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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-3710 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: October 15, 2015

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of August 17, 2015

The following actions were taken by the Planning Commission on August 17, 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
Meg Forney | Ben Gisselman | Ryan Kronzer

Not present
Lisa Bender | Rebecca Gagnon | Theodore Tucker

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1. **Village Market, 912 E 24th St, 2301 Elliot Ave S and 2218-20 10th Ave S, Ward 6**
   Staff report by Hilary Dvorak, BZZ-7274

   A. Expansion of a non-conforming use to add approximately 8,800 square feet of floor area to an existing shopping center in the I1 Light Industrial zoning district.

   Action: **Continued** the application to the September 21, 2015 meeting.

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

   B. Site plan review.

   Action: **Continued** the application to the September 21, 2015 meeting.

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

Staff Dvorak presented the staff report.

Commissioner Luepke-Pier: Does the applicant have any opposition to any of these conditions?

Staff Dvorak: Not that I've heard of.

Commissioner Luepke-Pier: The requirement for brick for the entire thing except windows, are they fine with that since their rendering appears to show something not brick?

Staff Dvorak: Correct. The second story of the addition is proposed to be stucco and then brick from the lower level to the top of the windows so we're recommending that the entire addition be brick.

Commissioner Luepke-Pier: I have a question about the painting, I assume you don't mean for them to paint brick, right?

Staff Dvorak: Not on the addition. The existing brick is already painted.

Commissioner Luepke-Pier: On number 12, what is the definition of "regularly"? How often is it?

Staff Dvorak: I don't think we define "regularly".

Commissioner Luepke-Pier: Do we have the ability to define that today?

Staff Wittenberg: That's not actually defined, but if you have some rational frequency that you think is reasonable that adds more detail as part of the condition, that would be fine.

Commissioner Luepke-Pier: I was reading through the TDM update and it looks like quite a few things haven't yet been implemented. Did the applicant talk about when they were planning to implement things or give a reason why they haven't implemented these recommendations yet?

Staff Dvorak: No, but they are here to speak to these items.

Commissioner Kronzer: You mention that the paid parking lot is gated. Can you describe the gates? Are they gate arms? It appears there are arms and an actual fence gate.

Staff Dvorak: There is an entrance gate. You enter the parking lot off of Elliot and there is a ticket machine. You take the ticket and the arm goes up. As you exit there is a gate arm and you pay at the booth. They have fenced off the parking lot for screening purposes and also to completely separate it from the public alley.

Commissioner Kronzer: There is also like a scallop drawing right at the entry. That's a gate swing, right?

Staff Dvorak: I did not notice those when I did my site visit. I don't think that's accurate on the drawings. There is a gate there. I think it'd be appropriate to ask the applicant what the intention of that is, but it does look like there is a gate there. I don't know why it'd be closed unless they closed it after hours to keep cars from parking there overnight.

Commissioner Kronzer: The exit, it appears the pay booth is on the wrong side of the exit lane.

Staff Dvorak: It is on this side.

Commissioner Kronzer: The existing trash enclosure, my memory of the trash enclosure code is that it'd be enclosed on all four sides, a foot taller than the dumpster and in materials similar to the building. I don't this enclosure meets those requirements.

Staff Dvorak: When I was out there I was surprised at how large the trash bin was. It's a compactor, I believe, not just a dumpster. The fence would need to be taller to screen the overall height of that.

Commissioner Slack: Reading through the submitted testimony, there are a lot of references to traffic violations and perceived crime, are there any statistics that can back that up that the city has?

Staff Dvorak: I did not go through all of the crime stats or traffic violations. From what I hear, people who do not have permits park in the permit parking that is located around this site. I cannot tell you, or don't know if anyone can tell you, if those cars are attributed to the mall or not. I know that has been an issue.

Commissioner Slack: There's one document in here that documented 7,427 traffic citations being issued so far this year, more than half of those have been issued within 1500 feet of the mall and I wondered if that was accurate.

Staff Dvorak: What I can do is I can try to look it up on PropertyInfo.

Commissioner Luepke-Pier: One of these letters mentioned that it had been originally approved for only 37 retail vendors but now it has over 350, is that accurate? Do we have a say in how many vendors they can have?

Staff Dvorak: No. We do not put a maximum number of vendors that can be in a shopping center.

Commissioner Luepke-Pier: Doesn't that impact parking at all?

Staff Dvorak: The parking requirement is not based on individual shops. The history on the property going back to 2001, the site does meet the parking requirement. There were variances granted in 2001 and 2004. Since that time, our parking requirements for uses in the code have gone down. Through that history, the parking requirement is being met on site.

President Brown opened the public hearing.

Omar Sabri: The expansion is about 8, 500 square feet. The location of the expansion will be taking part of the problematic parking lot on 24th and 10th Ave. This is an overview of where the actual expansion would be. It's on the northeast corner of the street. The reason I address it as a problematic parking lot is it only allows for six cars. As Hilary touched base on, last year we vacated the alley, implemented a paid parking lot and this is the only parking lot that remains open unpaid and there's not much restriction as you can tell. A lot of customers show up and try to take advantage of it and this is what we face on a daily basis. The issue here is that cars are trying to back in, some go forward and it creates congestion. There's a parking lot across the street on 10th. The parking lot, in order for us to reduce the amount of flow traffic on 10th Ave, we decided to designate for tenants only. It has 30 stalls and we have them all rented out. The beauty behind it was, we have 30 stalls, however there are about 70 tenants who share the same stall. Some people operate their shops in the evening, other operate in the morning so they share the same stall and swap cars when they get a chance to see each other. This is how the parking lot looks on a daily basis. I've met with a number of community members, neighbors and spoke with some tenants. The first issue that comes up is always traffic and parking, litter and safety. In order for us to move forward and improve or help eliminate these issues, we propose to come up with the expansion. The expansion would help in reducing the traffic congestion and help in approving the traffic flow by eliminating that parking lot. If the parking lot disappears, this could be resolved. I'm not saying it will completely resolve the traffic jam, but it will help in improving it. That being said, last year when we showed up, we submitted an application to vacate the alley and we did an expansion. That expansion was rejected because we didn't have a traffic demand plan in place at that time. We went back, did a traffic demand plan…two of them , in fact. One was before the implementation of the paid parking and one was after. Both studies did reflect that this is a problematic lot and it is causing traffic congestion and both studies did advise to get rid of that lot. I've been approached by a number of neighbors and they asked why I didn't just shut the lot. I shut it down for a week just to see what the implications would be. It was terrible. I had a lot of cars trying to get into the lot and they were blocking the driveway. Also, I had safety issues. This is a rough neighborhood. With just an open space, people tend to hang out

along there. I had my security guard keeping an eye on it. Other than that, it was additional litter and vandalism. I would like to talk about the TDMP. I have Jordan her to speak to that.

