

**Excerpt from the  
CITY PLANNING COMMISSION  
MINUTES**

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

250 South Fourth Street, Room 300  
Minneapolis, MN 55415-1385  
(612) 673-2597 Phone  
(612) 673-2526 Fax  
(612) 673-2157 TDD

---

**MEMORANDUM**

---

DATE: October 15, 2008

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 October 6, 2008

---

The following actions were taken by the Planning Commission on October 6, 2008. 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, Gorecki, Huynh, LaShomb, Luepke-Pier, Nordyke, Norkus-Crampton, Tucker and Williams – 9

Not present: Schiff

Committee Clerk: Lisa Baldwin (612) 673-3710

---

**3. Powderhorn Park Neighborhood Association (BZZ-4207, Ward: 8), 821 35<sup>th</sup> St E ([Kimberly Holien](#)).**

**A. Rezoning:** Application by The Powderhorn Park Neighborhood Association for a rezoning from R2B to OR1 to accommodate an existing structure at 821 35th St E.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the petition to rezone the property of 821 35th St E from the R2B district to the OR1 district.

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 recommendations for the consent agenda (LaShomb seconded).

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

**6. Sabathani Community Center (BZZ-4197, Ward: 8), 310 E 38<sup>th</sup> St ([Hilary Dvorak](#)).**

**A. Rezoning:** Application by Ernest Johnson, with Sabathani Community Center, Inc., for a rezoning from R1A to OR2 for a community center (existing building and uses) for the property located at 310 E 38th St.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning of the property located at 310 E 38th St from R1A to OR2 for a community center (existing building and uses).

**B. Conditional Use Permit:** Application by Ernest Johnson, with Sabathani Community Center, Inc., for a conditional use permit to extend the hours of operation on Friday and Saturdays from 7 am to 11 pm to 7 am to 2 am (specifically for the accessory reception hall use within the community center) for the property located at 310 E 38th St.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit application to extend the hours of operation on Friday and Saturdays from 7 am to 11 pm to 7 am to 2 am (specifically for the accessory reception hall use within the community center) located at 310 E 38th St 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 one year of approval.
2. The host using the reception hall shall hire private security or off duty police officers for the duration of reception events taking place.
3. A security audit shall be conducted for the site with the Minneapolis Police Department.
4. The applicant shall provide a security plan which will be kept on file with the Minneapolis Licensing Office.

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 recommendations for the consent agenda (LaShomb seconded).

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

**7. Big E's Restaurant / Literary Cafe (BZZ-4206, Ward: 6), 2440 Oakland Ave ([Becca Farrar](#)).**

**A. Rezoning:** Application by Deborah Coker, on behalf of The Main Group, for a petition to rezone the subject parcel from the R4 (Multiple-family) District to the C1 (Neighborhood Commercial) District in order to convert a duplex to a restaurant for the property located at 2440 Oakland Ave.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **deny** the rezoning petition to change the zoning classification of the property located at 2440 Oakland Ave from the R4 (Multiple-family) District to the C1 (Neighborhood Commercial) District.

**B. Variance:** Application by Deborah Coker, on behalf of The Main Group, for a variance of the off-street parking requirement for a sit down restaurant for the property located at 2440 Oakland Ave.

**Action:** The City Planning Commission adopted the findings and **denied** the application for a variance of the off-street parking requirement from 23 spaces to zero spaces for the property located at 2440 Oakland Ave.

Staff Farrar presented the staff report.

Commissioner Norkus-Crampton: It was just down the street where there was a whole new residential redevelopment?

Staff Farrar: You recently approved Lutheran Social Services which is on the northern part of the block.

Commissioner Norkus-Crampton: I'm talking about the homes further down; that there were a lot of homes built, like residential in that general area.

Staff Farrar: That's outlined in finding number five where it talks about how there is an expansion of Lutheran Social Services, proposed expansions of St. Mary's and the former Honeywell campus was purchased by Wells Fargo, etc.

