

Citizens for a Loring Park Community
LAND USE COMMITTEE MEETING MINUTES - Draft
Mon., Oct. 24th, 2011
Hosted by the Loring Park Community Center

Those present: Katie Hatt (The Commodore), Lawrence Kehias (410 Groveland), Allan Klugman (Mpls. Public Works), Richard Eck (210 W. Grant), Christina Collie (210 W. Grant), Pat Corkle (SRF Consulting), Brian Gordan (Magellan), Meggan McNulty (Eitel Apts.), Michael McLaughlin (Loring Business Association), Scott Ferguson (Eitel Apts.), Bob LeVine (Loring Kitchen & Bar), Ray Harris (210 W. Grant), Pat Scott (HN Methodist), Bill McGrann (Magellan Attorney), Joe Bagnoli (Magellan Attorney), Pat Hafvenstein (232 Clifton), Brenda Maskal (232 Clifton), John Van Heel (110 W. Grant), Keith Sjoquist (HN Methodist), Bob Rabin (KMS Apts.), Paul Hinderager (410 Groveland), Hilary Dvorak (City Planning/CPED), Councilmember Gary Schiff (Ward 9), Judy Ericksen (210 W. Grant), Dave Hile (410 Groveland), and Jana Metge (CLPC Coordinator).

I. *The meeting was called to order by Land Use Chair John Van Heel, at 6:40 p.m. and the following announcements made:*

- *Community Sing-A-Long - Tues., Nov. 15th; 7-8:30 p.m. at Loring Com. Ctr.*
- *Loring Park Neighborhood Master Plan Steering Committee - Wed., Oct. 26th, - 6:30-8:00 at Loring Park Community Center. John encouraged all to attend, we are at the point of semi-final review of the Master Plan draft chapters.*
- *Downtown Court Watch - Friday, Nov. 4th from 10:00-noon; 2nd Floor-Downtown Library-Doty Room*
- *Oct. 19th - Peavey Plaza Open House - Orchestra Hall - 4:30 p.m. Dick reported on the open house. Historic advocates looking to protect the original design have been making their voices heard and there was an article in the Star Tribune. Dick stated that lack of public participation has been a topic of conversation in the public, as well as brought forward to the committee.*
- *Thurs., Oct. 27th - Public Hearing on 401 Oak Grove at City Hall - 9:30 a.m. Hearing notice to be distributed at the meeting. Public Hearing notice was distributed to all and committee members were encouraged to attend. It was noted that that notice was postmarked and arrived less than 10 days to impacted area residents, owners, organization, and businesses.*
- **CLPC Holiday Party & Curry Dinner - Thursday, Dec. 1st from 5:30-8:30 p.m. at 232 Clifton - OPEN TO ALL!!! Donations for CLPC!**
- *"Light Up Loring"- This year to be known as "WinterFest" is Thurs., Dec. 8th from 6:00-8:30 p.m.*
- *Jana read from a memo that CPED Director Mike Christenson would be leaving the City of Minneapolis effective January 1, 2012 to take a position with the Minnesota Business Partnership and its support for a regional effort to replicate the successes of the Minneapolis Promise.*

- Jana read from a memo that Barb Sporlein, Planning Director, will be leaving the City of Minneapolis effective November 7th, 2011 to take a position as Deputy Commissioner with the Minnesota Housing Finance Agency.
- Jana passed around a flyer on an event to celebrate and honor State Senator Linda Berglin. Sharon Belton, former Mayor is the emcee and the event will be Tues., Oct. 25th from 6:30-8:30 at Sabathani Community Center; Room J; 3rd Floor.

