

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

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MEMORANDUM

DATE: May 21, 2015

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of April 27, 2015

The following actions were taken by the Planning Commission on April 27, 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.

Committee Clerk

Lisa Kusz - 612.673.3710

Commissioners present

Matthew Brown, President | John Slack, Vice President | Alissa Luepke Pier, Secretary
Lisa Bender | Meg Forney | Rebecca Gagnon | Ryan Kronzer | Theodore Tucker

Commissioner not present

Ben Gisselman

6. Apartment Building, 721-729 8th St SE, Ward 3
Staff report by [Aaron Hanauer](#), BZZ-7077

The City Planning Commission adopted staff findings for the applications by Wells and Company Architects, on behalf of Dinkytown Rentals, LLC.

A. Conditional use permit to allow a residential use in the IL/ Industrial Living Overlay District.

Action: **Approved** the conditional use permit subject to the following condition:

- I. 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

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conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

Aye: Bender, Forney, Gagnon, Kronzer, Luepke-Pier, Slack and Tucker

Absent: Gisselman

B. Variance to increase the percentage of allowable compact off-street parking spaces.

Action: **Approved** the variance to increase the percentage of allowable compact off-street parking spaces from 25 percent to 55 percent, with the following condition:

1. Per 541.330, the compact parking spaces shall be labeled as such.

Aye: Bender, Forney, Gagnon, Kronzer, Luepke-Pier, Slack and Tucker

Absent: Gisselman

C. Site plan review.

Action: **Approved** the site plan review to allow for the construction of a four-story, 33-unit apartment building with the following conditions:

1. As conditioned, all other areas not governed by Section 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways shall be covered with turf grass, plants, mulch, shrubs or trees. In addition, the installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
2. An encroachment permit will be required for the open front porch.
3. Per 535.110 and 535.590, the lights poles shall not exceed 35 feet in height and the lights shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
4. Per the [City of Minneapolis Guide to Exterior Building Walls and Materials](#), the proposed metal lap siding is not allowed and shall be replaced with other materials as allowed by code.
5. Per 530.120 (c), the pitched roof on the primary building shall be replaced with a flat roof.
6. Per 530.170 (e), a seven-foot wide landscaped tree island shall be installed within the parking area to accommodate the on-site deciduous tree.

Aye: Bender, Forney, Gagnon, Kronzer, Luepke-Pier, Slack and Tucker

Absent: Gisselman

Staff Hanauer presented the staff report.

President Brown opened the public hearing.

William Wells: The primary goal of this development is to create affordable housing in the neighborhood and create something that's new and unique. Most of the units in the development are studios or one bedroom units. This project came about because the Planning Commission changed the parking requirements in the university district overlay to encourage more studios and one bedroom unit. That change to the zoning code is what brought forth this project. Our goal is to do a project that's affordable and encourages different types of transportation within the neighborhood. It's right next to a bus stop. There's a bus stop right on the corner of the building. There's bike parking back here, there's a bike room in front of the building, there's walking and there's parking in the back. The focus of the variance is to make the parking a little smaller so we can have a little more green space on the back corner of the lot. The conditions of approval, zoning staff is asking for this tree island that is currently six feet wide, for it to be

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seven feet wide which seems reasonable. We do object to conditions four and five. Those are very significant changes to the project that haven't fully been considered. I'd like to show you what would happen if we implemented those conditions of approval. This is the building as it is currently proposed tonight. This is the design I brought to the neighborhood land use committee. We had metal siding on the front of the building and the land use committee did not like that and asked us to add more brick and stone to the front of the building. We did that and in doing that we had a letter of support from there for this project. After that letter of support, we were surprised to see these conditions that the full building should be brick and stone and the project should have a flat roof. That's a pretty significant redesign of the project that would lead to the project looking like this. I don't think that's an improvement and it makes the building look taller and it adds tremendous cost. If we did that tonight, then the applicant would have to appeal to the full City Council or we'd have to redesign the project and add more units or bedrooms to pay for that cost or we'd have to radically increase the rents. These are not small items being requested, these are enormous items that have huge implications. We object to items four and five and ask you to remove them. Almost all the buildings on 8th St have pitched or gabled roofs. There's an apartment building called Marcy Park Apartments that was discussed at the neighborhood land use committee and that was supported as a design direction for the project. Our building kind of looks similar to that because that is your perception as you drive down 8th St, most of the buildings in the university area have pitched roofs and that's part of the reason why we're doing it. If this building was in Uptown, we'd probably do a flat roof, but where this building is located we feel that the pitched roof is appropriate.