Jordan Schwartz: I'm with SRF Consulting Group. As Hilary mentioned earlier, we completed both the Village Market TDMP as well as the addendum. The original TDMP was completed in October of 2014. The objective of that TDMP was to encourage patrons and tenants to use alternative modes of transportation in order to limit automobile parking impact on the site and in the adjacent neighborhood. More recently, the addendum was to document existing conditions and the level of those TDMP measures. We went out and did parking observations both on street and off street. The total parking demand observed in June 2014 and 2015, the overall parking demand out there is down, whether that be through a combination of carpooling, transit, etc.

Commissioner Luepke-Pier: Sorry to interrupt, but which column represents the on-street parking?

Jordan Schwartz: This particular slide does not break down on-street versus off-street parking. This is simply total demand for the site.

Commissioner Luepke-Pier: But you did take into account on-street parking when doing these numbers or is this just a snapshot of on-site parking?

Jordan Schwartz: We observed both the on and off and as you will see in the TDMP, both of those are broke out separately in those documents. This is just a summary. The numbers are down overall about 25% or more for various reasons, I would suspect primarily carpooling of tenants. Here are a few images of the off-street parking and paid parking lot that was implemented out there. We took observations at four different time intervals and we were consistently seeing available parking in those lots. To me it's clear that the paid parking lot can accommodate the proposed expansion which is a small fraction of the existing structure size. The lot is problematic. There is double parking, vehicles idling, people pulling in and reversing out into the adjacent streets as well as the bike lane on 24th St. The elimination of this lot, whether it's by an expansion or other means would certainly be beneficial from a traffic standpoint. As for the on-street parking, really only a little change was observed from the 2014 TDMP to the 2015 addendum. As you can see, this is 24th St and all the spaces are occupied. The vehicle on the south side of the street is parked in the bicycle lane. There are some measures that can be implemented to counteract the vehicle idling and double parking and primarily that is through increasing the utilization of the paid parking lot. A few of those measures are noted here. The first 20 minutes in the paid parking is .50. I've been informed that up to 10 minutes is actually free, but something that should be done is to advertise that up to those first 20 minutes are in fact free to at least present the option to those people who are idling in the street or double parking that they can come in, take the ticket at the entrance gate, complete their very short term trip and then leave and still be able to exit without paying. This would present that option to those individuals. Hilary mentioned that one of the conditions is to provide a convenient space to delivery vehicles that cannot get there before Village Market opens so that those vehicles aren't in the street. Utilization of the paid parking lot is relatively low. Getting more of those vehicles from the street into that lot would be a goal. If these first couple measures don't get that job done, that parking lot could be opened up to employees or contractors.

Commissioner Slack: In the TDMP, it talked about reducing parking fares to equal to or less than a dollar per hour, that's not being reflected in that slide right now, correct?

Jordan Schwartz: Correct. That's something that I would recommend. Simply having a lower parking fare would seem to encourage more people to utilize that paid parking lot, as well as the convenience factor of anyone paying with cash, digging for change and for the attendant of the parking lot giving out change. It'd be far easier in even dollar increments.

Commissioner Slack: You mentioned contract parking for employees or tenants, what does that look like as far as costs?

Jordan Schwartz: I cannot answer that.

Omar Sabri: Currently, the parking lot that's adjacent to the building we're contracting for $75 a month per stall.

Commissioner Slack: You mentioned that multiple people share a space.

Omar Sabri: They do share a stall and it just makes it more economical for them.

Commissioner Slack: For the cost of having a contractor parking or whether it's a fee to pay to park for however long you visit the site, what do those fees go towards?

Omar Sabri: Operations, security, paying the bank back.

Commissioner Slack: There's a lot of public comment about parking and circulation.

Omar Sabri: We do understand parking is an issue. The on-street is an issue, but the off-street is not an issue. There is high turnover, we have about 600 cars that come in and out. Each fare is about .50 to a $1.25, which means that the majority of our customers that come in there are spending less than an hour in there. Tenants and customers love it. Before implementing this, it was a disaster just trying to get in there. What we're trying to accomplish and the reason we picked these fares is because we want to make sure tenants and customers are aware that the longer you stay the more expensive it gets so we want to encourage them to move along. It seems to work well.

Commissioner Luepke-Pier: Regarding the six car lot that has about a dozen cars in it in your picture, you said you closed it off to see if that would make a difference, did you try assigning a parking attendant to make sure people weren't parking illegally in the lot?

Omar Sabri: It's a difficult lot to have my security guard, police, and tenants next to the lot and get in arguments with customers who refuse to move, say there's no signs or they'll be right out or they disappear. If that parking lot itself needs to be utilized, it needs one person sitting there full time trying to monitor it and for us it's not a feasible or viable option to do so.

Commissioner Luepke-Pier: I understand, but do you think that in the short term it'd help your customers understand that it's not acceptable and it makes problems for you when you try to apply for a land use application?

Omar Sabri: We did. We tow, but getting a tow truck in this lot is impossible as you can tell and it becomes a big commotion. What I realized was, a majority of the people who park in the lot are heading down to the coffee shop across the street. They keep an eye on their car from there and run back if they see a tow truck to try to avoid the tow cost.

Commissioner Luepke-Pier: Was it a free lot before?

Omar Sabri: It was a two hour limit free lot. We had a lot of towing going on and we tried to enforce it. It hurt us in the long run. People didn't want to come in there and pay fees. We did have two security guards trying to monitor it. It was a nightmare. People would not limit to two hours, it'd be more like four or five. We encourage tenants to do contract parking, carpool or move closer and get a transit discount.

Commissioner Luepke-Pier: You said the lot is under 50% utilized and then your other lot is very utilized, aside from making it a round dollar amount, is there some nominal fee that would incent people who don't want to pay anything to pay because it's so low, but not allow them to park there four or five hours. I wonder if a dollar is even going to be too much for people to incent them to get off the street and not double park.

Omar Sabri: I realize deliveries are a big issue and we encourage people to come before 9am to get their deliveries.

Commissioner Luepke-Pier: What about the non-deliveries? A lot of letters are about customers parking and blocking traffic and the bike lane. It doesn't seem that they're complaining about delivery trucks as much as your customers.

Omar Sabri: I think deliveries are a huge impact and they're always double parked. It is cars as well. What we propose is to have the first 20 minutes free to encourage people to do their drop offs.

Commissioner Luepke-Pier: Did you guys do any surveying to find out if 20 minutes is the sweet spot? I'm wondering if you have done research to see what's causing people to not park in your lot. What are your customers saying?

Jordan Schwartz: I don't have any data to support that 20 minute claim.

Commissioner Luepke-Pier: Then if this doesn't work will you be planning to do one?

Omar Sabri: Our goal is to utilize the lot. If we realize 20 minutes isn't enough, perhaps we will increase it to 30 minutes. We do want to utilizing the lot, it's good for the community. We're trying to work around the fact that we want to reduce the amount of on-street parking.

Commissioner Kronzer: Can you describe how far away from the mall you did your on-street parking analysis?

Jordan Schwartz: We observed vehicles on the street within a one block radius. That observation area was consistent with the TDMP versus the TDMP addendum.

Commissioner Kronzer: Is there any thought that people might be walking farther than 600 feet?