Staff Farrar concluded the staff report.

President Motzenbecker opened the public hearing.

Jack Strong (612 E 25<sup>th</sup> St) [not on sign-in sheet]: I agree with the committee that recommended to deny this project. We have a number of things in this neighborhood; the new Lutheran Social Services, which is bringing over 1000 employees into the neighborhood, the Minneapolis housing development on the north side of the block and then the ongoing University of St. Mary's and the Zuhrah Shriner's meeting hall which means that on a daily basis there is no parking in the neighborhood at all on the streets. We've applied to our City Council member to get on 25<sup>th</sup> St the kind of permits for residents only. There are only three residents on that side of the street. There are three abandoned houses on the block in addition to the house they want to turn into a restaurant. People park in the abandoned house yards, they park on the street. To allow this to go forward, I don't think it's an appropriate use of the building for a restaurant and I don't know if it would succeed or not, but to allow it to go forward without any parking whatsoever is to just increase a serious problem in the neighborhood. I also want you to know that as a homeowner in the neighborhood I feel very strongly that the main group has not had a lot of professional business-like practices in putting this together. They sent us a letter asking us to sign a form. We said on the form that we had read and agreed with a plan for putting this into place. They never gave us a copy of that plan. The page they wanted us to sign said it was page seven of eight pages, they never gave us the other pages. They came to my house to talk to me about it and promised me to bring a sheet of a paper on the company letterhead with what we wanted to sign and they never came back. About a month ago, a young man who claimed he was from the main group showed up with the same piece of paper that said it was page seven of eight and we had read the attached without any attachments and he demanded that is I sign the damn paper or else I had to throw him off my property. I think that this has been very unprofessional. I'm glad that the economic division wants to deny it and I want to tell you that of the three neighbors on my block we got together and don't think we were served very well by the main group. Thank you.

Marlene Lynch (2440 Oakland Ave): It's myself, my sister and her two sons. On paper this really does sound like a crazy notion because here we are asking to turn something that's in a very residential neighborhood into a commercial space, but when you walk this neighborhood, it isn't as residential as it looks from a distance. Across the street from the property we are staring at a parking lot for St. Mary's University. Adjacent to that is the new housing for Lutheran Social Services which hasn't quite opened up yet, but everyone that's moving in there comes to us and is very excited about what we're doing. To the right, beyond the other St. Mary's parking lot is the Zuhrah Shrine Temple. Right down the block from that is the Swedish Institute. Across the street from that is a parking lot for them. On our block is [tape ended]...next to us is 2444 which is an abandoned building that really needs attention that we also own now. On the corner are three other houses of which this gentleman resides in one of them. We've come to each of them and spoken to each of them directly. When we first started the process in the middle of winter to get signatures, it's true we mailed something out, we realized that that wasn't the appropriate way to do it and the minute it got to be spring and we could actually find people is when we came with the paperwork to speak to them directly and secure their signatures in the hope that they supported what we were doing. In most cases we received everybody's signature enthusiastically including the organizations that are in our area. This idea was very organic. I'm a literary agent and I was representing Eric, the Big E, on his cookbook because I ate his catfish one day and just simply couldn't believe it. My friends knew how much I loved his food and they took me to his cooking classes for my birthday, two years ago today, and we began a relationship working on his cookbook at the same time my family was beginning a relationship thinking about owning property. The two things came together and it was us thinking it would be exciting to create a