Commissioner Kronzer: You define the project as affordable, what's your definition of affordable on this project?

William Wells: My definition would be based upon the market in this area. If you're looking at studios and one bedrooms in this area, in general new construction is renting for about \$1200 a month and this project would be closer to \$600 a month as I've designed it. With what Zoning staff is doing, it's going to radically change that.

Commissioner Kronzer: But this isn't legally binding affordable housing.

William Wells: No.

Commissioner Bender: Can you explain why the costs change based on the roof type? I don't have enough expertise to understand that point.

William Wells: A flat roof is more expensive than a pitched roof. It's a different material and a different structure. It's also the building materials, making us do the building out of brick and stone. This will have a huge impact and will be hundreds and thousands of dollars.

Commissioner Bender: A pitched roof has a different engineering requirement that increases the cost of a flat roof over a pitched roof.

William Wells: A flat roof is more expensive.

Commissioner Bender: But why? Structural engineering changes?

William Wells: I don't know why it's more expensive. I just know the materials are more expensive. The asphalt shingles are cheaper than the rubber roof membrane.

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Barbara Camm: I'm representing the Marcy Holmes Neighborhood Association Land Use and Development Committee today. I'm here at the request of our co-chairs because we feel there has been some misrepresentation in terms of the presentation of the project and in how our approval was represented to staff with regard to the flat roof. The first concern regarding how the project was presented to us relates to the fact that we were not told that a conditional use permit was required. We were only asked to vote on the two small variances, which we did approve. The conditional use permit was required and we just found out about that today in reading the staff report because of the fact that it's a residential in a light industrial use zoning designation. We are hoping it was just an error on the part of the developer and architect that the conditional use permit was not presented to us. With regard to the flat roof, we did discuss it at the meeting with William Wells. However, Larry Prinds, one of our co-chairs, followed up with a letter saying that we recommended a flat roof to align the building with those in the neighborhood. Eighth Street SE is divided by 35W. On the east side there are pitched roofs. On the west side, the roofs on all apartment buildings are flat and to have a pitched roof there in the middle would really be a glaring disconnect with what the rest of that street looks like. We want this area to look nice. So many of the buildings being built now are multi-material. We didn't vote on that because it wasn't in our purview. That particular part of the street, the buildings are materials are brick and stone and the colors are light and the roofs are flat. We feel we were misrepresented in the letter to staff saying we approved the pitched roof. We did not. Thank you.

Casey Dynan: I work for St Paul's Outreach. I live on 8th St, just a block and a half down from where this project will take place. Minneapolis is a fast growing city and I appreciate the hard work you guys do. One of the things we talked about is 35W. Living on 8th St, there is a divide and you can feel it as you cross over 35W. A pitched roof would provide continuity with the streetscape and in the neighborhood. The other reality is pricing for housing in the neighborhood. Students are having a difficult time finding affordable housing. I think it's important to not price people out of the neighborhood. I am working with students who can't live anywhere close to where they go to school. I think the design being pushed is something that offers something new yet provides harmony with what's going on in the neighborhood already. Requiring that the entire building be covered in brick doesn't match the harmony. In the house I live in, we have brick five feet up and the rest is not brick. The Marcy Holmes apartments is the same thing. We want to have a diverse neighborhood and not just have the price range that a certain few can afford.

Greg Jansen: It's my understanding that the pitched roof is a permitted component of the building code and I think this should be endorsed by the staff. The developer recently completed a project very similar to this in the area and it's been a very welcomed addition to the neighborhood.

