

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

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MEMORANDUM

DATE: April 16, 2008

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 14, 2008

The following actions were taken by the Planning Commission on April 14, 2008. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Huynh, LaShomb, Nordyke, Norkus-Crampton, Schiff, Tucker and Williams – 8

Committee Clerk: Lisa Baldwin (612) 673-3710

3. Catholic ElderCare Senior Housing (BZZ-3942 and Vac-1537, Ward: 3), 917, 923, 929 and 1001 2nd St NE ([Becca Farrar](#)).

A. Conditional Use Permit: Application by Miller Hanson Partners, on behalf of Catholic Eldercare, for a conditional use permit to allow 66 residential dwelling units for the properties located at 917, 923, 929 and 1001 2nd St NE.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow 66 dwelling units on properties located at 917, 923, 929 and 1001 2nd St NE 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. Conditional Use Permit: Application by Miller Hanson Partners, on behalf of Catholic Eldercare, for a conditional use permit to increase the maximum permitted height from 4 stories or 56 feet, to 5 stories or 62 feet for the properties located at 917, 923, 929 and 1001 2nd St NE.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow an increase in height to 5 stories or 62 feet on properties located at 917, 923, 929 and 1001 2nd Street NE 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.

C. Variance: Application by Miller Hanson Partners, on behalf of Catholic Eldercare, for a variance of the off-street parking requirement for the properties located at 917, 923, 929 and 1001 2nd St NE.

Action: The City Planning Commission **returned** the application for a variance of the off street parking requirement for the properties located at 917, 923, 929 and 1001 2nd St NE.

D. Variance: Application by Miller Hanson Partners, on behalf of Catholic Eldercare, for a variance to allow a drop-off area in the required front yard adjacent to 2nd St NE for the properties located at 917, 923, 929 and 1001 2nd St NE.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to allow a drop-off area adjacent to 2nd St NE within the required front yard for the proposed development on the properties located at 917, 923, 929 and 1001 2nd St NE.

E. Site Plan Review: Application by Miller Hanson Partners, on behalf of Catholic Eldercare, for a site plan review for a 5-story, 66-unit residential development for the properties located at 917, 923, 929 and 1001 2nd St NE.

Action: The City Planning Commission **approved** the site plan review application for a 66-unit, residential development on the properties located at 917, 923, 929 and 1001 2nd St NE subject to the following conditions:

1. All site improvements shall be completed by April 14, 2009 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. The north elevation located adjacent to Broadway St NE shall be modified to meet the 20% window requirement. Storefronts windows similar in size to those along the 2nd Street NE frontage shall be incorporated where appropriate.

4. Incorporation of windows, entries, recesses, projections or other architectural elements along the north, south, east and west ground floor elevations of the proposed building to break up the blank uninterrupted walls that exceeds 25 feet in width per Section 530.120 of the zoning code.
5. All glass block windows located on the ground floor elevations shall minimally be doubled in size.
6. The stair tower located on the north building elevation shall incorporate larger windows to help break up the vertical blankness of the building wall in that location.
7. The proposed walkway that travels through the drop-off area must be a continuous accessible surface so that individuals don't have to maneuver over curbs to get straight out to 2nd Street NE from the entrance.

F. Vacation: Application by Miller Hanson Partners, on behalf of Catholic Eldercare, for an alley vacation for the properties located at 917, 923, 929 and 1001 2nd St NE.

Action: The City Planning Commission recommended that the City Council accept the findings and approve the vacation application for the properties located at 917, 923, 929 and 1001 2nd St NE.

Commissioner Tucker: Could you address the applicant's response to the Committee of the Whole about the façade on Broadway in particular in relation to that street and how they responded to our comments and what you have in mind for the conditions you proposed?

Staff Farrar: At the Committee of the Whole meeting there was certainly some concern that was expressed by the Commission as well as Planning staff regarding the Broadway street façade and as you can see the site plan is up and as you recall, this specific parcel has frontage along both Broadway St as well as on 2nd St NE. The actual front of the building is oriented here and certainly, as you can see, the building is not fronting on to Broadway St, which is technically the corner side yard of the property. In response to the concerns generated at Committee of the Whole, they did expand some of their program space where there were active uses on to the Broadway elevation which you can see reflected in the elevations, however, the recommendations that we're stating is that we believe that should go a little bit further. Essentially, the recommendations in the site plan application that we're looking for in terms of improving that overall elevation would be conditions three through six, specifically having that Broadway St NE elevation meet the 20% window requirement, which it does not currently, with the recommendation being that storefront windows should be incorporated into the Second St NE elevation where appropriate. So essentially, within close proximity to that corner of the structure here. They broke it up into two segments of Broadway, however, they should be bridged together here. The fourth specific condition was as it relates to not only this elevation, but all of the elevations for the 25 feet of blank wall provision, making sure that they comply with that. The fifth condition of approval is that all glass block windows on the elevations of the first floor that look into the parking garage also be expanded. The sixth, which we also discussed at Committee of the Whole, was having the stair tower actually be...if that's going to be a prominent thing on that specific elevation if we're not going to have a principal entrance that looks out to Broadway, incorporating larger windows so that becomes more of a visual treatment on that elevation to really help break up that elevation. Those were our recommendations as it related to that specific elevation. We did encourage them to look at expanding it even further; having storefront

windows and more of a presence on Broadway but this is what we have and these are the conditions that we feel could potentially mitigate the blank efforts that have been put on that.

