

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

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MEMORANDUM

DATE: April 14, 2011

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of April 11, 2011

The following actions were taken by the Planning Commission on April 11, 2011. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: Bates, Carter, Cohen, Huynh, Luepke-Pier, Schiff, Tucker and Wielinski
– 8

Not present: President Motzenbecker (excused) and Gorecki (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

1. Mozaic Partners (Vac-1578, Ward: 10), ([Becca Farrar](#)).

A. Vacation: Application by Mozaic Partners, LLC, to vacate the utility easements in vacated Girard Ave S, north of Lagoon Ave and south of a line 40 feet north of the south right-of-way line of 29th St W between Hennepin Ave and Fremont Ave S, adjacent to Block 23 and 24, Window Addition to Minneapolis.

Action: The City Planning Commission recommended that the City Council accept the findings and **approve** the vacation (Vacation File 1578) subject to the provision of a new utility easement dedicated to the City of Minneapolis.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 5-0 (Huynh recused, Luepke-Pier not present for the vote).

2. 227 Colfax LLC (Vac-1581, Ward: 5), ([Jim Voll](#)).

A. Vacation: Application by 227 Colfax LLC to vacate the dead-end alley in Block 1, Harrison's Addition to Minneapolis, the block bounded on the north by Glenwood Ave N, on the east by Colfax Ave N, and on the south by 2nd Ave N.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the vacation of the dead-end alley dedicated in Block 1, Harrison's Addition, the block being bounded on the north by Glenwood Avenue North, on the east by Colfax Avenue North, and on the south by 2nd Avenue North (north of and adjacent to 227 Colfax Avenue North), subject to the reservation of an easement to Qwest.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 6-0 (Luepke-Pier not present for the vote).

3. Moksha Yoga (BZZ-5105, Ward: 10), 3252 W Lake St ([Janelle Widmeier](#)).

A. Conditional Use Permit: Application by Ryan Doucette has applied for a conditional use permit to allow a major health and sports facility in an existing building for the property located at 3252 W Lake St.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit to allow a major sports and health facility located at the property of 3252 Lake St W, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the

use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

2. At least three bicycle parking spaces shall be provided that comply with the standards of section 541.180 of the zoning code.
3. Required site improvements shall be completed by April 11, 2012 unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 6-0 (Luepke-Pier not present for the vote).

4. Circulo De Amigos Daycare Center (BZZ-5103, Ward: 9), 2830 Cedar Ave S ([Janelle Widmeier](#)).

A. Conditional Use Permit: Application by Wayne Palmer, on behalf of Maria Perez Gali, for a conditional use permit to allow a child care center in an existing building for the property located at 2830 Cedar Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a child care center located at the property of 2830 Cedar Ave S, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The use shall comply with the development standards for a child care center as required by section 536.20 of the zoning code. On the site plan, the applicant shall specifically identify that no play equipment will be located in the play area located between the building and Cedar Avenue.
3. The bicycle parking shall comply with the standards of section 541.180 of the zoning code.
4. A drive aisle at least 22 feet in width shall be provided for on-site parking spaces as required by section 541.330 of the zoning code.
5. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site and landscape plans.
6. Site improvements required by the zoning code or by the City Planning Commission shall be completed by April 11, 2012, or the permit may be revoked for non-compliance.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 6-0 (Luepke-Pier not present for the vote).

5. Hope Commons (BZZ-5098, Ward: 6), 2300 Chicago Ave ([Hilary Dvorak](#)).

A. Conditional Use Permit: Application by Tom Peterson with Station Nineteen Architects, Inc., on behalf of both Hope Academy, Inc. and Minnesota Teen Challenge, for a conditional use permit to expand the existing supportive housing facility located at 2300 Chicago Ave.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application to expand the existing supportive housing facility located at 2300 Chicago Ave S subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. There shall be no more than 140 residents.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 6-0 (Luepke-Pier not present for the vote).

6. Matthew Norton (BZZ-5090, Ward: 12), 4222 46th Ave S ([Janelle Widmeier](#)).

A. Nonconforming Use Expansion: Application by Matthew Norton for an expansion of nonconforming use to finish basement area of a duplex to add a bedroom, bathroom, and den for the property located at 4222 46th Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for an expansion of a legal nonconforming use to add a bedroom in the basement of a duplex located at the property of 4220-4222 46th Ave S.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 6-0 (Luepke-Pier not present for the vote).

7. Kirke Design Studio (BZZ-5074, Ward: 3), 1509-1523 Marshall St NE ([Jim Voll](#)).

A. Rezoning: Application by Karen Bernthal for a rezoning from the R3 Residential District to the C1 Commercial District to allow for a parking lot for property located at 1509-1523 Marshall St NE.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning from the R3 Residential District to the C1 Commercial District for property located at 1509-1523 Marshall St NE.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 6-0 (Luepke-Pier not present for the vote).

8. 1521 West 27th St (BZZ-5094, Ward: 10), 1521 27th St W ([Shanna Sether](#)).

