



**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

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MEMORANDUM

DATE: April 20, 2004

TO: Blake Graham, Community Planning & Economic Development -
Planning Div.
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 April 19, 2004

The following actions were taken by the Planning Commission on April 19, 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, Kummer, LaShomb, MacKenzie, and Schiff - 8

CONSENT AGENDA –Committee of the Whole

None.

INTRODUCTION TO PUBLIC HEARING

PUBLIC HEARING

Staff Hilary Watson presented the staff report for item 14, Clare Apartments [Note: items 10, 11 and 14 were presented as a group].

Commissioner Schiff: Where does the monument sign go that is shown?

Staff Watson: The monument sign for Clare is right here, on their property. The property line is the pink line, then the sign is set back.

Staff Watson presented the staff reports for item 10 and 11, Central Community Housing Trust and Minneapolis Public Housing Authority, respectively.

Commissioner MacKenzie: I am wondering, in terms of the issue of creating a principal entrance that will address this street, whether it be Central or 3rd, has the applicant gone through the iterations?

Staff Watson: At one point there was an elevation of the building that had a door facing 3rd. They designed the building floor plans, and then said you really need a door facing one of the streets and the door opened into the office, which didn't make logical sense that someone's office would be able to walk in and out of. And then it was discussed that it probably wasn't going to be an actual entrance, but more of an emergency exit and then it just dropped off of the plans. I think if you look at the floor plans of the building, it seems that you could have an entrance facing the street here (this is Central Avenue, and here is the current entrance-the doorway could be incorporated into that entry vestibule).

Commission President Martin opened the public hearing for items 10, 11 and 14.

Tim Keane (150 South 5th Street): As Hilary indicated, we have been working with the City a very long time on this project. With us this evening is project manager Lee Lewis, Michelle Baltus, Cermak Rhoades is the project architect. I could give you the whole history, but I don't think it would add anything to the conversation. The only two items I would like to talk about are the orientation of the entrance on Central Avenue and the separated entrances for the office and residential uses. As noted, the entrance presently is facing the plaza which serves both pedestrian accessibility to the parking area as well as pedestrian uses off of Central Avenue. This alcove canopy over the entry is really the pedestrian point of access to the building. The swinging doors are at a 90 degree angle to Central Avenue. I would suggest that the orientation from the parking area where Central Avenue does access the arched entry way which is covered and the effective shelter of the plaza.

President Martin: So you're saying that the entry way as it is currently configured is easily visible from Central Avenue?

Tim Keane: Absolutely. In fact we did on our earlier iterations have the original entryway oriented to the parking lot north and it has rotated in this direction. I don't

think it's a reach of interpretation here that we are oriented to Central Avenue. I think almost the exact same design element was before this Planning Commission last July with the Exodus on West Broadway. Coincidentally, we had almost the exact same issue at Exodus related to separation of access to the office area and the residential portion of the building. The public and primary entrance will be through this plaza area, through these double doors and into the vestibule. Once in the vestibule, there will be a security monitor person. Those wishing to enter into the office area will proceed west through the building and those wishing to enter into the residential segment will enter the elevator or the stairway into the upper levels of the building which are exclusively residential. Are the entrances separated? Yes. Are they separated to the outside of the building? No, they are separated to a common, weather-controlled vestibule. This is [notes drawing], you've seen it at the Hope project on 19th and Portland. You're looking at supportive housing. Supportive housing by its nature is a mixed use of supportive services and people who live there. I don't think it's a big issue that the Planning Commission needs to confront, but it is nuanced. These are not offices that are serving companies outside the entry doors. These are offices to provide services for the tenants and clients/residents. So I would suggest, just as you concluded at Exodus that they are indeed separated entrances, although they are not separated to the outside elements. Thank you for your consideration.

Commissioner LaShomb: I lived in a building downtown Minneapolis and it was a security building and the only way to access the office was to get through the security door. Once you were through the security door, you had total access to the building. So effectively is that what you are telling me the situation is going to be or is there a second security mechanism so people can't slip by the office into the building.

Tim Keane: Lee Lewis is going to be our day to day executive director.

Lee Lewis (Executive Director, Clare Housing): There will be a secured door that will get you into the lobby area. The lobby area will be staffed, hopefully, 24 hours a day. So you will be able to get into the building through a secured door at which point you would have access to five floors.

