

# **DRAFT FINDINGS OF FACT AND RECORD OF DECISION**

## **ENVIRONMENTAL ASSESSMENT WORKSHEET**

### **Bennett Lumber Site Redevelopment**

**Location:** West Parcel: 2812, 2828 Emerson Avenue S., and 1209 28<sup>th</sup> Street W., Central Parcel: 2820 and 2828 Dupont Avenue S., East Parcel: 2821, 2825 Dupont Avenue S. and 2820, 2824, 2828, and 2836 Colfax Avenue S., City of Minneapolis, Hennepin County, Minnesota.

**Responsible Governmental Unit (RGU):** City of Minneapolis

	<b>RGU</b>	<b>Proposer / Project Contact</b>
<b>Contact persons</b>	City of Minneapolis - Becca Farrar	RLK, Inc. - John Dietrich
<b>Title</b>	Senior Planner	Project Manager
<b>Address</b>	250 S. 4th Street Room 300, Public Service Center	6110 Blue Circle Drive, Suite 100
<b>City, State, ZIP</b>	Minneapolis, MN 55415	Minnetonka, MN 55343
<b>Phone</b>	612-673-3594	952-933-0972
<b>Fax</b>	612 673-2627	952-933-1153
<b>E-mail</b>	<a href="mailto:rebecca.farrar@ci.minneapolis.mn.us">rebecca.farrar@ci.minneapolis.mn.us</a>	<a href="mailto:jdietrich@rlkinc.com">jdietrich@rlkinc.com</a>

**Final action (refer to Exhibit D):** Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for the above project, the City of Minneapolis concluded the following on May 13, 2011:

1. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Bennett Lumber Site Redevelopment were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (2009).
2. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
  - Type, extent, and reversibility of environmental effects;
  - Cumulative potential effects;
  - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
  - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal and cannot be relied upon as an indication of such approval. This finding allows the

proposer to formally initiate the City's process for considering the specific discretionary permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this site.

Consequently, the City does not require the development of an Environmental Impact Statement (EIS) for the project.

## **I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION**

The City of Minneapolis prepared a Mandatory Environmental Assessment Worksheet (EAW) for the Bennett Lumber Site Redevelopment according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Rule 4410.4300 subpart 19, Residential Development (D) - Greater than 375 attached residential units. Exhibit A includes the project summary, and Exhibit B includes the Record of Decision.

## **II. EAW NOTIFICATION AND DISTRIBUTION**

On March 7, 2011, the City published the EAW and distributed it to the official EQB mailing list and to the project mailing list. The EQB published notice of availability in the *EQB Monitor* on March 7, 2011, as well. Exhibit C includes the public notification record and mailing list for distribution of this EAW.

## **III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION**

Exhibit E includes the comment letters received. The Zoning and Planning Committee of the Minneapolis City Council considered the EAW and the draft of this "Findings of Fact and Record of Decision" document during its May 5, 2011, meeting. Notification of this Zoning and Planning Committee public meeting was provided with the EAW and to all persons or agencies commenting on the EAW.

## **IV. SUBSTANTIVE COMMENTS / COMMENTS RECEIVED AND RESPONSES TO THESE COMMENTS**

The City received eight (8) written comments during the public comment period from the following:

1. Minnesota Department of Transportation, March 14, 2011
2. Resident – Thatcher Imboden, April 3, 2011
3. Residents – Kathleen & Kurt Kullberg, April 5, 2011
4. President of the Midtown Lofts Condominium – William Casey, April 5, 2011
5. Metropolitan Council, April 5, 2011
6. Minnesota Pollution Control Agency, April 6, 2011
7. Midtown Greenway Coalition – Tim Springer, April 6, 2011
8. Minnesota Historical Society - SHPO, April 6, 2011

The following section provides a summary of these comments and responses to them (Exhibit E includes the complete comment).

### **1. Minnesota Department of Transportation**

**Comment:** No formal comment.

**Response:** Noted for the record.

2. **Resident – Thatcher Imboden**

**Comment:** Support for increased density of approximately 710 units for the three parcels. The correspondence encourages the inclusion of a publicly accessible promenade along the southern edge of all properties for a transportation corridor.

**Response:** Noted for the record.

3. **Residents - Kathleen & Kurt Kullberg**

**Comment:** Stated concern regarding the rezoning and the proposed height outlined in the EAW. The project should comply with the objectives outlined in the Uptown Small Area Plan (USAP).

**Response:** Noted for the record. The USAP is an area wide planning document which provides guidance for land use and development in this area of Uptown. A description of the USAP is provided in Question 27, Item B, of the EAW. The USAP is one of the planning documents which will be considered as the project is evaluated for the needed land use approvals. Each phase requires separate land use approvals.

**Comment:** Concerns were also stated regarding traffic and parking impacts.

**Response:** Noted for the record. Traffic and parking impacts of the proposed project are addressed in Question 21 of the EAW. The parking proposed for the project exceeds the amount of parking required by the Zoning Code. Results of the operational analyses in the Traffic Impact Study indicate that most study area roadways and intersections will continue to operate acceptably without roadway improvements for the Build scenario, assuming the City updates and implement optimized signal timings within the study area on a regular basis. The Traffic Impact Study concludes that 2015 Build scenario traffic impacts can be mitigated through travel demand management strategies developed for each project phase.

4. **President of the Midtown Lofts Condominium – William Casey**

**Comment:** Several questions pertaining to traffic impacts in Question 21 of the EAW including: which particular streets / avenues are involved; which streets / avenues might be in danger of not continuing "to operate acceptably" and what kind of remedies might be available; how about the streets along the north side of the Greenway, from Aldrich to Girard and south of 28th Street; in 2015, what will the aggregate increase of trips per day amount to and would there be any serious peak-hour congestion especially along one-way 28th Street; what would the overall total increase in trips be for the area noted.