restaurant that also offered a literary component where I could maybe have book clubs and literary classes. This book notion evolved with him from a cooking class that he was giving. He was very interested in creating cooking classes for inner city families to give nutritional information. The whole idea just literally came together and it was a matter of being able to find a property. Just to give the full picture of the evolution of this idea, my sister ate at a café called Everybody's, it's in Pennsylvania in the Poconos and it is a house, almost very similar to the one that we bought. It was renovated and redone and turned into a restaurant in a residential neighborhood and it was an inspiration. Why 2440? Ultimately, the Phillips West neighborhood emerged into what we considered to be the place where Minnesota's diversity meets. It's not just diversity in terms of race because I honestly don't believe in race, it is cultural diversity, economic diversity, it is career diversity. You have doctors, patients and students there. That is why this particular neighborhood. We are not sitting amongst single family homes. We are sitting amongst houses owned by, mostly owned by Lutheran Social Services with recently homeless in them. They are all charged about this and we're excited that maybe they'll be able to employ one or two of them in the restaurant. I want you to get a genuine picture of what we're trying to do. We are sincerely hoping and planning and expecting that 90% of our patrons...this is not just a commercial endeavor. One of the beauties of this is that we own the structure and we're not dealing with an amount we have to give a bank every month so it's not about making money, it's about having this space that's going to service this community. We do hope that about 90% of the people that will come to this will already be parked. They have to drive about six or seven blocks now to a Subway. That's about all they get to eat if they don't eat in their own cafeteria. Even Well's Fargo's headquarters is pretty much in walking distance and is certainly in biking distance. We're on two bus routes. We do not intend to infringe upon this gentleman's parking. We've already talked to the Phillips Eye Institute, they have public parking available, which is a short block away from us. They have informed us that there is 10 to 20 spaces available daily if people want to pay. We've already discussed the notion of taking money off of their bill if they have to pay. We have talked to the Swedish Institute who has agreed to 23 spaces at a reduced rate for us because they believe that what we're doing will enhance what they're trying to do. They don't plan to expand any minute now. I know they have expansion plans, but it's not going to happen right away. This isn't spot zoning or a whim or personal interest. This community is exciting and in transition. The residents seem to be very excited about what we're doing and we're very committed. I don't think we're unprofessional at all.

Commissioner Norkus-Crampton: I see the letter from the Swedish Institute that says that they reserve the right to terminate the rental of the parking area sometime in the next two years because they're going to be beginning construction on a new building. I'm assuming, as a business person seeing this, you must be thinking in terms of a plan b. What would be your plan b if that parking area was eliminated?

Marlene Lynch: We have a lot of plan b's. For one thing, that amount of space, 23 spaces, we are sincerely anticipating that this is a community establishment and that if you look at the neighborhood and what is around it, we are servicing the people in walking distance and that's a lot of people; The Phillips Eye Institute, Lutheran Social Services and the students right across the streets. We're going to offer bike racks, we're on two bus routes and we have been in discussion about the space we have available to us on our own property, whether it means leveling the garage or spreading out, we own the property next door to it, 2444, as well. At this stage, it's prohibitive financially, but we, for the long-term, have looked into the possibility of broadening parking behind our structure into the space behind 2444, which we own.

Staff Wittenberg: Just to reiterate something that Ms. Farrar had mentioned both in her staff report and presentation is that uses in commercial districts are unable to park on properties zoned residentially or with an office residence district. Just keep that in mind if you are interested in the parking issue in terms of the variance.

President Motzenbecker closed the public hearing.

Commissioner Nordyke: Can we talk about that parking piece a little bit? What you're saying right now is that the offer they've got with the Swedish Institute...is it OR2 or OR3? OR2, ok. The agreement they have with the Swedish Institute since it is an OR2 cannot be used in the way they are offering to use it anyway. Are they asking for a parking variance? The inclusion of the piece with regards to the Swedish Institute is meaningless to that variance, it just happens to be in there as an FYI.

Staff Farrar: Correct.

Commissioner Nordyke: I will move the staff recommendation (Gorecki seconded). We had a conversation about something very similar to this. If you remember a couple of years ago, this is absolutely a horrible policy, but this is also one of the neighborhoods in our community that has been struggling going on 30 years now with probably millions and millions of dollars from some of our most forward thinking institutions that have gone into trying to get something happening in the area around here, in particular some of the corners very close to this. Although I do think that this kind of thing, from a policy standpoint, I think staff is spot-on. It's a horrible idea from what we're supposed to be doing. On the other hand, do we adhere to those general rules when we have someone who is looking to make a major investment in a very difficult neighborhood and an investment that I do agree will probably be much more focused on people living in the neighborhood than people driving into the neighborhood. I speak in favor of the rezoning. Thank you.

