

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: May 10, 2006

TO: Steve Poor, Manager, Community Planning & Economic Development -
Planning Division

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

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

SUBJECT: Planning Commission decisions of May 8, 2006

The following actions were taken by the Planning Commission on May 8, 2006. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Martin, El-Hindi, Krause, Krueger, LaShomb, Motzenbecker, Schiff and Tucker – 8

Not Present: Henry-Blythe and Nordyke (excused)

13. St Mary's University of Minnesota (BZZ-2951, Ward 6), 2304 Park Ave, 2222 and 2226 Oakland Ave (Becca Farrar).

A. Rezoning: Application by Mod Feders, on behalf of St Mary's University of Minnesota, for a petition to rezone the properties located at 2304 Park Ave, 2222 and 2226 Oakland Ave from the R4, R6 and OR2 districts to the OR3 district.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classifications of the property located at 2304 Park Ave from the OR2 district to the OR3 district and **continued**

the rezoning petition to change the zoning classifications of the properties located at 2222 and 2226 Oakland Ave from the R6 and R4 districts to the OR3 district to the May 22, 2006 meeting.

B. Conditional Use Permit: Application by Mod Feders, on behalf of St Mary's University of Minnesota, for a conditional use permit for a college expansion for the properties located at 2304 Park Ave, 2222 and 2226 Oakland Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a college expansion for St Mary's University of Minnesota on the property located at 2304 Park Ave and **continued** the application for a conditional use permit to allow a college expansion for St Mary's University of Minnesota on the properties located at 2222 and 2226 Oakland Ave to the May 22, 2006 meeting.

President Martin opened the public hearing.

John Pyle (2500 Park Ave.): I am from St. Mary's University. I just wanted to touch upon where this fits in our plan. We've been in the Park Avenue area since 1985 and we currently own three buildings. This allows us to do a better job with our current students and provide some better classroom space than we currently have and look at some lab space that would be used in that facility that would lend itself well to our academic instruction.

Commissioner Krause: I was unclear in this application exactly what the campus expansion plans are. Presumably it doesn't trigger additional land use applications so all we're getting are the rezoning and the conditional use permit, but it was difficult to see. Are there subsequent phases to this, is this setting something up for some additional construction or other work to come in the future? We just had an example of sometimes approving one thing that leads to another without seeing the whole picture all at once.

John Pyle: This a contingent...if we don't receive this and were unable to purchase the property, what we would be doing then is an interior remodel to the first floor to reconfigure their drawings for the institution. If we don't receive this rezoning then we won't be able to purchase the property.

President Martin: That answer your question Commissioner Krause?

Commissioner Krause: You wouldn't be able to purchase the property because...

John Pyle: If can't have it rezoned for the OR3 use then we wouldn't be able to go forward.

Commissioner Krause: So is the use changing?

President Martin: Becca, maybe you can help.

Staff Farrar: The building that they're looking to occupy the 2403 is currently the Memorial Blood Bank center so in order to have a college or university type of use OR3 is a required district. It's a conditional use in a OR3 district; the only office residence district that allows colleges or universities as conditional uses. There is a St. Mary's University Master Plan that sort of outlines the 2304 building and the one that was approved on consent, the 2436 Park Avenue which is in their 1-5 year plan and then 5-10 years is something that is out there.

Staff Wittenberg: Just to expand on something Ms. Farrar noted earlier, it was my judgment that we should not approve this on the consent agenda earlier tonight because, while we're comfortable with our staff recommendation we felt that it was important for the commission to closely consider this kind of significant expansion of the OR3 this far westward given that the OR3 allows a level of height and density that is not allowed by any other districts outside of the downtown districts.

President Martin closed the public hearing.

Commissioner Schiff: I'm appreciative of this not being on consent and having the opportunity to discuss it because in just pulling up the zoning map, it is quite a jump to have the OR3 zoning go over to the other side of Oakland Avenue and where Portland is so in tact with the height and type of structures we're seeing right now, I am [tape ended]...pretty big opening up of a new district and one that would lead to more office uses on the rest of Oakland Avenue so I'm a little nervous about this and see it as a pretty large step.

