about

21 units about a year or year and half ago. We listened to what they wanted. They wanted something that conformed to their neighborhood. We went back and met with them again and it sounded like everyone really liked the project as it was. It came back that it was [tape ended]. My last thing is that I bought the vacant lot and the third duplex about a year ago. We did not run these into the ground. I would call them some bad teeth in the neighborhood, but I would also say that they need to be pulled. Since we changed our plan we do have to go through the snow removal. We have dealt with the city before and have come up with very satisfactory ways to solve these problems. Thank you.

Walid El-Hindi (4706 Nicollet Ave S) [not on sign-in sheet]: I am with Room Inc Architects. I am going to mention a couple of things that I think are of great importance to this. I've highlighted here in yellow two verses from the Lowry Hill East Rezoning Study and this is back in July of 2004. It highlights in the first paragraph that in the first draft Planning staff identified all the properties on the east side of Aldrich in between 24th and 28th within a half of block of Lyndale for an R4 designation. That decision followed commercial corridor policies pertaining to housing growth, but it also acknowledged existing development patterns and zoning. I would also like to highlight the second portion that is highlighted where it says "Lyndale Avenue, Hennepin Avenue and Lake Street are designated as commercial corridors" and that "TMP policies related to commercial and community corridors support additional development in general and housing growth specifically". These are two points that I just wanted to highlight. We did meet with Amanda Arnold who I see in the crowd today and we talked about this project. I believe that when there is a commercial corridor you want to support that commercial corridor. One other thing I want to mention in regards to some of the issues that came up in terms of access and entry. We did have a secondary entrance from Aldrich with a sidewalk that comes back to that unit but we did remove it based on the city's recommendation to remove it so it doesn't affect the neighbor to the south. We also are willing to work with city staff and Public Works to make sure that snow removal issues are being taken care of. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Huynh: I think this is a very difficult issue as far as what we should do for this area. Keeping in mind that Lyndale is a commercial corridor and we want to be able to support all of the activity that is occurring on a commercial corridor and seeing that the project is respecting in terms of the height and character of the neighborhood. It's using high quality building materials and also looking at not repeating the torn down homes in the neighborhood. The project does a great deal of supporting the neighborhood in terms of respecting the height and I think it would benefit the neighborhood in terms of allowing a little higher density but not so much that I believe would alter the area. There are existing R6 districts and I know that some of these R6 districts may have been existing and that the neighborhood is looking at keeping the neighborhood at R2B but I believe that these three lots with rezoning it up to R4 will not be detrimental to the area. I believe that this project will actually support the local area.

Commissioner Norkus-Crampton: In looking at this site plan and looking at where... I didn't look very closely at the original proposal, but I think there are some things that I am still not quite sure about. The entrances up and down and all that stuff, but in general, I think there was an attempt to match the scale of the buildings around it to allow for light to go through the center of the building to the house next door. The U-shape gives light to the windows. I walked around that site today to see the placement of the windows and the houses around it and then the shorter building on the southeast side to allow more light and air to the neighbors. I think there has been

a lot of sensitivity to try to add a newer development within...using the materials of the buildings around it, using the scale as a guide. My only concern... so I do want to applaud because I think this group obviously heard the neighborhood and heard some of the concerns and tried to address those. The issue is R4 and I really wish we had an R3B. I don't know why we go from 35 feet to 56 feet. Why do we have to make that jump? I understand the concern about density. If you have three triplexes in a row, there are parts of my neighborhood that would have that. I don't think that's a really radical use of space or a radical density of space. What ends up happening is that you get the R4 and then there's an option to go to 56 and then that precedent is set for everything else. I looked at some of those R6 buildings over there and they're not that nice. I see where people are coming from on this. If we do decide to approve this project based on the validity of this project and this site which we are being asked to do, then the onus would be on us and the city to uphold the character of the area and even though it's labeled R4 I don't see any reason... I think this is a good example of how to increase density in an existing site that shows a lot of respect for the surrounding stuff but if we start saying "well if we give these guys R4 then it's all R4 and 56..." and there's really nothing we can say to stop that at this point. Then the pressure is going to be on the city and us to do that, but I think that there are some opportunities here. I appreciate that these guys have been really trying to engineer this space and try to make the most use of a space in a way that tries to respect the neighbors, respect the light, and respect all this stuff. I need a huge promise that if you guys get R4 then all of the sudden the value of the property goes sells and we're off to the races and then you'll come back to us and you'll here about it. I really hope that... I understand the qualms of the neighborhood. I think this particular project is a good project.