**Response:** Noted for the record. The Traffic Impact Study for the Bennett Lumber site involved analysis of six signalized intersections, as a result of direction given by the City of Minneapolis (shown on Figure 5 of Traffic Impact Study). The streets that were analyzed included 28<sup>th</sup> Street West, Lagoon Avenue, Lake Street, Hennepin Avenue, Emerson Avenue and Dupont Avenue.

2010 No-Build traffic data has assumed the following developments as being complete: Lumen on Lagoon, Midtown Lofts, Tract 29, Blue Apartments, and The Murals.

2015 or Future year analysis includes the five developments included in the 2010 No-Build scenario plus the 710 units of the Bennett Lumber project, Calhoun Square Redevelopment, Mozaic, Acme Tag (Flux), 1412 Lake Street, and 2900 Lyndale as being complete. These developments added to the 2010 Base Line Data were analyzed for the build condition.

Emerson and Dupont were also analyzed under the “Build” condition adjacent to the proposed garage access points for the development. The addition of the Bennett Lumber Site Redevelopment to the other proposed developments on Emerson and Dupont were not detrimental to the level of service for the respective streets. The purpose of these analyses was to determine the impacts anticipated by the Bennett Lumber development onto the background/area wide traffic. Figure 7 of the Traffic Impact Study identifies the AM and PM Peak Hour trips generated by the development. In all, there will be very few (25 or fewer) project related new trips per hour in any one movement along 28<sup>th</sup> Street, Hennepin, Lake Street or Lagoon. The models show no diminution of levels of service along 28<sup>th</sup> Street in either the AM or PM peak hours as a result of the Bennett Lumber Site Redevelopment.

The projection of 2,876 trips per day is for full build-out of Bennett Lumber. The increase of traffic at the studied intersections between the 2010 “Existing Volumes” and the 2015 Build Volumes can be seen by comparing figures 3 and 8 of the Traffic Impact Report.

**Comment:** Implications of parking on the immediate area as a result of the proposed development.

**Response:** Noted for the record. Parking impacts of the project are addressed in Question 21 of the EAW. Additional analysis will be provided as each individual phase provides a Travel Demand Management Plan.

## 5. Metropolitan Council

**Comment:** Sanitary sewer facilities – permits are required to construct the sanitary sewer service facilities to each phase of the proposed project. Detailed plans must be submitted to Metropolitan Council Staff for review, comment and permit issuance.

**Response:** Noted for the record.

**Comment:** The Record of Decision Document will need to be revised to include the preparation of a Land Use Comprehensive Plan Amendment for submission to the Metropolitan Council for review.

**Response:** Noted for the record. This application type has been added to the list of types of applications that may be needed for the proposed project. The status of the approval needed will be “as required.” If upon review of an actual project it is determined that an amendment to the City’s Comprehensive Land Use Plan is necessary, it will be prepared and submitted to the Metropolitan Council for review.

**Comment:** The project would result in an additional demand of 194,500 gallons of water per day on the Minneapolis public water supply system. Please provide brief background information.

**Response:** Noted for the record. It has been anticipated that the former industrial properties upon which the phased development is proposed, would transition to high density housing. The anticipated 194,540 gallons of water usage projected for this phased project would replace the water usage previously utilized by the industrial properties. The source of water for the City of Minneapolis is the Mississippi River and the series of trunk water mains interconnected throughout the City. The City of Minneapolis has reviewed the East parcel in a Preliminary Development Review meeting; the water usage was not identified as an area of concern. Should the remaining phases be constructed, each project will independently be subject to the Preliminary Development Review process; any concerns pertaining to water usage would be identified during that review.

**Comment:** Request that further detail of the proposed stormwater runoff controls (at least those currently designed for incorporation on the East Parcel) be included in the Record of Decision Document.

**Response:** Noted for the record. See responses to MPCA comments below.

**Comment:** Request that the Record of Decision Document clarify the parking structure design to indicate the number of parking structure levels and structure depth planned on the East Parcel. The document should indicate whether dewatering of the site will be necessary and if so, the means to dispose of the groundwater.

**Response:** Noted for the record. It is anticipated the East Parcel will have two levels of structured parking to be placed below grade. The excavation is proposed to be approximately 20 to 22 feet below the surface, which will remove the perched water table on the site. Based on the soils report it is not anticipated that de-watering will be necessary for the parking garage excavation. If de-watering is necessary, the proper permits will be applied for by the developer.

**Comment:** Best management practices should be utilized to minimize the potential for infiltrating stormwater in areas of the site that would mobilize soil contamination.

**Response:** Noted for the record.

**Comment:** Recommendation to add two bus routes, modify description of previously identified route, alter references to the Southwest LRT line, and encourage discounted transit passes.

**Response:** Changes to transit routes and schedules are noted for the record. Modifications to Figure 4 of the TDMP and the service descriptions will be made upon final submittal of the TDMP as part of the formal Land Use Application.

**Comment:** Consistency with the Comprehensive Plan and the need for a Comprehensive Plan Amendment should be communicated consistently throughout the EAW (specifically Items 27 and 8).

**Response:** Noted for the record.

## **6. Minnesota Pollution Control Agency (MPCA)**

**Comment:** Preliminary information on the underground stormwater chambers should be provided in the EAW to assure that the treatment can be located and constructed on the site and that the treatment will mitigate the impacts of stormwater from the proposed project.

**Response:** Noted for the record. . The stormwater management design for the Bennett Lumber East Parcel is designed per City of Minneapolis Chapter 54 stormwater requirements. These requirements consist of reducing the peak flows and overall runoff volumes to below existing rates and capturing the runoff from the 1.25" storm event. Capturing the runoff from the 1.25" storm event will provide a reduction of approximately 70% in total suspended solids leaving the site. The stormwater system will consist of open-bottom underground stormwater storage chambers that will allow for infiltration into the site soils. Runoff will first be routed to an isolation row which filters out sediment by means of a geotextile fabric prior to infiltration into the underlying washed rock base and site granular material. Once through the geotextile filter, the underlying rock base allows area runoff to migrate between rows of the chambers, allowing for the system to be in hydrological equilibrium. The system will use a raised outlet to completely contain runoff from the 1.25" and 2-year storm rainfall events for the area draining to the system. A Stormwater Report has been submitted to the City for the East parcel and the design has received preliminary approval. Additional project phases shall be reviewed during the formal land use application process.

