

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

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MEMORANDUM

DATE: October 7, 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 3, 2011

The following actions were taken by the Planning Commission on October 3, 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: Cohen, Huynh, Luepke-Pier, Mammen, Tucker and Wielinski – 6

Not present: President Motzenbecker (excused), Carter (excused) and Schiff (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

11. Salvation Army Adult Rehabilitation Center (BZZ-5256, Ward: 2), 63 St. Anthony Pkwy ([Hilary Dvorak](#)).

A. Rezoning: Application by David Anderson with Frauenshuh, Inc., on behalf of The Salvation Army, for a rezoning to add the Industrial Living Overlay District (ILOD) to the site located at 63 St. Anthony Parkway.

Action: Notwithstanding staff recommendation, the City Planning Commission recommended that the Minneapolis City Council **deny** the rezoning to add the Industrial Living Overlay District (ILOD) to the property located at 63 St. Anthony Parkway based on the following findings:

1. Because the site is located within a designated Industrial Employment District, where residential uses are discouraged, the rezoning to add an ILOD is inappropriate.
2. Industrial uses, rather than residential uses, are the priority land use and uses that impede industrial businesses should not be permitted.
3. The Industrial Land Use and Employment Policy Plan promotes living wage jobs in Industrial Employment Districts. The proposed rezoning would not further that goal.

B. Conditional Use Permit: Application by David Anderson with Frauenshuh, Inc., on behalf of The Salvation Army, for a conditional use permit for a supportive housing facility located at 63 St. Anthony Parkway.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the conditional use permit for a supportive housing facility located at 63 St. Anthony Parkway based on the following finding:

1. With denial of the rezoning, the development cannot be accomplished as proposed.

C. Variance: Application by David Anderson with Frauenshuh, Inc., on behalf of The Salvation Army, for a variance to increase the number of residents served within the facility from the maximum of 32 to 130 for property located at 63 St. Anthony Parkway.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the variance to increase the number of residents served within the facility from the maximum of 32 to 130 located at 63 St. Anthony Parkway based on the following finding:

1. With denial of the rezoning, the development cannot be accomplished as proposed.

D. Site Plan Review: Application by David Anderson with Frauenshuh, Inc., on behalf of The Salvation Army, for a site plan review for an approximate 19,000 square foot addition to the existing building located at 63 St. Anthony Parkway.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the site plan review application for an approximate 19,000 square foot addition to the existing building located at 63 St. Anthony Parkway based on the following finding:

1. With denial of the rezoning, the development cannot be accomplished as proposed.

Staff Dvorak presented the staff report.

Commissioner Luepke-Pier: Can you tell me how many or what other supportive housing locations are in the near vicinity? Are there any? If so, how many?

Staff Dvorak: Specific development standards for supportive housing requires that all supportive housing facilities be located a quarter mile from all other supportive housing facilities as well as correctional facilities, inebriate housing facilities, motels and overnight shelters and there are none of those facilities within a quarter mile of the site.

Commissioner Luepke-Pier: Are there any within a mile or is this barely out of a quarter mile range?

Staff Dvorak: I did not do that investigation since our requirement is a quarter mile, I did not expand that to see how far I'd have to go to find the next one.

Commissioner Tucker opened the public hearing.

Bill Price (900 N 4th St) [not on sign-in sheet]: I will introduce Joe Lang who will help guide us through this part of the discussion.