Tim Harmsen: My wife and I own Dinkytown Rentals. We've been owning and renting rental properties in Dinkytown for 25 years. Dinkytown has changed significantly with the addition of all these new buildings that mostly cater to large groups of people. We have over 700 bedrooms in Dinkytown and we saw a group that's not being serviced and that is just the simple studios and one bedrooms that do not have fitness centers and tanning booths and doing something that's extremely bike friendly and extremely easy to use. We need something very simple where you can rent a studio. We've got some price points we're working on - \$780 for a studio, \$850 for a one bedroom, \$920 for a one bedroom with a den and \$1050 for a two bedroom. If you look at our design on the floor plan on the first floor, we have specifically designed a bike storage or a bike lobby so when you come in...you have all these place that say they're bike friendly, but when you go in, all the bike use or bike storage is all down in the parking garage. In this situation, we put the bike storage and the bike room right in the lobby when you come in the front door. There will be lockers there where they can keep their helmets and gloves and all of that and go in and out of a secure entrance and use 8th Street, which is a major bike transit way. We're trying to appeal to the neighborhood. All of these establishments need workers. They need people to live in the area and service the area. When you talk

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about the flat versus the pitched, we've kind of come up with a cost of about \$70,000 to do a flat roof versus a pitched roof. That adds cost to this building and rents don't live in a vacuum. When you build these buildings and try to come up with these numbers, we've eliminated any garden level units because we want people to come right in the building so we have handicap accessible, no steps, they can enter right in with their bikes. That took out some units in the basement. So we lightened up the density and we've run all these numbers and we started the process and it turns out there's \$50,000 worth of Park Board fees that happened in the last year and a half. That doesn't give me a flat or a pitched roof. So when you add \$70,000 to a flat roof, then as far as the siding goes, there's a warehouse behind the building. What is the necessity of having to enclose the whole building in brick? It's a huge expense. It seems like so much overkill. What happens is, you design these things and they get to be so expensive that the rents have to reflect that expense. We're in a situation here where everyone we've talked to agrees that this site is a great place for some improvement, to clean it up and get some more people there. This would be a great addition to that area. I would just ask that you'd eliminate those two requirements and allow us to build this affordable housing project and I think it will be a great addition to 8th St.

President Brown closed the public hearing.

Commissioner Slack: I will move staff recommendation for item A (Kronzer seconded).

Aye: Bender, Forney, Gagnon, Kronzer, Luepke-Pier, Slack and Tucker

Absent: Gisselman

Commissioner Slack: I will move staff recommendation for item B (Luepke-Pier seconded).

Aye: Bender, Forney, Gagnon, Kronzer, Luepke-Pier, Slack and Tucker

Absent: Gisselman

Commissioner Slack: I will move staff recommendation for item C (Kronzer seconded).

Commissioner Bender: Is the condition saying that we're requiring all brick and stone? That seems inconsistent to me with what we allow on other projects.

Staff Hanauer: Perhaps I could have been more specific in the conditions of approval. It was to replace only the metal siding on floors one through three with limestone on floor one and floors two through three where there is metal siding would be where we are recommending brick. The stucco here, we don't have an issue with that and it meets the percentage requirement. Where there is stucco in the middle and on the fourth floor, staff does not have an issue.

Commissioner Bender: My understanding was that there would be three materials, including stucco, on the final project.

Staff Hanauer: That's correct.

Commissioner Kronzer: I think the flat roof is something that is seen around the area and I don't think the cost is quite what the applicant is saying it is. Instead of requiring limestone and brick on the sides and rear, maybe we just allow other materials as allowed per code. It does back up to industrial land that's going to be industrial probably indefinitely and it does front the street quite nicely with the materials they're proposing.

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President Brown: I will take that as a motion to modify condition number four to state that the applicant shall replace the metal siding with other materials as allowed by the zoning code.

Commissioner Bender: About the roof, I understand the guidelines are talking about reflecting nearby buildings. I personally don't have a problem with the pitched roof. It sounds like maybe the cost isn't as much as feared. I do think it's important for us to make sure we're getting market rate housing that isn't only luxury costs. I think when we're looking at projects and we're requiring more expensive materials and construction techniques, all those things do drive up the cost of construction. It's something I want to be cognizant of.

Aye: Bender, Forney, Gagnon, Kronzer, Luepke-Pier, Slack and Tucker

Absent: Gisselman