II. 6:45-7:15 **CUP/Conditional Use Permits** - Hilary Dvorak

Hilary was joined by Councilmember Gary Schiff, the author of this proposed zoning ordinance text change. Councilmember Schiff presented to the committee, what a Conditional Use Permit is, what input a neighborhood has on reviewing and advising the city on requests for CUP applications and his new, proposed zoning amendment pertaining to CUP request for apartments, 5 or more units in size. Councilmember Schiff stated that Site Review Plans have been enhanced greatly since the time of the Conditional Use Permit creation. He stated that during a Planning Commission meeting, Commissioner Liz Wielinski had questioned why they were reviewing so many CUP requests if they had no standing or ability to apply "conditions" to the request per the definition of a CUP (1. Access to light and air, 2) Negative impact on the adjacent properties. Councilmember Schiff stated that these questions prompted him to propose to eliminate CUP requests and that a CUP is not required for review in applications for development with 5 or more units in size. Councilmember Schiff reported that the courts have been clear on defining that a developers proposed uses **are allowable** but with conditions. The Planning Commission and City Council cannot turn down a request per the court's decision.

Councilmember Schiff distributed 2 handouts (screened and on the CLPC website). Hilary reviewed that the current rules state that 1) all developments with 5 or more units require a **conditional use permit** and neighborhood notice, property owner notice within 350 feet, and a public hearing, and 2) all developments with 5 or more dwelling units also require **site plan review** with neighborhood notice, property owner notice and public hearing.

The proposed change is that:

- A Conditional Use Permit (CUP) will be required only in the Industrial Living Overlay District with neighborhood notice, property owner notice within 350 feet, and public hearing.
- Developments between 5 and 9 units **will be required to comply** with the site plan review rules. **IF** any of the site plan requirements are not met or there are other land use application required for the project (rezoning, variance, etc.), a public hearing at the City Planning Commission will be mandated (neighborhood notice, property owner notice).
- All developments with 10+ units require a site plan review with neighborhood notice, property owner notice within 350 feet and a public hearing.

Councilmember Schiff reported that between 2000 and 2011, 44 developments between 5-9 units were reviewed by the Planning Commission at a public hearing. He stated that even if the proposed text amendment was in place, 39 of these developments would have still required neighborhood notice, property owner notice within 350 feet, and a public hearing.

He reported that the uses which require a conditional use permit are **allowed** in that zoning district, subject to reasonable conditions of approval imposed by the City Planning Commission. He views a conditional use permit for five or more dwelling as a duplicative regulation that does not add significant substantive value to the review process. In fact, the presence of a conditional use permit often sets up a mistaken expectation that the City has the authority to deny the proposed project, even if it meets all the standards of the zoning ordinance. Site plan review, on the other hand, addresses issues such as building placement on a lot, exterior materials and windows, vehicle and pedestrian access, and landscaping and screening. Site plan review has become more substantial in the last decade, more closely resembling design review. Councilmember Schiff then distributed **Minneapolis site plan review standards** which will be scanned and on the CLPC website, as well as available from hilary.dvorak@minneapolismn.gov.

Comments per community discussion:

- It is important for the community to have a tool, whereby the developer must come to the neighborhood for review, input, and discussion on any and all proposed developers.
- The City has approved "Principles of Community Engagement" which state that those impacted by a development have the right to be engaged and that their comments will be heard.
- Site Review Plans are reviewed downtown. Most people in Loring Park are working during the day and not available to go downtown for a Public Hearing. They either come to a night neighborhood meeting or they read the minutes of the neighborhood meetings and offer comments via email or letter to the neighborhood organization and/or City of Minneapolis.
- Site Plan review process is broken, if the tools put in place does not allow for community input anyway and allows a building that is not compatible with the surrounding neighborhoods nor with the conditions identified in the zoning code. **Neighbors feel that we cannot rely on the site plan review process.**
- There needs to be more conversation with how to fix the input process and receipt of that input by stakeholders through the Site Plan Review process.
- Concern that Commissioner Liz Wielinski's comment on review and application of CUP requests may not have meant to eliminate it, but to rather enforce some conditions on a plan as identified in the "condition" definition of CUP.
- Many participants expressed frustration with Councilmember Schiff for overturning the 401 Oak Grove development proposal against the recommendations of the Planning Commission and of the neighborhood. These issues were raised several times during this discussion.

- Expressed was the need to ensure that a Developer work with the neighborhood and be required to do that through the tools put in place by the City of Minneapolis to ensure community engagement.

