



CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #3
June 9, 2014
BZZ-6568

LAND USE APPLICATION SUMMARY

Property Location: 837 15th Avenue Southeast
Project Name: Elmwood Properties (Custom Airbrush Tanning)
Prepared By: [Hilary Dvorak](#), Principal Planner, (612) 673-2639
Applicant: Craig Janssen
Project Contact: Craig Janssen
Request: To locate a retail sales and services use in the building.
Required Applications:

Change of a Legal Nonconforming Use	From an office to a retail sales and services use in the R4 Multiple-family District.
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SITE DATA

Existing Zoning	R4 Multiple-family District UA University Area Overlay District
Lot Area	4,050 square feet / 0.93 acres
Ward(s)	2
Neighborhood(s)	Southeast Como Improvement Association
Designated Future Land Use	Urban Neighborhood
Land Use Features	Community Corridor (15 th Avenue Southeast/Como Avenue Southeast)
Small Area Plan(s)	None

May 2, 2014 Date Application Deemed Complete	May 2, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	July 1, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The property is located in Southeast Minneapolis on the southwest corner of 15th Avenue Southeast and Rollins Avenue Southeast. The site is occupied by a mixed use building including ground floor office space and a second floor dwelling unit.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is surrounded by residential properties of varying densities, a public park, a child care center and railroad tracks. The site is located in the Como neighborhood.

PROJECT DESCRIPTION. The building was constructed in 1949 for a retail sales and services business. Throughout the building's history there have been a number of businesses at this location including a number of retail stores, a day care, the neighborhood offices and the leasing office for the property owner. When the applicant purchased the property he converted the second floor of the building into a single dwelling unit. As part of that project the internal staircase was removed and a separate staircase that leads from the back of the building to the second floor was added.

There had been two offices located on the first floor of the building. The applicant uses one of the office spaces for his property leasing business. The second office space on the first floor had been occupied by the Southeast Como Improvement Association until they moved in April of 2011. In July of 2012, this space was leased to the current tenant who operates a custom airbrush tanning salon. Upon a recent inspection of the property it was discovered that the applicant hadn't applied for a change of nonconforming use application and is therefore doing that now.

RELATED APPROVALS. In 2008, the applicant received a building permit to convert the second floor of the building into a single dwelling unit with three bedrooms.

PUBLIC COMMENTS. No public comments have been received for this site. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

CHANGE OF A NONCONFORMING USE

The Department of Community Planning and Economic Development has analyzed the application to change from an office to a retail sales and services use in the R4 Multiple-family District based on the following [findings](#):

1. *The proposed use is compatible with adjacent property and the neighborhood.*

Located at the intersection of the 15th Avenue Southeast and Rollins Avenue Southeast is a day care facility, a single-family home and a public park. Given the size of the custom airbrush tanning salon and the average number of clients seen on a weekly basis the use is compatible with the adjacent properties and the neighborhood.

2. *The proposed use is less intense than the existing, nonconforming use.*

The Southeast Como Improvement Association (SECIA) operated out of this building between June of 2004 and April of 2011.

- a) **Hours of operation:** When SECIA was located in this building they operated Monday through Friday from 10 am until 7pm. The custom airbrush tanning salon is open Monday through Friday from 1 pm until 6 pm.
- b) **Signage:** The zoning code allows one nonilluminated, flat wall sign that is no larger than 16 square feet and not taller than 14 feet above grade. On a corner lot, two signs are allowed. The custom airbrush tanning salon has a 24 square foot identification sign on the front of the building. The top of the sign is located 12 feet above grade. The applicant has indicated that the sign can be made smaller to meet the zoning code regulations. CPED recommends that the sign be made smaller to comply with the size regulations. The applicant shall apply for a sign permit.

There are two Elmwood Property signs on the building; one is on the front of the building and one is on the north side of the building. Both of these signs are larger than 16 square feet. The sign on the front of the building is located 12 feet above grade and the sign on the north side of the building is located 18 feet above grade. CPED recommends that both signs be made smaller to comply with the size regulations and that the sign on the north side of the building be no taller than 14 feet above grade. The applicant shall apply for sign permits.

- c) **Traffic generation and safety:** When SECIA was located in this building they would hold small group meetings on site but larger neighborhood-wide meetings were held at the public park across the street. On average, the operator of the custom airbrush tanning salon sees 20 clients per week. Each appointment lasts approximately 20 minutes. The operator of the custom airbrush tanning salon estimates that 35 percent of the customers walk or take a bus to their appointment while the rest drive.
- d) **Off-street parking and loading:** There is a parking area located towards the back of the building that can be used by the business owner and customers. The parking area is large enough to accommodate three vehicles however, it is not striped. CPED recommends that the parking area be striped.
- e) **Nature of business operations:** Custom airbrush tanning is a spray tanning business. Spray tanning involves a solution that is made out of sugar water that is applied to the skin. When applied, the solution reacts with the proteins on the skin's surface. Spray tanning is a non-invasive service.
- f) **Number of employees:** When SECIA was located in this building there were four employees working in the office. The owner/operator of the custom airbrush tanning salon is the only employee of the business.
- g) **Building Bulk:** The building footprint is 960 square feet in size. The total size of the building is 1,920 square feet. No addition is proposed.
- h) **Aesthetic impacts on surrounding property:** No changes are proposed to the building. The parking area is paved up to the public sidewalk along Rollins Avenue Southeast. There is room to remove some of the pavement and install a landscaped buffer between the public sidewalk and the parking lot. CPED recommends that an eight-foot wide landscaped yard be installed along the north side of the parking area.