Joe Lang (2327 N 53rd St, Omaha NE) [not on sign-in sheet]: I'm with RDG Planning Design Architects. To answer your questions, yes, we made some minor modifications in response to the requests or dialogue that occurred at Committee of the Whole. If you go to page 16 of the document that's in front of you, we tried to summarize those things in response to the last couple of meetings. First, the parapet and roof height were raised three feet and that was prior to the last meeting. We increased the amount of window area. If you remember, we discussed the south façade of the building and the articulation of that façade, there was a recess previously. We went back and studied it and you will see there is a bay window component where we created some more transparent areas. The façade water table, the request was to have a more distinct color differential between the base of the building and that portion above and that will be executed as part of the design. The library extensions that went to the east and west portion, there was a great deal of discussion and a variety of different options that were submitted or suggested. We did look at reducing the height of the parapet on that extension. We're suggesting that we actually have that parapet slightly higher than the rest of the parapets, primarily because sometimes when you connect in to that higher parapet, you start to have exposed flashing and the detailing doesn't really resolve itself quite as well as if we could have that above the adjacent parapet. There was also a discussion as to whether to make it more rectilinear in nature rather than the façade as it's currently configured. The reason we suggested leaving it as it was is that the vector is really a cue to the front entry of the building and that becomes an extension of the fence that encloses that exterior courtyard area. We felt that that was probably the better solution at the moment. We did insert a row of conifers between the building and the street trees, that was a request through some discussions with the neighborhood. We tried to maintain the material and characteristics with the existing building. Those were the primary changes that occurred.

Greg Langason (2718 Grant St NE): I've lived in the neighborhood since 1997. I currently serve as the chair of the neighborhood organization. We do have a letter that was voted upon that we've submitted so I will not repeat elements of the letter. What I'd like to draw the commission's attention to is the Planner has indicated here that they did not look at what is beyond the property a half mile or mile down. I would like to point out that beginning from the property there is a playground that's indicated in the plans. About two and a half blocks away there is a community garden managed by Xcel Energy which is a very beautiful site for people to visit. Adjacent to that there is a tree farm. There is also a community garden where a lot of elders do gardening in the summer. About five blocks from there, there is a senior citizen high-rise and a lot of them spend time walking the neighborhood so you should put that into the safety concerns that we have in the neighborhood. We have indicated three big things for us: safety, our neighborhood being impacted negatively and a majority of neighbors are convinced that property values will be depressed and they will have trouble if they need to sell. We feel that the zoning is completely unnecessary and serves no benefit to the neighborhood. We also feel that when Salvation Army attended a neighborhood meeting, they did not really make an effort to address our concerns. The plans here do show how much they're going to make that building safe, but in those plans, they have no control over what happens beyond that building. They haven't

addressed that adequately. As you see here, they are moving from the current facility because it's falling apart and deteriorating. You can see the potential that we'll be looking forward to, a building some years down being abandoned because it's falling apart. We believe they can remodel the property downtown to meet their needs and stay downtown. When I say they have not met the concerns of the neighborhood, I want to give you some examples. There is no traffic study to address our concerns about traffic that we have in the neighborhood. We have requested reports or statistics about crime, their presentation did not include that. We do show that the crime information that we get from the current neighborhood is not desirable in a neighborhood like ours. One of the examples they gave us was that in Michigan they have a property in a residential neighborhood and it's a safe neighborhood. Now it happened that a neighbor who lives in that neighborhood now who has lived in that neighborhood and knows about that property, stood up and opposed and said it's not a safe neighborhood and they know it. There has been much effort to show us the statement they made was a factual statement so we've very concerned about that. We have experience in the neighborhood of people who are attracted to the river. They walk around our neighborhood during the summer. Some of them have come to our doors asking for help. We are concerned that that kind of activity may increase with this property coming to our neighborhood. For the few of us that are here, there are many neighbors that have raised concerns that have not had things explained or concerns satisfied. These neighbors that I'm talking about are volunteers at Salvation Army and they have no intention of not letting Salvation Army thrive in the city of Minneapolis. I would also urge the commission to view statements like "unique proposed use" with great suspicion and really ask them to explain what is so unique. Thank you.

Shari Seymour (3001 Grand St NE): To answer your question about the quarter mile radius, we do have an eldercare located on 29th and Randolph. It facilitates independent living and assisted living. The second thing, in reference to the park being public, it's not. That's not a park, that is owned property by Xcel Energy and as Greg mentioned, there are ball fields that Xcel works with the Park Board for our neighborhoods to play baseball in and there is a community garden, but otherwise it is not a public park. Where they state it's a lot of industrial properties there, there's a borderline of industrial but on each side of those are residential. In our current Marshall Terrace neighborhood, we reside 500 homes in our neighborhood. We do have a lot rental, but my opinion would be that one of the things that's a key statement in my head is that this facility is not a lock down facility for the residents in this building so they do have the freedom to roam after their 30 day intake evaluation. For the safety factor, I think of our bus systems and transportation and the non-committal of the residents having the access to not having consequence to their actions if they decide that they want to not be a recovering alcoholic or drug user. They don't have any consequence to their action of coming back to the facility and being checked if they are using again and being excused from their program. Salvation Army can't justify if the police are informed, they couldn't give us a crime statistic on how these things are handled. For our community, that's a huge safety issue. We're thinking of theft, property values and multiple things that could potentially be a part of our neighborhood.

