

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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MEMORANDUM

DATE: August 10, 2004

TO: Blake Graham, Manager, Community Planning & Economic Development -
Planning Division; Phil Schliesman, Licenses

FROM: Neil Anderson, Supervisor, Community Planning & Economic Development -
Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development
Planning Division

SUBJECT: Planning Commission decisions of August 9, 2004

The following actions were taken by the Planning Commission on August 9, 2004. 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:

ATTENDANCE

President Martin, Vice President Hohmann, G. Johnson, Krause, Krueger, Kummer, LaShomb, MacKenzie, and Schiff - 9

INTRODUCTION TO PUBLIC HEARING

PUBLIC HEARING

**REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis**

The Minneapolis City Planning Commission, at its meeting on August 9, 2004, took action to **submit the attached comment** on the following items:

12. 5th Avenue Gateway (BZZ-1830, Ward 7)

505 East Grant Street, 1307 Fifth Avenue South & 1321 Fifth Avenue South
(Becca Farrar)

A. Rezoning

Application by Jeri Zuber, on behalf of Horthy Elving to rezone parcels from the OR2 (High Density Office Residence) and R6 (Multiple-family) districts to the OR3 (Institutional Office Residence) district for the properties located at 505 East Grant Street, 1307 Fifth Avenue South & 1321 Fifth Avenue South.

Motion: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the properties located at 505 East Grant Street, 1307 Fifth Avenue South & 1321 Fifth Avenue South to the OR3 district.

Staff Farrar presented the staff report.

Commissioner Schiff: Madame Chair, I have a few questions just for the applicant, so probably best to just go forward with the presentation.

Commission President Martin opened the public hearing.

Robert Hatchett (515 East Grant): I oppose the building of the new project. I've been living there for two years and there's been another apartment building right next to us that's been under construction for the past two years. So I have been hearing the noise and everything, I don't think we should have to go through that again. It's a beautiful place. A lot of banging and steel clacking and I'm sure a lot of the other residents feel the same, but they are just not here. One reason I was wondering it's a parking lot now – where would the people park if they build a new housing unit there? I'm trying to figure [it] out because people come and visit me. Right now, they have a hard time finding parking, so where would all that extra parking come from for the residents that are going to be living there and also the guests that are going to be visiting people? I just came to say what I had to say and I hope that you don't approve this plan.

John Shekelton (401 South 1st Street): I hope to live in Grant Park on the 17th floor. In fact, I will be one of the primary visual receptors of the new towers that is proposed today. Which is one of my concerns – I've been trying to explain to people why I would want to move to Elliott Park to begin with and I said that I'd have a panoramic view and now I'm pretty much going to have at least a reduced view, which isn't my primary concern, having lost panoramic, my primary concern is having lost sun. And I haven't seen that shadow diagram yet, but the sun in the Minneapolis winter is particularly important to me and that was one of the reasons for my choice of that unit was to be able

to get wonderful sunlight and I think that losing that would be a reduction, not only to me personally, but to the financial value that I've invested in the property and that does concern me. Thank you.

Mark Riley (515 East Grant Street): I'm actually facing directly towards where this project is going to be. I actually purchased the unit in Grant Park which is the same project that the previous fellow was talking about and I chose the south exposure and this building is going to be right in my view. I'm on the 20th floor, so it's going to completely ruin my view. And it's going to block the sunlight from coming into my unit. My other concern is that Grant Park is already 27-story building, and this building is going to be right across the street from Grant Park and I don't know where all the traffic is going to go to this building. There's only a few one-way streets there – 5th Avenue is a one-way street, so I don't know how it's planning to accommodate the traffic. Another one of my concerns is I'm also the manager of Grant Street Commons, I'm the manager on weekends and that building would ruin all those views. Right now, everyone on the west side of Grant Street Commons has a nice view of downtown. This building would be less than 50 feet away from these units and they would have no way of seeing anything. They won't get any sunlight, nor will they see downtown anymore. So I'm opposed to this tower.