A. Rezoning: Application by Paul Zisla, on behalf of Carla Rohwedder, for a rezoning petition to the change the zoning classification for the property located at 1521 27th St W from R2 Two-Family District to R3 Multiple Family District to allow for the conversion from a two-family dwelling to a four-unit multiple family dwelling.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to the change the zoning classification for the property located at 1521 27th St W from R2 Two-Family District to R3 Multiple Family District to allow for the conversion from a two-family dwelling to a four-unit multiple family dwelling.

Staff Sether presented the staff report.

Commissioner Schiff: I don't have a problem with the rezoning but I have a question about the density bonuses that we used in our calculation. Does the property owner need both density bonuses in order to qualify for four units in this zoning category?

Staff Sether: They do not. They exceed the minimum density requirement.

Staff Sether concluded the staff report.

President Tucker opened the public hearing.

Carla Rohwedder (1521 W 27th St): My former husband and I bought this four unit building in 1969 and we have continued its use. Evidence was that it had been used as a four plex long before then but the records are unclear about that. This is my 42nd year there. My daughter and I live on the first floor. I didn't think there was anything wrong with having four units in this large house. No inspector had mentioned that there was a zoning problem, but in late November of this year, an inspector did bring up the issue and so here we are. I had hoped that the nonconforming use certificate would be most appropriate to what I wanted since I didn't want to add anything to the property and didn't want to make alterations, but my problem was that we could not prove back to 1924 that the property was used as a four plex. That was 85 years ago. My daughter went to the Historical Society and looked up the owner of the property whose name we had from the abstract of title and it was Albert Lyman and he had his family at this house. He built it with his wife in 1908 and he passed away in 1930 and we just imagine that that is when, possibly, the alterations to the house began. I was hoping to get the nonconforming use certificate because I realize in a change of zoning, that has implications for the future and I didn't want to concern my neighbors so much with that, but I realize too that there is an extra space in the lot where there is no building and that in my neighborhood the building is so tight that any small area like that is thought to be opening itself up for development. If my neighbors were here right now, I would let them know that I wasn't intending to go for a rezoning but that's where we're at right now. Right at this moment, the City and the Inspections Department want me to get rid of two units to go back to a duplex. This would be most impractical and an uneconomical use of the house. It would be hard to convert. I would be hampered in finding tenants because it would not be a convenient way to have the house. Right now, three smaller apartments are self contained and seem to work fine. The third floor apartment was the caretaker's apartment for the old building. A large, wide stairway goes right up from the middle of the house and it divides the second floor into two halves and those are two studio apartments. Bob Lunning, a planner, has made the site plan that was necessary for applying for the rezoning. He is here today along with my lawyer, Paul Zisla. Bob can talk about a possible conversion to a duplex and he has been through the house. He can talk about the technicalities and what possibly could be planned to be built on this lot. My lawyer is here to answer questions. Thank you for the opportunity to speak.

President Tucker opened the public hearing.

Michael T'Kach (2642 Irving Ave): I'm a board member of the East Isles Residents Association. As a board member, I am here to clarify that we misunderstood the situation within our board. We have had a turnover of leadership in December when our president had to resign when he left the neighborhood and we brought in a new president in January and this issue straddled that timeline and there was a misunderstanding between the idea of variance to zoning. When we made our recommendation...we have a zoning committee inside of East Isles and they

did not look at this issue because they were disbanded at that moment. When this came in front of the board it was misunderstood and we will be taking it up at our next board meeting.

President Tucker: Does that mean you're opposed or just haven't decided upon it properly?

Michael T'Kach: Our board will have to make the decision; we haven't decided properly.

President Tucker: We're going to decide upon it today, most likely.

Michael T'Kach: Hopefully a postponement until the East Isles can address this.