Sascha Plouffe (3011 Grand St NE): I will be one of the closest neighbors to the new site should they get approved. I've owned my house since 2003. Amazingly, my home value is still the same as what I bought it for. Should this project come through, I'm pretty sure that my value will go down and the reason I say that is the fact that my house will be less desirable to me so that tells me that it will be less desirable to other people. I have two children and we enjoy a neighborhood where we let the kids in the back yard and when it's dinner time we call to them and they come in. Will I feel comfortable with these people living nearby and I'm sure that many

of them are on the right path, however, as Mr. Price said at one of the earlier neighborhood meetings, 25% are there either directly out of prison or as a contingency of their parole to satisfy some sort of contingency because they were in trouble with the law. Now, 25% of 130 people is about 32 people. Thirty two people and we are not even asking to allow 32 people into our neighborhood that are questionable, you're asking us to allow hundreds of people because this is a six to eight month program, these people are revolving through these doors. We have problem houses throughout our neighborhood but we are able to identify these houses and we can say "that's the house, those are the people". When they're new people coming in, we don't know who they are. I'd like to keep letting my kids out the door. They're getting older and gaining more freedoms to cruise around and it'd be really sad to have to keep them on lock down and turn them into a little wi-fi kid playing on whatever systems they're playing on these days. Most of us are blue collar and own our houses and go to work during the day. Houses are vacant. We don't have condos with security codes like they do in the neighborhoods downtown. We have individual house security to deal with rather than 150 apartment complexes that have their own security in one building. Lastly, the main difference between our neighborhood and the current locations neighborhood is that none of those condos were there and were built when the Twins Stadium was built, that's how they were able to sell them. The main difference was that when they bought those condos, they had a choice. They knew Salvation Army was there. They moved in anyway. If this is approved, you're talking about bringing this project to a neighborhood and giving them no choice whatsoever.

Commissioner Tucker: How far do you live from this proposed project?

Sascha Plouffe: About two and a half blocks. My wife runs by there every day.

Bernadette Zadworny (3038 Grand St NE) [not on sign-in sheet]: This is going to be a drop off facility. Once the public knows that you can go to this site and drop your stuff off, we're a little concerned that people are going to be dropping stuff off after hours. They used to have a site on Washington, it was a store and you could drop stuff off. Quite often, they would have people drop stuff off after hours and then on my way to work I'd see a bunch of people out there looting through what was left at the curb getting what they could get before the store opened. We're a little concerned about that element coming to this site as well. I don't know how you could stop it because it is going to be a drop off place and people are going to know that. You not only have what looks like garbage out in front of their gate, but then in the early morning hours you have people coming in from other areas picking through that stuff and taking it home for themselves.

Gayle Bonneville (3231 Pierce St NE): We have serious concerns about this project, particularly as it relates to the Industrial Land Use and Employment Policy Plan approved by the City in 2006. As a resident who recalls public meetings, many conversations with Planning staff at the time and provided input on that policy from the perspective of a resident living near industrial land, I am simply baffled at how the staff report could conclude that this Salvation Army project should be allowed at this site. The City approved option 2.5 in the Industrial Land Use Policy which states that this site, located in the Shoreham employment district is prioritized for industrial uses and that residential uses are strongly discouraged. The report states that the employment districts were created with specific geographic boundaries that would clarify that industrial is the priority land use and uses that impede industrial businesses should not be permitted. The consultant hired by the city to research the topic and draft the study found that residential uses and ILODs clearly have a disturbing effect on the stability of industrial areas. First, ILODs

