

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

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**MEMORANDUM**

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DATE: October 31, 2011

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 17, 2011

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The following actions were taken by the Planning Commission on October 17, 2011. 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: Commissioners Cohen, Huynh, Luepke-Pier, Schiff, Tucker and Wielinski – 6

Not present: Motzenbecker (excused), Carter (excused) and Mammen (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

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**9. 3<sup>rd</sup> North (BZZ-5314, Ward: 5), 800 N 3<sup>rd</sup> St ([Hilary Dvorak](#)).**

**A. Variance:** Application by Maureen Michalski with Schafer Richardson, Inc., on behalf of 800 Third, LLC, for a variance to reduce the north interior side yard setback from the required 15 feet to 8 feet for the property located at 800 N 3<sup>rd</sup> St.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to reduce the north rear yard setback from the required 15 feet to 8 feet located at 800 N 3<sup>rd</sup> St.

**B. Site Plan Review:** Application by Maureen Michalski with Schafer Richardson, Inc., on behalf of 800 Third, LLC, for a site plan review for a 205-unit residential development located at 800 N 3<sup>rd</sup> St.

**Action:** The City Planning Commission adopted the findings and **approved** the site plan review application for the property located at 800 N 3rd St subject to the following conditions:

1. The north elevation shall be revised to be in compliance with Section 530.120 of the zoning code.
2. Landscaping shall be located between the property line along Ninth Avenue North and the generator and transformer in order to provide some visual relief from the proposed mechanical equipment.
3. There shall be at least five guest parking spaces provided in the building as required by Table 541-2 of the zoning code.
4. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
5. All site improvements shall be completed by October 17, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
6. The applicant shall work with staff to reevaluate the exterior building material on the entire first floor of the building.

Staff Dvorak presented the staff report.

**Curt Gunsbury (3021 Holmes Ave):** We recently passed approvals for 701 N 2<sup>nd</sup> St, just two blocks from this proposed project. I'm here representing my partners and myself tonight. I don't want to be the person who throws stones at glass houses when one lives in a glass house because you just approved my glass house over on Huron Blvd. Schafer Richardson is an excellent developer; they've added enormously to the fabric of our city, ditto for UrbanWorks Architecture. I value both of them as colleagues and friends. This is absolutely a desirable development for the neighborhood. However, it is in the historic warehouse district, the lot itself is not but it is surrounded on three sides by the historic warehouse district, not that different from our site two blocks away that had two sides historic district and two sides not. Recent approvals with no variances for our project included, and also for the Jaguar site, required historic brick, lots of metal, lots of articulation, enormous backing and forthing by the Planning Commission about the design features of those building, green features and a gazillion more things, all of them very expensive and competitive advantages or disadvantages in the market. I realize that variances are not about economics but we all know that fairness is an issue. Expressly denied in our project was Nichiha and cement board. Expressly diminished in the 222 Hennepin project was cement board of which Nichiha is a derivative. Our one request is that we keep the standards high throughout the warehouse district, that we don't uniformly pass a project like this on consent when it is clearly very different from something that was denied just weeks ago. We just request that there be high standards for all, no favoritism for any. Thank you.

**Staff Dvorak:** Mr. Gunsbury is correct. The exterior material of the building is all cement based siding which is not the same material that was conditioned for his development at 701 N 2<sup>nd</sup>. I believe it was even at the same Committee of the Whole meeting or maybe it was back to back meetings where the two developments were discussed. It may have been the same agenda. I don't want to speak for the commission, but this building had a different reaction from you than the other one did. I would concur that, yes, it's the same material that they were proposing for two

sides of his development, which I did not work on, and we are recommending approval of this one and the last one you had recommended all brick, or more brick, as a condition.

Commissioner Tucker opened the public hearing.

**Commissioner Schiff:** This is or is not in the historic district?

**Staff Dvorak:** This is not in a historic district.

**Commissioner Tucker:** The context is different than the other site. Staff, anything else to add since the CoW meeting?