Jordan Schwartz: Certainly that could be the case. It wouldn't seem to be all the time.

Commissioner Kronzer: There's reference in the TDMP that the owner provided data from the paid parking, but that doesn't seem to coincide with the report's data. There isn't a synthesis between data provided by the owner and the findings in the TDMP. Can you help us make sense of that?

Jordan Schwartz: Sure, the data provided by Mr. Sabri was daily parking ins and outs on a 24 hour basis. It came out to be an average of roughly 650 vehicles a day or about 50 vehicles an hour. Being on the site and seeing all these open spaces, it simply tells me there is a high rate of turnover in that parking area.

Commissioner Kronzer: Wouldn't that show up in the hourly counts?

Jordan Schwartz: Potentially. The observations were simply a snapshot in time. There could be other periods of the day when there are more vehicles in the lot.

Commissioner Kronzer: Were these counts done on one day?

Jordan Schwartz: Yes, they were. It was a Thursday as well as a Saturday.

Commissioner Kronzer: Do you know what kind of weather you had those two days?

Jordan Schwartz: I was out there on Thursday and it was a nice, sunny day.

Commissioner Kronzer: Can you walk us through how you calculated the 25% reduction of demand when the report also states there is still on-street parking congestion and double parking?

Jordan Schwartz: The overall demand is simply a combination of observed on-street vehicles and observed off-street vehicles or vehicles in the lot. The total number from the June 2014 observation was compared to the June 2015 observations and that combination of on and off street parking was 25% or more lower than the observation in 2014.

Commissioner Kronzer: Do those observations include cars that are double parked or stopped in the driveway or any of those illegal functions?

Jordan Schwartz: They do not count for any of the illegally parked vehicles.

Commissioner Kronzer: So that 25% could be represented by the underutilization of the pay lot.

Jordan Schwartz: Certainly, which is why the recommendations of the TDMP addendum are to get additional use out of that paid parking lot, to keep vehicles off the street, take vehicles out of the driveway and bike lane, etc. and get them into the lot.

Commissioner Kronzer: I didn't see it in the report, are there any incentives for the owner to provide transit passes?

Jordan Schwartz: In the original TDMP there is a note about the incentive to provide transit passes. It's on page 23 of the TDMP under "transit and shared car", it says discounted transit passes will be offered to tenants.

Commissioner Kronzer: Has anything happened in that regard?

Omar Sabri: We haven't implemented the whole TDM because the TDM itself, the whole purpose was for the expansion. We will fulfill all the requirements if the expansion takes place.

Commissioner Bender: I didn't see in the TDMP a summary of the total number of visitors you have daily to the site as well as if you have an estimate of how people are arriving whether it's by foot, transit or driving. I think that'd be helpful to understand the overall impact, especially as we consider an expansion. Was that analysis done or is there a way to estimate how many people are coming and going and how they're getting there?

Omar Sabri: A lot of the patrons have moved close to this area. I see a lot of foot traffic in general. I do see carpooling. I don't see much biking. It's the first summer so I'm seeing how things are working. There's a new bike lane on 24th. One of our goals is to utilizing that bike lane and maybe getting a Nice Ride station to increase the overall utilization of biking.

Commissioner Bender: How many vendors are there now or how many retail locations are in there? How many more businesses would be located in the expansion?

Omar Sabri: We're trying not to promote coffee shops or small businesses that promote people to come in and just sit. The expansion itself is just having retail and office space, no food. Littering was a major issue that we discussed and met with the community to come up with ideas to promote people to clean around the neighborhood. I was able to get in touch with the city about adoptive litter container. Any neighbors who are in agreement to have a litter container in front of their boulevard, what we'll do is sign the affidavit and clean it on a daily basis. Hopefully having more of these litter containers around the neighborhood will encourage people to use them. Another idea was to allocate some funds from the new expansion to hire community volunteers to go around 100' radius to clean around the neighborhood and teaching newcomers about the importance of keeping a clean neighborhood. Many of them are immigrants and have still not adapted to the American culture. We feel if we hold small classes or seminars to educate them and create flyers, we'll have a positive impact on the overall littering issue. The expansion itself will have a safety center or substation. This corner is definitely one of the most active corners in south Minneapolis. Having a substation or police officer on duty would definitely help increase safety. We do have off-duty police on the weekends only currently and they do help with circulating traffic and keeping an eye on the overall safety, but having a substation on that corner would help increase the overall safety. The expansion would eliminate a blind spot. Between the two buildings there is like a small

hallway that's exposed to the exterior. When we have people break into the building, they use that as an access. Having an expansion will pretty much secure the whole area and enclose these entrances. We wanted to improve the façade of the building, unify the colors, increase the lighting and the improving the landscaping. We would have a Nice Ride station in front of the expansion as well. Regarding the traffic violations, this is a very busy area. We do have the hospital a block away, there are clinics and a university. A major issue that caused these numbers to go up is I don't think customers understand the signs. I think having signs in Somalian would definitely teach people to not park there. People don't want to pay a hefty ticket fee over the minimal parking lot fee. I think it's just a language barrier.

Commissioner Luepke-Pier: You mentioned the Nice Ride station, can you show on your site plan where you would put that?

Omar Sabri: The Nice Ride station will be on 10th and Elliott. There is one on 10th Ave next to the police station.

Commissioner Luepke-Pier: It'd be nice to have that shown on the site plan to make sure it's included. About the adopted litter program, are you suggesting that neighbors have to adopt a canister or are you saying that if they say you can put it on their boulevard that you would adopt it?

Omar Sabri: We put it up, we maintain it, they just have to agree to having it on the boulevard. The feedback I got was positive.

Commissioner Luepke-Pier: How many would you be willing to do?

Omar Sabri: I said four on each street for each block on each side so a total of 14. I believe that'd be more than enough and make it convenient for everyone. The area is a rough area. I understand that we do contribute to part of the litter, but in general if you go about a five mile radius, littering is an issue overall everywhere, but we do want to contribute to having a litter-free area.

Commissioner Luepke-Pier: You'd work with the people taking the garbage out and cleaning the containers?

Omar Sabri: Yes. We will work with the mosque administration to do so.

Commissioner Luepke-Pier: If additional neighbors from the next block in each direction wanted in…

Omar Sabri: I think a block is a fair radius.

Commissioner Slack: Can we verify if there will be a safety center on site or not?

Staff Dvorak: I did have a conversation with CM Warsame's office about this and from what I've been told there is still consideration for that and there will be police presence in the building in a designated office space.

Commissioner Gisselman: Regarding loitering, we have a wealth of written comments here and lot of those refer to this idea that part of the congestion is due to…it's obvious this is a retail center but it sounds like this is also a social gathering space, which is great, but that's not really conducive to the idea that you're trying to get people to come and cycle through and go to reduce congestion whether it's loitering on-site or loitering in the streets.