introduce conflicting uses and friction between businesses and new residents. Second, industrial land prices and lease rates rise. Third, uncertainty among land owners also often bring deferred investment and possible relocation. The city's consultant went on to say that the industrial sites in these employment districts have specific attributes that make industrial the long term highest and best use of the property which this proposal is not. I find it a major stretch to believe that this proposal by the Salvation Army fits the intent or the language of the Industrial Land Use Policy of the City when it comes to the policy's goals and employment. I can assure you that never did we envision back in 2006 that sorting through used household goods collected as a rehab center constituted what the city had in mind for these industrial employment districts. At that time the city was approving the policy, some of us from northeast expressed concerns about the city's move to increase and cement the geographic disparity of industrial distribution in our community while other parts of Minneapolis had other opportunities to rezone to less intrusive and less impactful land use. City officials told us not to worry, the real plan, the real vision for all this industrial land in northeast was living wage jobs, high tech, green, skilled labor, high density employment, workforce development, 21st century and opportunity industrial employment. I would argue that this proposal from the Salvation Army is not even remotely close to that, but those were the words they used to pacify us. Back to the ILOD, the city is being asked to approve not just people living here, they're being asked to grant a quadruple variance to have four times the number of people who would normally be allowed in supportive housing. Four times. On the heels of the recent StarTribune article noting the regrets of approving an ILOD at another industrial site in northeast Minneapolis, I would hope the city would think long and hard about the pitfalls of having any number of people at all living at this site. I will wrap up and say that it's also ill-advised of the Salvation Army itself in placing such a large number of people in need of help in a single location. It's 130 clients located away from services and amenities that they may need and benefit from. It's kind of reminds me of something out of the 19th century and 130 clients is an unreasonable overload at this site. Thank you.

Mary Maguire (2641 Marshall St NE): In my role as the co-chair of the Above the Falls Citizens Advisory Committee, we've been working with the city to deal with what I've been told is a shortage of industrial land. As was just explained, I'm concerned that the industrial land would be used for residential use when I'd rather see the industrial here than on the river. It's a much more appropriate spot for it. The second is, although the Salvation Army has a great program and has been doing it for a long time, this doesn't seem to be the best site for them. There's a lot of collateral services both referring to them and for people coming out, such as hospitals and shelters. There's a total lack of social opportunities. We don't have any coffee shops or stores within walking distance. The transportation is one bus, which is very unreliable. I have myself, often, stood on Nicollet Mall for over an hour waiting for the bus. It's supposed to come every 30 minutes but it cannot be relied upon and that's the only bus we have. If this policy goes through despite all of our concerns, I have two additional concerns. One is working with the Salvation Army as a "good neighbor." We've had some meetings where they've started to work with us talking about problems with their residents or problems with their facility, but that has a long way to go and hasn't been established yet. The other is the landscaping. The current designs look quite suburban and for this site, which is on St. Anthony Parkway, which is a grand round within site of the Mississippi River and either in or adjacent the Above the Falls area, the River First Design Area and the Mississippi National River and Recreation area - this is either in or right next to the national park and that needs to be taken into consideration for the landscaping. Thank you.

Ana Becker (2711 Grand St NE) [not on sign-in sheet]: I think most topics have been covered in terms of safety and crime issues. I would ask the commission not to approve the overlay. I think the zoning should be as is and it's there for a reason. I think that the neighborhood has given enough reason why we don't want to see a 130 bed facility placed. The other thing is, when I look at the Salvation Army's sites, I guess for lack of a better word, I think they look quite dilapidated. I don't think there's been a lot of care taken in their buildings. The site that was at Washington that had closed, it was filthy. The buildings on Central and downtown are filthy. There's no reason why things need to be so filthy. Just keep the site clean and visually appealing. I have not seen this demonstrated throughout the city on behalf of Salvation Army. I think it's a concern that this would be on our grand rounds on St. Anthony Parkway.