- i) **Noise, odor, heat, glare and vibration:** There is no noise, odor, heat, glare or vibrations associated with the custom airbrush tanning salon. The spray tanning solution is made out of sugar water and applied to the skin.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Change of a Nonconforming Use:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the change of a nonconforming use application from an office to a retail sales and services use in the R4 Multiple-family District for the property located at 837 15th Avenue Southeast subject to the following conditions:

1. The custom airbrush tanning salon sign shall be no larger than 16 square feet and not taller than 14 feet above grade. The sign shall be nonilluminated. The applicant shall apply for a sign permit.
2. The Elmwood Property signs shall be no larger than 16 square feet and not taller than 14 feet above grade. The signs shall be nonilluminated. The applicant shall apply for sign permits.
3. The parking area shall be striped per the standards of Chapter 541, Off-Street Parking and Loading.
4. There shall be an eight-foot wide landscaped yard installed along the north side of the parking area. It shall be landscaped per the standards of Chapter 530, Site Plan Review.

ATTACHMENTS

1. Written description and history of the property
2. Letter from the Custom Airbrush Tanning business owner
3. Zoning map
4. Site survey
5. Plans
6. Building elevations
7. Photos
8. Correspondence

Elmwood Properties

Independent Student Living at the U of M

1420 Rollins Avenue Se, Minneapolis, MN 55414-2349 Tel 612 623 4488 www.ElmwoodProperties.com

From: Craig Janssen [mailto:craig@elmwoodproperties.com]
Sent: Monday, April 28, 2014 12:18 AM
To: 'Ricardo McCurley'
Cc: 'Garwood, Robin D.'
Subject: 837-15th Ave SE NCU application

Attn: SECIA and Robin Garwood for 2nd Ward

RE: 837-15th Ave SE and to inform SECIA and councilmember Cam Gordon of NCU application for Custom Airbrush spray tan business.

History:

Since its construction in 1949, 837-15th Avenue was every day a commercial use. It never had any kind of residential tenant, and, in fact, it never even had a full bathroom or a kitchen. It was built as a commercial property, and it was always operated as a commercial property. Prior tenants in the building included: Arnold's Barber Supply, Hello Minnesota (a retail gift store now in Roseville), a day care center, On-Guard Security Services, SECIA. The previous owner, Dennis Morgan, lives in Nashville, TN, and he used the upstairs as a music composition studio when he came to town to visit his mom and apparently crashed on the couch sometimes. There are no centralized records for all the tenants of this building, but, to the best of my knowledge and all the people I can find, the building had only a few years unoccupied in its entire 65 year history, once between the daycare center and On Guard Security (which I remember), another between SECIA and Custom Airbrush, about 1 year. All the other 65 years, it was always occupied by one of the businesses I have listed.

In its entire 65 years history, including all the time SECIA was a tenant, no one ever complained about a business tenant in 837, and no one from the zoning department ever sent a violation notice to the owner regarding a violation of residential zoning classification. Only in the past month, since the building was constructed 65 years ago as a commercial property, did the zoning department send a violation notice to the owner. And the violation notice I received was for what the building was originally built for and always and continuously occupied for - commercial purposes. It never even had a kitchen or full bath, so it couldn't have been used for any residential use ever in its history.

SECIA occupied 837-15th Avenue Se on June 1, 2004. I then remodeled the entire interior of both floors, at a cost of about \$85,000, including new separate heating and air conditioning systems for each floor and a water heater serving both floors. On the second floor, we designed access via a new internal stairway to convert the 3 room office space to a 3 bedroom apartment. Previously, there was an internal stair between the offices on each floor, located in the center of the building. We also remodeled the first floor completely, with new gypboard walls, new tile flooring, and both floors each received a furnace and air conditioner. SECIA moved out April 4, 2011.

Elmwood Properties

Independent Student Living at the U of M

1420 Rollins Avenue Se, Minneapolis, MN 55414-2349 Tel 612 623 4488 www.ElmwoodProperties.com

On June 1, 2012, Laura Curran, d/b/a Custom Airbrush Tanning, leased the first floor, except for the room on the right front, which we use occasionally to meet prospective residents for the apartments. Laura's business is spray tanning. Laura's business is spray application of a topical skin colorant that is basically sugar water. There are no chemicals and no waste. In sum, I cannot think of any business that is more benign in its affect on the neighborhood. The number of clients per week averages 20, and 65% are walk-in. There are no weekend customers.