Jeri Zuber (Horty Elvig Architects): I would answer any questions and I have the shadow diagram you're talking about [diagram on overhead]. This is the shadow diagram for December 21st at 10 AM and then December 21st at 2 PM. This is Grant Park – this is 515 and these are the 4-story brownstones on the back side. We're 52 feet from the 515, we're 195 feet from Grant Park, and we're 135 feet from the 4-story on this side over here and at 10 AM in the morning, you can see the shadow of our building is not hitting the project at all and then at 2 PM, which would be the worst condition that you would face all year long...

President Martin: And I always feel compelled to point out to everyone that there is never any sun on December 22nd anyway.

Jeri Zuber: That could be but I guess I wasn't going to say that. That would be the worst condition and the shadow does move up the building about half the side of Grant Park. So we tried to situate the building, if we placed it on to Grant Street, the shadow would have been worse. If we pulled it back this way, we would have been encroaching on these. And we turned it, we tried to be respectful to all the neighbors by the way we sited the building. The underground parking, the question about parking on the site, we're proposing 211 underground parking spaces underneath this landscaped area. So we do have parking.

President Martin: 211 for 136 units.

Jeri Zuber: 136 units, 211 parking spots.

President Martin: OK. Commissioner Schiff, you said you had some questions for the applicant?

Commissioner Schiff: On the site plan. My questions are on the site plan. Also if you can explain the elevations, what materials you're using and... we just have black and white copies in our packets. On the 5th Avenue South side, there is no boulevard left. You are cutting into where the boulevard is today to create 8 parking spaces and a turn-around. And then on the 14th Street side, there's no boulevard there either.

Jeri Zuber: That would be correct. I believe on the 14th side, there is not a boulevard now, is that correct? [comment, off microphone]. There is a boulevard there. The sidewalk is the way it is now I believe. Am I wrong on that?

President Martin: So the 4th Avenue side hasn't changed at all, is what you're saying. 14th Avenue.

[Comment, off-microphone]

President Martin: Mr. Zuber, so the change, there is no change on 14th, there is a change on 5th Avenue?

Jeri Zuber: Here, I have a site photograph that might be descriptive.

President Martin: OK, you can just put it down.

Jeri Zuber: This is the photograph of our site from about the 15th story of Grant Park, looking back at it. This is our existing office building. This is the boulevard on 14th and there is no grass on that boulevard – that's a sidewalk there. Your question on 5th, we're proposing diagonal parking and we're leaving the landscaping along these areas here – these are existing trees that we're trying to leave. [And] We're proposing to go to diagonal parking to actually slow the traffic down a little bit. We've reviewed that with the Traffic... I'm having a mental block on the gentleman's name that is the traffic consultant on the City that the PPR referred us to. And they felt that what we were proposing was all right.

Commissioner Schiff: Currently there is parking on 5th Avenue South, right?

Jeri Zuber: Correct.

Commissioner Schiff: How many parking spaces are on 5th Avenue South between 14th and Grant?

Jeri Zuber: We think... I'm going to say 8, 6 to 8.

Commissioner Schiff: So you're not gaining anything, but you are getting rid of a boulevard.

Jeri Zuber: Well the boulevard is still there. The sidewalk will lose along side the project, that's the boulevard, that's a planting, that's a planting area. All we're doing is decreasing the width of the street a little bit by moving to the diagonal parking.

Commissioner Schiff: I think you made my point for me. It's not what we consider a boulevard. You're cutting into it to allow parking.

Jeri Zuber: Correct, correct.

Commissioner Schiff: And you're not gaining anything in doing this either. Because there is still parking otherwise on 5th Avenue side, you're just changing it to diagonal. OK.

Jeri Zuber: The suggestion to go to diagonal parking actually came at the PPR meeting as a suggestion that we might want to consider it. They didn't say that we had to do it, but they indicated that we might consider it.

Commissioner Schiff: OK, apparently we have people at PPR who don't value boulevards, so thank you for letting me know that.

President Martin: Anything else, Commissioner Schiff?

Commissioner Schiff: Elevations. Can you explain the elevations? We only have black and whites in our packets, so if you could explain the materials you're using.