Barbara Sullivan (2005 22nd Ave NE) [not on sign-in sheet]: I attended some of those meetings where the citizens of Minneapolis hired consultants to tell us that we should keep our industrial area an industrial area. Here we are at this meeting, I know what your charge is. Shouldn't you be listening to the consultants that we, as citizens, paid to have us tell us what to do? I don't recall them ever saying that if the Catholic Church wants to put some people here that we should do that. If the Lutheran church says "come on, we're going to have good people here and have a program here, let's put them here" - I don't recall the consultants saying that to us that that was a good idea. They said tax base, jobs, industrial was good for our city.

Commissioner Tucker closed the public hearing.

Commissioner Mammen: I've been in the social service business for the last 40 years and I'd like to ask Mr. Price, in the 119 ARCs around the country, where is this scale replicated? This is not the size you have downtown or had in this area. I don't know of any other therapeutic community of that ambitious size short of corrections institutions, where's the demonstrated success? I think the safety and security is clearly an issue. I'd like to hear on what you're basing the proposed success.

Bill Price [not on sign-in sheet]: This proposed site is slightly smaller in bed size than our current facility. It is significantly smaller in bed size than the Harbor Light facility on 1010 Currie Ave. There are 20 ARCs in the central territories and there are three or four that are bigger than this one, including the one in Michigan that was referred to which is on West 4th St in Detroit, not a neighborhood situation, one of the many blighted areas and yes that area is dangerous, but it's not dangerous because of the ARC. In fact, the ARC, which has recently been renovated, is a gathering place for those who live nearby. They have a 650 seat chapel for a 300 bed facility and it's already too small because the neighborhood comes to church there.

Commissioner Mammen: What is the retention within the six to eight months - how much turnover is there, how much criminal recidivism of 25% coming from correctional facilities?

Bill Price: We have complete statistics for 2009. Fifty-two percent of those who were intaked, completed the program, 85% of those who were intaked finished at least 30 days. The percentage goes down from 85% to 52% every 30 day increment if you want to follow it that way. That is, as you probably would know, high for chemical dependency programs as far as completion of program. The bottom line is not how many people can complete your long program, but how many people can enjoy living free for a long time after that, which is a hard statistic to gather because once they leave our program it's often hard to keep track of where they are and how they're doing.

Commissioner Luepke-Pier: I think one of the questions that maybe the neighborhood residents were getting at is how many people or what percentage left your program because they committed a crime and had to go to jail instead of how many people voluntarily dropped out or thought they had the counseling they needed? Do you have any statistics on that?

Bill Price: Most of the people that come to us that have been in corrections have been identified by corrections or in any part of the legal system as having a drug or alcohol problem and that's why they come to us. Some of them come to us after they have served their sentence and they also realize they have a problem they need to address. I don't have statistics about how many people leave our program early that have come from the legal system as opposed to those who may come off the street or from other recovery programs or church or home or whatever. I don't know the difference there. I know that they dynamic is very different. Some people come from corrections and think of it as a get out of jail free card. We try to dissuade that. Many people see it as a great opportunity to move forward in their life after having completed their sentence. The word in the jails around here is that this is a hard program and a good program and if you're serious about recovery this is the place to go, plus it doesn't cost you and it's not receiving government funds, no United Way, no rule of 25 and you're able to get in.

Commissioner Cohen: This really isn't about the Salvation Army, it's about the site. The Salvation Army does wonderful work and we're aware of it and we want to support and encourage it, but there are problems with the site that are irreconcilable. There's a safety issue here, a property value issue, the issue of this is basically an intrusion into the neighborhood it's not one that came in when the neighborhood had a choice as to whether to have it or not once it once installed and there's our own background on this site - the use as an industrial tax paying site. I think for those four reasons, and there are several others that have been discussed, this is not going to be something that I can support at this site. I think you need a different site.