Sara Perrier (Auto Truck, 958 Central Ave NE, also a neighbor): When I go to work, I drive up 3rd Avenue NE and turn north on Central. Right now the site is vacant and they put a cyclone fence there, but at a certain angle, I know that I have trouble when I pull up, I kind of have to pull up out onto Central to really see and get a good view of oncoming traffic. We're concerned about the height of the building blocking visibility. It is really busy with the amount of traffic on Central.

Jeanette May (329 Quincy Street NE): My home is across the alley from the proposed townhouses. I am not now a member of the St. Anthony East committee, I see there is a representative here, but I was one of the founders of the first St. Anthony East Committee which was mandated for the first urban program. I was part of the I-330 Stop the Freeway effort through this land and I led the fight to save the Grain Belt brewery, so I am familiar with the last 40 years worth of development in my neighborhood. The

density of this joint proposal really frightens me. This request has four zoning changes, two conditional use permits, six variances. That alone should prove that it is too big for this site. The site is actually, except for where they tore down the King of Clubs and the area along Central Avenue, this is actually in use. I hope you will go out and drive through the neighborhood. It is really the side yard of the senior high rise. I was there when it was built in 1970 and the world's best public servant, Jerry Lesse, was director of the MHRA at the time they built it for our neighborhood and he told us they were required by law to have that much open space around because they were putting in 189 units. Across the street from it is what we call the low rise which is four stories of public housing and on 3rd Avenue we have the Teamsters handicapped housing and that is followed by five blocks all the way down to the Mississippi River of townhouses. We are oversaturated. There are too many cars on the street and this is a problem. I know you were talking about building some parking, but we find that people do not want to park in these lots. They are on the streets instead and we find they are often parked in front of our houses on Quincy. Some of them are repairing old cars and selling them and they don't want the public housing agents to know what they are about and it is very difficult for us to park in front of our own homes. My primary concern for selfish reasons are the townhouses. I really object to the idea of building townhouses and garages without a street. If you are going to permit them to steal land from the green space from the high-rise, then go all the way and put in a narrow street in front of it that would connect with Spring Street. One the people from the developer, I think her name is Michelle from the housing trust, said that if she lived in these townhouses, she would ask visitors to park on 3rd Avenue and she visualizes that is ok. Well, you can't park on 3rd Avenue. When we stopped the freeway that was supposed to be a parkway. The City decided they wanted to maintain control of it, so they call it a greenway instead and there are just a few parking bays here and there. This is not where people are allowed to park for long periods of time. This is land that was once upon a time occupied by other commercial interests, so we expected that the site would become commercial. Originally, I remember the committee told the people in the neighborhood that they were going to try to get something that everybody in the neighborhood could use and they were talking about maybe a convenience store which would have been fine with all this senior housing. Clare House looks like it is going to take the space that's going to be vacated. That area has been promised for at least 20 years for a pet walk for the residents of the high rise. Those of us on that alley fight with them all the time because they say they are forbidden by public housing to let their dogs go to the bathroom on their own yards. The pet walk was supposed to be built when the land was vacated and there is a lot of correspondence between former Alderman Dziedzic and executive director McCorvey about the problems we have there. She said that until it was vacated, then MCDA would turn it over to public housing. So I am really dismayed to see that someone considers that buildable property. And I also want to echo the concern that the young lady raised before me about visibility. As you drive up 3rd Avenue, it's a slight hill where it intersects with Central. It is a visibility thing. If Clare House is built, I think they should have to cut off a corner of the building to permit more visibility down Central Avenue. At one time, the St. Anthony committee invited people to vote this proposal up or down. 90 people voted against it, 6 people voted for it. So we think of this as the proposal that will not die and all the people in my neighborhood who have similar concerns share the concern about

adding more density to this neighborhood which used to be no more than duplexes. When we stopped the freeway on 3rd Avenue, the north side of 3rd Avenue was sold for duplexes and single-family housing, and the City wanted more tax money, so they insisted that the south side be in town houses. The lighting in the greenway area is good, and focused on the ground where it belongs. But some later people expanded the parking lot and put up these hideous street lights which violate all the Minneapolis codes for light pollution and that is my secondary concern next to having so much traffic in the alley and no street for these people. We think of this as the project that can't be stopped. There is a lot of opposition, but a lot of people have just given up. Because it is supportive housing, I suppose it gets some favored treatment, but I did not know that they were going to be attaching housing for owner occupied. I would not buy a house that did not front on the street.