Christina Melloh (2642 Irving Ave): I am married to Michael T'Kach. I come from a very different background on this issue. Michael and I married three years ago and I bought the house on 2600 and Irving in 1998. I want to share with you that all of us in the neighborhood enjoy Carla as a neighbor and support her in staying with her four units, but there has been a massive confusion with regard to a zoning change versus a conditional use permission. I, unfortunately, as an attorney who did have some understanding of the issues although I'm not an expert in this area, I have been out of town for two months with my parents. I returned this weekend to learn that this meeting was taking place. I have communicated with over ten people on the 2600 and 2700 blocks of Irving explaining to them with having done research this weekend on what this means and none of those ten individuals are in support of this change, although they all support Carla and would like her to be able to keep her four units. That's where the confusion occurred. The East Isles meetings really had no one who understood this and I have in my possession the notes from that meeting and it is very clear that they were being encouraged to just go ahead and vote this to help Carla solve her problem but they did not understand the implications of this. What I'd like to urge today is that you permit a delay in this vote in order for the neighborhood to provide you with an educated conclusion on this issue. I appreciate that that is a hardship on Carla, but it is a strange thing that everybody agrees that she should be allowed to continue with her four units, but no one wants to... I just want to add two things, the 2600 and 2700 blocks of Irving, when I moved into them, there is as Shanna so well represented, there is a diversity of housing but I can tell you that if you drive down 2600 and 2700 blocks of Irving, they appear to be single family residents only. They don't look like they have anything but R1 and there are R2 housing that look like single family homes that do indeed house a couple families or in Carla's case, four. What I would like to share with you, is those of us who, as a young person I bought my house as a single woman, I looked at the map and said that I don't want to be on a street that has R3. I looked at the map and it said R2 and R1 and you can't even tell there's R2. It's two streets with single family and everyone would agree that it makes 2600 and 2700 blocks of Irving Ave S unique. That's why I think if you give time, you will find that people understanding the suggestion that we would all of the sudden introduce the potential for a hard core developer to come in and alter the complexion of these blocks forever and would be objectionable, whereas, I think you will find that everyone agrees that Carla should get to keep her house and her three tenants. It's a conundrum but it is one that spot zoning should not be the answer to this issue. It would be tragic that we would alter the complexion of these blocks. These are families with children. There's a very different traffic pattern, there's a very different everything. We close these two streets and join together 26th and 27th for the block party every year.

Commissioner Luepke-Pier: You mentioned this conundrum how everyone wants her to keep her four units and yet you have concerns about the gravity of what a rezoning would bring to the

situation and I was just wondering what you'd propose to be a solution to those two seemingly diametrically opposed options, is there a solution?

Christina Melloh: I just got back into town and I called and said that people thought they were saying that Carla should stay in the situation she has, but since I came home and sent an email just today, people were confused and said that potentially...I mean, we know it's a conditional use, but a larger four plex on this corner, the result down the road, absolutely not. This is a single family home. If you drive down these two blocks, you can say what you want about classification; both blocks look like they have single family homes.

Commissioner Luepke-Pier: Your solution is for the applicant to not have four units?

Christina Melloh: That would be my question to the experts is, is there a solution that allows her to keep hers with a grandfathering when everyone agrees that that's really what they're seeking. It seems odd that you can solve her problem with a zoning change versus a grandfathering of what exists and I would just add that it's true, I'm sure, that she's saying she bought her home and it had units in it. I bought my home and it was R1 and R2 and I was counting on that and the fact that this house was illegally a four unit, historically, that shouldn't be the solution.

President Tucker: I think we get that you personally oppose the rezoning and don't want to hurt the current situation and you ask the commission to postpone so the neighborhood association can consider this in light of the facts.

Christina Melloh: The procedures done to make that vote in the neighborhood were not in compliance with the bylaws of the neighborhood association.

President Tucker: We can't help you with that one, but we understand why you want to postpone it and we'll see what the commissioners want to do about that.

Christina Melloh: Thank you.

President Tucker closed the public hearing.

Commissioner Cohen: I'm going to move denial of the staff report on the grounds that it's a violation of policy 8.8 to preserve the neighborhood. I believe this is contrary to the character of the neighborhood, the quality of the neighborhood. If I get a second on this I will expand somewhat on my remarks (Wielinski seconded). It was my honor and privilege to represent this neighborhood at one time many years ago as a member of the Minneapolis City Council and I believe that it has gradually, over the years, been improving in the single family occupancy of the homes here, gradually doing away with the multi-family use, gradually evolving into single family use and we ought to continue to give that move time because it is working and we're getting good homes out of it and I believe that a rezoning would make this a target for development. Rezoning is forever. We rezone this to R3, we do not know what will happen in the future but we know that we have made it a very viable target for expanded development and it will be harmful to the neighborhood and harmful to our city plan. I vigorously oppose this and would support some kind of motion to preserve the current owner's use of it for four units on some sort of conditional basis but I think a rezoning would be a disaster.

Commissioner Luepke-Pier: I have a question for staff on this one. It was mentioned earlier that a conditional use permit was explored as the only other viable option to allow the applicant to have four units, why was that discontinued?

Staff Sether: It was actually a nonconforming use certificate. A conditional use permit would only be required at five dwelling units or more when the use is allowed in that district. The nonconforming use certificate, which the applicant may still pursue, was abandoned and withdrawn from the Board of Adjustment review because the burden of proof is that they need to show legal establishment of the four dwelling units at a time the zoning would have allowed for it, which was prior to 1924 and then continued use. Zoning laws have been in place with the City of Minneapolis since 1924, there's a not a flexibility when it comes to the zoning and the use so the two processes are certificate of nonconforming use or rezoning to allow for four dwelling units on the property.

Commissioner Luepke-Pier: So for all intents and purposes, a certificate of nonconforming use in theory, unless they can prove that it was legally established prior to 1924 is not going to be a viable option for the applicant either is what I'm hearing.

Staff Sether: That would be staff's opinion, yes.