Omar Sabri: When we first started the business, we had no idea where the direction of the community was going. Seeing it as a community center was beneficial, however, when we realized that business was picking up, that's when we decided to convert it from a social area to a retail/restaurant area where people weren't just going to hang around. Charging for parking was supposed to encourage people not to hang around there. They are a social community, which is great. They are adapting to what we're implementing.

Crystal Windschitl (2400 Park Ave): I'm the Executive Director of the Phillips West Neighborhood. In Ventura Village, Phillips West and Midtown Phillips there have been 7427 traffic citations so far this year, that's a fact. More than

half of those have been issued within 1500 feet of the mall. The proposed expansion would just cause further problems as it pertains to traffic and unsafe road conditions. Many of the vehicles entering the mall double park, park in no parking zones, don't use proper signals and block the bike lanes. There is also a jaywalking problem surrounding the mall that causes danger for pedestrians. To remove the six space parking lot to expand the mall will not benefit the neighborhood. Most of the double parking and issues that occur, occur the whole area of the mall and not just that small six space parking lot. Another issue that was brought up was the TDMP that was only done one block each way, there are large institutions in the area that have issues with people from that mall parking in their parking lots. They didn't even approach those folks at Lutheran Social Services, St Mary's, Hope Academy, Phillips Eye Institute, Teen Challenge and the Phillips Community Center. People who go there park free at those buildings. It's been an ongoing issue that we meet about as neighborhood groups. I don't mean to sound negative. We do support East African businesses. The former Rainbow Foods on East Lake St is currently vacant, it has adequate parking to meet consumer needs, we think it'd be an appropriate site for the expansion and the space would allow space for more East African entrepreneurs could open businesses. There's just no room for expansion at the current site. Thank you.

Sadik Warfa: I'm a tenant of this mall. Ventura Village supports this expansion fully. I'm here today to support this expansion. The area before this mall was crime ridden. When the Somali community moved into the area and opened businesses, the area transformed and serves more than 300 East African families. Their livelihood depends on the mall. I know there are a lot of issues regarding parking, but the mall is doing everything they can. I go there every day. That small lot that would be used for the expansion is a large problem. The mall to us is more than a mall, it's a community center. This is where our elders gather. I urge you to support the expansion.

Russell Gregg (2443 11th Ave S): I work at Hope Academy. I walk or drive past the mall at least two times every single day. I am very much in favor of supporting the East African community, it's just that the mall has become too successful. It's becoming a community center. The neighborhood is not able to support the number of people coming to that space on a daily basis. One of the things that we're struggling with is every afternoon we have eight Minneapolis school buses that come to Chicago Ave to take the students home and most days there are vehicles parked in that dismissal place during the dismissal time and we have to get people to come and tow those vehicles away because we can't get the buses to that area. That little stretch along 24th there is the most dangerous traffic area of any place in the twin cities during the day. I'm not in favor of the expansion and bringing more people to that area.

(Name and address unclear): I'm a small business owner and support the expansion of the mall. Every area of Minneapolis has a parking issue, not just here. Thank you.

(Name and address not stated): Via interpreter: You compare ten years ago and today, it's very different here. The place is more than a mall, it's a community center. Many of the people that come to the mall, they feel stress free. It's an important gathering space. It benefits the community. People come to the mall by foot. Please support the expansion.

Catherine Blauvelt (2411 11th Ave S): This site has an intense use on it and wasn't designed for or approved for. We also have a developer asking for a significant increase in square footage. He says if you give that increase that improvements will happen. I would argue that it's inappropriate to tie those two together, that you have to provide an expansion to get an improvement from the daily stresses that we have. I have a few statistics from the Police Department. They say that the Village Market area appears the second highest density within the city for violent and nonviolent crimes. There have been over 900 calls to 911 this year. From the Department of Regulatory Services, I do have handouts on the parking citations that have been mentioned. I took pictures around the neighborhood over a block away from the mall. These illustrate there's no place to park. Thank you for listening to everyone's views.

Sarah Murphy (2213 10th Ave): I oppose this expansion. I think this mall and the mosque attached is a place for gathering and that's a really beautiful thing to have in a community, but it's so poorly managed. The parking situation is out of control. The owner has done a number of things recently to try to show he's doing something for that, but it's a pretty weak attempt and everything he's done is to make money and to try to promote the idea that this expansion should go through. It hasn't really addressed any major problems. I 'd like to see some of the major problems be

addressed first before even talking about the expansion. The owner has asked the community, the vendors in the mall and people to use it to take on the burdens that he should really be taking on. Thank you.

Abdi Akin: People litter, commit crimes and park where they shouldn't. Have the owner address all the issues first before considering expansion. Thank you.

Ryan (2213 10th Ave): I'm against the expansion. I want to make sure people don't inflate opposition to the expansion with opposition to Somali business in the area and acknowledgement to the good things they bring. They are separate issues and this is a livability issue because of the issues that have been raised.

Abdisalam Adam (5708 Jefferson St NE): I support the expansion. With the vitality and growth of the community, this is a good thing to have. I spoke with the owner and he will take care of the issues in the area regarding the cleanliness, safety and parking. This expansion solves some of the problems and it's good for everyone. Thank you.

Connie Magnuson (2432 11th Ave S): This is just a livability issue. Many of us don't have parking available to us and we don't have garages. We live in multi-family dwellings. I live in a duplex next to a four-plex. It's a sharing issue, we can't even park in our own space. We have to pay for a permit so at least on one side of the block we have a chance at getting a parking spot when we get home from work. It's also the community that has expanded to our own personal properties. It is a large community and an expansion just brings more individuals to join in in that community and there's simply not space. To bring more people it spills into our private property where there's loitering, people hanging out on our stoops and our lawns. An expansion is not a solution for this.

Shavi Ali: I support the expansion to get more business in the area and more tax base. People say this is a gathering center, they don't just hang out, they shop and get groceries and leave. We don't usually have parking issues, we can fit more cars and more people.

Abdi Yusef: This mall has made this area better. This mall provides a lot of opportunities for people.

Corrie Zoll (2411 11th Ave): Shopping malls are not allowed in this area. Staff said it'd be inappropriate to rezone this as commercial. This use just isn't appropriate here. Commissioner Bender asked two times how many shops are in this place and both times the question was avoided, nobody knows. We know it's at least 300, but could be as much as 350. If it's 350, the Mall of America has 520 so that's about two-thirds the number of shops in the Mall of America which is 20 times the size. There's a mosque at this site, that's great, but it's not mentioned anywhere in the application or the traffic study. I assume you have parking requirements and other requirements around a place of worship, but it's not mentioned anywhere. If you were studying the traffic impacts of say a Catholic Church, you'd be looking at the traffic impacts on a Sunday morning. At a mosque, the busy day when everyone comes is on a Friday, but this traffic study is on a Thursday and a Saturday. Third precinct commander, Mike Sullivan, makes it very clear that there is no safety center intended or planned for this site. The city's deputy director of traffic says that this should not be expanded until the traffic issues are dealt with here. The staff from Nice Ride MN makes it very clear there will be no Nice Ride station here. Is your staff expected to fact check anything that's written here? If these things are so easy for me to find out and get information from the city to correct, what else are we missing here? This is not a rough neighborhood. We don't see impacts like these at Abbott, Children's, St Mary's University, Midtown Global Market or other places nearby, only here. The East African community deserves better. Don't show them that this is the way we do business in Minneapolis. You can do better, we can all do better.