I hereby request:

- Custom Airbrush Tan be approved to maintain its operation in 837-15th Ave SE
- Elmwood Properties (Craig Janssen D/B/A Elmwood Properties) continue to use the front right meeting room as a leasing office

Change of Nonconforming use statement:

- (1) hours of operation: Custom Airbrush and the Elmwood leasing office are normally 1-6 Monday thru Friday
- (2) signage: the current sign on the building for Custom Airbrush Tan area 24 sqft be reduced to the code required 16 sqft maximum surface area and lit externally according to code. The internally lit sign for Elmwood Properties, currently 27 sqft, remain in place but the internal lights unplugged and the sign to be lit externally according to code. One common external light fixture to illuminate both signs.
- (3) Traffic generation: The number of cars in the parking lot related to Custom Airbrush Tan averages about 2 cars for 4 hours total in one week. Mostly, those few who drive prefer park on the street, and the street is usually empty after 4pm. For the Elmwood leasing office, there are -0- cars, because we have another parking area, and also the street is usually vacant. Custom Airbrush Tan customers are also allowed to park in the Elmwood parking lot behind 1410 and 1420 Rollins Ave SE.
- (4) Off-street parking and loading: Rollins Ave SE is normally empty or near-empty in the late afternoon or evening, and there are no loading activities at all with either business.
- (5) Nature of business operations: Described above
- (6) Number of employees: -0-
- (7) Building bulk: 837-15th Ave SE has an exterior footprint of 979 sq ft and 19,574 cubic feet
- (8) Aesthetic impacts on surrounding property: The proposed NCU approval does not have any aesthetic impacts on the surrounding property. This request is only intended to meet code and continue the 65 year history of commercial tenants in the building.
- (9) Lighting, noise, odor, heat, glare and vibration: None exist and none to be created from this NCU request

Please find below some recent correspondence from Robin Garwood and Steve Poor.

Sincerely,

Craig Janssen Cel 612 978 4444 craig@elmwoodproperties.com

Custom Airbrush Tan & Salon
Laura Curran, Owner
837 15th Avenue SE
Minneapolis, MN 55414
April 23, 2014

Elmwood Properties
Craig Jansen
1420 Rollins Avenue SE
Minneapolis, MN 55414

Dear Craig:

I am writing in regards to the NCU Application of the property: 837 15th Avenue S.E., Minneapolis, MN 55414. Custom Airbrush Tan & Salon has been operating from this location since July 1, 2012. I feel we are a great asset to the neighborhood and would like to continue operating the business from here.

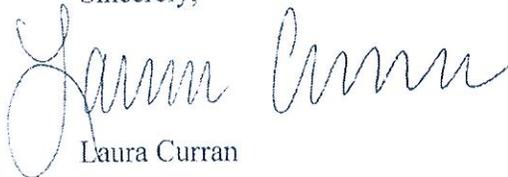
On average I work with 20 clients per week. There are typically two cars in the parking lot, one of which being my own. A client's typical appointment at the salon lasts 20 minutes. We are centrally located from the University of Minnesota campus. Approximately 35% of our clients do not drive to the salon. Most of our appointments take place during the weekdays in the afternoon and early evening.

At this time FDA does not feel there are any concerns with spray tanning allowing it to be an unregulated/unlicensed business. I currently have four certifications in spray tanning to provide my clients with the highest level of expertise. The salon does not have any tanning beds making our business completely safe to our clientele. Our products are organic, paraben/sulfate/gluten free. The basis of spray tan solution is sugar water that reacts with the proteins on the skin's surface. It is a non-invasive service. There is no onsite waste on the property.

Custom Airbrush Tan & Salon offers the community a safe alternative to tanning beds. All of our online reviews reflect our clients are extremely happy with the service and products they receive at the salon.

Thank you for your continued support with Custom Airbrush Tan & Salon. Please let me know if you have any questions I can address.