Commissioner Tucker: Have you got any response from them on how they can respond to the conditions you proposed?

Staff Farrar: They have not actually proposed any drawings or anything that would comply with those recommendations as far as I'm aware. They haven't submitted anything to me upon receipt of this but they are accepting of the conditions and willing to work within the frame of them.

Commissioner Tucker: I'm glad to hear that. I wish they could've come up with designs before this meeting so we could see what they had in mind. That is the purpose of the Committee of the Whole meetings is to give them a notion of what needs to be done to make this fit into the city better. We will probably leave it to you to work with these conditions that you propose and with that I guess we will give the applicant a chance to reply.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker: I will move all the items in item three, just emphasizing the conditions three, four, five and six that it's very important that the project responds to the street, particularly along Broadway, much more so than we've seen in the Committee of the Whole meeting or in the application as sent to us. We leave it to staff to work vigorously to uphold those site review standards. (Norkus-Crampton seconded).

President Motzenbecker: Moved and seconded to approve A, B, D, E and F and return item C. Any further discussion?

Commissioner Schiff: I have a question for staff. Ms. Farrar, can you address the issues that are represented in the letter from the dentist who has the property next door and whether or not that issue has been worked out?

Staff Farrar: I actually spoke with him this afternoon and on several occasions and it was specifically as it related to the vacation of the alley, which is a part of this application. There was some concern expressed about how trash would be removed from his site. Essentially, the response to that was that the Hennepin County Recorder will ultimately make the decision as to where the division of property will occur and assuming that there is property that abuts up to the cul de sac will certainly make arrangements to locate it as long as it's not within a required yard or an interior side yard. If that does not happen there are also alternatives in which it could also be provide onsite within his parking lot, but it seems like there's a good relationship between both the applicant and the dentist which is I believe is why he hasn't shown up tonight and those discussions are just going to be ongoing as the project receives approvals.

Commissioner Schiff: Is there anything that we're doing today that can't be undone? We have to wait until the Hennepin County Recorder's office acts before we know what the outcome is going

to be or is it something that we should be deciding today with the alley that's subject to the vacation?

Staff Farrar: With me looking at the site, it looks like there is the ability for them, if worst case scenario they don't have abutting property and they can't get an easement from the applicant to locate the trash adjacent to the cul de sac, it looks like there is adequate room for them to be able to have the trash removed from their site as well as an enclosure on their property. I think either way the applicant has maintained that they would be willing to work with that adjacent property owner should it not be possible for them to have the actual trash trucks come in to the site and be able to maneuver. I don't believe that putting any additional stipulations on this project at this time is necessary. I'm aware of it, the applicant's aware of it and we're all in communication.

Commissioner Schiff: On the sidewalk along Broadway, right now there is landscaping between the sidewalk and the building which would put pedestrians against the moving lane of traffic when walking along Broadway; given that this is intended for a senior audience it seems that the current design is the most unsafe, most unfriendly possible. Did the applicant or the department look at moving the sidewalk towards the interior of the lot so that we could put in a tree boulevard to help buffer pedestrians?

Staff Farrar: This specific issue isn't under the city jurisdiction as a roadway. It is some sort of county or state roadway so any sort of proposed improvements such as unattaching the sidewalk to the right-of-way would need to be done through that sort of process and I don't believe that's something that we can stipulate within the site plan standards that we have.

Commissioner Schiff: Ok, thanks.

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

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

6. Longfellow Station—Phase 1A (BZZ-3908, Ward: 12), 3815 Hiawatha Ave ([Janelle Widmeier](#)). This item was continued from the January 28, 2008 and March 17, 2008 meetings.

A. Rezoning: Application by David Haaland, on behalf of Capital Growth Realty, for a petition to rezone from I2 Medium Industrial District to C3A Community Activity Center District for the property located at 3815 Hiawatha Ave.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the application to rezone the property of 3815 Hiawatha Ave from I2 Medium Industrial District to C3A Community Activity Center District.

B. Conditional Use Permit: Application by David Haaland, on behalf of Capital Growth Realty, for a conditional use permit for a planned unit development for the property located at 3815 Hiawatha Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a planned unit development for the property located at 3815 Hiawatha Ave, 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 applicant shall provide a sidewalk at least 8 feet in width in the 38th Street right-of-way and a minimum 8-foot wide clearance (unobstructed by bike racks, tables, seating, etc.) for the on-site walkway in the north plaza. The walkway shall be better aligned with the pedestrian curb ramp adjacent to Hiawatha Avenue.
3. The total allowed sign area for the commercial tenants with a wall facing a street shall not exceed 1.5 square feet of signage for every one linear foot of primary building wall adjacent to a nonresidential use. The total allowed sign area for walls facing a parking area shall not exceed 1 square foot of signage for every one linear foot of primary building wall adjacent to a nonresidential use.
4. No freestanding signs shall be allowed except the water feature/project sign in the central plaza shall be allowed. The face of the water feature/project sign shall not exceed 80 square feet.
5. The temporary banners shall not exceed 180 square feet in area and shall comply with the provisions for temporary signs in section 543.330 of the zoning code.
6. Signs shall not be backlit. Internal, external and neon lighting of signs shall be allowed.
7. Not more than one banner per building shall be exempt from the sign area limitations of the district. Each banner shall not exceed 180 square feet in area.
8. Each proposed "Free Parking" sign shall not exceed 100 square feet in area. The number of "Free Parking" signs shall not exceed two. Up to two wall signs not exceeding 50 square feet in area shall be allowed for the below-grade parking.
9. Approval of the final plat.