**Comment:** If the site will require any dewatering for construction, the EAW should also discuss the need for treatment of the dewater before it is discharged.

**Response:** Noted for the record. Based on the soils report it is not anticipated that de-watering will be necessary for the parking garage excavation. If de-watering is necessary, the proper permits will be applied for by the developer.

**Comment:** Please clarify that no stormwater runoff from either the construction activity or from the post construction operation will flow into Lake of the Isles.

**Response:** The existing municipal storm sewer from this project connects to the Lake of the Isles, approximately one half mile away en route to the Mississippi River. Lake of the Isles is an impaired water and precautions will be taken to improve the water currently emanating from this site, in both the construction and permanent condition. The design incorporated on the East Parcel has utilized the MPCA Protecting Water Quality in Urban Areas. Both temporary and permanent erosion control measures have been incorporated in the above plan. Temporary measures include rock construction entrances being placed prior to and during construction for the main entrance, along with inlet protection around all existing and proposed outlets and structures. Silt fence will be used to surround portions of the site to ensure containment of siltation during the construction phase. Permanent BMP's include the aforementioned underground storage system and landscape areas. The construction Stormwater Pollution Prevention Plan (SWPPP) will incorporate measures for erosion control and site stabilization due to stormwater runoff flowing to an impaired water-Lake of the Isles.

**Comment:** MPCA advocates for the use of Low Impact Design (LID) practices.

**Response:** Noted for the record.

#### 7. Midtown Greenway Coalition – Tim Springer

**Comment:** If a stairway connection into the Midtown Greenway is to be provided from the east side of Dupont Avenue, it should be identified in the EAW.

**Response:** A public stairway at Dupont Avenue is not proposed as part of the project.

**Comment:** Include reference to transportation resource as noted.

**Response:** Noted for the record.

**Comment:** Comment regarding why trips generated in traffic analysis refer only to automobile trips.

**Response:** Noted for the record. The primary purpose of the Traffic Impact Study is to assess vehicular impacts. The Travel Demand Management Plan which will be required for each phase of the proposed development will evaluate alternative transportation opportunities applicable to the proposed development.

#### 8. Minnesota Historical Society – SHPO

**Comment:** The correspondence from SHPO does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 or the Minnesota Historic Sites Act. If any phases of the project are considered for federal or state assistance or require a federal or state permit or license, the project should be submitted to SHPO with reference to the assisting agency.

**Response:** Noted for the record. State and/or Federal funds are not anticipated to be utilized for this project.

## **V. ISSUES IDENTIFIED IN THE EAW**

Two significant environmental impacts and issues were identified in this EAW; the potential impact on the resources of the National Register Chicago Milwaukee and St. Paul Railroad Grade Separation historic district, and the consistency of the proposal with local comprehensive plans and zoning regulations.

## **VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA**

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subp. 6 & 7) require the Responsible Governmental Unit (RGU), the City of Minneapolis in this circumstance, to compare the impacts that may be reasonably expected to occur from the project with four criteria by which potential impacts must be evaluated. The following is that comparison:

### **A. Type, extent, and reversibility of environmental effects:**

The environmental effects identified in the EAW and within the comment letters are visual, localized, and can be mitigated through the City's land use application process. The identified effects are reversible until the potential final discretionary approvals of each phase of the proposed project are granted through the City approval process. Each phase will require City approvals including but not limited to the Heritage Preservation Commission, Planning Commission, Zoning and Planning Committee and City Council.

### **B. Cumulative potential effects:**

The issues identified in the EAW shall be resolved via the City's land use approval process on a project by project basis.

### **C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority**

The City has discretionary authority through its land use approval process, and the City and State have authority through the permit approvals required for this project to address, mitigate or avoid the environmental effects identified in the EAW and the comment letters.

### **D. Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs:**

The construction of additional residential structures in this area follows many precedents, and is a known event with known effects.

## **VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT**

Based on the EAW, the "Findings of Fact and Record of Decision" document, and related documentation for this project, the City of Minneapolis, as the (RGU) for this environmental review, concludes the following:

1. The Environmental Assessment Worksheet, the "Findings of Fact and Record of Decision" document, and related documentation for the Bennett Lumber Site Redevelopment were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (2009).
2. The Environmental Assessment Worksheet, the "Findings of Fact and Record of Decision" document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.

3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
  - Type, extent, and reversibility of environmental effects;
  - Cumulative potential effects;
  - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.
  - Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, including other EISs.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City’s process for considering the specific discretionary permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this site.

Consequently, the City does not require the development of an Environmental Impact Statement (EIS) for the project.

**Exhibits:**

- A. Project Description
- B. Environmental Review Record
- C. Public Notification Record
- D. Council/Mayor Action
- E. Comments Received

## EXHIBIT A

### Project Description

The three parcels of the project site total approximately 5.6 acres of developable property. The project will be developed in phases and each parcel will be taken through the design and approval process independently. The project area encompasses portions of the three blocks bounded by Colfax Avenue South, the Midtown Greenway, Fremont Avenue South, and West 28<sup>th</sup> Street (See Figures 2.0 and 3.0). Development of the parcel between Colfax and Dupont Avenues (East Parcel) is planned for construction in 2011 - 2012 with 230 units. The Central Parcel between Dupont and Emerson Avenues and the West Parcel between Emerson and Fremont Avenues will be developed in the future as the market supports and may add approximately 480 units. There is no time frame for the Central and West Parcels at this time. Refer to Figure 4.0 for a site plan of the project.