Sincerely,



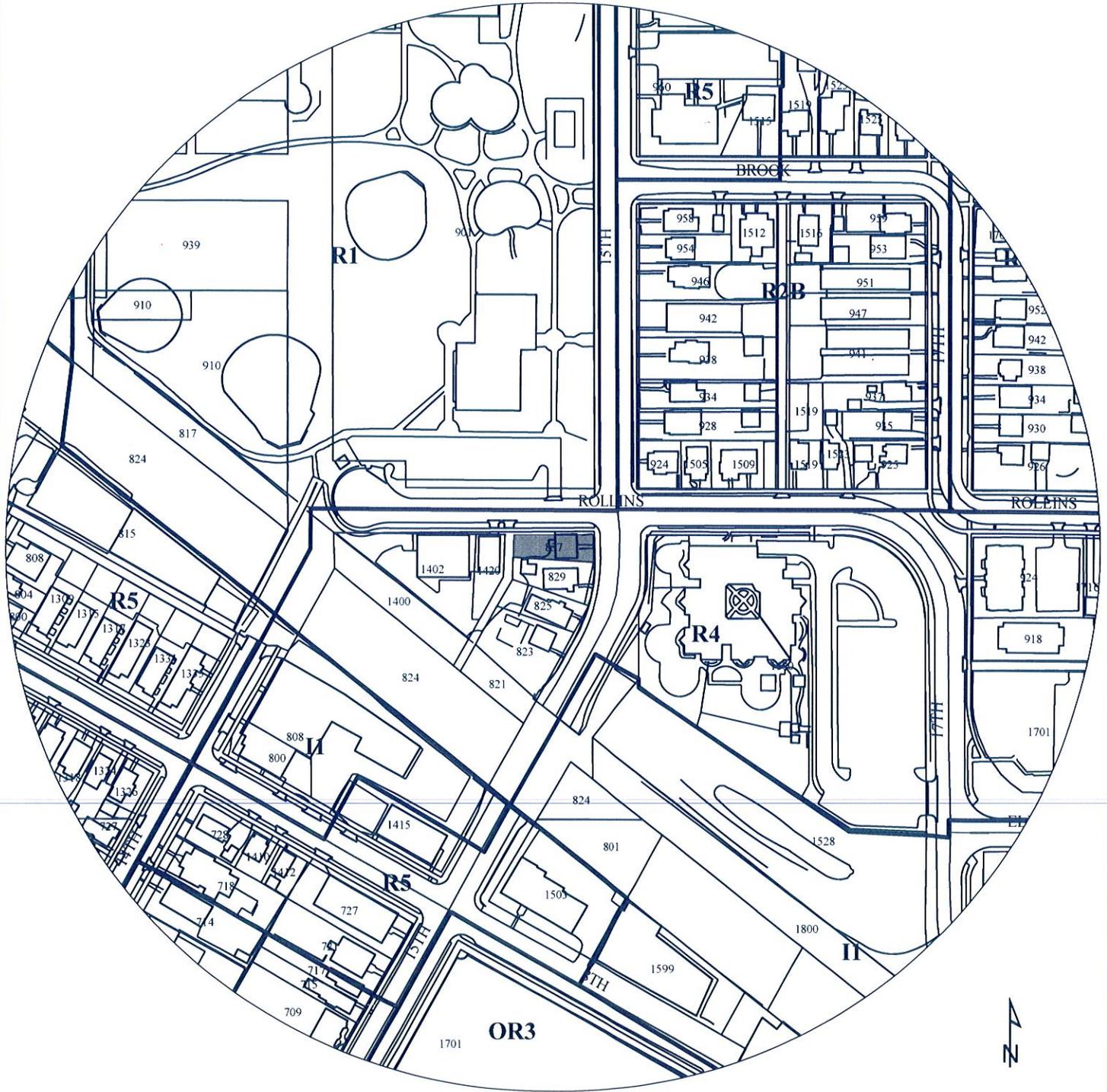
Laura Curran

Elmwood Properties (Custom Airbrush Tanning)

2nd

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

837 15th Avenue Southeast

FILE NUMBER

BZZ-6568

FOR Craig Janssen

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Randy L. Kurth, L.L.S. No. 20270
Russell J. Kurth, L.L.S. No. 16113

CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

KURTH SURVEYING, INC.
4002 JEFFERSON ST. N.E.
COLUMBIA HEIGHTS, MN 55421
PHONE (763) 788-3769 FAX (763) 788-7602
E-MAIL: ksi@kurthsurveyinginc.com

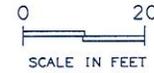
REV. 5-1-14 (LOT AREAS)

DATE APRIL 23, 2014

-  = IRON PIPE MONUMENT SET
-  = IRON PIPE MONUMENT FOUND
-  = SPIKE SET
-  = WOOD PRIVACY FENCE (wpf)
-  = CHAIN LINK FENCE (clf)
-  = CONCRETE SURFACE
-  = BITUMINOUS SURFACE

BEARINGS SHOWN ARE ASSUMED

TOTAL LOT AREA = 4050 SQ. FT.
BIT LOT AREA = 1580 SQ. FT.
LANDSCAPE AREA = 800 SQ. FT.
SNOW STORE AREA = 220 SQ. FT.



VAN CLEAVE PARK

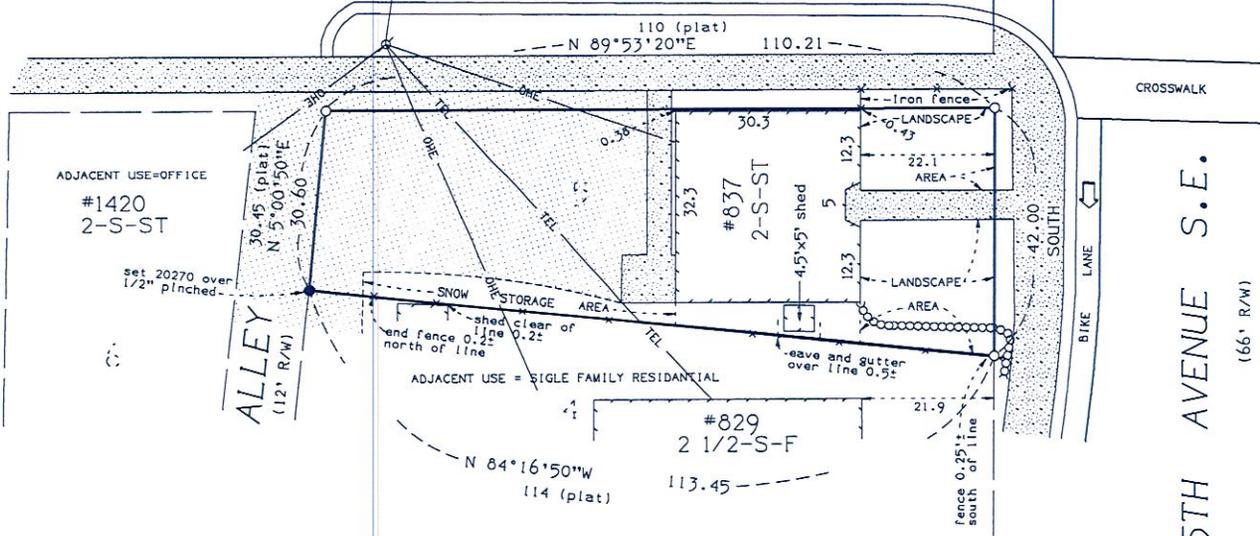
ROLLINS AVENUE S.E. (66' R/W)