Commissioner Krause: Ms. May, we got a letter from St. Anthony neighborhood association, it is toward the project. It was in our supplemental package. Are you referring to an earlier vote on an earlier design on the 90 to 6 vote?

Jeanette May: I do not remember when it was, but I know there was a lot of concern a year ago because Mr. Lewis was supposed to be at meetings and then he didn't show up and they did invite the neighborhood as a whole to come in. I cannot remember if the townhouses were part of this proposal. To me, that is the most offensive part of it.

Chet Thomas (owner of Vegas Lounge, 965 Central): My concerns are the property that is adjacent to my building that's blank on that. When did we vacate the street? Nobody has notified me. Is that street vacated?

President Martin: It isn't yet.

Chet Thomas: I'm trying to figure out what's going on. There's a blank square right to the south of my property that's sitting there looking like nothing.

President Martin: Hilary, can you show us where...

Staff Watson: That will be dedeed to the Vegas Lounge.

Chet Thomas: This is the first we've heard about this. I've been in this property for 20 some years. I've owned the building since '79. We've been through this thing for 20 years. People have wanted it, they don't want it, we're putting a park in, we're putting a parking lot in, we're putting a park and ride in, now we finally got to this. The community didn't want this, they all voted it down, but somehow it got in here. Then they have meetings and they don't notify, just like I got one notification of this. This is the first time I've seen all of this. There's people out there that haven't seen this. If you are going to do something like this to the community, you should notify everybody in the community what is happening. I walked in here an hour and a half ago and this is the first time. How do you get through all this? I know my parking lot has easements

through it for all the utilities. Now where are these easements going when you get into that parking lot? Minnegasco I know has an easement in there someplace.

President Martin: The easements will remain.

Chet Thomas: When you build a house on top of an easement, how do you do that? The easements come through my parking lot and go in a westerly direction and I don't know exactly where they go because I don't have a map of that on me. When they were going to put the freeway through there, they put all the stuff.

President Martin: We've got the map of where the easements are.

Staff Watson: You can see on this map. Here is the street that goes through, here is your property and the street goes through.

Chet Thomas: I'm saying the easements come right through there.

Staff Watson: Well the street is here...

Chet Thomas: You're looking at the street, I am talking about when they put the freeway in they had easements going right through my property.

Staff Watson: We show utility easements running on what would be the south side of your property, here.

Chet Thomas: That's the street. That was going to be my next question is who is going to pay for all the sewage and that because when we had run through this before, when they were going to give it to Anna at the King of Clubs, the people from the City told me it was going to be a \$200,000 deal to put in the sewer and upgrade that street and there were only going to be two people paying for it, me and her. That's why she didn't want the parking. Now who's going to pay for all the utility moving and all the utilities there?

Staff Watson: As far as the utilities on the north side of your property, I'm not aware of any outside the boundary lines of our property, so I am not aware of...

Chet Thomas: But I mean what are you going to do with the utilities back here and the utilities down that street?

Staff Watson: The City of Minneapolis...

Chet Thomas: Now there's a sewer line and...

President Martin: Mr. Thomas, you asked a question, let's let her answer.

Staff Watson: The City of Minneapolis has requested an easement through here, a 60 foot wide easement be maintained for the sewer and water mains so they will not be

going anywhere. If any overhead utility lines need to be moved, Clare housing will be paying for them in conjunction with CCHT as part of this project which is the same procedure we go through for every other street or alley vacation. The applicant is responsible for paying for the utility movement. If the sewer or water lines needed to be upgraded for the project, the applicant will pay their portion.

Chet Thomas: What about...

President Martin: Mr. Thomas, come on let's be polite, she is speaking.

Chet Thomas: I'm sorry.

Staff Watson: As part of this project they are not upgrading the sewer and water. The City has just recently finished putting in the new 3rd Avenue here but nothing with the utilities will be going away and if they are improved it's for the build out of CCHT and Clare's projects.

Chet Thomas: My point is that on this parking lot here, there's has to be a drainage system, that's going into a City sewer system, that's going to be upgrading the sewer system which is going to be costing \$300,000. I am one of the property people on it besides you people and I don't really think I should have to pay for it. That street has been dead forever. Why should I have to pay for your upgrading it for yourself.