Jeri Zuber: We're proposing a contemporary building, contemporary expression of an architectural building. We're talking about curtain wall glass with New York-style lofts that have window glass looking toward the views of downtown. Pre-cast panels with windows in the bedroom areas. So this would be the living spaces, these would be the bedrooms wrapping around the building. This is our existing building and this is the proposed building.

Commissioner MacKenzie: My questions are twofold. First, currently, who is using this surface parking lot adjacent to your building?

Jeri Zuber: That is for the office space only.

Commissioner MacKenzie: OK, so it's exclusively your building, your visitors.

Jeri Zuber: Our building, our visitors, our tenants.

Commissioner MacKenzie: OK, and then back to the site plan. Just wanted to clarify the points of entrance and the egress and access to the parking ramp. Am I correct in understanding that the principal access is off of 5th Avenue?

Jeri Zuber: It is off of 5th. I can't point on the map here. Entrance is right there [notes drawing].

Commissioner MacKenzie: So then can you talk to us a little bit about the dimension of that sidewalk that flanks the building along the 5th Avenue side?

Jeri Zuber: This dimension right here?

Commissioner MacKenzie: Uh-hum.

Jeri Zuber: Six feet.

Commissioner MacKenzie: I'm asking these questions because my concern principally is how it feels as a pedestrian walking along side the building on all sides of the building and my attention was just drawn primarily to the entrance to the ramp. But otherwise, I heard you say sidewalk conditions on 14th Street are the same as they are today.

Jeri Zuber: Same as they are today.

Commissioner MacKenzie: And I see from your site plan, you've got some landscaping between the sidewalk and the entries to the building. Are there other principal entrances to this building for pedestrians.

Jeri Zuber: No, other than perhaps off the plaza.

Commissioner MacKenzie: And on the Grant Street side, in terms of your existing building, that entrance is still maintained as it is today?

Jeri Zuber: The Grant Street side building would be maintained as it is.

Commissioner MacKenzie: Can you talk to us about what is happening off the alley here? Is there any egress?

Jeri Zuber: At this point, we're not using the alley for anything. [comment off microphone] We are exiting one of the stair towers into the area along side our building.

Commissioner MacKenzie: OK, thank you.

Commissioner G. Johnson: So you're keeping the existing office building and just building up from that?

Jeri Zuber: We're building behind it. This is the existing office building. The blue is the existing office building on the site plan and this is the tower.

Commissioner G. Johnson: I assume, I imagine you've had meetings with the community. How do they feel this building is in scale with the rest of the neighborhood. It just seems like the façade is a little bit cold for a neighborhood.

Jeri Zuber: We've had many discussions with the neighborhood on that, they've gone both directions on it. For the most part, we have neighborhood approval at this point to build the building. We are indicating to them that we'll be matching some of the treatment to that building to our new building. The sketch here indicates that we might be painting our building to match to give it a fresher look to it. So the two buildings won't look like two separate buildings on one site.

Commissioner G. Johnson: OK, thank you.

Commissioner Schiff: I'm sorry, we're doing this Q and A, which I've never seen us do before. Usually we get a formal presentation from the architect who explains their drawing and their visions. Do you have more to say about your building, otherwise we can continue this Q and A, but it's kind of getting fractured right now. Do you have more to say to give an overall presentation about your building?

Jeri Zuber: Would you like me to do that?

Commissioner Schiff: I'd like that.

President Martin: I think it would be helpful, yes.

Jeri Zuber: This is our project, 505. This is our existing building [indicates drawing], this is the proposed project. This is the 20-story tower, 136 units, with 211 underground parking spots. The site plan of the project: We have the existing building, our building behind, we have the above grade landscape plaza that's on top of the parking deck, so we have no exposed parking within our project other than the diagonal parking on 5th Street [sic]. We're primarily one and two bedroom units in our project. [The] second level of the building is the community room, 2-units; third level of the building would be six units and two guest units for the use of the tenants of the building. And then the remainder of the floors of the apartment buildings are eight units per floor. There are four 2-bedrooms on the corners, there's two 1-bedrooms and two 1-bedrooms plus den. If you wanted a breakdown of the percentage of the units, we have 32 1-bedroom units, 36 1-bedroom plus den units, 63 2-bedroom units, and 6 2-bedroom units with dens. The square footages run from 900 square feet to 1,200 square feet, so they're not large 2-bedrooms. Our target market for sales price is running from two to three hundred thousand for the base. There are a couple of penthouse units on the upper levels, so there would be some more expensive ones up there.