CROSSWALK

CROSSWALK

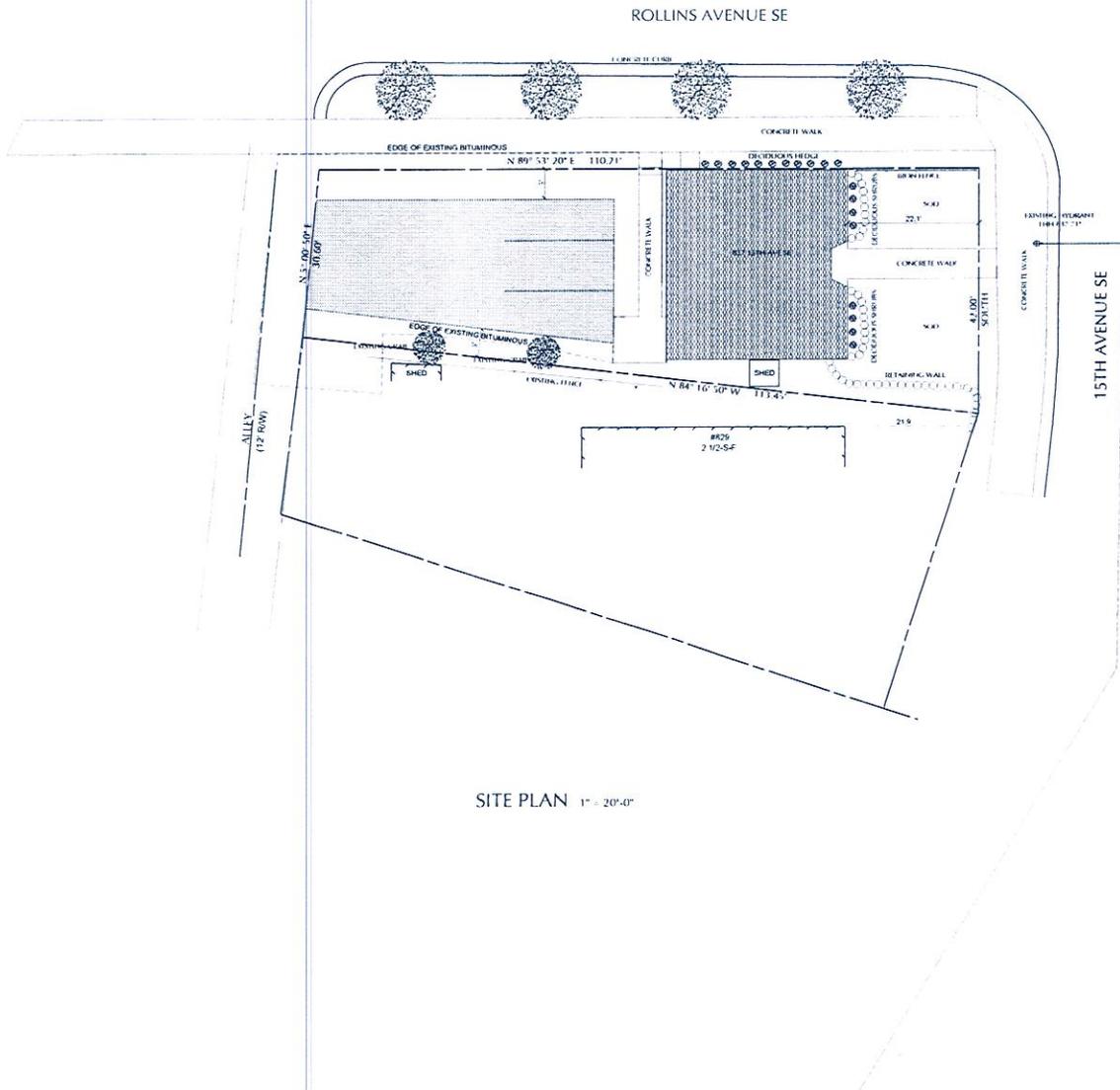
BIKE LANE

15TH AVENUE S.E. (66' R/W)



PROPERTY DESCRIPTION

Lots 5, WEAVER SUBDIVISION IN BLOCK NINE (9) ROLLINS ADDITION TO MINNEAPOLIS, Hennepin County, MN..



SITE PLAN 1" = 20'-0"



Norm Wells Architect PA
 623 Seventeenth Avenue NW
 New Brighton, Minnesota 55112
 Telephone 651-631-8798
 normwellsarchip@aol.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.
NORM WELLS
 DATE: _____ REG. NO. 11782

SITE PLAN
ELMWOOD PROPERTIES
837 15TH AVENUE SE
MINNEAPOLIS, MINNESOTA

Revisions

Date: APRIL 24, 2014

Final Issue

Date Plotted: APRIL 24, 2014

Sheet Number
A1.0
 OF 3

837 15TH AV SE

YEAR BUILT 1950
(REMODELED IN 90'S)

