

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

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MEMORANDUM

DATE: January 21, 2016

TO: Zoning and Planning Committee

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

SUBJECT: Planning Commission decisions of December 7, 2015

The following actions were taken by the Planning Commission on December 7, 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
Meg Forney | Ben Gisselman | Nick Magrino | Sam Rockwell

Commissioners absent

Alissa Luepke Pier, Secretary
Lisa Bender | Rebecca Gagnon | Ryan Kronzer

3. Mount Olivet Careview Home Addition, 5517 Lyndale Ave S, Ward 11

This item was continued from the November 2 and November 16, 2015 meetings.

Staff report by [Kimberly Holien](#), BZZ-7408.

The City Planning Commission adopted staff findings for the applications by Dave Wolterstorff of WAI Continuum.

A. Conditional use permit.

Action: **Approved** the application for a conditional use permit to allow an addition to a board and care home/assisted living facility in the R5, Multiple-family District, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a

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

2. The applicant is required to prepare a campus master plan identifying any proposed additions or major alterations over the next ten years, engaging the neighbors in that process.

Aye: Gisselman, Magrino and Rockwell

Nay: Slack

Absent: Bender, Forney, Gagnon, Kronzer and Luepke-Pier

B. Conditional use permit.

Action: **Approved** the application for a conditional use permit to increase height from 4 stories or 56 feet to 5 stories, 69 feet, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

Aye: Gisselman, Magrino and Rockwell

Nay: Slack

Absent: Bender, Forney, Gagnon, Kronzer and Luepke-Pier

C. Variance to reduce the south interior side yard setback.

Action: **Denied** the application for a variance.

Aye: Gisselman, Magrino, Rockwell and Slack

Absent: Bender, Forney, Gagnon, Kronzer and Luepke-Pier

D. Site plan review.

Action: **Approved** the application for site plan review to construct a 36,184 square foot addition to an existing board and care home/assisted living facility, subject to the following conditions:

1. All site improvements shall be completed by November 16, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED Staff shall review and approve the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. Windows shall be provided on the east elevation to reduce the length of the blank wall and provide for even distribution of windows, in compliance with Section 530.120 of the zoning code.
4. The arches above the windows on the fifth floor of the west elevation shall be removed to provide for even distribution, in compliance with Section 530.120 of the zoning code.
5. A minimum of seventeen additional shrubs shall be planted in the landscaped yard between the addition and Lyndale Ave S for an overall site total of 118 shrubs, in compliance with Section 530.110 and Section 530.160 of the zoning code.
6. The landscaped yard between the east parking area and Garfield Ave S shall contain plantings that are a minimum of three feet in height and 60 percent opaque for the length of the yard, in compliance with Section 530.170 of the zoning code.
7. All rooftop mechanical equipment shall be screened in compliance with Section 535.270 of the zoning code.

Aye: Gisselman, Magrino, Rockwell and Slack

Absent: Bender, Forney, Gagnon, Kronzer and Luepke-Pier

Excerpt from the City
Planning Commission Minutes
Not Approved by the Commission

Staff Holien presented the staff report.

David Wolterstorff: I'm with WAI Continuum, the architects working on the project. We support almost everything staff has suggested with one exception which is the side yard. We'd like to show you a comparison of what the proposals were and how it influences the neighborhood. The neighborhood has opposition to certain things so we wanted to make the neighborhood happier. The existing structure, as you see it here...and this is the proposed with the side variance included. The shadow study is done. If we were to use this project, the standards for a nursing home are strict and intense. Kimberly has not seen this so we wanted to demonstrate the side variance and what it does for the proposal. Another proposal just to show how it would work if we met the side influence adds 15 feet toward Garfield, meeting the same program elements that the state requires, and comes up almost parallel on the back side with the home. It really doesn't allow more air, more light and we feel that the scale of the building is not as good as the prior scale was. It actually hinders the project by pulling it forward. The trash would have to be turned as well. The neighborhood doesn't like it facing the street. We're trying to satisfy the neighborhood as best we can and still create a positive influence for the residents of the project. We are suggesting that the side variance be allowed because it improves the presentation to the neighborhood, the massing and air and scale to the overall building. It's a very positive thing.

Karen Graham: We're concerned about the impact of the home values in the neighborhood. Although it's difficult to say what the impact is going to be, there are other places in the city that have been dealing with situations like we've been dealing with. We've been talking with real estate people in the city that we know and they say it will have a negative impact on the property. The shadowing does exist. If you have a five story building across the street from you, you pretty much lose your view, access to looking at the sky, the sun...those things that impact the quality of living in your home. Another thing that will be impacted is the lack of privacy. To have that building next to a house, there's a lack of privacy. We are in opposition to building a five story building on our block. I'm frustrated as a homeowner. I'm frustrated we weren't engaged, the fact we weren't engaged, the impact with the height and those sorts of things.

Megan Cox: My house is probably the most directly impacted next to Michael and Jim. They have the most direct impact. I want to give you a sense of what some of the impact is. This is a video that Michael took at 6am on a regular business day. A trash truck pulled up. This is what he sees at 6am. I can't understand how this is not injurious to the neighborhood. Noise is also a part of this. They don't necessarily comply with the comprehensive plan of making sure we have transitions that are appropriate for our neighborhood and convey the character of the neighborhood. If you look on DHS childcare license lookup, there is no license for 5522 Garfield Ave, which was reported to be the family childcare daycare home. The license is held by 5517 and 5601. I'm speaking against this, but if this does go forward and comments continue to illuminate other pieces, I'd like to recommend that an additional condition for the site plan would include the requirement to work with neighbors on the property as well as CPED staff to approve what would be something that would fit the character of the neighborhood so we'd have some impact on what our neighborhood would look like. I'd also like to include some sort of condition to guarantee that we would have some memorandum of understanding with the developers that we meet on a regular basis. It's not good to get to this point and not have any community input. Thank you.

Jim Stoltz: I am at 5515 Garfield. We do deal with delivery trucks and garbage trucks very early in the morning. If there were audio you could hear the beeping from the trucks. I'm a psychotherapist so I'd like to speak about more of the emotional impact. We have a resident who has put up their home for sale. We have a lot of angry residents.