The East Parcel encompasses approximately 78,800 square feet of private property (1.8 acres) and an existing 12-foot wide, concrete public alley (approximately 2550 SF) that dead ends in the middle of the parcel. The redevelopment of the East Parcel will include up to 230 residential units in a building that ranges in height from 6 stories or 68 feet on the south end of the parcel to 4 stories or 54 feet on the north end (See Figure 4.0). The parking for the East Parcel will be provided in an underground garage which will have approximately 242 stalls and access and egress on Dupont Avenue.

As proposed, the dead end alley will need to be vacated and rerouted to Colfax Avenue. Public Works and Planning Staff shall review said vacation application in conjunction with the other land use applications needed for the site once applications have been formally submitted. Each parcel will be an individual project. Each project will require removal of the existing structures, excavation for below grade structures and construction phasing to build the structure with defined limits of construction within a developed urban neighborhood. Each parcel will have permanent underground stormwater chambers designed to meet the City and Watershed's requirements for water quality and rate control.

There are no plans or schedule for the redevelopment of the Central or West Parcels at this time. At the time of redevelopment all buildings in the Central Parcel will be demolished. The Central Parcel square footage is approximately 82,700 (1.9 acres) that may be redeveloped with approximately 250 units in a U-shaped building with a courtyard opening to the south towards the Midtown Greenway. The building heights could range from 68 feet on the south end of the parcel to 64 feet on the north end (See Figure 4.0). An underground parking structure with approximately 270 parking stalls below grade would serve all residential units of the Central Parcel. The access to the Central Parcel is anticipated to be on Dupont Avenue South at the northeast side of the parcel, opposite the access to the East Parcel.

At the time of redevelopment all buildings on the West Parcel are anticipated to be demolished. The West Parcel is L-shaped and is the only parcel which extends all the way from the Greenway to 28<sup>th</sup> Street. This parcel is approximately 1.9 acres in size and may be redeveloped with up to 230 units. The proposed building heights could range from 68 feet on the south end of the parcel to 54 feet on the north end (See Figure 4.0). An underground parking structure with approximately 238 stalls would serve the West Parcel, with access anticipated to be on Emerson Avenue.

The proposed density, height, configuration and other proposed components of each development shall be reviewed on a case-by-case basis and are subject to final City review and approval.

**EXHIBIT B**

**Environmental Review Record for the Bennett Lumber Site Redevelopment EAW**

<b>Date</b>	<b>Action</b>
3/7/2011	City Staff distributes EAW to official EQB mailing list and Project List. EAW is posted on the City's website.
3/7/2011	Minnesota Environmental Quality Board (EQB) publishes notice of availability in <i>EQB Monitor</i> and the 30-day comment period commences.
4/6/2011	EAW public comment period closes.
5/5/2011	Zoning and Planning Committee (Z & P) of the City Council considers the "Draft Findings of Fact and Record of Decision" report, provides recommendation to the City Council.
TBD	City Council approves Z & P Committee recommendation and makes a finding of Negative Declaration: EAW is adequate and no EIS is necessary.
TBD	Mayor approves Council action regarding EAW
TBD	City publishes notice of Council/Mayor decision in <i>Finance and Commerce</i> .
TBD	City publishes and distributes Notice of Decision and availability of final "Findings" report to official EQB List and the Project List
TBD	EQB publishes Notice of Decision in <i>EQB Monitor</i> .

## **EXHIBIT C**

### **Public Notification Record**

The following describes the public notification process of the Planning Division for the Bennett Lumber Site Redevelopment EAW:

1. The City maintains an updated list based on the Official EQB Contact List. The list used for the Bennett Lumber Site Redevelopment EAW follows. All persons on that list were sent copies of the EAW. The Planning Division also distributes copies of the EAW to elected and appointed officials, City staff and others who have expressed interest in the project.
2. A notice of the availability of the Bennett Lumber Site Redevelopment EAW, the dates of the comment period, and the process for receiving a copy of the EAW and/or providing comment was published provided with each copy of the EAW and in the EQB Monitor and was provided to the City's Communications/Public Affairs office for notice and distribution.
3. The Planning Division distributed the Notice of Decision with information regarding the final "Findings" document to the Official EQB Contact List and the project list.
4. The EQB published the Notice of Decision in the *EQB Monitor*.

#### **Attached:**

Official EQB Contact List  
Project List

**EAW DISTRIBUTION LIST - 2011**

**STATE AGENCIES**

**Department of Agriculture** (1 copy)  
Becky Balk  
625 N. Robert St.  
St. Paul, MN 55155

**Department of Commerce** (1 copy)  
Susan Medhaug  
85 Seventh Place East, Suite 500  
St. Paul, MN 55101

**Environmental Quality Board** (1 copy)  
Environmental Review Program  
658 Cedar St., Room 300  
St. Paul, MN 55155

**Department of Health** (1 copy)  
Environmental Health Division  
Policy, Planning & Analysis Unit  
625 N. Robert St.  
St. Paul, MN 55155

**Department of Natural Resources** (3 copies)  
Steve Colvin-Twin Cities Field Office E.S.  
Environmental Review Unit  
500 Lafayette Road  
St. Paul, MN 55155-4025

**Pollution Control Agency** (3 copies)  
Craig Affeldt, Supervisor  
Env Review Unit – 4<sup>th</sup> Floor  
520 Lafayette Road  
St. Paul, MN 55155

**Department of Transportation** (3 copies)  
Jennie Ross  
Mn/DOT Environmental Services  
395 John Ireland Blvd., MS 620  
St. Paul, MN 55155

**Board of Water and Soil Resources** (1 copy)  
Travis Germundson  
520 Lafayette Rd.  
St. Paul, MN 55155

**State Archaeologist** (1 copy)  
Fort Snelling History Center  
St. Paul, MN 55111-4061

**LIBRARIES**

**Technology and Science** (2 copies)  
Minneapolis Public Library  
Attn: Helen Burke  
Government Documents, 2nd Floor  
300 Nicollet Mall  
Minneapolis, MN 55401-1992