Commissioner Motzenbecker: Is there another classification that would work better for the parking lots? I believe that's what it is right now, across Oakland, that might be able to work within this to address some of those concerns of Commissioner Schiff's.

Staff Farrar: It's my understanding that in order for the parking lots to be seen as part of the university or college expansion, they would need a designation of OR3. Again, we do elude in the staff report the transitional parking overlay district as being a potential option.

Commissioner Schiff: As an option that gives them the exact same permissions?

Staff Farrar: Well there are restrictions of the TP overlay, they'd have to get signatures to do that. There are several different things that are outlined within the code.

Commissioner Schiff: Just different process, but ultimately the use is the same.

Staff Farrar: Yeah.

President Martin: Jason?

Staff Wittenberg: Sure. In terms of the existing use, that's correct. In terms of proposed future uses, of course, the TP with the existing classification would be much more restrictive than the OR3.

Commissioner Krause: It seems like this one needs just maybe a little bit more work and maybe look at maybe what our other options might be or come back with the motion perhaps that includes the overlay. How do the other Commissioners feel?

Staff Wittenberg: One point, as Ms. Farrar eluded to, is that should the applicant choose to or be directed to pursue the TP Overlay District, they would under state law be required to first obtain consent signatures from two-thirds of the property owners within 100 feet of the property that they would be rezoning to. That would prevent us from holding this over one or two cycles in order to let the applicant accomplish that.

Commissioner Motzenbecker: Something for the commission to consider, doing a lot of campus master planning, parking lots are always placeholders for more buildings. I do understand Commissioner Schiff's concern, especially on that side of Oakland with it being very much residential. That's pretty much the standard that we always use that soon buildings will go there. This may not be the case for x-number of years, but it's something to keep in your minds.

Commissioner Schiff: We've gotten no feedback on this as well. Some of you may know that Midtown Phillips is in an uproar over the 2500 block of Chicago Avenue...

President Martin: We do have a neighborhood letter.

Commissioner Schiff: Oh we do have a neighborhood letter. The neighborhood to the east of this is quite concerned about expansion of another hospital use, Children's Hospital expanding across Chicago Avenue which they thought was a violation of a neighborhood agreement between that institution and the neighborhood. I'm not comfortable with it and because I see this as essentially opening the door to rezoning this entire half of the block to OR2 or OR3 uses and I am not comfortable making today without further study so at the very least postponement otherwise I'd more forward a recommendation for denial.

President Martin: Which?

Commissioner Schiff: Well, just to move carefully, I guess if we have time to postpone and it looks like do then I would move a postponement so that...

President Martin: Ok, we're going to postpone for what purpose?

Commissioner Schiff: I want to look at this...

President Martin: At the TPO?

Commissioner Schiff: I want to look at the TPO possibility, but if we're looking at a six story medical office building on this parcel then I want an opportunity to look at this site and really consider what we're doing there, what other structures we're putting in danger in the future and just have the Committee of the Whole to discuss how far we want this office complex area to expand to in the future.

President Martin: Ok. How many cycles?

Commissioner Schiff: I've got July 28th in front of me as a date...

President Martin: No, May 29th.

Staff Wittenberg: That's correct. Ms Farrar can perhaps correct me if I am wrong, but I think we may only have the ability to continue one cycle based on potential appeals of the CUP that could take place.

Staff Farrar: That would be correct.

Commissioner Schiff: Only one?

Staff Farrar: It's been extended already until the 120 days, July 28th, it's on the cover of the staff report.

Commissioner Schiff: If we're at May right now, we should have two cycles to still leave time.

Staff Farrar: I don't have a calendar in front of me, but I think it's only one cycle because of the meeting dates in July.