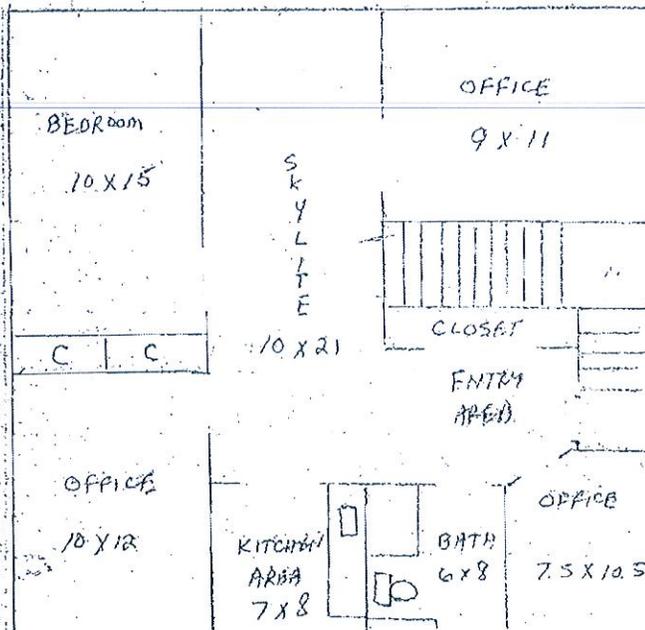
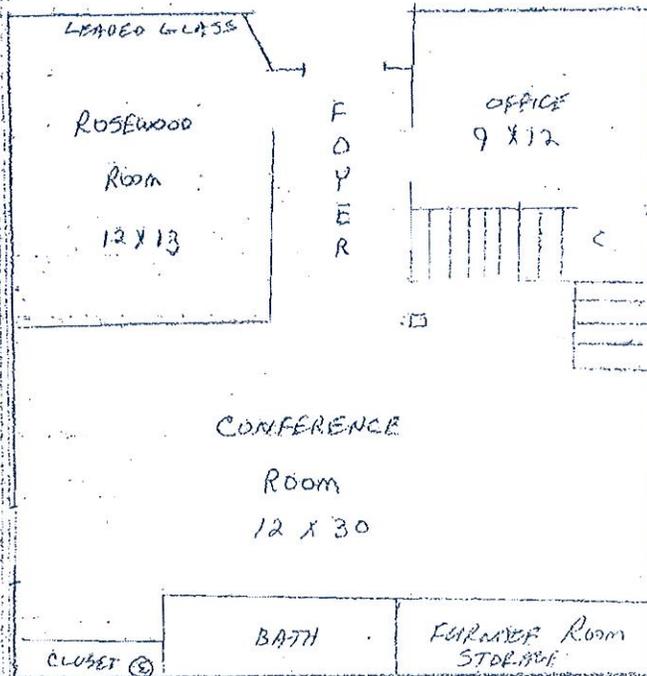
STUCCO EXTERIOR
NEWER COMBINATION
WINDOWS

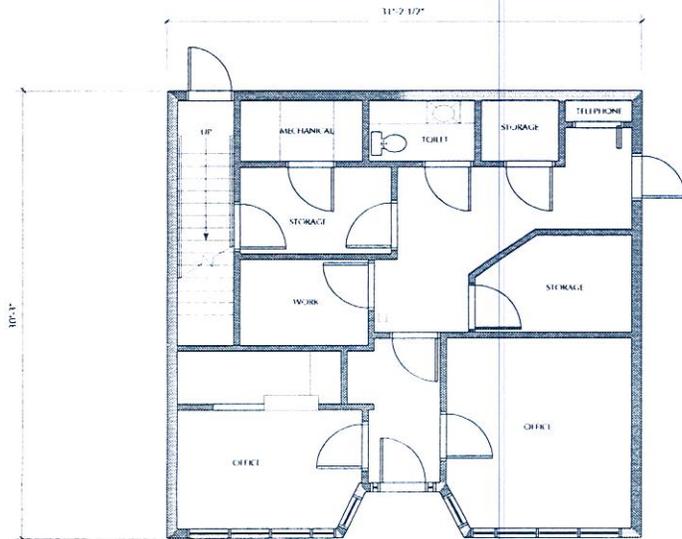
BLACKTOPPED PARKING LOT

GPS FORCED AIR HEATING
CENTRAL AIR

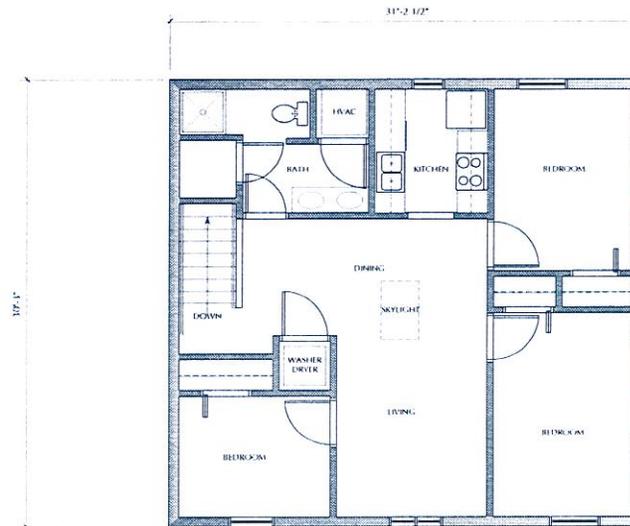
MAIN FLOOR SIDE ENTRANCE

200 AMP CE ELECTRICAL
MONTROSO SECURITY SYSTEM





FIRST FLOOR PLAN 1/8" = 1'-0"



SECOND FLOOR PLAN 1/8" = 1'-0"



Norm Wells Architect PA
 623 Seventeenth Avenue NW
 New Brighton, Minnesota 55112
 Telephone 651/631-8798
 normwellsarchtpa@gmail.com



I hereby certify that the above is a true and correct representation and that I am a duly Licensed Professional Architect in the State of Minnesota.
 NORM WELLS
 DATE: _____ REG. NO. 11782