**FEDERAL**

**U.S. Army Corp of Engineers** (1 copy)  
Tamara Cameron  
Regulatory Functions Branch  
190 Fifth St. E  
St. Paul, MN 55101-1638

**U.S. Environmental Protection Agency** (1 copy)  
Kenneth Westlake  
Environmental Planning & Evaluation Unit  
77 W Jackson Blvd., Mailstop B-19J  
Chicago, IL 60604-3590

**U.S. Fish and Wildlife Service** (1 copy)  
4101 American Blvd. East  
Bloomington, MN 55425-1665

**REGIONAL**

**Metropolitan Council** (NOTE: 5 copies IF the project is in the seven-county metro area)  
Review Coordinator  
Local Planning Assistance  
Metropolitan Council  
390 Robert St. No.  
St. Paul, MN 55101-1805

**OTHER**

**National Park Service** (1 copy)  
Stewardship Team Manager  
111 E Kellogg Blvd., Suite 105  
St. Paul, MN 55101-1288  
(If project is located within, or could have a direct impact upon, the Mississippi River Critical Area/ Mississippi National River and Recreation Area. This is a 72-mile stretch of river from the mouth of the Crow River at Dayton/Ramsey to the Goodhue County border.)

**Minnesota Historical Society (1 copy)**

345 Kellogg Blvd.  
St. Paul, MN 55102

**Indian Affairs Council (1 copy)**

Jim Jones, Cultural Affairs Director  
3801 Bemidji Avenue Suite 5  
Bemidji, MN 56601

**Bennett Lumber Site Redevelopment EAW - Project Mailing List**

Jim Gearen  
Executive Vice President  
Zeller Realty Group  
950 LaSalle Plaza, 800 LaSalle Ave  
Minneapolis, MN 55402

Dave Jaeger  
Henn. Co. Environmental Services  
417 N. 5th Street  
Minneapolis MN 55401

John Dietrich  
Project Manager  
c/o RLK Incorporated  
6110 Blue Circle Drive, Suite 100  
Minnetonka, MN 55343

Council Member Meg Tuthill  
Ward 10 – 307 City Hall

Walker Library  
2880 Hennepin Avenue  
Minneapolis, MN 55408

Minneapolis Central Library  
300 Nicollet Mall  
Minneapolis, MN 55401

Lowry Hill East Neighborhood Assn.  
Jefferson School, Room #107  
1200 W. 26th St.  
Minneapolis, MN 55405-3541

Uptown Business Association  
1406 West Lake Street  
Lower Level  
Minneapolis MN 55408

Midtown Greenway Coalition  
Attn: Tim Springer  
2834 10th Avenue South  
Greenway Level, Suite 2  
Minneapolis, MN 55407

CPED - Hilary Dvorak, Aaron Hanauer – Room 300 PSC

CPED - Amanda Arnold – Room 110 PSC

City Attorney's Office - Corey Conover - 210 CH

Public Works - Jim Steffel – 300 Border Avenue

Public Works - Heidi Hamilton – 203 CH

**EXHIBIT D**

**Council /Mayor Action** (to be added when the process is complete)

**EXHIBIT E**

**Comments Received on the Bennett Lumber Site Redevelopment EAW:**

1. Minnesota Department of Transportation, March 14, 2011
2. Resident – Thatcher Imboden, April 3, 2011
3. Residents – Kathleen & Kurt Kullberg, April 5, 2011
4. President of the Midtown Lofts Condominium – William Casey, April 5, 2011
5. Metropolitan Council, April 5, 2011
6. Minnesota Pollution Control Agency, April 6, 2011
7. Midtown Greenway Coalition – Tim Springer, April 6, 2011
8. Minnesota Historical Society - SHPO, April 6, 2011

**Farrar, Rebecca D.**

---

**From:** Goff, William (DOT) [William.Goff@state.mn.us]  
**Sent:** Monday, March 14, 2011 2:37 PM  
**To:** Farrar, Rebecca D.  
**Cc:** Sherman, Tod (DOT)  
**Subject:** No Comment - Bennet Lumber Redevelopment EA

Rebecca,

Thank you for submitting the Bennet Lumber redevelopment Environmental Assessment ("EA") for Mn/DOT review. Please be advised that after review of the EA, Mn/DOT has no formal comment.

If you have any questions, please do not hesitate to contact me at (651) 234-7797.

Sincerely,

William Goff  
Mn/DOT Senior Planner

3/21/2011

**Farrar, Rebecca D.**

---

**From:** timboden@ouruptown.com  
**Sent:** Sunday, April 03, 2011 8:37 PM  
**To:** Farrar, Rebecca D.  
**Subject:** Bennett Lumber Site comments

Becca,

I wish to respond to the public comment period for the Bennett Lumber site by stating my support for increased density of approximately 710 units for the three parcels. The redevelopment of these now underutilized parcels for higher density (+/- 120 du/ac) is appropriate given its location in the heart of the Uptown and Lyn-Lake markets, density of transit service, availability of developable land, incredible recreation and transportation infrastructure (such as the Midtown Greenway trail and chain of lakes), and a need for more housing in the area.

As these sites are redeveloped, I would like to encourage the City to require/encourage the developer to build a publicly-accessible promenade along the south edge of the property, even on the middle site that is at a different elevation than the street. The effectiveness of the promenade as a transportation corridor is reduced if users must detour significantly from the straight line that is being built along the north edge of the Midtown Greenway.