President Martin: Questions?

Commissioner Schiff: Do you have elevations showing all the four sides? You just showed us one angle.

Jeri Zuber: I do. They're black and white. This is the East Grant elevation, this is facing Grant Street. This is our building in the front. This is the proposed building going up behind it showing the curtain wall, pre-cast glass curtain wall. This would be the 5th Avenue elevation which is the narrow side of the building showing the curtain wall (pre-cast curtain wall again). The building height is 267 feet.

Commissioner Schiff: I have a question on this one. There's a thin line that ends right there that just ends over the 3rd or 4th floor.

Jeri Zuber: This line right here?

Commissioner Schiff: Yep.

Jeri Zuber: I think that line... there's the projection of the bedroom units. These units project right here and that thin line should have tied back to the building right there. It doesn't go all the way down to the ground. This would be the park side or the open space side of the project. Again the curtain wall across the front with some pre-cast panels. This would be the elevation on the east side of the project and its pre-cast panels.

President Martin: Questions.

Commissioner Schiff: That answers everything.

President Martin: Anybody else have any questions for Mr. Zuber?

President Martin: Anyone else wishing to speak to item number 12 [opening the public hearing]?

David Fields (Building Land Use, Housing Coordinator for Elliott Park Neighborhood, Inc.): I've provided you with a page and a half statement explaining the reasons Elliott Park Neighborhood has supported this formally and how it conforms with our master plan so I invite any questions you might have for me.

President Martin: Anybody?

Commissioner Schiff: David, I'll ask you about the parking cutting into the boulevard rather than just keeping the parking where it is right now – does the neighborhood have an opinion about that?

David Fields: Yes, the neighborhood actually found that quite appealing. And tell you the truth, a lot of the discussions in our master planning is we would like more diagonal parking in Elliott Park because it creates a sense of a narrower street and our concern with 5th Avenue was that's a dead street. And if it's going to stay open to traffic, this would slow traffic down more and create an impression that you're entering a zone where people are pulling in and pulling out.

Commissioner Krause: Mr. Fields, I think you are maybe sensing there's just a little bit of anxiety about the number of tower requests we've had to deal with recently, and so at least, just speaking for myself, we're kind of struggling with what kind of criteria... Really, what are the appropriate standards for us to decide as a tower, does the tower fit here or doesn't [it]? So I was reading your letter pretty carefully and it seems like the particulars of this project is the fact that it's adjacent to the freeway trench.

David Fields: Right.

Commissioner Krause: But I also wanted to ask you if you could speak a little bit more to how the neighborhood feels this strengthens...let me get your language here... "Strengthens the neighborhood edge along the freeway".

David Fields: OK, the tower as you know has become a controversial issue in relation to Elliott Park. Grant Park, of course, was kind of a pioneer in the downtown residential towers. Six years ago, no one was thinking about downtown residential towers and Grant Park kind of stunned everybody. And very frankly during our master plan process, we didn't pay enough attention to that downtown edge in terms of what we thought might be best used for. We weren't even thinking in terms of hi-rise residential, but if you think in terms of the goal - that we wanted to increase residential in our neighborhood - hi-rise residential in that area is something that the neighborhood has pretty much strongly come out for. Some people don't like it, but for the most part, it's something that the neighborhood really does support. I think...I have heard that this whole issue of the hi-rise towers downtown (not just in Elliott Park) is kind of an issue the mayor wishes the Planning Director to address because it has caught the City by surprise.

