

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

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MEMORANDUM

DATE: September 9, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

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

SUBJECT: Planning Commission decisions of September 7, 2010

The following actions were taken by the Planning Commission on September 7, 2010. 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.

Commissioners present: President Motzenbecker, Bates, Carter, Cohen, Gorecki, Huynh, Luepke-Pier, Schiff and Tucker – 9

Not present: Bourn

Committee Clerk: Lisa Baldwin (612) 673-3710

6. Jordan Area Community Council offices (BZZ-4926, Ward: 5), 2009 James Ave N ([Jim Voll](#)).

A. Rezoning: Application by Acky-Cottage Park LLC for a rezoning from the R2B Two-family District to the OR1 Neighborhood Office Residence District for property located at 2009 James Ave N.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning from the R2B Two-family Residential District to the OR1 Neighborhood Office Residence District for property located at 2009 James Ave N.

B. Variance: Application by Acky-Cottage Park LLC for a variance to from the minimum required west side yard setback from 7 feet to 5 feet 10 inches for an existing garage located at 2009 James Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the required west side interior yard setback from 7 feet to 5 feet 10 inches for the existing garage for property located at 2009 James Ave N.

C. Variance: Application by Acky-Cottage Park LLC for a variance to from the minimum required east side yard setback from 7 feet to one foot for a proposed accessible parking space for property located at 2009 James Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the required east side interior yard setback from 7 feet to 1 foot for a proposed accessible parking space for property located at 2009 James Ave N.

D. Variance: Application by Acky-Cottage Park LLC for a variance of the minimum required south side rear yard from 7 feet to 4 feet for an existing garage for property located at 2009 James Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the required south side rear yard setback from 7 feet to 4 feet for the existing garage for property located at 2009 James Ave N.

E. Variance: Application by Acky-Cottage Park LLC for a variance of the minimum required south side rear yard from 7 feet to one foot for a proposed accessible parking space for property located at 2009 James Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the required south side rear yard setback from 7 feet to 1 foot for a proposed accessible parking space for property located at 2009 James Ave N.

F. Variance: Application by Acky-Cottage Park LLC for a variance to reduce the required drive aisle from 22 feet to one foot for property located at 2009 James Ave N.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the required drive aisle width from 22 feet to one foot for property located at 2009 James Ave N.

Staff Voll presented the staff report.

President Motzenbecker opened the public hearing.

Martha Hage (121 Washington Ave S): As I was looking through what the purpose is, and I also contacted various people and I heard different things. The purpose of the Jordan Area Community Council was to watch for crime and shootings, but then I was told when I asked about accessibility and the need for accessibility that nobody is actually there. If nobody is there, who is watching? If it is just office space and not included for committee meetings, I guess we'd let that go, but if it is for any meetings, it needs to be compliant. There's a letter from the NRP indicating that according to...if it's beyond...that does not apply. The meeting can be held elsewhere. It does not apply that if the committee meetings, difficulties amount to undue burden, it does matter.

President Motzenbecker: I'm a little lost. Is your concern that the offices won't have ADA accessibility?

Martha Hage: Yes.

President Motzenbecker: What we addressed, I think the staff person just mentioned, as a condition of just doing this renovation, they have to do it, it's building code and has to be put in there so it will be accessible no matter who might be using it.

Martha Hage: If you call the people...

President Motzenbecker: Who are the people?

Martha Hage: The people are Mary Armstrong...she indicates that it does not need to be accessible so they're going to build a ramp but they are not going to make accessible restrooms or hallways, they're just going to put in a ramp. If I use the building, I probably need to go to the bathroom.

President Motzenbecker: We will be sure to clarify that.

Martha Hage: I was told that this might be transformed into a house but if there are going to be meetings held there it needs to be accessible. Obviously that's clear to you guys. Thank you.

Peter Rickmyer (2118 25th Ave N): Just to give a brief overview why the Jordan Area Community Council is now located at the place they're at is that a few years ago there was a commercial building that used to be on Knox and 26th which was ADA compliant with a major parking lot. Part of the excuse to tear it down is that we were short housing in the neighborhood. This is the same argument that they put forth when they argued when one of the individuals representing himself but he was part of the JACC board made an argument that they should say no to St. Anne's parking lot because there's an extreme shortage of housing. It's contrary then to occupy two houses for nonresidential purposes. I agree that the law says that it has to be ADA compliant, however, if you read the NRP CPED letter, at the bottom of the first page, it says "if these difficulties amount to an undue burden as defined by the ADA, there may be the ability to excuse." In other words, they don't have to be compliant with ADA, all they have to do is present that it's an undue hardship. With that being said, it's noteworthy that the chairperson for JACC is an attorney for the Minneapolis Civil Rights Department. I believe there may be a conflict of interest to continue to allow the JACC house to operate without it being ADA compliant.

President Motzenbecker: So your concern is ADA compliance of this building?

Peter Rickmyer: Right. The second part is that there's a lot of commercial space for rent in the Jordan neighborhood and this proposed office in this residential house is not necessary. The handicap ramp is one inch to 12 inches and for an office space it needs to be a sloped walk which is one inch for every 20 inches of length and that's maximum of one inch steepness. What we really want to do here is just take a second look at what they're proposing and make sure that it's actually within the rules of the ADA and without having any mistakes done.

President Motzenbecker closed the public hearing.

Commissioner Huynh: I will move staff recommendation for the rezoning (Tucker seconded).

President Motzenbecker: Any discussion? All those in favor? Opposed?

The motion carried 7-0 (Luepke-Pier not present for the vote).

Commissioner Huynh: I will move B, C, D, E and F with per staff recommendation to approve (Tucker seconded)

President Motzenbecker: Any further discussion?

Commissioner Huynh: I do want to note that the issue of accessibility is an issue that all of us have to address as we age and we know people have multiple needs in different age groups. I think the issue here is that the zoning issue is a different issue than ADA compliance and the issue of life, safety, health and welfare will be ultimately determined by the building code so they will require some form of accessibility and the measure of accessibility is not something that we can determine here at the zoning code level, but at the building code level when that permit gets pulled for the renovation, the officials will actually say the measure and extent of accessibility that will be addressed but it does have to be addressed at that time.

President Motzenbecker: All those in favor? Opposed?

The motion carried 7-0 (Luepke-Pier not present for the vote).

9. Riverside Plaza (BZZ-4935 and RLS-61, Ward: 2), 1511, 1525, 1601 and 1615 4th St S; 1530 and 1600 6th St S; and 412 Cedar Ave S ([Jim Voll](#)).

A. Rezoning: Application by Riverside Plaza Limited Partnership for a rezoning from the I1 Light Industrial District to the R6 Multiple-family District for property located at 1511 4th St S.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning from the I1 Light Industrial District to the R6 Multiple-family Residential District for property located at 1511 4th St S.

B. Variance: Application by Riverside Plaza Limited Partnership for a variance of the PO Pedestrian Oriented Overlay District standards to allow parking that is not located to the rear or interior of the site for property located at 1511 4th St S.

Action: The City Planning Commission adopted the findings and **approved** the variance to allow parking between a principal structure and the front lot line for property located at 1511 4th St S.

C. Registered Land Survey: Application by Riverside Plaza Limited Partnership for a registered land survey for property located at 1511, 1525, 1601 and 1615 4th St S; 1530 and 1600 6th St S; and 412 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **approved** the Registered Land Survey for property located at 1511, 1525, 1601 and 1615 4th St S; 1530 and 1600 6th St S; and 412 Cedar Ave S.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker moved approval of the staff recommendation (Huynh seconded).

The motion carried 8-0.