Commissioner LaShomb: I guess I have been on the Planning Commission almost five years. This community is the only community in my time on the Planning Commission where as a group Planning Commissioners went down and walked through the community and I'm trying to remember when that was. I remember doing down on a fall afternoon with a fellow Commissioner and we walked up one side and walked up the other side. We did every street all the way from Lyndale to Hennepin. It was interesting because we had the then City Council member involved in the process and we had the previous City Council member involved in the process. They both had brilliant ideas about how this ought of work. I remember coming to the conclusion that I didn't know what to believe about this. I kept praying in my heart of hearts that there would be a community study that would set a pattern for us that would say this is how it's supposed to work. The problem with "the wedge", if you will, is that it's extremely close to downtown which makes it a potentially high density area. It's got two significant commercial corridors on each side. It's already got a pattern of zoning that's all over the boards. If you just look at the map you see OR1, R6, C1, R5 and R5. The thought when someone said "we're going to try to make the core of this thing R2" was that they're going to make a bunch of buildings illegal in the property. You're not going to tear down apartment buildings to do single family homes down there. This is a mixed neighborhood to a large degree. In fact, someone told me there are still rooming houses in the wedge. I don't know if that's true or not. I was shocked. I didn't know we had rooming houses in Minneapolis anymore. It's really hard to know how this area ought to look. The fundamental question to me is, what are you trying to achieve in the zoning? I think the problem with the difference of opinion between the neighborhood and the city is that the city has made a substantial investment in those corridors, in Lyndale and in Hennepin. We recognize that "the wedge", if you will, is close to downtown and that it's basically a walk, or bike ride or short bus trip. When I look at this I look at projects that support the major infrastructure and do minimal damage to the community because the damage was done a long time ago. There are some pretty large buildings and they're not going to disappear. I

guess my feeling is that this project came down from 21 units to nine; I think that's pretty good. It's replacing two duplexes that had four residences combined so that means you're adding five. You're putting parking underground for most of this. You're going to have 13 or 14 spaces. This project seems to be a reasonable fit and kind of meets the city standards for how you ought to deal with corridors like Lyndale and Hennepin. I guess I can understand a fear that somehow the ball is going to start rolling, but the ball has been rolling in the wedge for a long, long time. I wish there had been an agreement that set a pattern; an agreement between the community and the city. No one's made the motion so I am going to make a motion that we approve the rezoning for those reasons (Tucker seconded). This is the most complicated neighborhood in Minneapolis. It's got to be because I don't believe anyone else goes through the kind of challenges of a neighborhood like the wedge.

Commissioner Schiff: I appreciate the thoughts expressed by my fellow Commissioners. Most of these applications that we look at on our agenda... today was no different than the normal Planning Commission agenda, I think three fourths of our agenda is normally on the consent agenda, we agree with them unanimously and there's no dissent in the community and then there's the remaining 25 percent that we discuss. This is one that I am right down on the line on. I could go either way on this because I hear the neighborhood's concerns about precedence. I remember walking down this block the first time we had the zoning study. This was not a block that I would say should be upzoned wholesale to R4. Then I look at this model and this design and it's got to be about as good as you could do it. If you had a burned out building, if you had a vacant lot... the fact that 2500 Aldrich is sitting right across the street, across the street is not something we can ignore. This three story, 1960s era building has already affected the block. This will do so in a much better way than that building did. This corner is unique. I couldn't support a rezoning in the middle of this block and certainly not in the middle of the neighborhood. We had these debates back in the rezoning study was Lyndale the corridor and did that corridor extend to the alley or did it extend all the way to the end of the block? We never resolved it and we never got to a plan for the neighborhood that we could conclude was a good plan. I am on the fence on this one. I am particularly troubled by the ninth unit. I don't think that's a good precedent for the shape of this building. The rest of it reflects the street. The ninth unit just reflects the need to get more density and make a project work. I don't think that foretells well for how this project should reflect its neighbors. Without committing to any R4s in the rest of the neighborhood in the future because I do think this is such a diverse neighborhood block by block, it is so situational, it has so many different aspects and 2500 Lyndale is a historic, gray, beautiful building that shows how attached housing has been part of the heritage of this neighborhood for such a long time. I think this building is about as best as you could do if you're going to do a project of this type.