President Martin: We're surprised we're a city, isn't it amazing? [laughter]

David Fields: I'm very pleased. We're going to have three condominium towers - the neighborhood is - that are going to bring over a thousand new residents into Elliott Park with money, vitality on the streets. The three designs of the towers in this downtown sector which is only about one percent of our whole neighborhood are all very differently designed and that's on purpose and that's good. We don't want a bunch of imitation Grant Parks looking like faux brick towers. And that edge of the neighborhood, I think with its remarkable view of downtown, I can't think of any other more appropriate use than getting some height to take advantage of the views. Now I know people lose views when there's building next to them. That's downtown living. We had a very open process. We even flyer'd 515 Grant - all the buildings next to the proposed development within 500 feet asking for responses. I got a couple. None of the people who spoke here today got a hold of me, but we invited them to. And pretty much it's a very strong support from the board level on down for this particular proposal. I wish there was a way of resolving, in a formal way, so you the Planning Commission, wouldn't have to do this on an ad hoc basis and I think that's what you're asking.

Commissioner Krause: I'm just recalling a conversation we had at the Downtown Minneapolis Neighborhood Association maybe 10 or 12 years ago where we talked about 5th Avenue being a line over which you would not put a tower and now we've had three proposals here in just the last several months and so I'm kind of dredging up that historical perspective and trying to figure this out what's changed. But I had one other question which is: Your letter refers to "no one is going to construct or buy half million dollar and up unit". That's the price of the units if we had to build a low-rise building, is that essentially...? Because that's different than the price point the developer mentioned.

David Fields: In my six years of experience in dealing with development proposals in Elliott Park and people who know me, I keep asking the question of developers and Planning specialists: Show me how we can get reasonably priced units without going above ten, twelve stories. Can't do it. Not on this expensive land. And no one's demonstrated it to me. [I] Will address the other issue, the 5th Avenue line. That's something I've talked about before. The 5th Avenue line was a real big issue in Elliott Park for the expansion of the office core, no one was thinking a residential hi-rise then. We were afraid of the office core. Dead buildings vacated at night. And this again, was before anyone thought that they were going to do another hi-rise for residential.

President Martin: It's important for us as a Planning Commission to remember that 10 or 12 years ago nobody imagined that anybody would be wanting to live in a warehouse on the river either. A lot has changed in the last decade.

Commissioner Krause: I have less trouble with than one than I do with this one.

President Martin: OK, thank you, Mr. Fields. Anyone else wishing to speak to item number 12?

Terrance Doherty [not on sign-in sheet]: I'm going to be a future resident of the Grant Park neighborhood. I'm not so much against the proposal. It just seems to be a way of progress for the City to increase the tax base. What I am concerned about is, not so much the design of the building, but as a resident of the south side of Grant Park, what kind of materials are we going to be using on this particular building? Are we going to be having like reflective glass? Is the reflective glass going to impale upon the people who are going to be living on the south side of the building? I mean a lot of us, or at least a couple people who have come up here and spoken about living at Grant Park and picking the south side picked it for the sun, the view down Portland Avenue. This is going to of course impale upon that a little bit and I guess I'm concerned about the kind of construction materials that are going to be used in this building and for basically the reflectiveness of the glass and what not and I suppose the architect could probably answer that question. Thank you.

President Martin: Anyone else? OK, Mr. Zuber, would you want to respond to that set of questions?

Jeri Zuber: The blue material is the glazing material. It's not reflective, it will be translucent glass, and you will be able to see through the glass. It won't be clear glass, but it will not be reflective or mirror glass like you might see in an office building. The white is a pre-cast panel similar to what's on Grant Park only ours will be a white concrete and the red core material coming up, the color of that would be probably a porcelain panel, a metal panel of some kind so the color won't fade on that.

President Martin: Anyone else?