Thank you,  
Thatcher Imboden  
Uptown business person  
Kenny resident  
5845 Irving Avenue S  
612-810-6642

4/4/2011

**Farrar, Rebecca D.**

---

**From:** kullbkathy@comcast.net  
**Sent:** Tuesday, April 05, 2011 5:19 PM  
**To:** Farrar, Rebecca D.  
**Subject:** Bennett Lumber Site Comments

Kathleen and Curt Kullberg  
2437 Colfax Avenue South  
Minneapolis, MN 55405

Dear Becca,

I know I am at the last minute here but as a resident passionately devoted to Lowry Hill East and Uptown, I did not want the Bennett Lumber site project to go ahead without my comments.

As you may know, many hours and months were devoted by many volunteers and concerned residents to develop the Uptown Small Area Plan which established solid guidelines for future development in the 4 neighborhood communities surrounding the Hennepin and Lake business district. Much thought for the future was based on what current long term residents and even those that enjoy the benefits of living here for a short time experienced and why they chose to live here as opposed to Edina, for example.

We all love living here because of location to downtown and to the lakes, being within walking distance of outdoor activities and indoor dining and shopping. However, the historic charming 2 and 3 story homes built on tree lined streets mingled with the 3 story walk-up period apartments is what also draws residents. To that end the Uptown Small area plan was designed to maintain that ambiance and preserve all the best things of the local surrounding communities.

It was very important that height restrictions and design suggestions be laid out in that plan. Hundreds of hours were devoted to creating a document that would stand the test of time. So it is not a light thing that the Bennett Lumber developers are asking the residents to pass on. This is the first test of the Small Area Plan and my family is NOT in approval of the developer's plans to ask for a variance on zoning and height. The Plan was specific. We do NOT want high rise apartments. We do NOT want them to set a precedent for the next developer. We do NOT want to up-zone what was so carefully laid out.

We already have overcrowded streets. Outsiders come to park on our streets during the day to avoid parking downtown. The fine dining crowd comes in at night and crowds our streets. Adding more units than planned for will only add to the congestion, will force an increase demand on our police services, and the height will detract from our lovely historic district. We just experienced terrible parking conditions this past winter. 700 to 1000 more cars will totally have a major impact on our already crowded streets.

Eventually, if this plan is approved, the next developer will want to go higher because Bennett set a precedent. Residents of 2 and 3 story homes will be forced to move out. They will not want to be in the shadow of the 'modern highrise.' That leads to the lower property values, less owner occupied homes, and eventually the demise of the homes. That in turn will lead to

4/13/2011

more developers and to more high rises. Maybe that is viewed as good for Minneapolis taxes but NOT good for our historic neighborhoods.

So in short, we are opposed to the approval of the zoning and building variances that the Bennett developers want. They should stick with the Plan. We urge the City to deny the variances and to have them scale their design to the Small Area Plan. Otherwise, what was the point in creating the plan in the first place.

Sincerely,

Kathy and Curt Kullberg  
612-374-4456

4/13/2011

**Farrar, Rebecca D.**

---

**From:** William Casey [crnoda@qwest.net]  
**Sent:** Tuesday, April 05, 2011 8:30 PM  
**To:** Farrar, Rebecca D.  
**Cc:** Tuthill, Meg M.; Jerry Wendt  
**Subject:** Bennett Lumber Site: EAW

Dear <Becca Farrar>,

I appreciate your answering my several questions Monday morning. I am the president of the Midtown Lofts Condominium which, as you probably know, is across Colfax Avenue S. from the eastern-most part of the Bennett development property.

First, please send me a paper copy of the Worksheet if that's still a possibility. It might prove a bit easier to read than the web pdf (in this particular case), so I'm taking you up on the prior offer to provide it as hard-copy.

I have some doubts about item 21 of the Worksheet, "Traffic," on p. 11 of the worksheet. This section references a fair amount of data, invokes traffic modeling tools and then ends with a few generalizations that are neither instructive nor helpful.

1. The maximum daily traffic connected to development of the Bennett parcels is estimated as 2,876 trips. As the discussion proceeds, the model is said to have included data not only for the Bennett property but as well for 10 other projects (four built, others under construction, a few anticipated). The rest of the discussion deals with the No Build and 2015 Build scenarios — the result being, apparently, that no infrastructure changes will be required.

Results of the operational analyses indicate that most study area roadways and intersections will continue to operate acceptably without improvement for the Build scenario, assuming the City updates and implemented optimized signal timings within the study area on a regular basis.

When it states "most area roadways" which particular streets / avenues are involved? That is, which might be in danger of not continuing "to operate acceptably"? If these were identified, what kind of remedies might be available ?

And then, what about those streets along the north side of the Greenway, from Aldrich to Girard and south of 28th Street? The following projects /units are located within this limited six-block rectangle: 225 Track 29 units (partly built but the remainder to be approved this week), 72 Midtown Lofts units (existing), 237 Acme Tag units (under construction), plus the projected 710 Bennett Lumber units. (Total: Roughly 1250 units, only 100 of which actually exist at the moment.)

In 2015, what will the aggregate increase of trips per day amount to and would there be any serious peak-hour congestion — especially along one-way 28th Street where a large proportion of morning traffic is likely to be? The report, at the end of Item 21, merely re-states its 2,876 number of daily trip associated with the Bennett property.

What would the overall total increase in trips be for the area noted? Could it represent a problem?

2. AT the same time, there is no substantive discussion of parking and potential impacts on the immediate area. The estimated total project parking ratio for all of the Bennett property is noted as 1.07: Barely above the 1:1 threshold necessary a developer's 20% bonus. This presumably meets zoning requirements but with this many large-scale projects in such a small area, what will be the likely effects? An issue of this sort may extend beyond the scope of the EAW (I don't know), but there has been great concern expressed by property owners throughout all of LHENA as to the tremendous impact on area street parking north of the Greenway along Aldrich and Bryant Avenues and other streets, during the work day and overnight — especially since the Blue and the Murals apartment building came on line.