Note - By City Code, here is the definition of CUP and why it has been a condition of review:

525.340. Required findings for conditional use permits. The city planning commission shall make each of the following findings before granting a conditional use permit:

- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (3) Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.
- (4) Adequate measures have been or will be taken to minimize traffic congestion in the public streets.
- (5) The conditional use is consistent with the applicable policies of the comprehensive plan.
- (6) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

And here are the additional considerations for a CUP for height:

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

- (1) Access to light and air of surrounding properties.
- (2) Shadowing of residential properties, significant public spaces, or existing solar energy systems.
- (3) The scale and character of surrounding uses.
- (4) Preservation of views of landmark buildings, significant open spaces or water bodies.

ACTION: Councilmember Schiff's proposal will be put on the Nov. Land Use Agenda & discussed by the CLPC Board. Minutes to be circulated to community for review.

III. 7:15-8:00 **Proposed Development for LaSalle/Spruce & 14th/13th St - Joe Bagnoli (Lawyer for Magellan Dev.) and Brian Gordon (Magellan) presented.** Magellan Development presented last month, a proposal for 355 Rental, 252 parking spaces, and 20,000 SF of Commercial on 14th with rental office on Spruce & 14th.from SRF was present, along with Hilary Dvorak (Mpls. City planner) and Alan Klugman (Mpls. Public Works) to listen to tonight's discussion.

Joe presented on an alternative technology to increase parking. This technology would allow for 2 parking spaces per 1 space. It creates lifts and "bunk beds" for cars. This would raise the parking structure in height to accommodate and would increase the

available parking by 160 spots. Presently, there are 354 units and a proposed 276 parking spaces. This technology would allow for an additional 160 spots to be added to the proposed 276 spots for a total of 436 spots. These lifts can be added as needed, all 160 spots do not need to be developed now, but can be added as demand is noted post the completion of development. The parking structure can be built for this technology should transit use by prospective tenant not be the reality and additional parking is indeed needed. The extra height would be 2 feet per each parking floor, so 4 additional feet in total. With this technology, there would need to be permanent valet service. Such parking would also be made available per lease/contract to the public. Cost for leasing a parking space would be comparable to cost in Chicago - \$200/mth and \$5-\$7/hr.

The 20,000 SF of commercial has no parking requirement by the City of Minneapolis. This Downtown Parking Zone, newly established, leaves the parking ratio to the developer. They need to create adequate parking to market the development and ensure success. But, the lack of a requirement by the City, allows a developer and the City/neighborhoods to begin to promote transit use and to start moving society towards a non-dependence upon automobiles.

Village Green reported on their experience both at the Loring site, as well as their Washington Avenue apartments. A majority of their units have 2 tenants. Each tenant may have a car. Having adequate parking ensures marketability and they are finding that those interested in their buildings want additional parking, whether it is for 2 cars or for guest parking. They are finding themselves making alternative partnerships to increase parking. They stated that in Loring Park, they lease parking at the current Magellan site which is now a parking lot. They have had conversations with parking ramps in close vicinity, but have found that prospective renters do not want to walk far and that safety is an issue. Village Green consists of studios, alcoves, and 1 bedrooms. They have a lot of pressure from tenants and those interested in renting for parking. Almost all of their 2 bedrooms have 2 cars. Additional parking spots identified and availability for guest parking was stated during the community discussion as necessary for this development.

Question was raised as to the parking ration required by the Uptown area, an example was the newer developments on Lyndale from 24th Street north to Loring Park.

Question was asked to SRF about their discussions with the school. SRF stated that they were not included in the traffic study. Coordinator, Jana Metge asked them to set a meeting and meet with the school. She reported that she had met with Emerson on the development to 1) inquire about school future at that site, 2) school bus numbers, 3) class size and numbers, and 4) parent teacher events per year. (Reported in comments below).