C. Conditional Use Permit: Application by David Haaland, on behalf of Capital Growth Realty, for a conditional use permit for 198 dwelling units for the property located at 3815 Hiawatha Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a multiple-family dwelling with 198 units for the property located at 3815 Hiawatha Ave, 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.

D. Conditional Use Permit: Application by David Haaland, on behalf of Capital Growth Realty, for a conditional use permit for a shopping center for the property located at 3815 Hiawatha Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow a shopping for the property located at 3815 Hiawatha Ave, 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.

E. Variance: Application by David Haaland, on behalf of Capital Growth Realty, for a variance to increase the maximum floor area of commercial uses for the property located at 3815 Hiawatha Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum floor area of a retail sales and services use from 9,600 square feet to 21,500 square feet for the property located at 3815 Hiawatha Ave, subject to the following condition:

1. All uses that have frontage along a public street shall provide at least one public entrance facing the street, which remains open to the public during the business hours of the individual use.

F. Variance: Application by David Haaland, on behalf of Capital Growth Realty, for a variance of the PO Pedestrian Oriented Overlay District standards to allow a building wall to be set back more than eight feet from the lot lines adjacent to 38th St and Hiawatha Ave for the property located at 3815 Hiawatha Ave for the property located at 3815 Hiawatha Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the PO Pedestrian Oriented Overlay District standard to allow a building wall to be set back more than eight feet from the lot lines adjacent to 38th St and Hiawatha Ave for the property located at 3815 Hiawatha Ave.

G. Variance: Application by David Haaland, on behalf of Capital Growth Realty, for a variance of the PO Pedestrian Oriented Overlay District standards to increase the maximum width of driveways for the property located at 3815 Hiawatha Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the PO Pedestrian Oriented Overlay District standard to increase the maximum driveway width from 20 feet to 23 feet and 29 feet for the property located at 3815 Hiawatha Ave.

H. Variance: Application by David Haaland, on behalf of Capital Growth Realty, for a variance of the PO Pedestrian Oriented Overlay District standards to increase the maximum width of a parking lot adjacent to a street for the property located at 3815 Hiawatha Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance of the PO Pedestrian Oriented Overlay District standard to increase the maximum width of a parking lot adjacent to a street from 60 feet to 112 feet for the property located at 3815 Hiawatha Ave, subject to the following condition:

1. A landscaped yard at least 15 feet wide shall be provided between the parking areas that exceed 60 feet in width and the Hiawatha Avenue right-of-way.

I. Site Plan Review: Application by David Haaland, on behalf of Capital Growth Realty, for a site plan review for property located at 3815 Hiawatha Ave.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review to allow a planned unit development located at the property of 3815 Hiawatha Ave, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by May 16, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. First floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between 4 and 7 feet above the adjacent grade as required by section 530.120 of the zoning code.
4. The applicant shall alter the vehicle circulation in the central plaza in order to reduce potential vehicle conflicts with pedestrians as required by section 530.150 of the zoning code. At a minimum, the driveways shall be spaced 20 feet apart.
5. The applicant shall provide not less than the minimum number of bicycle parking spaces as required by section 551.175 of the zoning code.
6. The applicant shall work with City and Park Board staff to install more mature canopy style trees in the public boulevard in a manner evenly distributed along Hiawatha Avenue.
7. The applicant shall work with MnDoT to landscape the Hiawatha Avenue median.
8. The applicant is encouraged to retain solar panels.
9. The applicant shall add a green screen in front of each drive aisle adjacent to Hiawatha Avenue to screen the parking area from the street and reinforce the building street wall.

J. Plat: Application by David Haaland, on behalf of Capital Growth Realty, for a plat for property located at 3815 Hiawatha Ave.

Action: The City Planning Commission adopted the findings and **approved** the preliminary plat for the property located at 3815 Hiawatha Ave, subject to the following condition:

1. The outlot shown on the preliminary plat shall not be platted as an outlot in the final plat.

Staff Widmeier presented the staff report.

Commissioner Norkus-Crampton: For the bike parking, I know that staff is recommending that it won't be less than what's required; could you tell me what's required for this site?

Staff Widmeier: For the dwelling units, 198 spaces are required and those must be secured.

Commissioner Norkus-Crampton: What about further commercial spaces?

Staff Widmeier: It's one bike space for every ten parking spaces. At least 21 bike spaces for the nonresidential have to be provided.

Commissioner Norkus-Crampton: There is a letter from Canadian Pacific Railway opposing the rezoning because of the use of the railway or what they consider possible potential conflicts, what ramifications could have moving forward, if any?

Staff Widmeier: For every project that I've worked on that's been adjacent to a railroad corridor, any railroad company has sent a letter saying that they oppose that.