FLOOR PLANS
ELMWOOD PROPERTIES
837 15TH AVENUE SE
MINNEAPOLIS, MINNESOTA

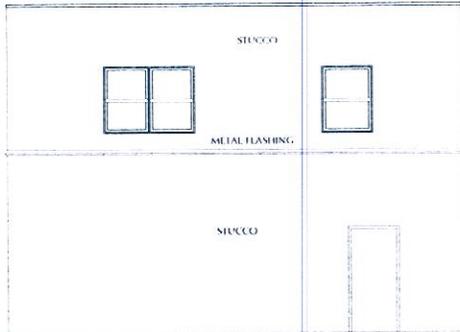
Revisions

Date
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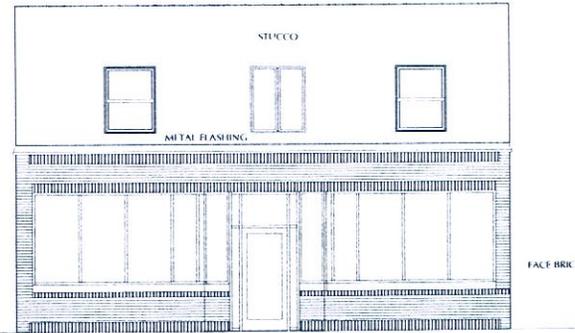
Final Issue

Date Plotted
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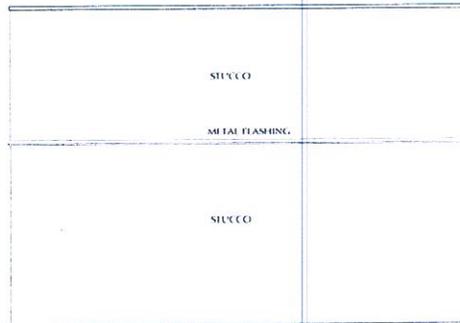
Sheet Number
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 OF 3



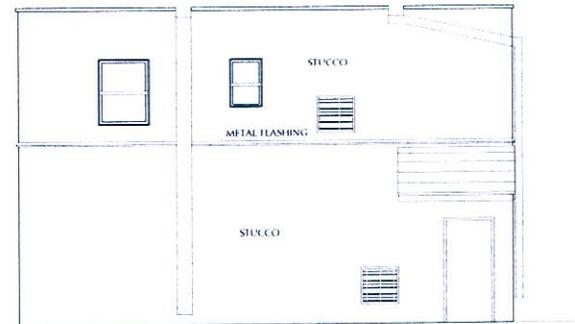
NORTH ELEVATION 1/8" = 1'-0"



EAST ELEVATION 1/8" = 1'-0"



SOUTH ELEVATION 1/8" = 1'-0"



WEST ELEVATION 1/8" = 1'-0"

Norm Wells Architect PA
 623 Seventeenth Avenue NW
 New Brighton, Minnesota 55112
 Telephone 651/631-8798
 normwellsarchpa@gmail.com

© 2014 NORM WELLS ARCHITECT P.A.
DATE: _____

I hereby certify that I am the
 duly qualified and duly licensed
 professional person who has
 prepared and that I am a duly
 licensed professional person
 of the State of Minnesota.
 NORM WELLS
 DATE: _____ Page No. 11782

BUILDING ELEVATIONS
 ELMWOOD PROPERTIES
 837 15TH AVENUE SE
 MINNEAPOLIS, MINNESOTA

Revisions

Date
 APRIL 24, 2014

Final Issue

Date Plotted
 APRIL 24, 2014

Sheet Number

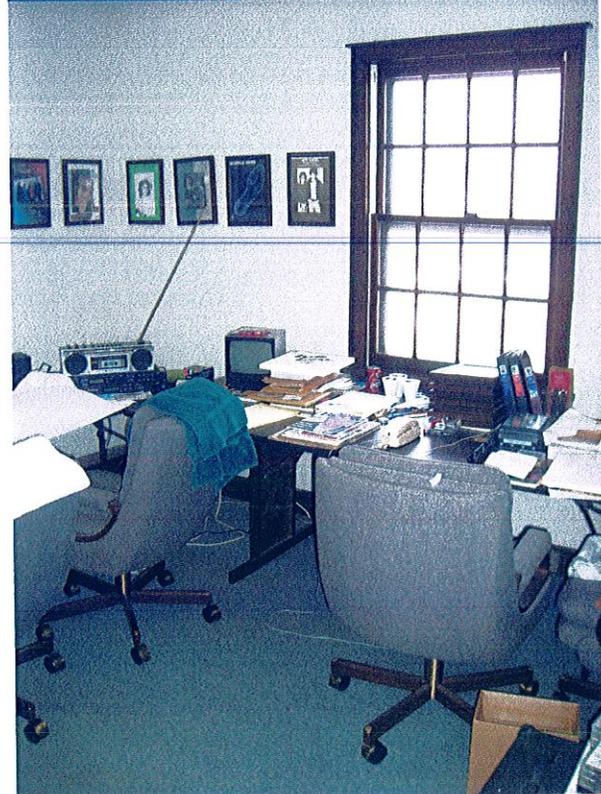
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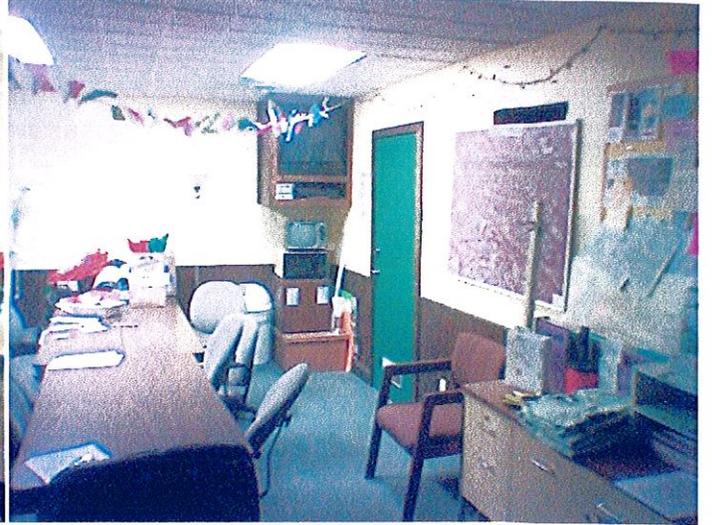