Commissioner Cohen: What you're saying is we're tied to some sort of historical occupancy from 90 years ago in order to give this owner the opportunity in this neighborhood, the opportunity to preserve this use. That's positively absurd. We ought to make a finding here that the thing was used as four units in 1924. That would be our finding and that would dispose of this issue. That makes no sense at all. That's tied to a historical event of which nobody can have a certain knowledge and the outcome of this discussion should not depend on that sort of finding, it's ridiculous.

Commissioner Schiff: I see an email that two four plexes could built on this lot if the rezoning goes through, which I don't believe is true, that would need a lot subdivision application approved by the Planning Commission which I don't see ever happening in this neighborhood. What could be built with the lot as is if it was rezoned?

Staff Sether: I think perhaps the architect that Carla has hired in order to discuss the potential, they could maximize the floor area ratio, they would be limited to two and a half stories. To allow for eight dwelling units, I don't think it's possible based on the parking, the height requirements, the setback requirements, but it's not staff's job to design the project. We would review an application if it were designed. When staff considered the potential increase in dwelling units or the increased density of the property, we see that no matter what it comes back to the Planning Commission. If they apply to allow for two four plexes, that's a minor subdivision, reviewed and can only be approved by the Planning Commission. If it is an increase in units beyond four to five, six, seven or eight, that requires a conditional use permit and that's something reviewed by the Planning Commission.

Commissioner Luepke-Pier: I want to speak against the motion. I don't think it will essentially alter the character of the neighborhood as it is retaining a use that's been going on in the same structure for longer than I've been in existence on this planet. I think that any changes that could take place that seem to be the ones that would terrify the neighborhood would automatically come back to this commission given the various triggers that it would result in and would pretty much

safeguard and of your [tape ended]...so I don't see any alternative to allow your neighbor to keep her four units. At the same time, I don't see where rezoning this is a bad thing. Contrary to Commissioner Cohen's statement about returning it to a single family home and it being great, I thought that this was moving more toward an urban neighborhood and it's right next to additional increased densities as is so I don't think having the building retain a use it's had is in any way going to be detrimental to that. I don't think that the goal of the City of Minneapolis is to have entirely single family homed neighborhoods.

Commissioner Cohen: I'm not sure Commissioner Luepke-Pier has read James McComb's letter. If she had, she would note that he has given several examples of returning from multiple use to single family use. One specifically, in which a home was expanded and restored and occupied by several owners was recently sold for an excess of five million dollars, the highest price ever paid for a single family home in Minneapolis. I think there's ample evidence to suggest that we're pending towards single family occupancy here and I think a multiple occupancy...targeting this by converting it to R3 is going to damage the opportunity to convert these to single family homes and it's going to hurt property values in this area. I think it would be a bad decision. As for some kind of moral imperative to make a finding as to what happened in 1924. I don't think it's a moral imperative when as a result of the Board of Adjustment's action not to make a finding in favor this having been used in 1924 is just as serious and just as unbased on any actual knowledge as a finding that it did exist as four units in 1924. I think that would be a very valid finding and I would support it if that is what was necessary in order to preserve this as just four units.

Commissioner Bates: What's the leeway at the Board of Adjustment in terms of their opportunity to allow for a less than specific, rigorous...do they have any opportunity to make adjustments to the adjustments?

Staff Sether: I would say that the board does not have a great latitude in flexibility whatsoever. It is a zoning law, which is a zoning classification. The classification was a residence district. Staff has done a great deal of research on this property already and not finding anything that points to four dwelling units prior to 1924. I'm not saying that there isn't something out there, it's just that upon our research and the applicant's research we haven't found anything. The state law and the zoning code is very specific about the burden of proof for the applicant being that in order to establish legal nonconforming rights in a certificate, thereby, the owner must show legal conversion and continued use at a time that the use would have been allowed. The use on this property is a four unit dwelling and has not been allowed since zoning laws were first enacted in the City of Minneapolis in 1924 so there are no assumptions, no great latitude without that missing building permit or some type of testimony in order to establish a record for legal conversion, in which we have none.

Commissioner Bates: Has she paid taxes as an owner of a four unit dwelling?

Staff Sether: Carla has owned the property since 1969. The burden of proof is until 1924. Those 42 years is not sufficient in order to grant a certificate of nonconforming use according to staff and the Board of Adjustment has upheld that decision because that's how it's stated in the zoning code.

Commissioner Huynh: I will also be speaking in opposition. If there is only two methods of compliance of being able to have four units here, it just seems like the first option of seeking legal

compliance through the nonconforming route doesn't seem to be a path that's available to the owner anymore. I think that also with having the site be rezoned R3, with the way that the zoning patterns work with transitions from R3 to R5 and kind of going into R2 and R1A doesn't seem to alter the character of the neighborhood that much as far as just the zoning patterns but also the fact that you have a transitioning to more of an urban neighborhood. There's potentials for development to occur on all zoning parcels, but I don't think that what we have for our application today should hold to what is being requested by the owner not under the assumption that the applicant is going to tear it down in six months and develop a midrise multi family housing unit in the middle of a single family housing, which would ultimately trigger more applications and hearings in front of us, but I think with the conditions in front of us that we for the four units, I think an R3 is appropriate, it does seem to fit with the context of the neighborhood and has been operating as a four unit development since 1969. Judging from the issues that the two members of the neighborhood have spoken in favor of, they are in favor of the four units just not the rezoning for the reasons that it may potentially trigger development down the road.