Staff Watson: I don't believe you'll be paying for anything sir. The applicant has to go through a final site plan review which includes storm water management for all 3 sites-MPHA, CCHT and Clare. As part of that project, all of this area in here is green space which will be where the water from the parking lot would flow. Most of their storm water management will occur on site. If they have to connect through the storm drains, the Sewer Department will ensure that what they put into this system will meet the capacity. If not, the applicant will be required to make sure that the capacity is there.

Chet Thomas: Now the other thing going back to the property.

Staff Watson: When streets are vacated, adjacent property owners take control of that land. So when this street is vacated, this portion, because you are the only adjacent property owner, you will take control of this portion. You don't have to buy it or pay for it, it's just vacated and given to you.

Chet Thomas: If I can't use it, why would I want to pay taxes on it? OK, if I get that, can I use that for parking and is that possible because if not, why would I want it? I mean that doesn't make sense to have a piece of dead property that I'll pay taxes on.

Staff Watson: I...

Chet Thomas: The other question I have is the entrance you have there on Central, that's kind of spooky, it really is. Talk about blocking. That Avenue is very busy. I would just

as soon put the parking lot behind. My point is I'm concerned about the utilities and I'm concerned about what I could do with the property I could get. Am I going to have to come back and get a site plan and go through trying to get a variance to get a parking lot through there?

President Martin: You will need a site plan if you want to use it as a parking lot.

Staff Watson: Right. You can also...

Chet Thomas: So that property will go dead, now who's going to upgrade it to where it is now because it's got a piece of street in there? What are you going to do with that? I don't want to get a thing from the City that says you got to dig up the street and haul it off...

Commissioner Schiff: Sir, do you want her to answer your questions? Every time she opens her mouth to answer one of your questions, you interrupt her. You are just wasting a lot of our time. So just pause at the end of a question and let her answer.

Chet Thomas: I'm very sorry.

Staff Watson: Two things could happen. You should probably discuss this situation with the applicant once we leave here. Tim Keane represents Clare Housing and also MPHA and we do have representatives from CCHT here that could discuss how the layout is divided once the street is vacated. As far as you converting that to parking, you are currently zoned residential, so as to zoning, you are nonconforming for the use that you have. I don't want to go into the specifics of that, but before you decide to do anything to that property, you should stop in at the zoning office across the street before you were to decide to do anything because of the zoning classification of your property.

Chet Thomas: That is if the street is vacated.

President Martin: If.

Chet Thomas: There is an if in there. How do I get notified how they vote here?

Staff Watson: According to our property owner's list, you are listed as a property owner that received notification from us 15 days ago prior to tonight's meeting. It would have come in an envelope with Community Planning & Economic Development on it saying notice affecting your property. On that notice it said vacation 1427 and 1428 and listed my name as the contact.

Chet Thomas: Now I have another concern about the townhouses in the back. How would you get emergency vehicles in there? If you had need of a fire truck?

Staff Watson: This use has gone to preliminary plan review meeting. The building is located within 150 feet of the site. If an emergency vehicle needed to get to the back of

any of these houses, similar to how they would get back to the houses off of Quincy, they could go down the alley, but this is also open so emergency people and vehicles can get into that site.

Chet Thomas: By driving across the lawn or something?

Staff Watson: If in an emergency they had to, yes. The Fire Department has approved of this layout.

Chet Thomas: What would happen if you had a wet summer and sunk your rigs? You're putting a 10-ton truck across wet ground and you sink.

President Martin: There is a process here, everyone, Public Works, the Fire Department, the Police Department before it gets here. Hilary just said they have all signed off on it. So they're ok with it.

Commissioner Krause: Madame Chair, we have heard again that there hasn't been adequate discussion of this and there hasn't been sufficient notice and the only thing we can do is go by the officially recognized neighborhood organization and let me read two quick things from the letter we received which says "...At the last St. Anthony East Neighborhood Association meeting on April 13, 2004 (last Tuesday), the site plans for this project were presented and discussed at length. SAENA (the neighborhood association) has worked hard on this project in conjunction with the various development partners" which suggests to me that there were numerous meetings, lots of information provided, lots of dialogue between the neighborhood and the developer. While it's distressing for us to hear some people didn't know about it, the official process that we have before us suggests that a lot of neighborhood input was provided.

President Martin: Others who wish to speak to any of these three items?