Commissioner Tucker: I seconded this with a slight reluctance because rezoning is forever. You put in an R4 there and this project may fail and something else could go in and put their four stories in, that's what you're saying. On the other hand, this is a good place to up the density of the city a little bit. I think that if we specify that this is rezoning a corner property with a street going directly to the commercial corridor, in this case Lyndale, we protect ourselves a little bit. I think Commissioner Schiff said he wouldn't do it mid-block and I would certainly second that. I think we want to grow our city not by keeping everything low density everywhere and then every so often putting a high-rise in some spot. We need fairly low rise, mid density buildings and I think this is an excellent example. I can only hope that the plan as presented does get built.

President Motzenbecker: Thank you. I agree with what my colleagues have said. We do have a history of a recognized property owner who has numerous buildings that have upheld so that history is good for this project. There might be a precedent to say that the ninth unit maybe could be an abstraction of a carriage house idea. It is kind of in the back, but a lot of carriage house options have to move through the site too to get to the back and maybe there is an option of kind of reworking that access point somehow. I do applaud the idea of the parking court. I think that's a fantastic idea to keep cars off the street to give everyone a parking space and to make it a space that is much more comfortable and beautiful for the people who live there as opposed to just being a hard core parking asphalt space. I think our charge here is that we really need to uphold the character of the neighborhood and with this density, as has been mentioned; it's not an extreme explosion over what is currently there. I think if we're going to do it, this is the appropriate place to do it. You're a half block off of Lyndale. The cars aren't even going to go, as far as I can see, to Aldrich. They will go to the alley and then into the parking court so they will barely even move into the neighborhood.

Commissioner Norkus-Crampton: I just had one other thing I wanted to add. As far as the scale and stuff goes, I mean, that is something I am very sensitive to because I think shadowing, it really deteriorates and could deteriorate the experience for the neighbors as well as the people on the street. I was over there today around 1 p.m. so the sun was pretty much at a good angle so I could see where things were. At that time of day it was about halfway across the street and there is kind of a tower that sticks up. It's not scientific; they didn't do a shadow study. At least on the scale level as proposed as far as light, air and things like that, it's not going to be affecting the neighbors who would be most logically to be affected by it. It didn't appear like that would be a problem.

President Motzenbecker: It was mentioned that the height is the same of what a two-story duplex house could be so the height really is similar to what is existing. All those in favor of rezoning to R4? Opposed?

The motion carried 6-0 (El-Hindi recused).

Commissioner LaShomb: I will move the conditional use permit (Tucker seconded).

Commissioner Schiff: I am not comfortable with the ninth unit and I just want some of the thoughts on it from my colleagues. The fact that the compatibility with the house next door, this unit is facing the back yard. I don't think it makes a good neighbor in that regard. I don't think, particularly when we're doing infill development on a corner that this is the kind of treatment we want to give to a single family house or a detached house that has a back yard.

Commissioner Tucker: A reminder of the bungalows we approved opposite Saint Anthony Padua Church in northeast on Main Street. They have entrances going on in back. It's a little more direct than this one. There are also the townhouses further northeast. There was a Julie Snow and they came down either side and around the back so we have various projects where you do have these little walkways getting to that extra unit.