Jim Bueche (2417 11th Ave S): One striking thing when you listen to the testimony from the developer and the speakers on his behalf is the disjunction between the utilization for the space and the projected redevelopment to have higher turnover to something that's obviously utilized and benefitted as a community with more of a hanging out thing. Significant increases in Village Market traffic has had an impact on my family. The idea of an expansion is very disturbing to me. In the last five years, our personal vehicles have been hit five times resulting in over $3000 in damage all while parked in our paid permitted parking in front of our home. On 11th Ave between 2417 and 2413, in June there was a head-on collision, on June 8th my vehicle got over $1700 in damage, on the 15th a patron of the mall had their vehicle

totaled by a hit and run. These examples are to give you measurable examples. We are concerned with safety for our children. I urge you to say no to the expansion.

Abdi Hamud: It's important to expand the mall. We need to increase the business of the mall. It's good for the city for this to be expanded, it's not just for the community or neighbors. Thank you for your support.

Emma Buechs (2828 10th Ave S): I speak as a neighborhood coordinator for Midtown Philips Neighborhood Association and I'd like to read a motion that was passed at our August 11 board meeting last week. It says "Midtown Philips Neighborhood Association expresses dissatisfaction and opposition to the proposed expansion of Village Market due to the inadequate attention to livability issues including parking, traffic flow, crime, safety, litter and zoning violations." That was passed with a vote of four in favor and three against and two abstentions. I also speak as an individual, as a person who offices out of 2828 10th Ave S and lives in the Powderhorn neighborhood and that is that was saddens me about this issue is how divisive it'd becoming and how two communities are being pitted against each other. I don't want the current neighbors to think of the mall in such a negative way and look at the community and cultural assets it's bringing to the neighborhood right now…there should be a way that more conversation is happening with the expansion and that the expansion would allow for more of a gathering space, but right now it's not happening with the way the current neighborhood is set up.

Raquel Bloom (2410 10th Ave S): I support growth, businesses and development among immigrants, however, because I live three houses away I can attest to you that the volatility on 24th and 10th is very high because of all the traffic issues, loitering, littering, people hanging out on my steps, smoking drugs, urinating on my property…it's been hard and it has intensified this year. It's hard to support having more space that would encourage more traffic because the issues will just get worse. Thank you for considering the reasons why this expansion should be denied and why more conversations should take place before any more foot traffic comes through.

Dini Omar (2818 12th Ave S): I support the expansion. It's a meeting space for us. It's a stress-free environment and a positive addition.

Kadar Abdi: I come to the mall to shop and pray. It's a community oriented place. I hope the people who live around the neighborhood see that this serves as a gathering space for people to come together and share memories and connect back to their home. One of the greatest losses is for someone to lose their home. By being in that area and being with my community, I have been able to reconnect with my country of origin. I think people think that if people are talking to each other that there is a fight going on. I have never seen a fight there. I don't think this is a crime ridden place, there is just normal family activities happening and children playing. I hope you expand this mall.

Sirah Ahmed (1591 Oakdale St): I support this expansion. The mall has many successful businesses. The elderly community members go there and we have no problems with our neighbors. I urge you to support this expansion. Thank you.

Peter Melling (2530 11th Ave S): I love this neighborhood and the diversity in it. I'm not opposed to the welfare, support and growth and community of the Somali people, but I do seek the welfare of our city and implore you to consider as an expansion of commercial space and capacity.

Jim Bloom (2410 10th Ave S): We've have neighbors that have been great neighbors and they've left because of livability issues that haven't been solved. It's been interesting to hear the owner say it's a mall where people move and in and out, but almost everyone who has testified has said that it's a community center where they hang out at. That's fine, but the intensity of it and the amount of people there is already maxed out. To expand it more is only going to intensity that further.

President Brown: Mr. Sabri, if you'd like to respond if you feel there was misinformation, I'll give you a quick opportunity to respond.

Omar Sabri: My response is, it's 116 shops in total, about 600 square feet. When we're talking about the expansion, we're not doubling the size of the market. We're not going to promote more traffic as they claim. The expansion is about 8000 square feet, not all of it is going to be utilized because there are common areas and so on. We are reducing the usage to retail and that's what our intention is. As for the security issue or off duty police, I've dealt with the city council and I have off duty police working for us. That station will house the safety center, the security and off-duty. As for the Nice Ride, I pitched my idea and no one came forward to talk to me. Crime issues use to be raping, murder, drug dealing and now we're dealing with traffic. I understand that percentage is high for the crime in general, however, it's a learning curve for the community and business owners. Sometimes people just talk loud, they're not yelling, but people will call 911. This area has improved overall. It's not fair to sit here and criticize everything without putting some credit in that since we've been there the site was improved and safety was enhanced. We've invested time and money into security, cameras, guards, officers. We understand the necessity of security and we're always trying to improve. Not having the expansion will not change certain issues, but having it will come along with a number of benefits. It's an 8000 square foot expansion.

Commissioner Kronzer: The second floor of the addition just says lease space, what is the proposed use of the second floor of the addition?

Omar Sabri: The proposed use is office space. We did get approached by the mosque because they wanted one exterior entrance and exit so we said we'd cancel the existing one and move them.

Commissioner Kronzer: The plan submitted does show an expansion of the prayer room.

Omar Sabri: It shows an expansion of the office as we have not concluded our deal with the administration of the mosque so this is just pending. If the mosque does move forward on the second floor, that means that the other mosque will be converted to office space.

Commissioner Kronzer: Can you identify any other community space in the mall inside that is not retail space where people are just allowed to congregate?

Omar Sabri: That is the only one and the coffee shop. We have a total of six restaurants and coffee shops.

Commissioner Kronzer: Have you ever considered creating just a common space?

Omar Sabri: For safety, we decided it'd be best to not have common space for people just to sit around.

Commissioner Slack: Can you tell me how many parking attendants you have on duty and what their hours are? How many security guards to you have on duty at any given time and what are their hours?

Omar Sabri: Parking attendants, they're there from 7:00 a.m. until 11:00 p.m. daily. There is one parking attendant. On busy peak days we have people helping direct traffic. As for security, we have fulltime armed security from 10:00 a.m. until 11:00 p.m. and police officers Friday and Saturday. We have one fulltime security guard. Hours of operation are from 9:00 a.m. until 9:00 p.m. Tenants stay there late stocking shelves and cleaning and the final prayers for tenants are after that so everyone is out by 10:00 p.m. or 10:15 p.m.

President Brown closed the public hearing.

Commissioner Slack: I will move staff recommendation for item A (Kronzer seconded). We've had a lot of good testimony today. Thank you for coming and giving testimony tonight. It's really about livability. I don't think anyone denies the importance that this site serves to the community, but it has major impacts. I'm still considering what I want to do even though I made the motion. I see the value in the expansion, but I want to see livability enhanced.