Lorrie Stromme (1st Ward Council Member Aide): Council Member Ostrow is on the board of the NRP policy board and he's at the meeting so he could not be here to join us today, but in his absence, he asked me to tell you that he is very supportive of this project. He recognizes that this is a challenging site and acknowledges the extensive work of the neighborhood in this process – it has gone on for years in answer to your question Commissioner Krause, there has been notice. There is a member from the board here who can address your concerns. The meeting that Mrs. May referenced earlier when there was a lopsided vote was with a completely different plan. That was a plan that involved a 120-unit apartment building in addition to the supportive housing. The neighborhood actively said that we would like to have townhomes, far less density, and that what they did. They worked together with CCHT, MPHA and Clare Housing to come up with the group. They could have just turned their back on the project, but they didn't. They chose to do the work through many, many meetings. In fact I think it's on their monthly meeting agenda every time.

Skip Hyvare (447 Madison St NE, Board member of St. Anthony East Neighborhood Association): I have been involved for a little over 32 years. First time we tried to do something on this property, I had a full head of hair and my son was 3 years old. My son is now 32 and I think you can see what else happened. What Lorrie Stromme told you is exactly true. The project that was voted down by the neighborhood was not voted down that they did not want to develop the project or the area, it was voted down for three specific reasons: Not enough green space, too much density, and it did not address the parking problem. That property at that time, they had talked about two different buildings for a total of 110 units plus 32 units of Clare Housing. Through I don't know how many meetings, all of which are public, all of our monthly meetings are advertised, there's no secret meetings being held of any kind. After, as you can imagine, trying to get four different organizations plus our own together to reach a consensus was difficult at best. What we have arrived at is what's in front of you today. Is it perfect? Absolutely not. Are there still some issues we need to work out? There absolutely are. Parking is one of them. We're trying to work with MPHA to get these people to start parking in these lots and get the vehicles off the street. The Board has sent a letter to the MPHA saying that no facilities for their pets on premises is not acceptable. We're starting to work with them to address those issues. We think we've whittled down the density to where it's certainly much better than it was before. As far as no street development anywhere else in the city, that's been brought to my attention that there have been some homes built on Milwaukee Avenue that are exactly in this manner. This was a difficult property to develop. Like I said, we've been working on this off and on for over 30 years. But I think we have a plan that's workable and we're going to continue to work with it to make it as best we can for all of our neighbors because our neighborhood organization represents the entire neighborhood.

President Martin closed the public hearing.

President Martin: Commissioners, this is a really difficult project. I am going to suggest we do this project by project. We could do all the rezonings at one time, but there may be issues that are specific to each project.

Commissioner Krause: I will start with [moving] 10A which is the rezoning for Central Community Housing Trust.

Commissioner LaShomb: I am going to support this. I wanted to point out that in the packet relating to item 10 on page 5 is a section on findings and the findings hit this one on the head quite well: Increased housing options that are affordable; support development of residential dwellings that are appropriate form and density; strength and character of the residential areas, and go down. This project does all these things. I live in a building that is 240 units and we have a lot of nice land around it, I sometimes look out there and say I think we should put more housing on the site because while the land is beautiful, housing is even more beautiful in some ways. This is a good proposal.

Commissioner Krause: We'll do A & B (Hohmann seconded).

The motion carried 7-0.

Commissioner Krause: I will move the conditional use permit for this portion of the application for the 8-unit townhouse piece (Hohmann seconded).

The motion carried 7-0.

Commissioner Krause: And the variance for the five detached garages (MacKenzie seconded).

The motion carried 7-0.

Commissioner Krause: I will move the site plan. I don't have any other changes unless others do (MacKenzie seconded).

Commissioner Schiff: Ms. Watson, where was the lighting plan. I didn't find it.

Staff Watson: There wasn't one. On all three I've conditioned, for CCHT and Clare they need to submit a lighting plan [tape unclear].

President Martin: As part of the final site plan, landscaping, elevation, all of that includes lighting...

Staff Watson: Right.

Commissioner Schiff: And I guess, since we won't be seeing or voting on it, we'll just advise you to pay attention to the complaints we heard tonight about some of the existing lights that we now have the opportunity to remove or shade to make sure where the lighting is directed.

Staff Watson: All of the lighting in the parking lot will be removed because the parking lot is being completely redone.

President Martin: So all of the existing lighting will be redone (noted that the applicants were all shaking their heads to indicate yes).