Commissioner Schiff: Ok, one cycle. (Krause seconded)

Commissioner Krause: I am still trying to get my head around this one, but would it be possible to consider a split zoning so that they could use the OR3 on the parcel that's on Park Avenue? Would that get them the ability to purchase the property and change the use of the Blood Center, but we could retain a different zoning on the other two parcels on Oakland?

Staff Farrar: I think that we could do that because they are separate properties. Certainly if you wanted to move the rezoning on one of the parcels as opposed to the two across Oakland, that is one of the options you have before you.

Commissioner Krause: So that lets them move forward with the purchase of the Blood Center?

Staff Farrar: Probably. The applicants can speak to it.

Commissioner Krause: And use it for college purposes without also changing those two parcels on that half block on Oakland which I think is what we're more concerned about.

President Martin: Ok. Do you want to make a substitute motion Commissioner Krause?

Commissioner Krause: No, I'm just suggesting that maybe as something to be considered the next time.

Commissioner LaShomb: I'm going to make a substitute motion to approve the rezoning on 2304 and to continue for one cycle the rezoning on 2226.

Commissioner Schiff: I will second that.

Commissioner LaShomb: I think that the institution is currently here and so it's really a question of some expansion and I guess I'm a little concerned about what happens to parking lots as well, but I guess we ought to give them the ability to move forward on the 2304 site and I don't know how 2226 will get resolved, but I guess we'll find out in a cycle. Commissioner Schiff will get the research done and it will get worked out.

John Pyle: Can I speak to that one point about the parking lots?

President Martin: We've actually closed the public hearing, but if you have something useful to say we'll listen.

John Pyle: That's fine, I'll respect the procedures.

President Martin: Ok. So the motion is to approve the rezoning for the 2304 Park Avenue site only and to continue the discussion about rezoning for the other two addresses on Oakland. All those in favor? Opposed?

Commissioner LaShomb: I will move the conditional use permit as it applies to 2304 and the other two we will also lay over. 2222 and 2226 Oakland Avenue will be laid over for a cycle. (Tucker seconded)

President Martin: That was a very solomonic decision, thank you.

The motion carried 7 – 0.

14. Mississippi River Critical Area Plan (Wards 1, 2, 3, 4, and 12) (Pam Miner)

A. Master Plan: Consideration of adoption of the Minneapolis Mississippi River Critical Area Plan.

Action: The City Planning Commission recommended that the City Council adopt the recommendations and **approve** the revised version of the comprehensive plan amendment

for the Minneapolis Mississippi River Critical Area Plan, noting that the statements in the Critical Area Plan Text Corrections document about urban design for the Above the Falls area specifically refer to the area covered by the Above the Falls plan.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

Commissioner Tucker: I just want to make sure that the Critical Area Plan Text Corrections are a part of this report.

President Martin: Pam, do you want to speak to that, please?

Staff Miner: Yes, the text corrections are to be considered part of the report and the motion to approve the report is to accept those text corrections.

Commissioner Tucker: Ok. I would suggest one little change. A lot of comments came from the Above the Falls Planning Committee and I would suggest that those statements about urban design for the Above the Falls area specifically refer to Above the Falls so those urban design guidelines don't necessarily apply like to the central riverfront or elsewhere. I think there are four instances... just write "in the Above the Falls area", etc.

President Martin: Ok. Great. Thank you. Anything else?

Commissioner LaShomb moved approval of the staff recommendation (Tucker seconded).

The motion carried 7 – 0.

15. Zoning Code Text Amendment (Title 20, Chapter 548, Ward: Citywide) (Janelle Widmeier).

A. Text Amendment: Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to the Zoning Code: C1 Neighborhood Commercial District.

The purpose of the amendment is to revise the minimum lot area requirements for residential uses in the C1 District.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the zoning code text amendment affecting the minimum lot area requirements for residential uses in the C1 Neighborhood Commercial District.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

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

The motion carried 7 – 0.