Use of the Hyatt Parking Ramp was presented as an option for additional parking. Presently, this is underutilized. There are 729 parking stalls with only 68 monthly parkers. Committee members reported that this garage doesn't lend much confidence

to people who drive nice cars. There are many reports of vandalism and theft in this lot. The parking ramp design creates an environment where it is unsafe for people to use. Comfort levels are low. People are unwilling to walk more than a block and these areas of Nicollet Ave. are perceived unsafe. It was stated that maybe it is under parked because the Hyatt needs those parking spaces for Convention business. Jana volunteered to check with the Hyatt.

SRF reported that they conducted a crash analysis at 14th & LaSalle over a 5 year period. They reported that the bike, pedestrian, car crashes is what we normally see in Minneapolis. Residents expressed concern that there are "near accidents" daily and that there is a sight distance issue also with parked cars. They feel that the traffic and safety for residents to cross will be enhanced with the additional of 355 resident plus their guests, plus the customers of the commercial space. Neighbors were happy to live in a multi-modal neighborhood, but stated firmly that we needed to plan to ensure safety for bicyclists and pedestrians in our plan review for this project. Again expressed was the safety for students and parents at Emerson and that school busses and parent/teacher car traffic was not addressed in the TDMP (Traffic Demand Management Plan) done by SRF. Concern was expressed to ensure emergency service vehicles access in and around 14th Street. Concern was also expressed for non-English speaking Loring Residents. We have a high percentage of Russian speaking elders in the neighborhood. It was also articulated that there is a huge demand for the existing Magellan lot during snow removal, so there will need to be alternative arrangements made for Loring residents. Maybe we could structure the use of the Hyatt ramp for off street parking during snow emergencies.

Questions were raised on the potential tenancy for the 20,000 SF of commercial. Brian stated that it was really early to identify tenants. It was suggested that the space be broken up into smaller spaces. Brian stated that the spaces would be filled with those businesses that their tenants would need. Concern about any application for a liquor license was expressed due to the proximity of the school. Concern was expressed on the ability to fill 20,000 SF of commercial, citing a Lyndale development which sits vacant and is 5 blocks south of the Loring Hill area. Trader Joes was suggested as a GREAT use, but it was stated that parking limitations would prohibit such a use.

Residents like the idea of elevator parking and that this is a positive move by the developers in response to parking concerns expressed last month. But, it was expressed that this technology should be considered to be a part of the initial development and not as an after thought. A decision post leasing will already have a negative impact on the remainder of the neighborhood. It was also suggested that expenses would be higher with add-ons to any development after construction was completed. Brian stated that Magellan is not interested in putting in elevated parking at this time.

Jana reported that several property owners had contacted her. She asked about the status, process, and timing of the B4N zoning application. Hilary reported that the

application is in for this zoning change. The parcel is zoned OR3 on the west (facing park) side and B4S1 zoning (which is downtown zoning and allows for unlimited height) on the LaSalle side of the parcel. The City would prefer to not have split zoning on parcels. They have recommended that this site be re-zoned to B4N, the new zoning created for the North Loop areas. 2/3rds of the property owners or 8 property owners need to sign off. Each property (thus property owner) counts as 1 owner (even if 1 owner owns 4 of the adjacent properties). The re-zoning application has been filed. Property owners need to sign an affidavit for signatures of support. City staff needs to verify signatures once the affidavit comes into the City. Hilary reported that the B4N rezoning on this parcel will not be a public hearing...**clarify with Hilary on this statement, what it meant and what the process is**

The overall application for the Development project is not filed yet. Hilary reported that the Magellan development team was meeting with public works staff on Wed., Oct. 26th. There needs to be a **21-day notice to the community** on this project. The goal is to have the **Magellan Development project before the Planning Commission on Dec. 12th, 2011.**

John requested where the community is at with the plan/traffic study/general thoughts.