Bob Day (505 East Grant Street): I will be a future resident of Grant Park. I currently live in the Nokomis area. I am also a realtor and frankly, I represent five clients all who chose the south side of Grant Park because of the light issue. To be honest with you, I'm not opposed to this project. I think that more positive projects will overall increase value down the road and hopefully the creation of restaurants, shops and those kinds of things. Frankly, one of my concerns is that the land all becomes so valuable that nobody feels that they can produce the secondary kind of businesses and shops that the area needs to be a vibrant area. I really appreciate your concern about the overall makeup of the towers. If we're at three towers in that area, I would suggest for future that we really have to think seriously before we go beyond that. We need a variety. I understand the economics of cost of return and the inability of people to do some things just because of expense and the cost of the land. So, I guess really what I'm saying is that we continue to challenge the neighborhood association. The master plan is terrific – I've had a chance to look at it. Overall, it's a good thing, but when people come from the suburbs, come into the city, they think they're going to have a view to the south that's going to be unencumbered and then find out that it's going to be something else. It is an issue and I think we need to think about those things as we go forward.

President Martin: Mr. Day, I need to have your address please.

Bob Day: My current address is 1420 East 58th Street in Minneapolis.

President Martin: Thank you.

President Martin: OK, anyone else?

President Martin closed the public hearing.

President Martin: Commissioners, we've got a bunch of things here. Rezoning, a couple of conditional use permits, a bunch of variances, and the site plan, so why don't we start with the rezoning and go from there.

Commissioner LaShomb: I'm going to move the rezoning (Hohmann seconded).

Commissioner LaShomb: I think there are a lot of issues about housing and buildings in the City and what they ought to look like. Every time I ride on Light Rail I kind of bite my tongue when I think that we might have the view that the only housing along the

Light Rail can only be 4-stories high. I think density and mobility are critical issues and need to be looked [at] together. I lived down in the lower part of the Nicollet Mall for about 18 years and lived next to 110 Grand and lived next to Loring Green and lived in a 7-story building and 1221 was there... I don't think height is an issue that really mitigates against a neighborhood. I think height is appropriate simply because the land value is important and I think it offers an option for housing that some people like me really like. I'd love to be on the 39th floor of the Carlisle if I could only figure out how to pony up a few more per diems to get there so I think this is an appropriate project and we should do the rezoning.

Commissioner Schiff: I agree, the zoning is appropriate and the use proposed here is appropriate. I'll just make the difference between what's happening in Minneapolis and what happens in a city that does high buildings in a very high quality way like Vancouver. There they've planned them in advance and they know where the high rises are going to go and they've anticipated these shadow issues. We're plopping them in and when they don't show up in the neighborhood plan or in the area plan and then we're just telling people to deal with the shadow effects afterwards. Elliott Park is just simply too big... Grant Park. It's such a big mass, you're bound if you build anywhere near it to create a shadow effect on to it because it's such a massive high rise. If it was a more slender tower, you wouldn't have the problems. This is a more slender tower and this is the direction they should be going, six to eight units per floor. But Grant Park is way more units per floor than this. So, you know, I think we should look seriously about where future high rises are going to go and plan them now so that afterwards we don't just start plunking them in and telling when deal with the shadows because there's a better way to do this.

President Martin: I think we all got Director Sporlein's memo about density and high rises, yes? It's going to be on our plate very soon. All those in favor of the motion to rezone, please signify by saying aye.

The motion carried 8 – 0.

President Martin: OK, we have the conditional use permit for the height.

Commissioner LaShomb: I'll move the conditional use permit, actually I will move B and C (MacKenzie seconded).

The motion carried 8 – 0.

Commissioner LaShomb: I'll move the variances: D, E, F and G (MacKenzie seconded).

Commissioner Schiff: I want to separate out F and G.

President Martin: OK, so we have D and E while Commissioner Schiff cogitates on the others, is there a second for that? (confirmed MacKenzie seconded).

The motion carried 8 – 0.

Commissioner Schiff: I have a question. I'm concerned about the pedestrian realm on 5th Avenue South and I can address the horizontal parking when we talk about the site plan, but on the setback, maybe our staff can help me out. Becca, the overhang of the building on the floors four on up, or is it floors three on up? I'm talking about the slight overhang on to, over the sidewalk on 5th Avenue South. Is that floors four on up, or three on up?

Staff Farrar: It appears to be floors three and up.

Commissioner Schiff: And does this variance allow that or is it just the site plan that allows the overhang?

Staff Farrar: Well the variance itself for the front yard is from the building, so the projections from the third floor and above were not included in that setback.