Commissioner Norkus-Crampton: Is that kind of where it stopped or have there been any...

Staff Widmeier: That's as far as it's gone as far as I know.

President Motzenbecker: Can you clarify more this turning 20 foot pedestrian conflict thing? Is the main concern pedestrian vehicular conflict? Is the main concern vehicle/vehicle or are they equally weighted?

Staff Widmeier: It's both. We considered both when looking at this.

President Motzenbecker: The solution that was provided seemed almost not even less desirable than what's there. It seemed like it would make it less a pedestrian friendly plaza if you're having to walk across the drive aisles to get to the stores. I want to hear a little bit more about the reasoning there and maybe some other ideas.

Staff Widmeier: We also have encouraged the applicant just to remove the parking from that central plaza to really make it pedestrian oriented. Part of the reasoning for recommending a 20 foot spacing gap is Public Works will require that any curb cut be located at least 20 feet from an intersection to allow some response time so someone turning out isn't turning directly into another traffic lane. That was one way we looked at to address it. There could be others. In this case, you still have kind of a pedestrian zone that separates out. I understand your point that someone who is parking here would have to then walk across this drive aisle but there is far less traffic in this central plaza than there is coming and going out of here from the below grade parking ramp.

President Motzenbecker: Is there any code reason why the sidewalk has to cross back there? Can they just walk in a "U" around the plaza and keep going the other way? Can you just kind of stop the sidewalks there so that you're directing traffic down and around?

Staff Widmeier: Our site plan standards encourage having pedestrian access throughout the site, but as far as a code that says you have to have a sidewalk that goes across a driveway...

President Motzenbecker: Technically it's pedestrian access, it's just a different route. That was something that I was thinking might help that if you were kind of keeping green space there and maybe you could tweak the ends of your driveway. I still think it needs work. I'm not a fan of either option.

Commissioner Huynh: Following up on your comment, has there been other options in terms of being provided by the applicant to look at not providing parking at that spot as suggested at CoW?

Staff Widmeier: This was the only option that was...this was submitted with the land use application and then this was provided recently.

President Motzenbecker opened the public hearing.

Greg Toltzman (4428 46th Ave S): I am a representative of the Longfellow Community Council. This project has been through very extensive community review and involves a community benefits agreement between Longfellow Community Council and the developer. I am a part of the architectural review committee which is basically taking a look at the site plan as a part of the community benefits agreement between Longfellow Community Council and the developer. I'm here to say that I think the developer has done an excellent job at accommodating the requests of the community. On a couple of the issues on the variance of the larger space for the grocery store that was definitely something that the community expressly wanted in the neighborhood. The parking area in that central zone that seems pretty controversial here, that was a really big thing, not the parking itself but the space because the way it's designed is to allow for outdoor community space for program activities. It's designed so that it can be closed off to cars and allow space for maybe a public market or band. That was part of our request as a community to have some space available like that. I guess that's it. The Longfellow Community Council as a representative does like what we see here.

Dale Joel (101 E 5th St, St. Paul): It's been a long road of three years and lots of involvement from the community and the city and staff, which has really come together in a project that we think is fabulous. We're very excited about it. I think in talking about some of the dilemmas and I think back to Committee of the Whole when we talked about some of the issues, really, the complex nature of this project has conflicts between all elements. The complexity of that project means that architects have their own perspective that the housing and retail are in conflict and it means that the parking and the pedestrian are in conflict and it means all these conflicts that come together. One of the things that we, especially with the neighborhood in an ongoing process over two years, have been able to wrestle with is looking at some of these conflicts and realizing that we can't take our favorite one and have it win out all the time over the other one. One of the things that is key for place making and for people is the retail. If we don't have the retail and the retailers won't come, the place is not there for the people to be able to enjoy. We need to stretch that as far as we can for the pedestrian in order to make it as great a place as we can and still get the retailer to come. As I look at all the comments from the city staff, which I think did a fantastic job, I think that those elements that are issues have to do with the parking. We have some fantastic retailers who are really looking seriously at the site, but parking is one of the biggest issues. We struggle with that. We tried to give the transitional view in getting the customer into the retail by setting up the parking so you can see the parking. It's nice not to have any of the cars show, but in order to have that retailer feel like they're going to be successful and get them there to create the good spot for the people, that's one of the things we're struggling with. What the right number of parking is, we've traveled the country and tried to understand that and listen to everyone and the real answer is that nobody knows exactly how much parking we need. We do know we need to get the retailers there for this grand experiment of TOD, mixed use, affordable housing, place making, change the world...

President Motzenbecker: We got it.

Dale Joel: I'm sorry. We're very concerned about not closing the central courtyard. I understood that by changing the parking from one side to the other in one way increases...I think there is some balance there and some difficulties but I think we're willing to work with whatever we can in order to keep that parking there.

President Motzenbecker: Can you clarify something that will just help me understand the "why" behind that? How many individual storefronts are facing into that plaza area? You have two long kind of east-west facades there.

Dale Joel: Because we don't have them located...it could be anywhere from two to six.

President Motzenbecker: So one on each side to three on each side or some derivation thereof. With all the parking that exists in the other two spots, to have six spots on a side as a deal breaker for these guys? I have a hard time believing that.