Commissioner Luepke-Pier: Commissioner Cohen appears concerned that it will discourage single family development in the area and given the fact that, according to Mr. McComb's letter, which I had read, indicated that despite having numerous apartment rooms in these single family homes, it did not discourage and had encouraged the largest sale of a single family home or conversion of a single family home in the neighborhood. I think that's proof in itself that allowing this development will not discourage future use nor will it hinder development in the neighborhood to maintain your single family and duplex neighborhood status that you so desire while at the same time maintaining a diversification of housing options for all people in the city.

Commissioner Carter: I concur with Commissioner's Luepke-Pier and Huynh. While I appreciate Commissioner Cohen's statements, I don't think a denial would ensure that it would move back to a single family. In regards to a finding, I think that I would have greater concern about the precedent that that would set than any of the concerns of what could possibly happen with the rezoning, which I think has been laid out pretty clearly that anything significant of concern has to come back before this commission.

Commissioner Schiff: Could the property owner put an easement or...I know historic designation would be one thing that would preserve the existing building for the future. Would easements registered with the title do anything similar?

Staff Sether: I would like to defer that to Mr. Voll please.

Staff Voll: I don't know if I can answer that for sure, but in general we've always said that covenants, easements, restrictions and all of those things really aren't options. It's a rezoning or they've established the rights.

Commissioner Schiff: Not for us, but if the property owner were to pursue one of those options, would it address concerns about future development of the property potentially by putting restrictions?

Staff Voll: The property owner could do that, but the city will not enforce those covenants.

President Tucker: Any more discussion? Those in favor of the motion to deny? Those opposed?

The motion failed 2-5.

Commissioner Huynh: I would like to move staff recommendation to approve the rezoning for 1521 W 27th St (Luepke-Pier seconded).

President Tucker: Those in favor of the motion? Opposed?

The motion carried 5-2.

9. Lake Wine and Spirits (BZZ-5091, Ward: 6), 400-404 W Lake St and 2948 Grand Ave S
([Kimberly Holien](#)).

A. Rezoning: Application by Donna Sanders, on behalf of Binh Le, for a rezoning from R2B to C2 for property at 2948 Grand Ave S.

Action: The City Planning Commission adopted the findings and **approved** the rezoning from the R2B, Two-family Residential district to the C2, Neighborhood Corridor Commercial district for the property located at 2948 Grand Ave S.

B. Rezoning: Application by Donna Sanders, on behalf of Binh Le, for a rezoning from C1 to C2 for property at 400 W Lake St.

Action: The City Planning Commission adopted the findings and **approved** the rezoning from the C1, Neighborhood Commercial district to the C2, Neighborhood Corridor Commercial district for the property located at 400 W Lake St.

C. Conditional Use Permit: Application by Donna Sanders, on behalf of Binh Le, for an amended conditional use permit for an off-sale liquor store at 404 W Lake St.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for an off-sale liquor store at the property of 400-404 W Lake St and 2948 Grand Ave S, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
3. A landscaped yard a minimum of five feet in width containing plantings a minimum of three feet in height shall be provided for the length of the east building wall, in accordance with Section 530.170 of the zoning code.

D. Site Plan Review: Application by Donna Sanders, on behalf of Binh Le, for a site plan review for properties located at 400-404 W Lake St and 2948 Grand Ave S.

Action: The City Planning Commission adopted the findings and **returned** the site plan review application for the property of 400-404 W Lake St and 2948 Grand Ave S.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 6-0 (Luepke-Pier not present for the vote).

10. Riverview Senior Housing (BZZ-5078, PL-251 and Vac-1579, Ward: 12), 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Rd ([Becca Farrar](#)). This item was continued from the March 7, 2011 meeting.

A. Conditional Use Permit: Application by Plymouth Church Neighborhood Foundation, on behalf of Riverview Senior Housing, for a conditional use permit to allow 42 dwelling units for the properties located at 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Rd.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 42 dwelling units on the properties located at 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Road subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

B. Site Plan Review: Application by Plymouth Church Neighborhood Foundation, on behalf of Riverview Senior Housing, for a site plan review for a new 4-story senior housing facility for the properties located at 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Rd.

Action: The City Planning Commission **approved** the site plan review application for a new 4-story, 42-unit senior housing facility on the properties located at 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Road subject to the following conditions:

1. All site improvements shall be completed by April 15, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. Applicant to work with staff on the final design of the driveway entrance sign. The sign shall be approximately 1/8th in area from what was proposed and shall read "Riverview Apartments Entrance" only.

