

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

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MEMORANDUM

DATE: March 23, 2015

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of February 23, 2015

The following actions were taken by the Planning Commission on February 23, 2015. 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: Bender, Gagnon, Kronzer, Luepke-Pier, and Tucker – 5

Not present: President Brown, Forney, Gisselman and Slack

Committee Clerk: Lisa Kusz (612) 673-3710

2. Franklin Street Bakery Parking Lot (BZZ-6993, Ward: 6) 1919 10th Ave S ([Janelle Widmeier](#)).

A. Rezoning: Application Master Properties, LLC, on behalf of Franklin Bakery, LLC, to rezone the property of 1919 10th Ave S to add the TP Transitional Parking Overlay District to allow a temporary parking facility.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the City Council **deny** the rezoning petition to add the TP Transitional Parking Overlay District to the property of 1919 10th Ave S, based on the following findings:

1. The proposal is a misuse of procedure. Purchasing the property, tearing down a residence, and establishing the parking lot before obtaining the necessary approvals is not appropriate. Businesses should not assume that they can purchase adjacent residential properties and establish parking.
2. Commercial uses up next to residential uses without a buffer would not be compatible.
3. The site is insufficient in size. If a larger and more detailed expansion proposal was under consideration, the rezoning could be considered.

4. The request is solely for the interest of the property owner, and not in the public interest.

Aye: Bender, Gagnon, Kronzer and Tucker

Absent: President Brown, Forney, Gisselman and Slack

Staff Widmeier presented the staff report.

Commissioner Luepke-Pier opened the public hearing.

Don Gerberding (201 W Broadway): The existing property was a condemned duplex that the bakery acquired as part of a larger plan. They would like to expand their bakery at the present location so they're in the process of acquiring the adjacent property so they can make that expansion happen. This is an aerial view of the site plan. The bakery is located on the corner of 10th and Franklin. They have a loading and parking area to the west of the property. What we're talking about today is this parcel right here. There's another four foot parcel between the proposed parking area and the alley that is owned by Franklin Street Bakery. When Franklin Street Bakery built the bakery, the alley was vacated from Franklin to this point on the north property line and then rerouted out to 10th Ave. If we go to the site plan, this is the alley, this is that little four foot parcel that Franklin Street Bakery owns, then 1919 is the parcel that Franklin Street Bakery purchased. The request today is only for rezoning the property and not changing the underlying zoning, but the application to add a transitional parking overlay so that a parking lot is permitted as an interim use. The overarching goal here is for Franklin Street Bakery to use this for employee parking. They have a retail establishment on the corner which is a deli operation as well as selling bakery goods. The bakery is growing. They've grown to 90-100 employees. They run three shifts 24 hours Monday through Friday. Each of those shifts has somewhere between 25-30 employees. The current parking facility has 14 spaces for retail which is located north of the building and they have 12 parking spots tucked in around their loading area for their employees. Well over 50% of the employees use public transportation. They also have bike racks on the premise. They promote public transportation as best they can. The existing conditions are such that they need this parking because public transportation for the third shift is not as accessible as other times during the day. It's a matter of safety for them to use off-site parking and expect their employees as shift changes to walk to other places in the neighborhood. It reduces congestion. Employees have been parking on the street. The delivery trucks no longer need to wait in the street because they'll be able to use the able and the maneuvering area to the south as well as now being able to use that drive aisle where the cars aren't parked for maneuvering. It makes for better delivery maneuvering. During the process for the rezoning, we did receive all the necessary required signatures from the neighborhood.

Commissioner Kronzer: Are you able to share what the future plans are for Franklin Street Bakery?

Don Gerberding: They would like to expand their existing facility to the west to include the present loading and docking area and then they would reconfigure the loading and docking to the north of the building. That would be on the parcels that they are currently acquiring.

Commissioner Kronzer: So potentially moving the alley again.

Don Gerberding: Yes.

Commissioner Kronzer: How long of an interim use are they requesting?

Don Gerberding: We're anticipating three years.

Commissioner Kronzer: I noticed on the plans that there's no real landscaping proposed, is there a reason that the landscaping couldn't be installed for a few years to help buffer some of the impacts from the parking lot?

Don Gerberding: There is no landscaping proposed now. There will be a wooden fence installed to shield the parking. There is an existing wooden fence for a portion of the distance, it would be continued to the front and then drop to a four foot fence. The reason behind not promoting a landscaping plan now is that the neighbor directly to the west is the Red & White Taxi facility and this is an improvement and also any improvements and costs are just temporary so we're trying not to spend the money needlessly because they'd be removed.