Commissioner Schiff: Ms. Snow can do no wrong so I don't know if that's a good example.

Commissioner LaShomb: [not on mic]...up to eight units, but I guess I'm not understanding the problem so it's not working for me. Is the issue that if someone's entrance to the unit is facing

somebody else's property across the yard or alley that there's something fundamentally wrong with that? If it is, what is it that's fundamentally wrong with it? I just can't quite figure out what it is that's causing the rub on this one because I don't see the rub because we have all sorts of back doors in the city of Minneapolis that face into other people's yards. If you've got a good argument, I can make the architects stomach burn by saying 'let's do eight', but I just don't know.

Commissioner Schiff: It's simply being a neighbor and whether or not someone's unit should enter into the back yard of someone else's unit. If there were two buildings that went all the way to the alley next door to each other you would have that character, but here you're interjecting a u-shaped building with that straight line going all the way along to the back of an adjacent yard. Maybe I am just being oversensitive about the neighbor, but I am thinking about precedent a little bit here and thinking about urban form, light and air. That's my problem with the ninth unit, but maybe it's just me.

Commissioner LaShomb: I don't know where people are on this so I am going to find out. I am going to move. I'm going to amend the conditional use permit to make it eight residential dwellings and if that passes then it's going to be eight. If it doesn't pass then we'll know it's going to be nine. We ought to just decide it and get on with it. I'm getting the point, but I am just not...

President Motzenbecker: We have a staff comment.

Staff Farrar: There actually is no entrance facing that interior yard of the adjacent neighbor. That's been removed. The site plan is updated. The site plan and elevations have been updated, but there are a couple of additional diagrams that we didn't have updated. The reason that was removed is that it was deemed a principal entrance. Principal entrances require 15 feet along the interior sideyard and that was one thing they were unable to accomplish. It would have shrunk, essentially, the size of the building even more and made it probably very difficult for other spaces that didn't meet that 22 foot maneuvering to actually be able to maneuver. The way it was designed is that it would actually be entered... the principal entrance for that ninth unit would actually be off the entry court at the interior of the site and not at the interior sideyard.

Commissioner LaShomb: So you think Commissioner Schiff's concern is now moot?

Staff Farrar: I just wanted to clear that up so we didn't have a misconception about where the entry is on that.

Commissioner LaShomb: So his concern is now moot? Alright, Commissioner Schiff, is your position moot?

Commissioner Schiff: I think the fact that it's not someone's front door helps significantly with some of the issues I'm talking about. As far as light and air and the others... forgive me, from the public hearing I can't remember who lives at 2511 and what their positions are on the project, but my concern is still about what we consider good infill.

Commissioner LaShomb: Ok. I am going to leave it at nine and if nine passes, it passes.

Commissioner Tucker: I was going to ask that it be left at nine and see how it works. I have no problem with nine. If that fails we can always try eight.

President Motzenbecker: Ok, there it is. We're looking at nine units on the CUP. All those in favor? Opposed?

The motion carried 5-1 (El-Hindi recused).

Commissioner LaShomb: I will move variances C – F (Tucker seconded).

Commissioner Tucker: You're noting that it's a variance to three feet rather than zero as requested on D?

Commissioner LaShomb: If that needs to be corrected I'd accept the correction.

Commissioner Tucker: No, it's not a correction it's a staff recommendation that it be set back from the alley three feet rather than zero.

Commissioner LaShomb: That's fine with me.

Commissioner Tucker: The staff recommendation, I agree.

Commissioner LaShomb: So I will move the staff recommendations on the variances from C – F.

President Motzenbecker: All those in favor? Opposed?

The motion carried 6-0 (El-Hindi recused).

Commissioner LaShomb: I'll move the site plan.

Commissioner Tucker: I think we should at least add one condition, condition five, to 'the applicant work with staff to produce an acceptable snow storage or snow removal plan'.

Commissioner LaShomb: That's fine.

President Motzenbecker: Those in favor? Opposed?

The motion carried 6-0 (El-Hindi recused).