C. Plat: Application by Plymouth Church Neighborhood Foundation, on behalf of Riverview Senior Housing, for a preliminary and final plat for the properties located at 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Rd.

Action: The City Planning Commission adopted the findings and **approved** the preliminary plat application for the properties located at 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Road.

D. Vacation: Application by Plymouth Church Neighborhood Foundation, on behalf of Riverview Senior Housing, for a vacation application to vacate the public alley for the properties located at 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Rd.

Action: The City Planning Commission recommended that the City Council accept the findings and **approve** the vacation application (Vacation File 1579) for the properties located at 5100, 5106, 5110, 5114 54th St E & 5344, 5348, 5352, 5356, 5360 Riverview Road subject to the provision of an easement dedicated to Xcel Energy over the entire described areas to be vacated.

President Tucker: We spent a lot of time on this back on March 7th so I don't want to go through everything all over again. I'd like staff to report what's happened since that meeting and then perhaps have the applicant show what modifications have been proposed in the mean time. I hope to hear from the neighborhood. They were conspicuously absent and we didn't have a way to ask questions of their position.

Staff Farrar presented the staff report.

President Tucker opened the public hearing.

Sarah Larson (3669 Lincoln): Becca's report was fairly thorough and we did submit a memo so I'm not sure I have a lot add. Primarily I'm here to answer questions or if there are specific concerns you want me to address.

Andrew Neary (5364 Riverview Road): They have made a few changes. My biggest concern was the driveway location. In the Yardville Station Area Plan, it calls for not cutting these two properties off from the neighborhood and I believe that leaving the driveway right next to the home and having alley on the south side still cuts us off from the neighborhood. I know this will be built, I don't have a problem with it being built, but I do have a problem with the location of the driveway. The two parcels that were offered by the city, there's a lot of stipulations on there. We can't build on it. The alley remains. It doesn't do us any good to buy that, in my opinion. We came up with some plans. We've been going back and forth trying to work with the developer just to get us kind of included in the neighborhood. Here is the driveway as proposed right now, I would like it to be moved 50-100 feet so we can get some additional homes put in there in the future. There are supposed to be townhomes on that land owned by CPED right now.

President Tucker: You're proposing that lot as another home?

Andrew Neary: This property is currently owned by CPED.

President Tucker: The one between your property and your proposed location of the driveway. That would be another lot for a residence. They would be next to the driveway rather than your property, is that correct?

Andrew Neary: No. What was called for was right here. Townhomes, driveway, townhomes. The driveway would move here so there would be homes next to my home and I would be cut off and I'm in a triangle with a driveway, an alley, a parking lot and a road and no neighbors. I understand it does not conform with the Yardville Area Plan that calls for triplexes and lower density. I'll concede that, I just want the driveway moved. They come up with no reasonable explanation as to why and say they just can't do it. Wes Butler sent me an email saying he can't do it, but he had three years to do it. I just want the house to remain part of the neighborhood so down the line if I want to sell it someone will want to live there. I can rent it no problem, but I'd never be able to sell it.

Rita Ulrich (3000 E 50th St): I'm the Executive Director of the Nokomis East Neighborhood Association. This project has been complicated and controversial for quite a number of years now. Mr. Neary makes some good points. There are some issues with R4 zoning. We also recognize that this project has funding limitations or conditions attached to its funding and it's been Nokomis East's position that the project be senior. It wasn't the project we preferred but given that this was selected by the city, we do want to make sure that this is a senior project which is why we supported the HUD 202 funding. I do have some concerns that it's zoned R4 without a project attached. We do want to see a project attached to this that's acceptable to the neighborhood. We understand there are some issues with the immediate neighbors. Having worked for close to two years with Jen Oscarson of Commonbond and Sarah Larson of PCNF, we do believe that they have done a good job of accommodating reasonable requests. They have met our requests and have met with us as often as requested and while we officially remain neutral we are not opposing the project.

President Tucker closed the public hearing.

Commissioner Huynh: I will move staff recommendation to approve the conditional use permit (Bates seconded).

President Tucker: Any further discussion? All those in favor? Opposed?

The motion carried 7-0.

Commissioner Huynh: I will move staff recommendation for the site plan review (Bates seconded).

Commissioner Schiff: I have an objection to the monument sign that's proposed for the property, particularly because it's affordable housing. I think monument signs stigmatize the residence and signify that the property is more...monument signs are just more commercial in nature, something you use when you drive through the neighborhood jotting down phone numbers versus walking in a door and talking to people. I want to ask the applicant, does having a large monument sign hinge on your leasing plan or business plan? Other notable affordable housing developers in town have stopped using them.

Jen Oscarson: One reason for that sign is for the neighbors to know that that's the driveway and the entrance is into the alley so that sign is important. We don't propose it to say "affordable housing", it will be "Riverview Elder Housing" and have the phone number. As a management company we do like to have that there for leasing purposes, but at the same time, it's something we did commit to having in the site plan for the neighbors to mark the driveway.

Commissioner Schiff: People on the block will know where the entrance is so who is it for?