Comments per Community Discussion:

- The current Magellan site has 186 parking spaces and is parked almost 100% during the day.
- Eitel Apts. has a waiting list for parking - their experience is at least 1:1 parking for tenants and many tenants, even in 1 bedrooms have 2 folks per unit and 2 cars. Marketing the units is dependent upon adequate parking availability.
- Ensure adequate Bike Parking
- Residents were glad that another level of parking was not being added to the ramp and would not be at the pedestrian level. Committee members liked the "new technology" proposal made by Joe Bagnoli at the beginning of the meeting.
- Ensure safety at 14th & LaSalle - cars fly down LaSalle and it is unsafe for the VOA residents to cross to come to the Park or the SA Mall. Suggestion made that the City time the lights to allow/ensure for slower traffic, as well as to re-evaluate a crossing at 14th & LaSalle.
- This is a \$100 million dollar development, one of the participants expressed strongly that we needed to trust the developer and that they would do what was necessary to make their development work. They will want it to be successful. They will solve their own problems to make it work.
- Adjacent properties do not have parking with their facilities. A critical parking zone (Area #15) is in place for this part of Loring Park. It is 2 hour parking except if you have a permit from 9 a.m.-4 p.m. Monday - Friday. With 20,000 of commercial space and no parking projected for the Magellan development, residents are worried that they will NEVER find an available parking space and have asked for the Critical parking to be extended to 6 or 7:00 p.m. and then reviewed post development to

see about weekend parking availability per the Magellan commercial parking solutions developed and implemented.

- 2 businesses expressed support for development, but concern for adequate parking and that this project going forward had to respond to community concerns and ensure that the extra 160 parking spots proposed were put in place or the project won't work and there will be negative impact on the community and existing apartment buildings and businesses.
- One resident stated that the developers will come to this conclusion on their own whether we recommend it or not and that the risk is theirs and they need to assess and make the right decisions in their best interest and that of the community.
- Expressed that with the Village Green experience, it is short-sighted to give any blessing with the current proposal - 256 parking spaces for 355 units and 20,000 SF of commercial is not adequate. Magellan can rent out additional parking, it is needed in the neighborhood, it will be utilized.
- Good to increase the tax base and a good thing to see a developer wanting to build and working with the neighborhood on this project.
- With the zero parking requirement by the City, the imposition will be on the existing property owners and businesses whose existing parking will be taken up by the proposed development. There needs to be adequate parking.
- Question on the tipping point for "High end rental" with the other developments which are at the City presently for review.
- Loring Kitchen & Bar voted no on the motion to support the concept because they feel that the proposed parking is not adequate. Their business will suffer if Magellan does not accommodate adequate parking for their residents and for the 20,000 SF of commercial. Street parking and all available parking will be used by the 355 new tenants, their guests and the staff and customers of the 20,000 SF of commercial (depending upon what fills that space).
- 1:1 parking plus 30 spaces for guests or commercial will still not be adequate. Magellan needs to either add parking in their proposed parking structure or reduce the # of units and add parking to the proposed structure.
- SRF stated that they had not met with or worked with the school. It was clearly articulated that there are 13 school busses 3x per day at Emerson plus parent/family events 6x per year. 11 busses park on Spruce and 2 on 14th Street. With cars on one side of the street and especially in the winter, service vehicles and moving vans will need to structure their arrivals. There is no way for other vehicles to move safely in and out of 14th during school hours.
- Community stated no support for a liquor license when in such close proximity to the school. 14th Street entrance for commercial (should a restaurant go in) is directly across from the elementary school.
- Suggestions for the commercial space were: Deli (no alcohol), breakfast spot (no alcohol), dry cleaning, bicycle repair shop or bicycle parts and services.
- Ensure a commitment with HOA for 1-2 cars for car sharing on site
- Ensure bicycle parking and market the development for alternative transit users