President Motzenbecker: I agree. Great idea, wrong place. I've eaten at Big E's when it was on Nicollet and man was it good stuff. I'd love to see it come back because I was shocked when it disappeared. I think if the desire that you folks have outlined in the letters we saw and the support that you have for this, if that's so strong, I would think there's got to be a way to line those cards up a little bit better to get a better spot. You wanted to stay in the Phillips neighborhood, Chicago Ave has lots of spots on it that it would be a much more appropriate corridor for this kind of thing and could use this kind of thing. If you could line it up, there should be help for this if people are so behind it. About parking, Anodyne, a local coffee shop at 43<sup>rd</sup> and Nicollet, huge neighborhood support. People walk to that left and right, but there is also still a lot of cars and people that drive to it. There's parking all over the place there on the streets so it does get congested. Just looking at other models, similar to what you're trying to do, all up and down Hennepin Ave are a bunch of duplexes and old houses that have been changed to commercial properties but they're on a commercial street. I'm just struggling a little bit with putting it in this spot. I would have to speak against the motion on the floor.

Commissioner LaShomb: There is a precedence for doing something like this. The one that I voted against and still believe I was right was we did a C1 over on Chicago by the hospital area there because we said that they didn't have a lot of coffee shops in the neighborhood and I thought it sounded good in theory but in reality I didn't think it justified it. I think there's a fundamental problem. To me, you could make all of the same arguments and go back and do five.

You could say we have a great social cause, it's a wonderful thing, it's only one piece of property. The problem I have is that if this business fails, the rezoning doesn't fail, it stays around. I don't know what you can do in C1 districts, but it may be things we don't want them to do. I think when a neighbor moves in and sees houses there they kind of make an assumption that you're going to keep houses there and when you start putting businesses that close to them... there is a lot of commercial space in the city where you can build restaurants and nearby. The second piece is, the whole parking thing is really iffy. I have a neighbor who is quite involved with the Swedish Institute and when they decide to expand, they aren't going to care about promises they made to other people because their big goal is to provide a fraternal kind of organization. This area is growing with other kinds of other institutions, all of whom are going for parking so one little restaurant is going to have a hard time in the fight keeping parking spaces when the big guys... I think good public policy says you should not do this. It creates a precedent about zoning that kind of defeats the kinds of promises the city made to neighbors about what was going to happen in their neighborhood. I just can't vote for this simply because I think it's poor public policy even though it may be a compassionate thing to do. Compassion's not a bad thing, but good public policy sometimes trumps it.

Commissioner Norkus-Crampton: Zoning is forever and that's really an issue. We try to eliminate sort of swiss cheese zoning. One of the big things about planning is that you're giving everybody that lives there some assurance that the community might grow but it will grow in sort of a predictable way; that it will develop in some incremental or rational way and this really just doesn't fit in with what we're doing here. What I'm trying to picture is, especially on Saturday's and Sunday's when I know...I love Big E's too and I can imagine everyone after church coming over there and then we have the Swedish Institute going and weddings and parties at the Shrine and I don't know where the residents would be able to walk or do anything. I just think that as wonderful as this business is, I would to say wait. The market might work in your favor. I think the parking issue is very problematic and I think it really would affect the livability of the area for the people who live there. We need to be cognizant of new uses somehow fitting and respecting existing uses because they also have rights too and we need to make sure we're following our own rules that are put there for that kind of reason.