Jen Oscarson: For visitors.

Commissioner Schiff: How else could you do a smaller sign that doesn't list the management company and that just simply says "entrance"? This is quite commercial in size and scope.

Jen Oscarson: What size would you like to see?

Commissioner Schiff: I'd like to see something about 1/60th of the size.

Sarah Larson: I think that'd be fine. I think the challenge is that the entrance of the driveway is a little further down from the door so I don't think we have an objection to making it smaller. We would like to make it clear that that is the entrance to the apartments. We're not hinging on that particular dimension or wording.

Commissioner Schiff: This sign doesn't say "entrance" at all so that'd be good if that's the intent that we could achieve that with a much smaller sign. I would propose a sign about 1/8th the size that stipulates "Riverview Apartments Entrance".

President Tucker: So it would be emphasizing the entrance so the alley is less used and visitors know where to come in. Can we add "work with staff to get the proper signage"?

Commissioner Schiff: Absolutely.

President Tucker: Is there a second on that amendment?

Commissioner Huynh: Second.

Commissioner Luepke-Pier: I have a question on the size, it's seven feet long and that would make it one foot wide.

President Tucker: It's the area of the sign. Any further comments? All those in favor? Opposed?

The motion to add the amendment passed 7-0.

President Tucker: Now, the main motion to move the site plan review with the amendment. All those in favor? Opposed?

The motion carried 7-0.

Commissioner Huynh: I would like to move staff recommendation for items C and D to approve (Bates seconded).

President Tucker: Further discussion? All in favor? Opposed?

The motion carried 7-0.

11. Midwest Auto Repair (BZZ-5052, Ward: 1), 3650 Stinson Blvd NE ([Becca Farrar](#)).

A. Rezoning: Application by Disenos, on behalf of Global One Properties, Inc., for a petition to rezone a portion of the property located at 3650 Stinson Blvd NE from the R1 (Single-family) district to the C2 (Neighborhood Corridor Commercial) 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 3650 Stinson Boulevard NE from the R1 district to the C2 district.

B. Conditional Use Permit: Application by Disenos, on behalf of Global One Properties, Inc., for a conditional use permit for a minor automobile repair facility for property located at 3650 Stinson Blvd NE.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application to allow a minor automobile repair facility on the property located at 3650 Stinson Boulevard NE subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The use shall comply with the Specific Development Standards as outlined in Section 536.20 of the Zoning Code.

C. Variance: Application by Disenos, on behalf of Global One Properties, Inc., for a variance of the off-street parking requirement for property located at 3650 Stinson Blvd NE.

Action: The City Planning Commission adopted the findings and **approved** the variance application to reduce the off-street parking requirement from 20 spaces to 13 spaces for the property located at 3650 Stinson Boulevard NE.

D. Site Plan Review: Application by Disenos, on behalf of Global One Properties, Inc., for a site plan review to allow an 860 square foot, single-story addition to an existing structure for a minor automobile repair located at 3650 Stinson Blvd NE.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a new minor automobile repair facility on the property located at 3650 Stinson Boulevard NE subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by April 11, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Curb openings shall be incorporated adjacent to landscaped areas in order to accommodate stormwater runoff from the site.
4. The new overhead doors on the building addition must be at least 30% transparent. Planning Staff further encourages the applicant to incorporate completely transparent doors.
5. No rock mulch shall be permitted on the final landscape plan.

6. The landscape plan shall be revised to meet the quantities required by Section 530.160 of the Zoning Code.
7. The landscape plan shall be modified to meet all standards outlined in Section 530.170 of the Zoning Code, including landscaping and screening, the 25-foot linear tree requirement and the provision pertaining to the proximity of deciduous trees to on-site parking.
8. The existing pole sign shall be removed from the premises.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 6-0 (Luepke-Pier not present for the vote).

12. Minneapolis Public School (MPS) Education Service Center (BZZ-5102, PL-252 and Vac-1580, Ward: 5), 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N ([Becca Farrar](#)).

A. Rezoning: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a petition to rezone 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N from the R2B (Two-family), R4 and R5 (Multiple-family) districts to the OR2 (High Density Office Residence) district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N to the OR2 (High Density Office Residence) district.

B. Conditional Use Permit: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, to amend the conditional use permit for a Planned Unit Development (PUD) to allow a 4 and 5-story, approximately 178,000 square foot Minneapolis Public Schools Educational Service Center located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application for a new Planned Unit Development which includes the construction of a new 4 and 5-story, 173,000 square foot office building and a total of 490 surface parking stalls located on the properties at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

2. As required by section 527.120 of the zoning code, the development includes the following amenities from Table 527-1, Amenities: Leadership in Energy and Environmental Design (LEED), Art Feature, Shared Bicycles, Reflective Roof, Shared Vehicle, Decorative fencing, Enhanced Stormwater Management, and a Recycling Storage Area.