Commissioner Kronzer: The four foot high wood fence I see on the plan, does that run parallel to the sidewalk?

Don Gerberding: It's only east-west.

Commissioner Bender: Is there parking in the other area that looks like it's more of a loading zone? The part that's zoned I1. Is there any other surface parking on site?

Don Gerberding: Along Franklin and down 10th Street for about five stalls and then north of the building is parking which is retail for the bakery's deli. Oh, I misspoke. There are 14 parking spaces north of the building and there are about 12 along Franklin and 10th.

Commissioner Luepke-Pier: You're saying the bakery will expand to the west along Franklin. What would the use be for that interim parking that you're asking to rezone today, in say five years?

Don Gerberding: It would be incorporated into the expansion. The plans show two options; one for both deliveries and vehicles to come off of 10th and another would show deliveries off of 11th.

Commissioner Luepke-Pier: Do you have those plans available to look at? If this is interim parking, I don't see how it's changing from parking to anything other parking. I'm trying to place how interim this really is and if we should be wondering about site plans and landscaping. I don't see how a building could expand to that spot at this moment.

Don Gerberding: One option for expansion would be loading docks in that area. We'd have to change the configuration of the alley. As the bakery purchases additional lots it gives them the opportunity to put the alley further north. The interim use is really an interim parking use. It's too early to tell whether or not the client is going to be able to not use that area for just parking. It could be deliveries and parking or it could be access.

Commissioner Luepke-Pier: The plan you have shown is basic, but is that whole thing intended to be paved or Class Five? It looks like the whole lot gets covered with a solid surface of some sort.

Don Gerberding: It currently has recycled concrete.

Commissioner Luepke-Pier: Would that be including the 14 foot setback or is there something else proposed...

Don Gerberding: The entire space now is recycled concrete.

Commissioner Luepke-Pier: What you're proposing...or what's used now, is not allowed right now. If we were looking at this as a grassy lot you were wanting to get parking on, what would that 14 foot setback in the front be? I don't think we would allow a surface they could park on with the understanding...

Don Gerberding: It's proposed to remain recycled bituminous and concrete.

Maureen Benson (1814 10th Ave S): This has always been a residential area along here. It was said that this was ok by the neighborhood, but I'm not sure it was ok by Ventura Village. I don't know that they would approve something like this where it's changing ...this was a duplex until last year and then there was a permit issued to tear it down after Franklin Bakery bought it. It was torn down and I didn't hear anything about it coming down before it came down. So suddenly we're missing some residential living area there and now it's being said it's going to be turned into interim parking. It doesn't look like it's going to be interim. It looks like it's going to be parking forever or else industrial or loading or something. I don't think this is the best use for that street. It's not a busy street. There are trucks coming in and out of 10th Ave there. It has already caused a lot of damage to the boulevards there with the trucks coming in currently. I don't think this should be zoned for parking without running it through everybody in the neighborhood. That's just my opinion.

Patrice Peterson (1823 10th Ave): This is the first I've heard about this. We received a letter dated February 6th about this expansion. I'd like to read the letter I submitted. My husband, Lynn Gray, and I are long-term residents of 1823 10th Ave S. Lynn has been there since the mid-70s, I have been there since 1992. Our home was built in 1899 and we are the third owners and residents. We have been committed to help build and support our neighborhood over decades and are happy to see it today as a historically unique, multicultural, prosperous, inner city residential, neighborhood. We are both strongly opposed to rezoning 1919 10th Ave in order to construct a parking facility. Please keep in mind, the city is currently considering constructing a 20-foot sound barrier two blocks north adjacent to 18th Street and the highway. If this is the case, our homes, on these two blocks would then be sandwiched between a parking facility on one end of our street and a wall on the other which would have a devastating negative affect on the living space of our neighborhood. We believe it is imperative to maintain what is currently residential and open to preserve the high quality of life we now enjoy for our families. Again, we strongly oppose rezoning 1919 10th Ave S. I thought there would be more information at this meeting. I couldn't quite hear everything happen, but this whole idea that this is a temporary parking is raising red flags. They want to actually expand the bakery. The plan is infringing upon our residential neighborhood. I heard the words temporary, interim and expansion. I think we're chipping away at our residency. We are just starting to get students from the university and families. We are light years from where we began when I moved in. It is highly beneficial for the city to preserve this neighborhood as a neighborhood. If the Franklin Bakery is expanding to the point where they are going to move to the parking lot that is already allowed for them, then it's not really for their nightshift people, it's really towards expanding along Franklin and making this an industrial area. We didn't sign anything and didn't hear about this. I think there would be a pause on this so more of our neighbors can be informed about this.