Commissioner Krause: Madame Chair, I think on number 14F, the site plan for the project overall, the condition says the recommendation that a lighting plan be submitted.

Staff Watson: And same with number 2 on 10E.

President Martin: All those in favor of the site plan, please signify by saying aye.

The motion carried 7-0.

President Martin: Next we have the MPHA site.

Commissioner Krause: I'll move the rezoning on the MPHA (Hohmann seconded).

The motion carried 7-0.

Commissioner Krause: I'll move the two variances which are for the side yard setback and the rear yard setback for the parking. (Hohmann seconded).

The motion carried 7-0.

Commissioner Krause: Jumping to item 14, I'll move the rezoning for the Clare Housing piece (Hohmann seconded).

The motion carried 7-0.

Commissioner Krause: I'll move the conditional use permit for the 31-unit facility (Hohmann seconded).

The motion carried 7-0.

Commissioner Krause: There are three variances-I'll move C, D and E (Hohmann seconded).

The motion carried 7-0.

Commissioner Krause: I will move the site plan. Again, I'm not sure if there are any additional conditions (Hohmann seconded).

Commissioner Schiff: I would like to remove condition number one. I think the developer made a convincing argument. The developer made a convincing argument, I like the treatment of the entrances. On requirement number two, this quotes a section of the code requiring separate entrance for residential and non-residential users. Hilary, can that be varied? I'm not familiar with supportive housing requiring two separate entrances.

Staff Watson: It's not a code section that can be varied [tape unclear].

Commissioner Schiff: Does this apply for all supportive housing?

Staff Watson: It applies for all uses in the OR and commercial districts. It may also apply downtown. But for sure, an OR and commercial non-residential residence uses shall have their own entrances.

Commissioner Schiff: So because this was rezoned to OR, that's where the requirement comes in.

Blake Graham: It's a separate entrance requirement always for mixed use buildings and I think it makes good policy sense to do that. If you've got a bar downstairs and apartments upstairs, you don't want the bar patrons walking upstairs. We recently addressed the issue on Midtown Exchange because we have separate entry with a variety of uses. In that case it was shown by the developer that they are taking additional steps to provide security and other elements that will in effect be the intent of the code. In this case, the prescription is to not have a single entrance serving both residential and commercial uses. I believe I heard Mr. Keane state that supportive housing services were going to be serving only residents of this supportive housing. If that is the case, then the supportive housing is indeed a use and it does by definition include the supportive services. Therefore, the Planning Commission could make the finding that it is not a separate commercial and residential use, it is one residential use.

Commissioner Schiff: Recognizing that there is one use, I will strike condition two from site plan review (this was acceptable to the maker of the motion).

President Martin: This would be the place to think about what, if anything, maybe we ought to suggest about where 3rd Avenue goes. It is a difficult street, it is uphill, I am not sure that we want to redesign the building, but.

Commissioner LaShomb: Well, there are streets that are difficult. Is this a four-way stop, is it a traffic light?

President Martin: It's a slow down and move.

Tim Keane: There is a full stop for 3rd Avenue as it intersects with Central Avenue. Engineering, Traffic, Public Works, they have all looked at this. Visibility triangles, visibility sight lines came up in review of this. If you look at the geometrics of that intersection, as you approach Central Avenue there is actually very significant sight line as you look to the left for westbound Central Avenue traffic. I guess I'd prefer to go to Public Works and Engineering to get a second review if you have any concern.

Commissioner LaShomb: Well, the reason I asked is because I don't know what they cost now, but I think a traffic signal, stoplight, is a couple hundred thousand bucks. I don't feel comfortable shaving off a corner of a building and saying that will be the visibility trick, so I think we ought to let it...if the Police Department and Public Works if they think it's a problem, they'll figure it out.

Commissioner Schiff: I have not talked to Council Member Ostrow about this, but for the other commercial use, he'll soon be the proud owner of a little, or soon be the proud owner of a little piece of asphalt: Your building as I'm sure you know is nonconforming. You're bar is on an R5 zoned lot so if it burns down you don't have the right to rebuild it. I'd say this is your incentive to come back and rezone that back to C1 and if the site plan gives you access to use that little bit for parking or outdoor whatever you want to use it

for, but I'd say there is a built in incentive here for you to get your conforming rights back.

The motion carried 7-0.