Commissioner Gisselman: I am not going to support this expansion. Everyone provided great testimony tonight. What I think is unfortunate is that conversation tends to sound like we can have one thing or another but not both. In

other words, it almost sounds like we're either going to have residents who have the ability to preserve their livability rights versus the idea of promoting the entrepreneurial spirit of a particular ethnic community here today. I don't think this is a discussion about having one or the other, we can have both. I'm not convinced that what we have before us today is right for the site. I think it's an unfair burden to put this on the local residents. I think this is something that needs to be resolved before we move forward with an 8000 square foot expansion, not approve it and then decide how we're going to deal with that after the fact.

Commissioner Kronzer: Hilary, you mentioned that Public Works reviewed the TDMP, did they have comments?

Staff Dvorak: We provided feedback on the initial draft and what's in the packet is final.

Commissioner Kronzer: Do you know if there's any consideration for turning some of the streets around this mall to one-way?

Staff Dvorak: Not that I'm aware of. After last year's public hearing, I believe Council Member Cano's office was going to take up conversations about traffic issues and I'm not sure if those conversations took place. Last year what was happening at the time was on-street bike path was being put in on 24th and that has happened. Maybe those conversations ended when the bike path project was completed. I can't say for sure.

Commissioner Luepke-Pier: I'm looking at the findings and I'm disagreeing with staff on the third required finding for nonconforming use which is "the enlargement, expansion, relocation…will not result in significant increases in adverse off-site impacts such as traffic, noise, dust and parking congestion." I can't help but see where this would do the exact opposite. I feel as though the parking on the corner is really problematic and putting a building there sure is more attractive, but at the same time we've just put 12 more vehicles where? If more parking stuff had been addressed before this it would have demonstrated that the existing lot they created is being maximized and we are having less traffic conditions that take place. The traffic count seemed to indicate that it was a regular monthly occurrence, not just a special event causing it. I wish the problems had been taken care of before this expansion was presented to us. We have to see results. I can't support this for that reason. There is value in having this space, but I cannot support the expansion for the reasons mentioned.

Commissioner Kronzer: This application isn't there yet. I have four things that will get it there I think if we could see this revised again. One is a redesign of the expansion. The storefront along 24th should be almost all glass and should look like a traditional storefront you'd find in Uptown or in the Wedge or Eat Street it's got all glass and doors on the street with public common space behind it. We've heard so much testimony about this being a gathering space and there's almost no community space inside the mall. Two, if Public Works takes a serious look at this TDMP and considers multiple things including one-way streets. I think there is a traffic issue and it's been noted. Third, for the owner to implement more of the TDMP that's already been noted in that report like the 20 minute free parking and someone else has a suggestion today about multi-language signage. How can people follow rules if they can't read the signs? Those things could really improve this project.

Commissioner Bender: We have a lot of places in the city where destinations create traffic issues. Parking comes up almost every time we're considering a more controversial application. I think leaving a vacant lot here is not ideal for a lot of reasons or a surface parking lot in this location. The issue is how do we get to solutions in this TDMP that seems to be lacking a lot of information. This is an area of the city that has big uses with a lot of traffic coming and going from them so it's not just this site that has traffic coming, it's the big institutional uses as well. There seems to be localized traffic concerns with this particular use but it seems like it's part of a bigger system in the neighborhood that has to do with these big destinations so I'm not sure that it's totally fair to assign all of the traffic issues to this use.

Commissioner Tucker: In the current proposal I'd have to vote no on this because there haven't been sufficient measures suggested by the applicant to mitigate the problems created by the current situation. I agree that the corner parking lot is not helpful to anyone. If one wants to carry this over a couple cycles to see if the TDMP can be anylzed and the applicant can come up with a few mitigating measures for the traffic to solve some of these problems I think we

might be better off. Perhaps a substitute motion to continue this to September 21 might be helpful, there's a lot of work to do.

Commissioner Bender: I really like that idea if it works with the 60 day clock.

Staff Dvorak: The 60 day clock ends September 6 and I can extend that an additional 60 days so we would have until approximately November 5 I believe.

Commissioner Tucker: I make a substitution motion that we continue this two cycles (Bender seconded).

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

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-3710 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: December 3, 2015

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of November 2, 2015

Committee Clerk
Lisa Kusz - 612.673.3710
Commissioners present
Matthew Brown, President | John Slack, Vice President
Lisa Bender | Meg Forney | Ben Gisselman | Ryan Kronzer | Nick Magrino | Sam Rockwell

Commissioners absent
Alissa Luepke Pier, Secretary
Rebecca Gagnon

3. Village Market, 912 E 24th St, 2301 Elliot Ave S and 2218-20 10th Ave S, Ward 6
This item was continued from the August 17, September 21 and October 19, 2015 meetings.
Staff report by Hilary Dvorak, BZZ-7274.

A. Expansion of a non-conforming use.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application to add approximately 8,800 square feet of floor area to an existing shopping center in the I1 Light Industrial zoning district, based on the following findings:

1. The expansion will result in significant increases of adverse, off-site impacts such as traffic, noise, and parking congestion, increasing the impacts that are currently being experienced as demonstrated by many people who have testified.
2. Nearby residents demonstrated evidence of significant traffic congestion and circulation impacts associated with the existing use, including bicycle and pedestrian safety problems caused by double-parking in public streets.
3. The expansion could contribute to existing livability issues, including littering, loitering and property damage problems.
4. The zoning is not appropriate for the high intensity use.

5. The expansion is not compatible with adjacent properties and the neighborhood.
6. The expansion will not improve the appearance or stability of the neighborhood.

Aye: Bender, Forney, Kronzer, Magrino and Slack
Nay: Rockwell
Absent: Gagnon, Gisselman and Luepke-Pier

B. Site plan review.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the application for an 8,800 square foot addition to an existing building, based on the following findings:

1. With the denial of the Expansion of a nonconforming use application, the site plan review application cannot be approved.

Aye: Bender, Forney, Kronzer, Magrino, Rockwell and Slack
Absent: Gagnon, Gisselman and Luepke-Pier

Staff Dvorak presented the staff report.

Commissioner Forney: Where is the proposed entrance to the market and where is it now?

Staff Dvorak: There are several entrances into the market.

Commissioner Forney: Is there a primary one?

Staff Dvorak: There are several primary entrances. There's one here on the north side of the building, here off of 24th, another here on 24th and there are several along the parking lot here. For the addition, each of the ground floor uses facing a street will have an entrance facing that street. The existing deli grocery store will have a new entrance because it currently faces 24th and it will be relocated to the 10th Ave side. The two office spaces here in yellow will have new ground floor entrances facing the parking lot.

Commissioner Gisselman: Regarding the TDMP, you explained that it is an effective document regardless of whether this project gets approved today. You're suggesting then that there is opportunity after today to reevaluate the effects of some of the implementations of the TDMP to assess how they've been effective.