Commissioner Schiff: They're not included.

Staff Farrar: No.

Commissioner Schiff: OK. So it's just a site plan issue if I'm concerned about the overhang?

Staff Farrar: Correct, and I believe the overhang is approximately two feet.

Commissioner Schiff: Great. Well, I'll deal with that on the site plan then and I'll move F & G (MacKenzie seconded).

The motion carried 8 – 0.

Commissioner Schiff: Just the two issues, both of which I think would help improve the pedestrian movement on 5th Avenue South. When you're walking along the sidewalk and the building is hanging over your head – there's a couple of examples of this in downtown Minneapolis. I know developers try to maximize their leasable or sellable square footage, but I think it creates a pretty hostile environment and we should minimize it whenever possible. So I would propose that we make the 5th Avenue side of the building flush and perhaps the developer can recover it other areas, but on 5th Avenue the development not be allowed to hang over the sidewalk. And then the second suggestion I would make is where the cars are coming in diagonally, as you walk down the sidewalk, and as you're walking down that sidewalk, if you're walking towards Grant, you're going to see cars coming at you at a 45 degree angle and the only thing stopping them and you on the sidewalk is the raise at the sidewalk itself, or perhaps a small curb. And you know when people park in a diagonal space, they can easily have the front end of their car going into the sidewalk, it's very easy to do. And I would like to avoid that and create a slim, green buffer which would have the effect of narrowing 5th Avenue South even more, and I don't know the width of 5th Avenue South right now on these drawings

because it's not labeled, but Public Works would tell us what the minimum is allowed to be. Becca, do you know?

President Martin: Can we have the site plan back up, Becca, so we know what Commissioner Schiff is...

Commissioner Schiff: Do you know how wide 5th Avenue is right now?

Staff Farrar: I don't remember how large it is, but I can take a look quick. And actually I did want to correct myself because I was looking at the wrong elevation before, it is the fourth floor in which the windows project out on to 5th Avenue elevation, not the third floor.

Commissioner Schiff: OK. And so where the four or the two trees are towards the bottom left hand corner, that bump out is (move your finger just a little to the left), that tree right there, right... If those two trees were connected with one foot of green space so that there's at least one foot of green space between the sidewalk and the parking spaces.

President Martin: And you're talking about the part that's closest to the cars, not closest to the building?

Commissioner Schiff: Yes, so that there'd be a strip of green connecting the trees in between the cars and the sidewalk – does that make sense?

Staff Farrar: Are you talking about something like this? No.

President Martin: You're talking about all the way up?

Commissioner Schiff: Yes, all the way up. Protecting the sidewalk, creating a buffer between the sidewalk... there you go. And if you'd draw that line straight forward to where the next tree is... there you go.

President Martin: And what you really want, Commissioner Schiff, is something that will prevent the cars from moving into the pedestrian zone.

Commissioner Schiff: Exactly. So at least creating a little bit of a buffer and I think there's enough room here on the 5th Avenue South side that we could do this and narrowing the street another foot is not going to...

Staff Farrar: I think we can look at that option. I think the 5th Avenue South is a large one-way, but the minimum required public sidewalk is 6 feet as required by Public Works, so as long as we can...

Commissioner Schiff: And what is this sidewalk right here?

Staff Farrar: It is 6 feet.

Commissioner Schiff: It is, right now at the minimum. OK, so I wouldn't propose changing that, I just want to add another foot of green there.

President Martin: Beyond the six foot.

Commissioner Schiff: Does that make sense? David Fields is nodding his head. OK. I'll move the site plan with that amendment first to the 5th Avenue side.

Commissioner MacKenzie: Just a suggestion to my colleagues, I wonder if we could phrase it such that we're looking for protection between that diagonal parking. I'm not sure that one foot of turf is very easy to maintain or even grow too successfully, I just don't know enough about turf, but maybe we could phrase it so we could say we're looking for some protection and let the applicants come back with a response that staff can kind of say, OK, that is doing its job of protecting from overhang the sidewalk pedestrian area.

President Martin: How about turf bollards?