Dale Joel: It absolutely is a deal breaker. Part of the reason why, from the retailer point of view, and that's what I have to deal with. They're very cautious about coming in to an urban setting because they don't get what they think they need to be successful.

President Motzenbecker: Maybe that's where you need to help educate them.

Dale Joel: Educating doesn't get my occupancy always. There is a time of transition here and I guess that's what I'm looking to you to understand. We can't jump right to being Vancouver where there's no cars and you walk to the grocery store. We need a transition and we need to have some flexibility. What we done with that center corridor is we set it up so when and if those retailers can survive without that parking, we can close that off for periods of time and maybe when we get some additional parking that's adjacent that can be closed off. We're struggling for balance and we're trying to have that transition. The other thing we're trying to do in increasing in the landscape on H-1 is instead of the 2000 and losing seven or eight parking stalls, we're giving up three adding about 1000 plus square feet to the landscaping so we're trying to struggle for balance, trying to do as much as we can and still make it work.

Commissioner Norkus-Crampton: I was very glad to see the solar application on your project. What are your goals with the solar system and what are you hoping this is going to provide?

Dale Joel: We are going for a Green Communities Certification on the project. We see that as key to the goals and the identify of the project. One of the ideas that we're toying with today is to set up an ongoing monitoring system so that people in a common area can come in and see how much energy we're saving per hour and per day with that system in place for hot water. It can be substantial. We just have to come up with the initial money for putting the system together.

Commissioner Norkus-Crampton: This is specifically for residential use?

Dale Joel: Right now it's set up for residential.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: I move the rezoning (Schiff seconded).

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

The motion carried 7-0.

Commissioner LaShomb: I'm going to move the conditional use permit with one change. I'm going to move deletion of item three (Nordyke seconded). My feeling about this parking issue...I remember when we talked about this at Committee of the Whole. I go up on Hiawatha a lot. There are some things about 38th and Hiawatha that are kind of important to understand. There is no street parking on Hiawatha. I think it's a reasonable argument to say that retailers have some expectation of parking in close proximity to their business. I'm not totally sure what these businesses are going to be, but living in a building of people who are over 55 I can tell you if they have to walk 50 feet from their car to a building to shop they won't go there. My feeling is that if it's a coffee shop you're going to have some parking because people will go in there for their coffee, be in there 10 minutes and get out of there. It just doesn't work to impede parking in a situation where you have really restrictive parking on the major corridor that the facility is on. I would make the same argument about 38th St that they do allow parking to some extent. The word "encouraged" can be interpreted a lot of different ways but I think we ought to recognize there is going to have to be some minimal levels of parking here. I think putting that language in there just gets to be problematic and trying to negotiate an agreement when you know retailers are going to simply say they don't want to go near something where they're told the sole business is going to be provided by individuals who come off the light rail. As much as I like the light rail, I don't think it can carry all the water.

President Motzenbecker: I agree and disagree. As you all recall, this whole issue of parking and cars was the whole bone of contention at Committee of the Whole. I still don't buy the argument 100%. I understand it to the degree that there's difficulty in parking here, but I don't buy that you need to see parking to know that you have to park there. I think that's something that's been proven otherwise all over the city where you see little blue parking signs, you don't see any parking and you see an entrance to get in. In Uptown we just discussed that as part of the small area plan. Those are proven across the country as ways that parking can be recognized. I think that argument is weak and I won't go there with that. I don't think you have to see the parking to do it, especially if you have parking signs, which he has plastered all over the front of the building that say "free parking". Working with the developers that I have worked with, Commissioner Huynh may clarify, 12 spots, yes or no. That's a toss up for me Commissioner LaShomb. I understand if it's a coffee shop, I want to park in front too. I can see that both ways. I think the design and redesign of that center space, I did not like that. If it's going to be, it needs to be re-tweaked to be something similar to what we have in our packets. I really think the other is worse but I still understand staff's concern of spacing out the driveway so however that takes shape is up to the designer and staff but I don't prefer the redone version. My two cents on the parking, I can live with it gone. I would prefer it gone, but I'm not going to put up a big stink about it.

Commissioner Huynh: The whole issue of parking and accommodating retail space, especially in growing urban sites...I think the site is unique just because it's not a typical site where you expect a strip mall type of condition where you put the surface parking lot in front. You are in pedestrian overlay, you are right next to an LRT; those are two extra conditions where most other sites don't have that condition. One of the neighbors that came here and spoke, I live two blocks