Yours truly,  
William Casey

View west from Colfax Avenue across Bennett Lumber property to Acme Tag project (crane) Dec., 2010

4/6/2011



April 5, 2011

Ms. Becca Farrar, Senior Planner  
City of Minneapolis  
250 South 4<sup>th</sup> Street  
Room 300 Public Service Center  
Minneapolis, MN 55415

RE: Environmental Assessment Worksheet  
Bennett Lumber Site Redevelopment  
Metropolitan Council District 6  
Metropolitan Council Review File No. 20845-1

Dear Ms. Farrar:

Metropolitan Council staff has reviewed the Environmental Assessment Worksheet (EAW) for the Bennett Lumber Site Redevelopment project located in Minneapolis, between Fremont and Colfax Avenues immediately north of the Midtown Greenway. The proposed housing project would redevelop three former industrial parcels on the 5.6-acre site into three independent residential facilities containing a total of up to 710 units.

Staff finds that the project raises no major issues of consistency with Council policies and an Environmental Impact Statement should not be necessary for regional purposes. The following comments are offered on the proposed project and should be addressed in the project's Record of Decision Document.

**Item 8 – Permits and Approvals Required**

In accordance with Minnesota Statute Section 473.513, at the time application is made to the Minnesota Pollution Control Agency (MPCA) for a permit to construct the sanitary sewer service facilities to each phase of the proposed project, a copy of the plans, design data, and a location map of the project will also need to be submitted to the Metropolitan Council. The Council's Environmental Service Municipal Services staff will need to review, comment, and recommend issuance of the construction permit by the MPCA before connection can be made to either the municipal or metropolitan wastewater disposal system.

The EAW indicates (Item 31, pp. 26-27) that the project as proposed is not consistent with the City's comprehensive plan and that a plan amendment will be needed. The Record of Decision Document will need to revise the listing of permits and approvals needed under this *Item* for all phases of the project as proposed, to include the preparation of a land use comprehensive plan amendment by the City, and submission to the Metropolitan Council for review.

[www.metrocouncil.org](http://www.metrocouncil.org)

390 Robert Street North • St. Paul, MN 55101-1805 • (651) 602-1000 • Fax (651) 602-1550 • TTY (651) 291-0904

*An Equal Opportunity Employer*

Ms. Becca Farrar, Senior Planner  
April 5, 2011  
Page 2

**Item 13 – Water Use**

The project will involve the connection to a public water supply, putting an additional demand of up to 194,540 gallons/day on the Minneapolis public water supply system. The EAW concludes that potable supplies are adequate to meet the needs of the project without modification of the existing system, but no substantiation of this conclusion is provided. Please provide brief background information to support this conclusion.

**Item 17 – Water Quality: Surface Water Runoff**

Text within the *Item 6 - Project Description* section indicates that each parcel will have permanent underground stormwater chambers designed to meet City and Watershed requirements for water quality and rate control, but no further description of these proposed permanent surface water runoff controls are provided in this section of the document. Council staff requests that further detail (including proposed location, runoff source area, and planned type of treatment) of the proposed stormwater runoff controls, at least those currently designed for incorporation into the eastern project phase, be included in the Record of Decision Document.

**Item 19 – Geologic Hazards and Soil Conditions**

The document indicates that a non-continuous perched water table is present on the site at a minimum depth of 9.5 feet below existing ground surface, and the buried glacial aquifer is estimated to be at a depth of 45 feet below grade. While the document indicates that approximately 242 parking stalls are currently proposed to be provided on the East parcel site, it does not indicate how many levels of parking are proposed to be constructed below the existing ground surface on the site, or how deep an excavation is planned for the parking facility. Council staff requests that the Record of Decision Document clarify the parking structure design to indicate the number of parking structure levels and structure depth planned (below grade) on the East parcel. Additionally, the document needs to indicate whether dewatering of the site will be necessary and if so, what means will be utilized to dispose of the groundwater.

**Item 20 – Solid Wastes, Hazardous Wastes, Storage Tanks**

A previous Phase I Site Assessment identified the potential for hazardous materials at the site, including prior petroleum impacts to shallow soils. The EAW indicates the proposed project will be designed with stormwater best management practices to reduce runoff to at or below existing rates and to provide on-site treatment to improve surface water quality. Best management practices should also be utilized to minimize the potential for infiltrating stormwater in areas of the site that would mobilize soil contamination that might be left in place and impact underlying aquifers.

**Item 21 – Traffic**

In any reference to transit service, Council staff recommends that two more bus routes be added - Routes 4 and 113 on Lyndale Avenue South. Lyndale Avenue South is actually closer to the east

Ms. Becca Farrar, Senior Planner  
April 5, 2011  
Page 3

parcel of the site than is Hennepin Avenue. Therefore, this site is served by nine, not just seven bus lines. The map of transit lines near the site cuts off Lyndale Avenue on the east edge, and should be revised to show the complete transit picture.

Route 12's description of service frequency is not quite accurate. Service is as infrequent as every 45 minutes rather than every 30 minutes on Sundays.

The references to the proposed Southwest LRT line should be updated now that the locally preferred alignment has been selected to indicate that it will not be near the site. A separate rail transit line in the Midtown Greenway is still a future possibility.

Staff is encouraged to see the reference to the developer offering discounted transit passes for sale on-site. Council staff suggests that the developer give consideration to being a test case for the offering of a *Metropass* type annual transit pass to every resident as a built-in feature. Such an offer may prove to be attractive to the majority of the future residents and the average daily traffic (ADT) generated by the site may actually be significantly lower than the traffic model predicts.

**Item 27 – Compatibility with plans and land use regulations**

Item 31 indicates that the proposed project is not consistent with the comprehensive plan and that a plan amendment is needed. This information should be communicated consistently throughout the EAW and included in the discussions under Item 27 and in the list for Item 8.

This will conclude the Metropolitan Council's review of the EAW. Please note that the Council will take no formal action on the document. Please contact Jim Larsen PE, principal reviewer, at 651-602-1159 with any questions.