**Staff Dvorak:** They did add a canopy over the main entrance that extends for that entire eastern third of the building. They do have the sign moved up to the top of that canopy. It's a metal lettered sign. The recesses and projections of the building are such that the entrances on the ground floor of the western third of the building are set back. You have this portion of the center portion of the building or center third recessed out and then this projects out and this dark gray is recessed and this is easier to see in color, but there are three colors being used; reds, grays and then a charcoal. This accent band is the charcoal and then within the reds there are three different colors of that material used and it will be in a brick-like pattern. As I mentioned in the background section of the report, I had indicated that the applicant was considering taking the pool outside. They are putting in an outdoor pool instead of an indoor pool based on some conversations that they've had with property management companies and other residents of other buildings in the Twin Cities area. You can see that they have removed that portion of the building so the pool is now completely an outdoor swimming pool instead of an indoor pool. They are moving forward. We indicated that this change would be a minor change that staff would review administratively upon submittal of building permits.

**Commissioner Luepke-Pier:** Do you know if the subject property listed earlier was in a historic district? My other question, would it be possible to see a color rendering of this?

Commissioner Tucker opened the public hearing.

**Maureen Michalski (615 1<sup>st</sup> Ave NE) [not on sign-in sheet]:** I'm a project manager at Schafer Richardson. Todd Elkins is here from UrbanWorks and he can speak to the modifications that we've done since the Committee of the Whole meeting. I wanted to address Mr. Gunsbury's comments about the historic district. As was mentioned, we are not within the historic district, however, we are using a HUD insured mortgage for this project which means we have to comply with the section 106 review process which is a federal requirement from the National Historic Preservation Act so, with that, we're required to do a review with the State Historic Preservation Office which is actually a higher level of review than the HPC. With that process we did an archeological assessment of the area which came back with no adverse affects. The only item would be the wood pavers in 8<sup>th</sup> Ave, which we are working with City Planning and Public Works staff on. The State Historic Preservation Office also did a design review of the project and find that it complies with the Secretary of Interior's standards. So, we did get that notification from the SHPO office in August I believe. The third part of that process was a public meeting that was held on September 28<sup>th</sup>. The public was invited within 350' but also HPC staff was invited, Planning staff, Preserve Minneapolis and I might be forgetting some. The purpose of that meeting was to receive comments on the impact to the historic district, if any, and no comments were received in that regard. I wanted to mention it because we are talking about the historic district that we did comply with that and went through the process and that SHPO decided that there was no adverse affect on the historic district. In

terms of the building exterior, the nichiha is different than the hardi panel, it's a thicker and heavier product. I will let Todd tell you about changes since the Committee of the Whole meeting.

**Todd Elkins (901 N 3<sup>rd</sup> St) [not on sign-in sheet]:** What we did in terms of looking at the design is we looked at some of the structures on Washington Ave and what we saw is fairly monolithic façade with punched openings, typically masonry. What we want to do is do a modern take off on that design so we looked at the nichiha panel. We're looking at reds and grays with charcoal accent. The idea is that they're like a larger brick module. We're going with large punch window opens and fairly monolithic façade like you see in those other buildings. We believe that the design is very appropriate for the neighborhood and community and is an attractive, modern design for the building. We showed an image of a hospital in the Boston area that used nichiha in the same manner. The comments we got back were further articulation on the first floor and more emphasis on the main building entry. I'm not sure what happened to Mr. Gunsbury's project. It's unfortunate. I think you do treat everybody fairly. I think we're just in the cross-hairs. You can see that the panels have variations in them like brick patterns. Not all bricks are monolithic. These panels come from Japan so they're monolithic in size, but we're working within that same sort of module. You see the emphasis of the entry canopy with the signage on top of it.

**Commissioner Tucker:** I believe there was some concern about the ground course.

**Todd Elkins:** At the ground right now we have concrete coming up to a base. Right at the entry you see a little bit of gray at the base, but as it goes further down it gets taller. The base of the first story apartment units, those are raised up a couple feet with planters in front, those are poured in place concrete for the base. We are pulling from the historic buildings and also want to have a very substantial material in the neighborhood at the base grade.

**Commissioner Wielinski:** Could you explain to me, didn't you plan to do something unusual with the streetscape and the trees?