away from a grocery store where it's under parked, but that's not an issue of mine because I walk to the grocery store and I carry my bags home. When the weather is nice like this it's not an issue. I think it's an issue for people that maybe live two miles away where they need to drive. One of the issues with accommodating alternative modes of transportation, encouraging walking, providing uses that serve neighborhood uses like this, especially if there is a coffee shop, why would you want 12 spaces in that area? Why couldn't you put the tables and seating outside to make better use of that space? You can also use that space for seasonal outdoor use for a farmer's market, craft setup. I'm not sure what you want to do out there but it allows for a lot of flexibility in uses. I agree with President Motzenbecker. The two options that we were given, especially the ones that are in this packet, one does not allow for safety of pedestrians to walk across three curb cuts in a row. I've been across Macy's downtown ramp where sometimes it goes green, sometimes it goes red and people still go. I can't imagine three curb cuts trying to jump across, especially within a pedestrian overlay. I think the focus should be on the people and not on the cars. I think the plan we have in front of us doesn't reflect that. Also, the alternative option doesn't reflect that for the center space. I'd like to keep item three in the conditional use permit with transitioning that into a green space that would be open for transitional use whether or not it'd be parking right now. The second item that President Motzenbecker has raised is the issue of visibly seeing parking. Being able to drive by and see, I think we had that discussion at the Committee of the Whole, if it's geared towards automobile oriented, people that drive by Hiawatha or if it's geared towards the neighborhood...I guess if I was a neighbor and living by...in Kenny, I would hope that there's a lot more landscaping and screening of the surface parking stalls and not having that advertised I think would work more towards the neighborhood and community than having it just be minimally landscaped and blocked off maybe by planters. I'd like to see a little bit more screening of the cars from Hiawatha and from pedestrian views of that issue. I don't think that right now it's at a place where it acknowledges the pedestrian overlay or the LRT within the region.

Commissioner Norkus-Crampton: I guess I agree with Commissioner LaShomb that I certainly appreciate the goal of where we want to go with this eventually is that we're on a light rail corridor, etc. The light rail goes north and south; east and west we have a very low density neighborhood. I used to live in Longfellow. It's very difficult to walk anywhere if you're more than a couple blocks from Hiawatha. There is also an aging population and mobility issues. If anything I would like to see the bike parking enhanced because it's a heck of a lot easier to bike to places than it is to try to walk to them so I could see that that's added on there. I have no problem with screening things more, but I think the idea of the teaser parking, you're on a six lane highway, people are whizzing by and they go past this and they say "hmm, they say there's parking" and at least if there is some little visual thing on there maybe they'll go for it but they also know that down the street at Target or whatever there is a giant surface parking lot and they know exactly what they're going to get. I think the spirit I would encourage this is that the teaser is sort of a transitional use. I think the community has made it very clear that this could be a more flexible public use going into the future. I think the idea of securing commercial uses that will make the project successful and get things off the ground, get things started, once you can prove that it could be a successful location and get some buy-in from the business community as well as the residential community, then I think you're talking about a win-win. My concern is just that there is there is good transit access north/south, there is not east and west. That's where a lot of the residents and stuff live and between here and the river there ain't much in terms of major grocery stores and things like that. I think that this is a reasonable compromise and I would support LaShomb's amendment.

President Motzenbecker: I would just add, you try to take parking away once it's there; that's never going to happen. That being a temporary solution, I will say right out, it's not going to go away, it's going to stay there. I would just encourage...there are many cities in the country that exist where there are retailers that are in urban areas with no direct parking. I would encourage you to find a retailer who actually gets it and encourage them to go in there. I think we've had this discussion long enough. Commissioner LaShomb did you have anything more?

Commissioner LaShomb: The danger isn't three curb cuts, the danger is getting across from the light rail station to that side of Hiawatha. I can testify to that even on a bicycle it's a chance. I think the point about the Hiawatha corridor that we always have to keep in mind is that it's a multimodal corridor. I would bet there are 100,000 cars that come in to the city from Hiawatha every day and I don't know how many light rail passengers. If I were out there looking for a commercial business that wanted to come into this corridor, I think the number one question this commercial business would say is "if you've got 100,000 cars coming up this thing and you don't allow parking, what's your expectation about what's going to happen." I could see someone stopping on Hiawatha and parking to run into a store, which would be a disaster. This is a multimodal corridor where the great majority of people actually use cars and while I don't like cars and I like light rail, from a business perspective, a successful business mix here is going to be a business that has some parking. I think that's the way the world is.

President Motzenbecker: The question is called with approving letter B with the removal of item three. All those in favor? Opposed?

The motion carried 6-1.

Commissioner LaShomb: I will move C and D (Motzenbecker seconded).

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

The motion carried 7-0.

Commissioner LaShomb: I will move E, F, G and H (Nurdyke seconded).

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

The motion carried 7-0.

Commissioner LaShomb: I will move the site plan, recognizing there may be some amendments, but before the amendments are made I just want to say that I saw Council Member Colvin Roy here a little earlier, I know this has been a project that has had a great deal of her interest and she must be ecstatic that the Longfellow council did such an effective job of doing this because she's had some projects in her district where the process has been a little bumpier. As someone who lives in this respective community, I'm proud that the community council also had the ability to make this work because what we need in the Hiawatha corridor and what we need in the area in the area I live in is more reasonable business, residential mixes that are reasonable. What I mean by reasonable I mean that are consistent with Commissioner Schiff's vision of a community where there's a balance and where things fit in. If I had my way on this side of 38th, I'd probably be advocating 40-story high rise buildings to maximize the light rail but that's not what people want there and I don't either (Nurdyke seconded).