Sincerely,



Phyllis Hanson, Manager  
Local Planning Assistance

cc: James Brimeyer, Metropolitan Council District 6  
Denise Engen, Sector Representative  
Judy Sventek, Watershed Coordinator  
Cheryl Olsen, Reviews Coordinator

*N:\CommDev\LPA\Communities\Minneapolis\Letters\2011-2012\Minneapolis 2011 EAW Bennett Lumber Site 20845-1.docx*



## Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300  
800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

April 6, 2011

Ms. Becca Farrar  
Senior Planner  
City of Minneapolis  
250 South 4<sup>th</sup> Street  
Room 300 Public Service Center  
Minneapolis, MN 55415

RE: Bennett Lumber Site Redevelopment Environmental Assessment Worksheet

Dear Ms. Farrar:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Bennett Lumber Redevelopment project (Project) in Minneapolis, Minnesota. The Project consists of the multi unit residential development of three former industrial parcels. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

### **Description (Item 6)**

The text in items 6 and 16 indicates that each parcel will have permanent underground stormwater chambers; however, the EAW does not provide any location layouts, or sizing information. Please note that while final design of the stormwater treatments will be conducted during the National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater (CSW) Permit application, preliminary information on design and operation should be provided in the EAW in order to assure that the proposed permanent treatment has a reasonable assurance that it can be located and constructed on the site and that the treatment will mitigate the impacts of stormwater from the Project.

### **Water Use (Item 13)**

The EAW answers yes to the multiple part question that includes the need for dewatering on this Project. If the site will require any dewatering for construction, the EAW should also discuss the need for treatment (e.g. Sedimentation Basin or appropriate BMPs) of the dewater before it is discharged as required in the CSW Permit.

### **Water Quality: Surface Water Runoff (Item 17)**

Item 17 indicates that stormwater runoff from the three parcels will flow into the public storm sewer system and then to the Mississippi River. It is noted, however, that the EAW did not identify Lake of the Isles which is located less than a mile to the west of the project site and which is listed on the MPCA 303d Impaired Waters list for Nutrient/Eutrophication and for Perfluorooctane Sulfonate. Please clarify that no stormwater runoff from either the construction activity or from the post construction operation will flow into Lake of the Isles.

Ms. Becca Farrar  
Page 2  
April 6, 2011

**General**

The MPCA advocates for the use of Low Impact Design (LID) practices if there is opportunity on a redevelopment project like this. LID practices aid in the minimization of stormwater impacts and work toward minimizing the impacts from this Project and its contribution to cumulative problems in the watershed. The design may possibly include elements such as alternative permeable pavements, green roofs, trees or swales between rows of cars, bio retention type devices, and other designs that may help to reduce the volume of runoff discharged. These concepts and others may be found in the *State of Minnesota Stormwater Manual November, 2005* on line at this link <http://www.pca.state.mn.us/water/stormwater/stormwater-manual.html>.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW please contact me at 651-757-2508.

Sincerely,



Karen Kromar  
Planner Principal  
Environmental Review and Feedlot Section  
Regional Division

KK/bt

cc: Craig Affeldt, MPCA, St. Paul  
Larry Zdon, MPCA, St. Paul  
Doug Wetzstein, MPCA, St. Paul

Midtown Greenway Coalition comments on the  
Environmental Assessment Worksheet  
for the Bennett Lumber Site Redevelopment

Submitted 4/6/11 via email to rebecca.farrar@ci.minneapolis.mn.us  
Please submit questions to Tim Springer (tim@midtowntgreenway.org; 612-879-0105)

Comment #1:

on p. 14 in paragraph titled "Pedestrians," if the developer plans to provide a stairway into the Midtown Greenway from the east side of the Dupont Avenue, which was stated as a possibility in meetings with the local neighborhood organization, then this benefit for the public should be referred to in this paragraph.

Comment #2

on p. 20 in the last sentence of section 25, change the sentence that refers to the Midtown Greenway to add the underlined words as follows: "There are no adverse traffic, noise, air quality, or visual impacts expected from the proposed project on this recreation and transportation resource.

Comment #3

Regarding appendix IV, the traffic analysis for the "Build Alternative," the Midtown Greenway Coalition wonders why the trips generated appear to refer only to automobile trips instead of listing all trips generated and showing the estimated share of them that will be taken on foot, by transit, or by bicycle.



**STATE HISTORIC PRESERVATION OFFICE**

April 6, 2011

Becca Farrar, Senior Planner  
City of Minneapolis  
250 S. 4<sup>th</sup> Street, Room 300  
Minneapolis, MN 55415

RE: EAW - Redevelopment of Bennett Lumber Site  
Minneapolis, Hennepin County  
SHPO Number: 2011-1551

Dear Ms. Farrar:

Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

The EAW document correctly notes that the proposed project(s) is located within the Chicago, Milwaukee and St. Paul Railroad Grade Separation District, which is listed in the National Register of Historic Places. Our office has previously reviewed a related project involving demolition of buildings on the site.

Please be aware if any Federal funding or permits are required for any aspect of new construction for the proposed project(s), the State Historic Preservation Office would anticipate working with the responsible federal agency to conduct design review for the new buildings. In that effort, we would be guided by the Secretary of Interior's Standards for new construction in an historic district. If state funds or permits are required, our review would be guided by requirements of the Minnesota Historic Sites Act. We do not believe that it is appropriate to undertake design review now, in response to the EAW, before state or federal involvement is confirmed.

Therefore, note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 or the Minnesota Historic Sites Act. If this project is considered for federal or state assistance, or requires a federal or state permit or license, it should be submitted to our office with reference to the assisting agency.

Please contact me at 651-259-3456 if you have any questions regarding our review of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Ann Heidemann', written over a horizontal line.

Mary Ann Heidemann, Manager  
Government Programs and Compliance

cc: Minneapolis HPC