Commissioner MacKenzie: Turf bollards - that would be great. Chia bollards – perfect!
[laughter]

President Martin: OK, I think Becca has a sense of what we're trying to accomplish with this, yes?

Commissioner LaShomb: I don't have any problem with that, I agree a foot doesn't do much for you on grass unless they invent a new lawnmower, but I guess I'd like the architect's comments about the other issue and that's the issue of the making the wall from top to bottom and apparently back 3 or 4 feet, flush from 4th floor... Is that acceptable as a condition of the site plan, or is it going to create a mess?

Jeri Zuber: Our 4-foot overhang is actually four stories above the sidewalk and so we think that's alright. We need that to get the width to get our apartments to fit within the distance we have for the width of the site. So I'm not sure what you're asking on that one other than we won't go down to the ground with it, so it won't be below 4-stories. The parking issue, we certainly could do some kind of barrier. I share Miss [sic] MacKenzie's answer – the question about whether it should be grass or not just because a one foot strip of grass could be problematic, but we could certainly do a barrier of some kind to keep the back of the wheels to keep the front of the car off the sidewalk and maintain the 6-foot width of the sidewalk.

Commissioner G. Johnson: My question, the 5th Street side now, looking at the picture on the back, this is facing downtown, is that correct, where these bump-outs are?

Jeri Zuber: Yes...

Commissioner G. Johnson: Right along here. 5th Street faces downtown, right? It's parallel to downtown?

Jeri Zuber: That street faces downtown, diagonally downtown.

Commissioner G. Johnson: I guess I don't personally have a problem with the bump-out. I don't know what the traffic is for pedestrians on this street, how heavy it is that it's going to be that big of a concern. I don't know what the traffic patterns are that the pedestrians are going to feel like they're being crowded off the sidewalk in to the street. Is this an on ramp or an off ramp?

Jeri Zuber: Off.

Commissioner G. Johnson: Yeah, I don't know that I'd worry. I'm fine with the bump-outs at 4-stories high, personally, so I guess I wouldn't approve the change to the site plan.

President Martin: Alright, anybody else? So we have a motion to approve the site plan with two additional conditions, one which is requiring the façade on the 5th Avenue side to be flush with the building, basically nothing protruding on that side and the second which is a kind of squishy description of we want protection for the pedestrians from the cars, one foot of something, maybe green, maybe something else that will keep the six feet of sidewalk there.

Commissioner Schiff: Madame Chair, I've got a picture of an overhead aerial which is in everyone's packet. How big is the boulevard today that they're cutting into? It's at least a foot wide.

President Martin: Which one?

Commissioner Schiff: On 5th Avenue.

Staff Farrar: Actually, it might be more beneficial to show where the property lines lie, and I know it's kind of hard to see working on the smaller packet, but the property line is currently where they set are here, so based on existing conditions showing where the curb line was before, I don't believe it's encroaching more than one to two feet. Does that make sense?

Commissioner Schiff: You don't believe what's encroaching more than one or two feet?

President Martin: The building.

Staff Farrar: I don't believe, in regard to your question, the boulevard, which is what's going away, I don't believe that it's more than one to two feet, property line, sidewalk...

Commissioner Schiff: Right.

Commissioner Hohmann [off microphone].

President Martin: What we have is a motion to approve the site plan, we had 4 conditions and Commissioner Schiff in his motion added two more, so we now have a site plan with 6 conditions. So everybody understands what we have here? Yes. All those in favor of the site plan with the now 6 conditions, please signify by saying aye.

The motion failed 1 – 7 (Hohmann, G. Johnson, Krause, Krueger, Kummer, LaShomb, and MacKenzie opposed).

President Martin: OK, who wants to propose an alternative?

Commissioner Hohmann [off microphone]: moved the site plan without the condition about removing the side protruding.

President Martin: And you would leave in the condition about the pedestrian protection on 5th. OK, and that's been seconded. All those in favor of that motion, please signify by saying aye.

The motion carried 7 – 0 (Schiff did not vote).

President Martin: OK, everybody understand what we're doing here? OK. We're not redesigning your building.

Commissioner Schiff: That would take much too long.