C. Variance: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a variance to allow parking between the principal structure and the front lot line for property located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance application to allow parking between the principal structure and the front lot line along Girard Ave N and Fremont Ave N for properties located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N.

D. Variance: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a variance of the Pedestrian Oriented (PO) Overlay District standards for property located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N.

Action: The variance of the Pedestrian Oriented (PO) Overlay District standards pertaining to the location of parking to the rear or the interior of the site, within the principal building served, or entirely below grade, and the 40% window requirement on the Fremont Ave elevation for properties located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N has been **returned**.

E. Site Plan Review: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a site plan review for a Planned Unit Development for property located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a planned unit development which includes a new 4 and 5-story building with approximately 173,000 square feet for the properties located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements for the PUD shall be completed by May 13, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The plaza shall be maintained in good order by the property owner for the life of the plaza. Proper maintenance shall include, but not be limited to, snow and ice removal, annual maintenance of vegetation and green space and annual inspection and repair and/or replacement of furnishings.
4. Incorporation of windows, entries, recesses, projections or other architectural elements along the north, east and west elevations of the proposed building to break up the blank uninterrupted wall that exceeds 25 feet in width per Section 530.120 of the Zoning Code.
5. All fencing shall comply with Section 535.420 of the Zoning Code.
6. The landscape plan shall be revised to meet the quantities required by Section 530.160 of the Zoning Code.

7. All site signage requires a separate permit through the Zoning Office. No new signage has been evaluated or approved as no details have been provided. All new signage must meet the requirements outlined in Chapter 543 of the Zoning Code.
8. Compliance with all applicable conditions of approval from application BZZ-4962.

F. Vacation: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a vacation for property located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N.

Action: The City Planning Commission recommended that the City Council accept the findings and **approve** the vacation application (Vacation File 1580) for the properties located at 1250 West Broadway Avenue, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N.

G. Plat: Application by M.A. Mortenson Development, Inc., on behalf of Minneapolis Public Schools, for a preliminary and final plat for property located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N.

Action: The City Planning Commission adopted the findings and **approved** the preliminary and final plat application for the properties located at 1250 West Broadway Ave, 2105, 2119, 2123, 2127, 2131 Fremont Ave N, 1213, 1221 22nd Ave N, and 2126 Girard Ave N.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 4-0 (Huynh and Bates recused, Luepke-Pier not present for the vote).

13. Lehman's Garage (BZZ-5104, Ward: 11), 5431-5435 Lyndale Ave S ([Janelle Widmeier](#)).

A. Nonconforming Use Expansion: Application by Mark Kronbeck, on behalf of Lehman's Garage, for an expansion of a nonconforming use to rebuild a major automobile repair facility for the properties located at 5431-5435 Lyndale Ave S.

Action: The City Planning Commission adopted the findings and **approved** the expansion of a nonconforming use to rebuild a major automobile repair facility for the property located at 5431-5435 Lyndale Ave S.

B. Variance: Application by Mark Kronbeck, on behalf of Lehman's Garage, for a variance to reduce the front yard requirement adjacent to Lyndale Ave to allow the building placement and a parking area for the properties located at 5431-5435 Lyndale Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the front yard requirement adjacent to Lyndale Ave to allow the building placement and a parking area for the property located at 5431-5435 Lyndale Ave S.

C. Variance: Application by Mark Kronbeck, on behalf of Lehman's Garage, for a variance to reduce the interior side yard requirement adjacent to the south lot line to allow a parking area for the properties located at 5431-5435 Lyndale Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the interior side yard requirement adjacent to the south lot line to allow a parking area for the property located at 5431-5435 Lyndale Ave S.

D. Site Plan Review: Application by Mark Kronbeck, on behalf of Lehman's Garage, for a site plan review for the properties located at 5431-5435 Lyndale Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a site plan review of a major automobile repair facility for the property located at 5431-5435 Lyndale Ave S, subject to the following conditions:

1. CPED Planning staff review and approval of the final site, landscaping, floor and building elevation plans.
2. All site improvements shall be completed by April 11, 2012 unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. Conditions #6, #7, #8, and #9 of approval for BZZ-290 shall remain in effect.
4. Architectural elements, such as recesses, projections or windows, shall be provided on the north building elevation and on the first story wall located east of the garage doors on the south building elevation to prevent blank walls greater than 25 feet in width as required by section 530.120 of the zoning code.
5. As an alternative to fully complying with the window requirements of section 530.120 of the zoning code, windows that allow views into and out of the building at eye level shall be provided in all garage doors.
6. A sensory signal(s), such as audio or lighting, shall be installed to signal to pedestrians when vehicles are exiting from the Lyndale Avenue garage doors as required by section 530.150 of the zoning code to minimize conflicts between vehicles and pedestrians. Such sensory signal(s) shall not unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance.

President Tucker opened the public hearing.

No one was present to speak to the item.

President Tucker closed the public hearing.

Commissioner Carter moved approval of the staff recommendation (Schiff seconded).

The motion carried 6-0 (Luepke-Pier not present for the vote).