Commissioner Schiff: I am going to make an amendment or two for the site plan. The boulevard trees are not currently evenly distributed in the drawings along Hiawatha Ave. I know the developer would like all the signage to be as clear as possible from anything that blocks and that includes boulevard trees, however that's not the standard we have for boulevard trees in the city of Minneapolis. I'm going to add an amendment that the applicant shall work with the city and Park Board staff to install trees in the public boulevard in a manner evenly distributed along Hiawatha Ave and also note that the Park Board is replanting Hiawatha Ave with Dutch Elm resistant trees. There is currently a Broken Crab Apple type tree out there right now and they're in pretty bad shape and should be phased out with more mature canopy style trees that will really provide more shade and sound buffer and other benefits in the area. I'll also say because the landscaping full 20% has not been achieved although there are intensive green roofs. What we did for a similar project near the Walker Art Center...Walker Art Center didn't achieve their landscaping and they landscaped the boulevard out in front, the median. I'll add that amendment as well that the applicant work with MnDot to landscape the median.

President Motzenbecker: That was going to be my exact thing because I saw all those trees that needed to be out in front of the boulevard. All those in favor of amendment six? Opposed?

The motion carried 7-0.

President Motzenbecker: All those in favor of amendment seven? Opposed?

The motion carried 7-0.

Commissioner Norkus-Crampton: I appreciate the solar application idea. I'd like to make that part of the site plan as an amendment to say that the applicant will provide solar hot water system for all proposed residential units.

President Motzenbecker: Jason, do you have a clarification on that? Can we say that specific?

Staff Wittenberg: I guess I'd just caution somewhat in terms of what standard is being implemented or what alternative compliance that would be responding to in terms of looking at this with similarly situated projects, is the applicant being punished by proposing the solar and therefore is being required to provide it because they're proposing it...

Commissioner Norkus-Crampton: I guess my intention is that we keep the solar applications as part of this development proposal so what would be the best way of going forward with that?

Staff Wittenberg: The best way to go about that is to come up with what the justification is for requiring that in terms of the site plan review standards and whether it's rationally related to some kind of alternative compliance that the applicant is seeking for example.

President Motzenbecker: So perhaps as an alternative compliance for not providing close to the amount of landscaping that they're supposed to be providing percentage-wise...

Commissioner Norkus-Crampton: I'm not trying to impose a hardship, I'm trying to just reinforce, enthusiastically, the proposal that's been presented to us as part of this proposal.

President Motzenbecker: Maybe we could just send that forward as a comment.

Commissioner Norkus-Crampton: Is there a way that we could do that that wouldn't be imposing a hardship?

Staff Wittenberg: The applicant is encouraged to retain the proposed solar access panels. For example, why not require solar access panels on the project that was approve one block from here tonight?

Commissioner Schiff: I'll support that.

President Motzenbecker: Ok, so we'll encourage to retain.

Commissioner Huynh: I'm going to give this a go and try about it again in terms of the pedestrian overlay district and trying to screen the surface parking lot. It's not eliminating any of the stalls that are proposed, but looking at incorporating it into more of the street wall building façade and bringing out the screen so that it flushes out with the building façade so that you're not able to see the cars from Hiawatha.

President Motzenbecker: Can you point out which piece you're talking about?

Commissioner Huynh: It would be both the surface stalls in between the buildings. There are two cases where we have it. I think that their screen wall is pushed towards the back and what I'm proposing is to just bring it all the way up front so it flushes out with the building façade and becomes more of like a green wall feature that screens it from Hiawatha.

President Motzenbecker: We did approve the 15 foot green space added in that space.

Commissioner Huynh: I think the only reason why I'm proposing this is because the landscaping is still not going to screen the stalls from the street. You're still going to be able to see the vehicles. What I'm trying to do is create more of a building façade, a screen, but keeping the stalls there. Continue the street wall and building façade all the way down Hiawatha and not create that break.

President Motzenbecker: So the proposed amendment would be to request that the applicant add green screening similar to the piece they have in the center in front of each of the kind of drive aisles there on both of those parking areas to help screen from the street. All those in favor of that amendment?

Commissioner LaShomb: My concern would be that, the speed limit on Hiawatha is about 40 miles per hour. What I'm thinking about is that if I'm going down Hiawatha 40 miles an hour, my vision perspective about what I see is going to be pretty fast moving. My feeling is that if you obscure that parking too much, no one is going to see it. I like the idea of the screening, but if we're on a city street where the traffic was moving slower, I would find it even more compelling. That's my concern is that what you're doing is creating a disadvantage for the businesses by screening it too much.

President Motzenbecker: All those in favor of that amendment? Opposed?

The motion carried 5-2.

President Motzenbecker: Ok. We have three added amendments and the added encouragement of the applicant to retain the solar panels on the final project. All those in favor? Opposed?

The motion carried 7-0.

Commissioner LaShomb: I'll move the plat (Nordyke seconded).

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

The motion carried 7-0.

8. Audubon Park Small Area Plan (Ward: 1), ([Haila Maze](#)).

A. Small Area Plan: Considering adoption of the *Audubon Park Neighborhood Small Area Plan* documents.

Action: The City Planning Commission recommended that the City Council **approve** the *Audubon Park Neighborhood Small Area Plan* document, including the change on page 15, the last bullet in left column from "over" to "in addition to" and **amend** the policy guidance for the area into the City's comprehensive plan.

Staff Maze presented the staff report.