Staff Dvorak: Correct. Public Works and I will be doing an audit with the applicant and SRF, who has been contracted to do one year audits for the next five years.

Commissioner Kronzer: Condition four of the expansion of nonconforming is to encourage the loading zone, is there anything that would prevent us from requiring those loading zones?

Staff Dvorak: I can let Public Works speak to this. The reason we're not mandating it is because traffic operations on a street can change and they could be removed and there is an assessed fee for having them. T That is why we're not requiring but encouraging.

Commissioner Kronzer: As part of the annual TDMP audit, would that potentially include the recommendation to look at one-way streets again?

Allan Klugman: In regard to the loading zones, we wanted to stress the phrase "encourage the applicant" to look into those rather than make it a condition of the TDMP. As Hilary was saying, from time to time as things change on the street like adding bike lanes, taking bike lanes away, change the number of lanes, width of lanes, etc., sometimes loading zones end up coming and going. We didn't want to make this a required condition of the TDMP such that if a few years down the road there was some reason why we needed suggest removal of the loading zone, we didn't then want to the TDMP being in violation. Our operation staff will work with the applicant to implement those, but we didn't want to make it a firm condition. Moving on to the second question relative to one-way circulation, that will be part of the audit. If a conclusion from one of the audits is that a one-way street system is a potential mitigation or some sort of issue was identified and therefore the one-way system should be looked at, it would looked at through that process. It wouldn't guarantee that it'd be the chosen solution.

Commissioner Rockwell: I have a question related to conditions five and six. There is a requirement that transit passes are sold within the market. This site is close to a high frequency line. One of the hopes is that patrons are taking alternate means of transportation.

Staff Dvorak: That is one of the conditions of the TDMP is that owner/manager needs to offer the sale of on-site discounted transit passes.

Commissioner Rockwell: Are there then maps like there would be informational signs about parking?

Staff Dvorak: I would think that they would have those maps available.

Commissioner Bender: Did the TDMP estimate the additional number of vehicle trips that are expected from the expansion?

Staff Dvorak: The traffic consultant is here if you'd like to hear from him.

Commissioner Bender: The TDMP focuses a lot on parking, which I know is an issue, but just traffic itself has an impact especially in a residential neighborhood and I think that's really my bigger concern when we're looking at an expansion of a nonconforming use in an area that's not zoned for commercial. Understanding the vehicle volumes in the neighborhood is just as significant as understanding the parking pressures.

Allan Klugman: In the PM peak hour there'd be approximately 15-20 estimated additional car trips to the site.

Commissioner Magrino: What are the implications of not complying with the requirements of the TDMP?

Staff Dvorak: That's a good question. I don't think I've ever had that situation happen before. I'm not sure to be honest with you. I need to think for a minute about this. If Allan can think of any situations where this has happened. It'd be my hope that there'd be compliance with this because there are things we can verify.

Allan Klugman: To speak to the process of these being living documents, we have some where there's an ongoing commitment to spend a certain amount of money towards TDMP activities and it may be three to six years after the site is built where we'll still be visiting those sites. We had a site where there was money put towards bike improvements staged over several years and we had the mechanism to come back and recently added bike repairs stations. That was about five to ten years after the site built. The documents can be kept current.

Commissioner Magrino: If you found the applicant wasn't offering the discounted transit passes or one of the requirements on there, there's not like a fine or anything it's just more of an advisory sort of plan?

Staff Wittenberg: To date there haven't been any fines put in place for non-compliance with a TDMP. As you can see in the first conditions associated with the expansion of a nonconforming use, it requires compliance through this land use application which could trigger revocation of the approval which would brought to the Zoning and Planning Committee. That's a fairly rare occurrence as well. Usually we are able to obtain compliance. We are able to levy fines through lack of compliance with land use approvals. I can't think of a situation where that lack of land use approval has been lack of compliance with a TDMP so that'd be a new basis for a fine for us.

Commissioner Slack: The current space being converted to storage, what assurances do we have that will stay storage long-term and what assurances that it won't be converted to some other use?

Staff Dvorak: When you make changes to buildings you're required to come in for building permits. We also do inspections of buildings. This is a site where we've had routine inspections done for different reasons. Through those mechanisms and if we can put flags in our permitting system, this is a site where if any permit comes in it goes right to me instead of through our normal counter process for an internal remodel.

President Brown reopened the public hearing.

Ashley Bray (2417 11th Ave S): I moved away because there was a lack of diversity. My cousins have owned this house for over 10 years so I've had a lot of experience in this neighborhood. As a resident, our lives and the lives of my cousin's child have been negatively affected by the lack of parking, the increased crime rate and by a few other things that have been going on with the mall. We ask that you don't approve the expansion, but instead revisit the requirements that the 2003 TDMP set because we don't feel like those have been met. As a teacher, I promote diversity. I teach in Minneapolis charter schools. When I leave my school, which is all diverse people, and go back to my neighborhood I do not feel safe if it's after dark. I am rarely able to park on my street. I'm normally parking on 12th or 13th, which is not a problem in the daylight, but we're moving into a season where there is not daylight anymore. This summer I worked outside and worked on my cousin's house. I witnessed three hit and runs by travelers coming from the mall, one caused damage to my cousin's truck. I witnessed crime on 10th St, which I've been advised not to even walk on so I don't. As for the previous TDMP requirements, there's no sale of transit pass sales to patrons or display of relevant transit information. There are many children on our street and there's a lot of traffic coming through here and it's becoming a safety concern. There is no display of walking/biking information. There is one side of the street marked for permit parking only, but I see that violated on a daily basis. There is a lack of remote off-street parking.

Marj Magneson (2434 11th Ave S): One of the things that's interesting to me is that Mr. Sabri has not made any effort to talk with the people that are going to be affected by this addition to his mall. I talked to a realtor at our Midtown Phillips community meeting last Tuesday night. She found out where I lived and asked about the issue with the 24th St mall and she said it was difficult to sell homes in that area. Potential buyers that she has brought to the area have expressed amazement at the congestion in that area. We have lost two young families and we need that for stability. It seems like nothing has been done since we've had this conversation, no changes have been made. Parking is the main issue. I'm glad the mall is there. We moved into our house 26 years ago when that building was dark and empty and people were hanging out around there that didn't have good motives for being there. I just think the addition will put more pressure on the parking issue. Customers and visitors park all over. I have an empty lot on my block and asked that a

barrier be put on the alley side of that empty lot because people were parking in there and it made the alley difficult to get out of sometimes.

Sadik Warfa (912 E 24th St): We've been distributing brochures to everyone who comes to the mosque to make sure they follow the rules and procedures of the parking. We also have volunteers to address the safety, cleanliness and parking. Since the mall was built, it improved the livelihood of the neighborhood. Those of us who have been here a long time can testify how this area was. I've lived here 23 years, the mall is a great contribution to our neighborhood. We have a team that goes around two blocks to pick up litter. The mall has two extra security and off duty police officers that come on weekends. If you don't approve this it will send a wrong signal to the community. We are working very hard to make sure we address the issues. The distribution of the brochures seems to be working. We ask you to approve the expansion. Thank you.