Commissioner Krause: I will move the preliminary plat (seconded).

The motion carried 7-0.

Commissioner Krause: We have two vacations, can we take them together? I will move them both (G. Johnson seconded).

President Martin: This may be the place to put in a special note to Public Works that there are ongoing concerns about the intersection of that street and maybe take just one more look at it to make sure that it is going to work ok.

The motion carried 7-0.

President Martin: And thank you to the neighborhood folks who have been working at this 30 plus years. This is quite amazing.

12. Security Warehouse Lofts, LLC (BZZ-1627, PL-148 Ward 5)

404 Washington Avenue North and 201 5th Avenue North (Jason Wittenberg)

A. Rezoning

Application by Sue Makredes, on behalf of Security Warehouse Lofts, LLC to change the zoning from the I2 (Medium Industrial) District to the C3A (Community Activity Center) District and removing the IL (Industrial Living) Overlay District at 404 Washington Avenue North and 201 – 5th Ave. N.

Motion: The City Planning Commission recommended that the City Council adopt the findings and **approve** the application to rezone the properties at 404 Washington Avenue North and 201 – 5th Avenue North from the I2 District to the C3A District and removing the Industrial Living Overlay District.

B. Conditional Use Permit

Application by Sue Makredes, on behalf of Security Warehouse Lofts, LLC for a conditional use permit for a planned unit development to allow 215 dwelling units in a mixed use planned unit development consisting of both renovation and new construction up to eight stories in height at 404 Washington Avenue North and 201 – 5th Ave. N.

Motion: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit for phase a planned unit development for two hundred fifteen (215) dwelling units in mixed use buildings located at 404 Washington Avenue North and 201 – 5th Avenue North, subject to the following condition:

1. The building(s) shall not exceed eight stories in height.

C. Conditional Use Permit

Application by Sue Makredes, on behalf of Security Warehouse Lofts, LLC for a conditional use permit for a 20 space parking lot in the Downtown Parking Overlay District at 404 Washington Avenue North and 201 – 5th Ave. N.

Motion: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit for a 20-space accessory parking lot at 404 Washington Avenue North and 201 – 5th Avenue North.

D. Site Plan Review

Application by Sue Makredes, on behalf of Security Warehouse Lofts, LLC for a site plan review at 404 Washington Avenue North and 201 – 5th Ave. N.

Motion: The City Planning Commission adopted the findings and **approved** the site plan review application for two hundred fifteen (215) dwelling units in mixed use buildings located at 404 Washington Avenue North and 201 – 5th Avenue North, subject to the following conditions:

1. The applicant shall work with staff to reconsider or refine the cast stone wall areas facing both 2nd Street North and the 4th Avenue North right of way in order to include further architectural detail or window area.
2. The applicant shall obtain an encroachment permit for all improvements in the public right of way.
3. A stormwater management plan shall be reviewed and approved by the Public Works Department.
4. A Travel Demand Management (TDM) Plan shall be reviewed and approved by the CPED Planning Division and the Public Works Department.
5. The CPED Planning Division shall review and approve the final site plan, landscaping plan, and building elevations.

6. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining permits for site improvements or the permit may be revoked for non-compliance.
7. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by May 14, 2006, or the permit may be revoked for non-compliance.

E. Variance

Application by Sue Makredes, on behalf of Security Warehouse Lofts, LLC for a variance to increase the maximum permitted floor area ratio at 404 Washington Avenue North and 201 – 5th Ave. N.

Motion: The City Planning Commission adopted the findings and **approved** the application for a variance to increase the maximum permitted floor area ratio from 3.78 (335,538 square feet) to 4.32 (383,472 square feet) for a two hundred fifteen (215) unit mixed use development located at 404 Washington Avenue North and 201 – 5th Avenue North.

F. Preliminary Plat

Application by Sue Makredes, on behalf of Security Warehouse Lofts, LLC for a preliminary plat at 404 Washington Avenue North and 201 – 5th Ave. N.

Motion: The City Planning Commission adopted the findings and **approved** the application for a preliminary plat of the property located at 404 Washington Avenue North and 201 – 5th Avenue North.

Commission President Martin opened the public hearing.

No one requested to speak to the item.

Commission President Martin closed the public hearing.

Commissioner LaShomb moved staff recommendations on the consent agenda (Hohmann seconded).

The motion carried 7-0.