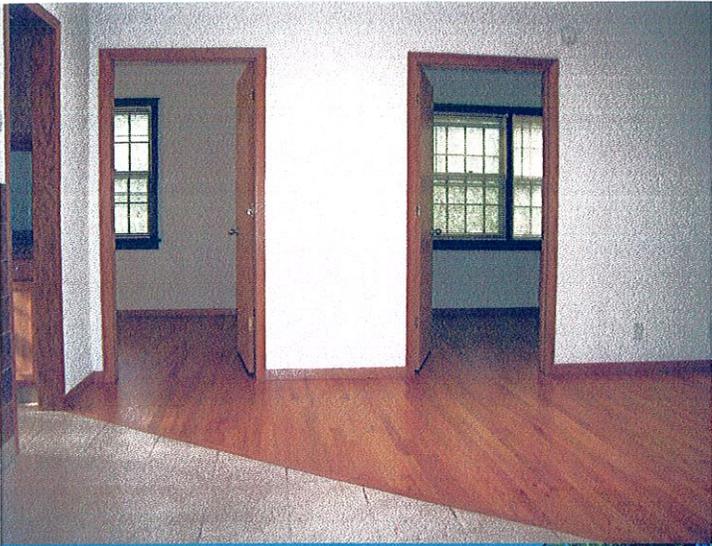












Craig Janssen

To: Ricardo McCurley
Cc: 'Garwood, Robin D.'
Subject: 837-15th Ave SE NCU application
Attachments: Scan0064.pdf; photos exterior.docx; 837 SITE PLAN 11x17.pdf; floor plans 11x17.pdf; 837 15TH ave se elevations 11x17.pdf; LOT 5 CERT.PDF

Attn: SECIA and Robin Garwood for 2nd Ward

RE: 837-15th Ave SE and to inform SECIA and councilmember Cam Gordon of NCU application for Custom Airbrush spray tan business.

History:

Since its construction in 1949, 837-15th Avenue was every day a commercial use. It never had any kind of residential tenant, and, in fact, it never had a full bathroom. It was built as a commercial property, and it was always operated as a commercial property. Prior tenants in the building included: Arnold's Barber Supply, Hello Minnesota (a retail gift store now in Roseville), a day care center, On-Guard Security Services, SECIA. The previous owner, Dennis Morgan, lives in Nashville, TN, and he used the upstairs as a music composition studio when he came to town to visit his mom and apparently crashed on the couch sometimes.

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- (5) Nature of business operations: Described above
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- (9) Lighting, noise, odor, heat, glare and vibration: None exist and none to be created from this NCU request

Please find below some recent correspondence from Robin Garwood and Steve Poor.

Sincerely,

Craig Janssen Cel 612 978 4444 craig@elmwoodproperties.com

Related correspondence :

Steve Poor
Manager - Zoning Administration
Development Services Division

To re-iterate, I believe this property has nonconforming rights, but would need to go through an alteration of a nonconforming use to allow the changes it tenant.

Steve Poor
Manager - Zoning Administration
Development Services Division

City of Minneapolis – Community Planning and Economic Development
250 S. Fourth Street – Room 300
Minneapolis, MN 55414

Office: 612-673-5837
faxl: 612-673-2526
steve.poor@minneapolismn.gov
www.minneapolismn.gov/cped



From: Garwood, Robin D.
Sent: Monday, April 14, 2014 2:39 PM
To: Poor, Steve; 'craig@elmwoodproperties.com'
Subject: FW: 837 15th Ave SE

Steve,

I'm not sure what the backstory is here, but it seems pretty clear-cut to me: 837 15th Ave SE is a building with R4 zoning but nonconforming rights as a commercial building. It housed a commercial office use for years as the home of the Southeast Como Improvement Association. From what I can find, SECIA moved into their new space on April 1, 2011. If the tanning business has been in 837 15th Ave SE for three years, there was not more than a year – in at least the last decade or so – during which the space was not used for a commercial purpose. The building hasn't lost nonconforming rights, as far as I can tell.

Craig, Rob has shared with you the formal process for appealing the Zoning Administrator's decision. I think that's the best option for moving forward at this point. Here's the application:

http://www.ci.minneapolis.mn.us/www/groups/public/@cped/documents/webcontent/convert_255528.pdf.

Thanks,

Robin Garwood
Policy Aide to Second Ward Council Member Cam Gordon
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