Raquel: I'm concerned about the loading and unloading on 24th St between 10th and Elliot. Every time I go out and enter my garage, I see people double parking. My other concern is the enforcement. Not only should the TDMP requirements be met, but they should prove to be effective in addressing the current issues. I report illegally parked vehicles, but enforcement never comes. This happens repeatedly. I chose to live in the neighborhood knowing there will be a livability issues. I'm an agent of change, but we need to take into context the reasons why this becomes an important issues for us as residents. We are already accepting a level of livability issues, we're just asking you to not intensify them to the level that our safety is so compromised. Delivery trucks block 24th and people get angry. This adds a burden to the residents if you approve this. Thank you.

Jordan Schwartz: I represent SRF. We are the firm that completed that 2014 TDMP and more recently we did observations this year. The numbers I will discuss are in your packets. In the 2014 TDMP off-street parking was a mess, capacity was exceeded consistently, double parking was happening all over and in the parking lot. The operations of those lots have improved significantly since then. Numbers from June of this year were down significantly. If there's free, unrestricted parking on the street people are going to utilize that first and then go to the paid parking lot. We did additional observations in September and those utilization numbers went up a fair amount, however there is still some improvements to be made. Friday evening was the one observation period in which the paid parking lot was completely utilized. This is the lot that would be eliminated to make room for the expansion. It's certainly problematic. Closing that lot, whether it's by expansion or not, is certainly recommended. What you're seeing here is utilization rates of unrestricted parking within a one block radius of Village Market. As you can see, these numbers steadily increase over the three observation periods. This slide shows the total utilization, there is capacity remaining, however that capacity is permit and resident parking and it's not the unrestricted free parking. These photos show delivery vehicles parked in the street, a truck parked in the bike lane and cars parked in the permit parking that are not permitted. These are people dropping off, picking up or taxis waiting for customers. In the recommendations that came out of the TDMP, there are couple of considerations. The first is to improve intersection site distance out there and install additional no parking signs with the goal of preventing vehicles from parking near the intersections and obstructing sight distance for vehicles and pedestrians approaching those intersections. The other would be for area residents to consider requesting additional permit parking out there. There is capacity out there where the residential permit restrictions are in place. If parking capacity remains an issue, whether the expansion is built or not, something for the area residents to consider is the request for additional permit parking on at least one side of the street out there. Moving on to the recommended TDMP measures for Village Market ownership itself…incentivize carpooling by providing preferential parking for carpooling vehicles or advertise short-term free parking in the paid parking lot to target those vehicles which are performing those very short-term trips on the street and could be utilized for deliveries that happen on 24th St. Reducing the parking fares to no more than a dollar an hour to encourage

additional usage of the paid parking lot and then reserving a paid parking spot for deliveries. Also, coordinating community outreach through the onsite mosque and it sounds like some of that has been occurring already to address parking and traffic issues out there. Installing some attractive lighting and landscaping where there are bike racks, providing bike route maps, offering the sale of the transit passes and providing transit information, providing a guaranteed ride home which is something that tenants and employees can utilize if they arrive via bus or alternative form of transportation and aren't able to catch their home and ensuring deliveries prior to 8:30, however it's understood that some of those deliveries can't occur prior to 8:30 a.m. and thus they'd have a spot in the paid parking lot to complete those deliveries to make sure they're not occurring out in the street. While we were out there we observed 29 of the available 30 spots in the tenant parking lot were actually available for use due to an entrance gate blocking one of those stalls so it's recommended to move that gate to clear up one more spot. The annual parking audits… I submitted a draft proposal to Village Market ownership to complete up to five audits and we'll move forward from there.

President Brown closed the public hearing.

Commissioner Slack: I struggle with this project and I know we've asked a lot of the same questions the last couple of times that we've seen this project. I think we've heard some testimony tonight regarding whether or not previous TDMPs have been implemented and a lot of the issues are livability issues. For me, it's a question of how we actually follow through. I guess my question is, is approval of this project better than denying the project? It sounds like from the residents that the livability is really bad so I wonder if approval of this project will improve that or will denial of this project just maintain how bad it is. If we get to the point of a motion and a vote, I am not necessarily in favor of this project based on staff's recommendations, but if there is a way to ensure that the TDMP is followed through on and that if there's a way to make sure that all of the conditions are followed through on and that things actually could be better for the livability in the neighborhoods then I could potentially be in favor of the project.

Commissioner Bender: I will move to deny the expansion of a nonconforming use permit (Kronzer seconded). I think it's an excellent question that Commissioner Slack raised. I think the answer to the question about whether the expansion of this use improve the concerns that we've heard from a significant number of people who live nearby, I think the answer to that is no from what I've seen. I think the finding number three that the enlargement, expansion, relocation will not result in significant increases of adverse off-site impacts…I disagree with staff's assessment of that and I think that it will significantly increase the off-site negative impacts that we've been hearing about from the neighbors. This use is a regional destination and it's a high intensity commercial use from everything I've heard about how the building is being used. For better or for worse, we have use based zoning in Minneapolis. This area is not zoned for that kind of intensity of use, therefore, I think allowing the expansion here of this nonconforming use doesn't really reflect all of our policy guidance that says that this is an area that is an urban neighborhood. That isn't where we have designated space for high intensity commercial use. This is clearly a need in the community, there's clearly a need for high intensity retail uses, for mosque space…mosques are allowed in any use category, including industrial, but in terms of commercial use of this space, I just think that you need to start saying that the more appropriate space for this would be in the areas of the city that we have zoned for high intensity commercial uses, the places where we allow the other malls we have in the city.

Commissioner Slack: I'd like to add to the findings. Number two, I don't agree with that the use is compatible with adjacent properties in the neighborhood. Also, number four. The project, in my mind, does not improve stability of the neighborhood.

Staff Wittenberg: Just as a reminder, the findings that the commission adopted previously are on page four. Two of those three findings may still be applicable. You may want to speak to those. The third finding was that they hadn't completed a TDMP and that has since been addressed.

President Brown: I will restate the motion. The motion is to deny the expansion of a nonconforming use. I'll read those two findings listed in the staff report. One, the expansion could contribute to existing livability issues, including littering, loitering and property damage problems. Second, nearby residents demonstrated evidence of significant traffic congestion and circulation impacts associated with the existing use including bicycle and pedestrian safety problems caused by double parking in public streets. We talked about a couple other findings today, that the expansion will increase off-site negative impacts due to its regional nature and then also that the expansion is not compatible with the surrounding residential properties.

Aye: Bender, Forney, Kronzer, Magrino and Slack
Nay: Rockwell
Absent: Gagnon, Gisselman and Luepke-Pier

Commissioner Bender: I'll move to deny the site plan review. I think the first item sort of makes the second item moot (Kronzer seconded).

Aye: Bender, Forney, Kronzer, Magrino, Rockwell and Slack
Absent: Gagnon, Gisselman and Luepke-Pier