Lynn Gray (1823 10th Ave S): I purchased my property in 1974. I'm concerned that we should not allow the Franklin Bakery to expand any further than they already are. They're talking about purchasing lots which would eliminate the idea of a residential neighborhood. I remember the house that was located at 1919 10th Ave. That house was very livable and I was surprised to see that it was uprooted without any attention given to the neighbors living around it. Now I find out it was purchased by the Franklin Bakery. That seems to be a nefarious action on their part.

Commissioner Luepke-Pier closed the public hearing.

Commissioner Luepke-Pier: Staff, do you know if we have any response from the Ventura Village neighborhood group indicating they received notice of this?

Staff Widmeier: The neighborhood group did not send any correspondence to us. The applicant would have the email that they sent to them from back in October or November corresponding with them. We know they're aware of it, but they have not chosen to submit anything to us.

Commissioner Bender: I have a question for staff. My understanding is that this lot was purchased and then a demolition permit was issued and then that now is being used illegally for parking, but could you walk us through what should have happened? If a business wanted to expand their parking to the home next door, they would have to circulate a petition for a rezoning application, correct?

Staff Widmeier: There could be several options on how to pursue this. If that parking lot had not been established, they could have come in and proposed the same thing they're proposing now to rezone and add the TP overlay and do an interim use permit or they could have rezoned to I1 and go for a more permanent establishment where they would also need a conditional use permit. Another option would be doing the TP overlay district and also a conditional use permit with a number of variances because of the size of the site. With the application we're looking at tonight, they did have to do the petition for signatures. For those property owners within 100 feet, they had to get a certain number of signatures on the petition for them to proceed to this point.

Commissioner Kronzer: Had the applicant received the number of signatures needed from adjacent property owners?

Staff Widmeier: They have, otherwise we would not be here.

Commissioner Gagnon: There are other bakeries on high traffic areas and they don't seem to have any parking at all really so why would Franklin? It seems like we're opening restaurants on these busy streets that are embedded in neighborhoods and we're not doing parking for other establishments. Is it that they're already parking there illegally that we're just like "whatever" or what?

Staff Widmeier: We have a noncompliant parking lot and it has to be addressed in some way. They are requesting that it be allowed to remain. The way they are pursuing getting permission now is through the transitional parking overlay district rezoning and the interim use permit. Normally properties come in and ask in advance of establishing a parking lot. We didn't look at what the parking demands were for other bakeries throughout the city. This is a wholesale bakery so it may be different in some ways than other bakeries.

Commissioner Bender: If we were to deny this application, if there was movement toward expanding the property in the future as part of this larger application they could certainly come in for a rezoning to I1 as part of that proposal and then this body and City Council could consider all of those things together, is there any reason they can't do that?

Staff Widmeier: At this time, my understanding is that they don't own any other properties north of the bakery or the 1919 10th Ave property so it would have to be at a later date and the parking lot that's currently there would have to be removed and put into a condition where cars are not parking there.

Commissioner Bender: I'm going to move to deny this application (Gagnon seconded). The procedural piece is important to me because I share the concerns of the folks that came to testify that this is sort of a creeping misuse of our procedures. We could grant an interim use for parking, but that's usually for larger

redevelopment projects or places where we have some certainty about what's going to happen over the next handful of years. I'm concerned here because we do have a lot of commercial uses right up against residential. I don't want folks to feel like they can buy the house next door and tear it down and start parking cars there and then come to the city and ask for us to give them a temporary use permit. I don't think that's appropriate.

Commissioner Kronzer: We are trying to support small businesses. Maybe with a more concrete plan for the future this might be something that we could work to granting as a temporary use if the future is more clear.

Commissioner Luepke-Pier: Does anyone want to address findings? What I heard was that it might not be in the public interest and is possibly solely for the interest of a single property owner which is the second finding.

Aye: Bender, Gagnon, Kronzer and Tucker

Absent: President Brown, Forney, Gisselman and Slack