Commissioner Norkus-Crampton: We had talked about this a little at Committee of the Whole, on page 15 of the plan and talking about there is a goal here under the housing 5.1 saying "row houses and town houses are encouraged over duplexes, triplexes and four plexes" and I wanted clarify because it sounded like when I asked about this at Committee of the Whole what the indication that I understood what that because of poor landlord upkeep in the area that some housing forms were getting a bad rap because they just saw so many bad examples of it in terms of absentee landlords and upkeep. We did talk about enforcement issues, ensure attractive, livable neighborhoods by education and enforcement of the housing and property maintenance codes and also to continue regular inspections of rental housing to preserve it's functionality and safety. It seems like that kind of deals with that issue so I was just curious from your perspective if you understood and maybe the residents can speak to this is as well, are there any other issues specifically with these housing types where duplexes, triplexes and four plexes certainly traditional housing forms in Minneapolis and they have been for a long time so are there any other issues besides that that would incur disfavor?

Cindy Schulte (2807 Polk St NE): As it's been studied in the Central Ave Plan and our neighborhood plan, I live on one of the marginal streets in my neighborhood. I own a duplex and I am the owner of the property and I live within it. There is a four block stretch from Central to Fillmore that is a lot of dilapidated property. It was built as temporary property for the railroad at Shorham Yards and a lot of it is an area that we've been studying for a long time and it needs the redevelopment which is why we upped the zone. Looking at increasing that, we're looking more at apartment buildings and also at townhome type of developments. We want the density and yes we do have a lot of issues with how the properties are cared for and that is an ongoing issue for us. We've been meeting with police and inspections for over two years. We've already turned

over 30 properties for the better, but it's ongoing and it's buildings that are in extremely poor condition.

Commissioner Nordyke: Is there a vision for what they want to do with the Hollywood Theater?

Cindy Schulte: We have a very small task force working with Hillcrest Development and Sharrin Miller-Bassi from CPED and all of the studies show that bringing it back as a theater right now is not a marketable vision. What we're looking at is maybe bringing it to something with an interim use, getting it fixed up so we can work on the rest of the block and then putting in a false floor, have some other business in there for "x" amount of years and then when the market comes back for a theater that floor can be removed and it turned into a theater if there is someone that's interested in doing that.

Commissioner Nordyke: Also, I noticed with regard to the School Board property that abuts the park there is some reference into maybe enlarging the park. Have you actually talked to the School Board about that?

Cindy Schulte: Yes. We had a meeting with them last week and we were assured that that property will be rolled into the park. It's already being used as the park. We have our soccer field, part of our parking lot and part of our building on that. I noticed today there was a comment of a little bit of confusion between our neighborhood plan and our master plan. We are Audubon Park Neighborhood. We have a park within our neighborhood called Audubon Park. In lieu of trying to keep the money going to make the plans and have things go forward, we wrote a grant to do a master plan for our park which we are just in the initial stages of so it's Audubon Park Neighborhood Plan for the whole plan and just the Master Plan for Audubon Park.

President Motzenbecker opened the public hearing.

Cindy Schulte: Haila mentioned that we have almost zero comments on our plan and the reason for that is we started over 18 months ago going over the issues in our neighborhood, what's good, what needs to be fixed, what can be better. Jennifer Jordan was instrumental in helping us. We had a full neighborhood on what is density, what it means and we worked through this whole thing. We've got this 29th streetscape plan that we just submitted to CLIC. When we did our final neighborhood plan for the whole neighborhood, we had a very large group and we voted on it unanimously so it wasn't like we brought a big plan and what do you think. We worked through it with everybody involved.

Mark Fox (2731 Pierce St): I'm excited that the neighborhood has approved the plan, I hope that you'll approve it, that accommodates density, development and investment so that a neighborhood on the east side can get a share of what the south, southwest neighborhoods have had for years. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Norkus-Crampton: I'm going to move approval of this plan, but I do want to add an amendment to it. As disclosure, I also live in an owner/occupied duplex. In my experience with duplexes, triplexes and four plexes, I live in R2B world so we have a little bit of everything, but just that it seems to add density to an area in a way that doesn't offend people as much as other forms can like if you have all single family homes and then a really larger building. In my

neighborhood you can't often times tell which is the duplex and which is the single family home. Sometimes with triplexes you can see because they're a little bit larger. I understand entirely the aspect of watching rental property or whatever properties go downhill and bring the neighborhood down. I do see that as an enforcement and inspections issue and I'm really glad to see that addressed directly in the plan. I think that there should be a distinction between those two things. I guess now that we have the enforcement thing enhanced, which is what we talked about when Haila brought it up before us at Committee of the Whole. I would like to say, amend the point of number 15, saying that row houses and townhomes should be encouraged in addition to traditional residential housing forms such as duplexes, triplexes and four plexes. They can all accommodate the density it's just different forms are going to work in different context depending on what's around it. That would be the one amendment I would say because they can all honor the existing character and scale of the area and they can all be applied depending on what the context is and that really always seems to be the issue. I am glad to see that the enforcement aspects of this dealing with inspections and dealing with these issues head on is stated there.

President Motzenbecker: Just to change the word, on page 15, the last bullet point on the left-hand column, "encouraged" over to "in addition to" instead.

Commissioner Williams seconded the motion.

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

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