**Todd Elkins:** That's the Heritage Street Plan where the curb is coming out at ten additional feet from where it currently is. We have canopy trees shown in there. We sort of screened them out so you can see the building through it. I'm hearing that we were going to have some green planting at the base but we're told now that that's going to be a decorative iron grate in lieu of it. On our property at the building we have raised planters and stoops going up to the units that are on the first floor.

**Commissioner Wielinski:** I was under the impression that there was some sort of stormwater thing with the trees.

**Todd Elkins:** The Swedish stormwater system? We're still working through that with Public Works on specifically what we're allowed to do. That would be hidden from what you're seeing here. It's all below grade. It would be wonderful if we could incorporate that.

**Commissioner Tucker:** But that would not change the appearance of what we're saying today.

**Commissioner Wielinski:** No but it would be a greening factor.

**Commissioner Huynh:** At Committee of the Whole you were talking about the exterior building material at the base. At one point in time, that base was going to be a different material. It looks like you've carried that nichiha panel down.

**Todd Elkins:** When we presented at the Committee of the Whole we had nichiha down. Kit Richardson was talking about other materials. We looked at other materials and felt that it really weakened the design. Part of the idea and essence of the design was sort of the monolithic material nature much like the brick. We think nichiha is the right material to use there versus a smaller module masonry or precast. We want a very solid material, not like a stucco or other light material.

**Maureen Michalski:** I might add, one of the other elements we do have that's challenging to see here is that at the first level there is variation that you can see in this area. There's a bit of recessing in and out as you go in to the units and little porch areas. We hope to do quite a bit with lighting in that area to really distinguish that first level and make it really more of an active space which I think gets at some of the items of the material items we're speaking to.

**Commissioner Huynh:** I think part of the comments at Committee of the Whole is that you would want to create more of a separation from the pedestrian realm versus the building massing. Commissioner Gorecki's concern was having it be a massive building. You've heard comments from a lot of us as far as what we thought about your massing, but I think the comment regarding trying to delineate the pedestrian realm probably still stands with your current design because you carry that material all the way down, it feels like you didn't address as much of the pedestrian realm as far as the activities with your building material. I'd like to hear other comments.

**Commissioner Luepke-Pier:** We talked about the windows and what portion would be operable. There was a situation where the lower portion was like a foot off the floor. Were there any changes made there so someone could operate it even if they had a couch in their living room?

**Todd Elkins:** We've added multiple operables into every unit. We have pairs and triples of windows. If we have a triple, we have two operables out of the three vertical panes. In the doubles we have a single operable. Right now we have sliders where we had balconies.

**Commissioner Luepke-Pier:** I don't mind them being sliders. They appear that the operable portions of the set of each is perhaps this big at the bottom of the window.

**Todd Elkins:** It's timing out with the height of the nichia panel, that horizontal element, so it's sort of defined by that depth. They've got to be pinned at four inches anyway, but we wanted to keep it small. We didn't want to go high and have an upper horizontal mullion up there.

**Maureen Michalski:** We did increase the number of operable windows after that, we added more.

Commissioner Tucker closed the public hearing.

**Commissioner Schiff:** I will move approval of A and B (Huynh seconded).

**Commissioner Huynh:** I'd like to add a condition on the site plan review that the applicant work with staff as far as re-evaluating building materials at the first floor again. I think it's convenient to be able to continue the building material down but I think that doesn't mitigate the issue that was brought up before which is delineating the pedestrian realm and trying to separate that a little more. I just ask that you continue to work with staff on evaluating an alternative building material. I did suggestion Core Ten but I'll leave it up to you to work with staff as far as how you'd like to work with that.

**Commissioner Tucker:** Is that the entire first floor or just...

**Commissioner Huynh:** The entire first floor.

**Commissioner Tucker:** Is there a second for that amendment.

Commissioner Luepke-Pier seconded the motion.

**Commissioner Tucker:** It's been moved and seconded. All those in favor? Opposed?

The motion carried 5-0.

**Commissioner Tucker:** The amendment has been added. All those in favor of the main motion?  
Opposed?

The motion carried 5-0.