Commissioner Huynh: I agree with LaShomb and Norkus-Crampton. It's not that we don't value Big E's because I think everyone has had Big E's and loves the food. I think the issue that has been addressed over and over again is the idea of the location in terms of having it be in a residential district. If it was on a community or commercial corridor or neighborhood district, I think the issues would be very different and policies would support a development like this. Just because the impacts of potential parking in the neighborhood...although I understand that the vision is that 90% of the community would use the restaurant. I also believe that people that are addicted to Big E's food would drive 500 miles to come to this restaurant so I'm not sure how you accommodate outsiders who come to this place. I think the issue is that it's not supported in the land use and if it was in a different area I think the support here from staff would be different.

Commissioner Luepke-Pier: I'm torn on this one. I think that this literary café, would belong in a neighborhood instead of just on a commercial corridor. It doesn't sound to me like it's a typical restaurant. It doesn't sound to me like you're running the usual run of the mill restaurant, it sounds like a really neat place for book junkies and people to come learn about food. The unique take on this building makes it seem like a better fit, for me, for it to be kind of in a big house in a neighborhood. On the other hand, I see where the parking needs have to be addressed. If it's C1, it's C1 forever.

Commissioner Williams: I am pleased that the motion was to approve. I doubt that motion will prevail because it's a great idea, but it is the wrong place. I really like the concept, but trying to create that kind of place on that site is going to be a real challenge, particularly because there is a name behind it that draws beyond that neighborhood. My son works at the Blaisdell clinic and used to walk to Big E's. It's something that I would like to see happen, but it's going to be extremely difficult to make happen at that particular site. The people who live and work in the area will be among the customers, but there will be others that will come from outside and then the parking is going to be a major challenge.

President Motzenbecker: The motion before us is the rezoning R4 to C1. All those in favor? Opposed?

The motion failed 5-3.

Commissioner LaShomb: I'll move staff recommendation on A and B (Tucker seconded).

President Motzenbecker: All those in favor? Opposed?

The motion carried 8-0.

#### **10. Zoning Code Text and Map Amendment (Ward: 8, 11, 12 and 13), ([Merland Otto](#)).**

**A. Text and Map Amendment:** The City of Minneapolis is considering the establishment of an Airport Overlay District. The Airport Overlay District is established to implement the 2004 Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance (hereinafter 2004 MSP Zoning Ordinance) and to provide for the acoustical integrity of MAC insulated homes in the MSP noise impact area in accord with the October 19, 2007 Consent Decree.

It is the purpose of the Airport Overlay District to protect the public health, safety, order, convenience, prosperity and general welfare and to promote the most appropriate use of land by preventing the creation or establishment of Airport Hazards subject to the 2004 MSP Zoning Ordinance and Minnesota Statutes.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the map and text amendment, amending Sections 521.10, 535.60, and 551, with the finding that obtaining consent from individual property owners is impractical.

Staff Otto presented the staff report.

Staff Wittenberg: Just a couple of points; in the staff recommendation, not only is this a text amendment, we're also recommending of the text and map amendment given that you are creating a new overlay district that will be mapped. Anytime the city rezones property, which is the case with a creation of a mapped overlay district, we have to either obtain consent from all those property owners or we have to make the finding that it is impractical to obtain consent from all those property owners given the number of properties involved. I'm sure Mr. Otto probably has a rough estimate of how many property owners that is and I'm sure it's in the thousands. Just

be sure that if you do move this forward with the recommendation of approval that you make the finding that it was impractical to do so.

Staff Otto: We're anticipating that perhaps as many as 15,000 parcels would be affected.

Commissioner Norkus-Crampton: Since this is a pretty vast area that we're talking about here, are these maps posted online anywhere so if the public wants to see exactly what we're talking about before it goes before Council.

Staff Otto: They're on our public website.

President Motzenbecker opened the public hearing.

No one was present to speak to the item.

President Motzenbecker closed the public hearing.

Commissioner Tucker: I move staff recommendation to approve the text and map amendment and include a finding that notifying individual property owners is impractical (LaShomb seconded).

President Motzenbecker: All those in favor? Opposed?

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