- Suburban drivers will not walk from the Hyatt ramp and the Hyatt ramp security is not the greatest. There are many MPD action alerts related to this ramp.
- Enhance the pedestrian environment through building design on all sides of the proposed development - no blank walks.
- SRF and the City needs to work with the School and have their needs and concerns integrated into the traffic study.
- Follow-up needs to be done on whether or not a liquor license could be applied for - could a legislative waiver be requested and granted as with LK & B?
- Suggested that the additional parking be staged and that the parking be developed structurally to accommodate for this new technology. Lift spaces would be within the 276 spaces proposed and if fully utilized, would add 166 spaces adding only 4 feet in height to the overall development.
- Expressed desire for Magellan team to participate on a neighborhood traffic task force. The parking needs of the neighborhood are there with or without a new development, so some of our concerns are outside of Magellan's responsibility with this project.
- Concern was expressed about the staging of the Construction and that a committee needed to be set up to monitor, advise, and have good, clear Communication throughout the Construction phase of the project.
- Ensure that the Spruce side of the development includes architectural aesthetics which compliment and support the existing historic apartments and the newly developed Eitel Apartments / Loring Kitchen and Bar and Spruce to Willow walk thru which is directly across from the proposed Magellan site

Motion: That CLPC Land Use Committee supports the concept for the proposed development by Magellan for 14th & LaSalle with the following conditions:1) evaluation of increased bicycle parking for development residents as well as for workers and customers at the proposed commercial spaces, as well as further analysis of vehicle parking demand that will be generated by the development;

2) active participation by Magellan representatives on a community task force to be formed to evaluate parking, traffic and circulation issues in the "Loring Village" area of the neighborhood as defined by the forthcoming Loring Park Neighborhood Master Plan and that Magellan will work in collaboration with CLPC to identify and advocate for proposed improvements developed by the task force to the city of MInneapolis and other partners;

3) that the proposed development incorporate car sharing vehicles that can be accessed by development residents and the general public (HourCar or ZipCar as two possibilities);

4) that Magellan representatives work in partnership with CLPC and other neighborhood stakeholders to identify strategies to communicate about predevelopment and construction issues, to include: 1) a possible task force and 2) assistance with communications to area property owners, resident renters and other interested individuals and parties; to last for the duration of construction and into occupancy of the residential and commercial units. The task force will be a forum to troubleshoot issues and concerns; identify and implement mitigation measures; and ensure consistent and constructive dialogue between the developer, the neighborhood and the city of Minneapolis
Katie Hatt/Dave Hile M/S - Passed with 1 No vote and 2 abstentions.

IV. 8:00-8:15 HN Ave. Methodist - Electronic Signage Request

Pat Scott & Keith Sjoquist reviewed that changes have recently been made in the city's sign ordinances since HAUMC's electronic monument sign was installed on the Lyndale Ave. frontage of the church property (2009). Mpls. Planning staff advised HN United Methodist to seek a variance in order to change the message on their sign once per hour. This sign is located on the Lyndale Ave. frontage between Groveland Ave. and the I-94 freeway exit ramp.

They reviewed that in 2009, extensive improvements were made to all HAUMC exterior signs, including the installation of a new electronic sign on Lyndale. The city restricted electronic sign message changes to only **once per 24 hours**. Since then, the city's sign ordinances have been updated, and several churches in other parts of the city now have electronic signs that change messages every 60 seconds. HAUMC reps. recently met with City Planning staff. The monument sign on Lyndale provides announcements, information, and invitations. HAUMC has found that the once a day requirement is a hardship in giving information about their services, programs, and other information to their members and the community. They also stated that they could add time and temperature to the sign. It is not a flashing moving or merging-type sign. HAUMC is seeking support from CLPC for increasing the frequency of its message changes, in advance of submitting the variance application to the City of Minneapolis. Pat stated that they do not want to do anything with their sign that would be confusing or distracting to drivers passing by, they just want the flexibility which this variance would allow. She also felt that by adding the time to the sign, it would be beneficial for bus riders.

Committee members were in favor of the request due to the fact that HAUMC was a good neighbor and a good partner in the community. They also were in favor of the time and temperature components added to the signage.

Motion: That CLPC supports Hennepin Avenue United Methodist Church located at 511 Groveland Ave. in their request for a variance to change the sign

as needed to ensure that information available to pedestrians, bicyclists, and vehicular traffic is updated and current. M/S/C
Paul/Lawrence

Additionally, committee members were supportive of adding time and temperature to the sign.

IV. REPORTS - Tabled to November meeting.

Respectfully submitted, JLM 10.31.2011