Commissioner Wielinski: I need to make a disclosure that I live within a half a mile of this site. These are my neighbors that have been here to testify tonight, most of which can tell you that every time they've tried to talk to me about this issue I have said "sorry, can't hear, can't listen, can't talk to you because I'm on the Planning Commission and this is going to come before us" and I am here on this board to make a decision. In that spirit, I would like to make a couple of comments about what has come before us this evening. Though I appreciate all the work that our staff does, as the neighbor pointed out, the field across the street is not a public park. It is not owned by the Minneapolis Park & Recreation Board. In fact, we did not receive any notice about this site because all we own is the street. You don't get notification that there's a property change going on when you own the street. That property is owned by Xcel and the Park Board does lease it when it is available for ball fields. The entire area surrounding the site is industrial. It's quite a distance before you hit residential. Because it is an industrial area, I believe it is inappropriate to put an ILOD here and put residential in the center of it. Usually when an ILOD is done, it's on the fringes of an area that's going from residential and transitioning. It still creates problems because you've got residential in the midst of industrial. Here you're going to have the only residential in a sea of industrial. Another comment that I have is that there has never been a traffic study done here. I often wait through the light three or four times when I come down the hill during rush hour to make a left turn onto Marshall. You can make a left turn on to Columbia and then you have that angle where you can't see over your shoulder to see if traffic is coming so I prefer to make a left at the light. Having delivery trucks coming in and out and then a lot more people stopping in and out on their way to and from work to drop off their used goods is going to

increase the traffic at those periods of time and I do feel a traffic study would be appropriate. However, at this time I would like to move to deny the zoning from I2 to include an industrial overlay district citing the Minneapolis Plan that was quoted by Ms. Bonneville that said that this area with part of the Shoreham employment district is specific geographic boundaries that would clarify that industrial is the priority land use and uses that impede industrial businesses should not be permitted. This will impede other industrial uses. Also, as part of that study, they wanted living wage jobs. I don't know how it qualifies when you're doing work for basically no pay, you're getting room and board and food and clothing, but to me that's not pay. We're looking at living wage jobs. I guess I'd also wonder how many of these jobs transition into living wage jobs after folks leave this facility. It's an improper site for this. When they did the plan, they told us in the neighborhood that there would be no residential and that we couldn't even pick spots for residential. I believe that if the city is going to make these kinds of determinations then they should stick with them. I would move that we not have an industrial overlay district here (Cohen seconded).

Commissioner Huynh: I'll touch on some of the items that have been discussed. I'm in agreement that I think that perhaps the site is not necessarily the best site for people without cars because if there's no amenities within walking I guess I question the logistics of having housing in an area where you don't have amenities to provide for them. However, I guess I don't have as much of a concern with the industrial residential portion of the rezoning application. I think that even though the application has housing, I don't think that the residential component takes away from the industrial component just because of the primary use that is still going on along the site. In addition, just because of the use I guess I don't have as much concerns about the transportation impact in the neighborhood because there's no automobiles that are being driven from the residence proposed. My question that I'd like to ask Mr. Price to address is, one of the concerns that was raised was regarding the 30 days. I guess there's a question from one of the people in the audience - as part of your program, the residents are required to stay within the facility for 30 days and then they have the option to leave the facility, how does your program facilitate some of that with the residents?

Bill Price: When a person comes into our program initially, they have a 30 day restriction which means they must remain in the building. There's a ten day phone restriction. If they have been with our program, there's a 60 day restriction. That's minimum. For that to be lifted and them to have some freedom to leave the building either to sign out for the day or if they qualify for overnight passes, they have got to be moving forward in the program. If we deem as a program staff that they are not moving forward in the program then their restriction would not be lifted and they would continue to be there. We also screen applicants into our program very carefully to determine in our best estimation if these people are amenable to the program that we offer, if they jeopardize the safety of the people already in the house. I would like to address this whole safety issue. I have been with the Salvation Army for ten years. I've been in Minneapolis for six years. We don't have a safety issue. You cannot find criminal records or police reports relative to crimes being committed by people who are residing at our place because they don't exist. These people, some of them are involved in drug and alcohol treatment with no criminal history. Some of them have an extensive history. We do not admit CSC convictions. We do not admit arsonists into our program. We do not admit people who are required to be on certain medical regimens which we could not care for because we are not a licensed medical treatment facility. I think that the concerns are legitimate, but they are not founded by facts.

Commissioner Luepke-Pier: I'm thinking about safety, property values and neighborhood choice and I think that if we look at things through that lens... I understand the neighbor's concerns because I don't think I've ever been at a Planning Commission meeting where someone has come and said "Yes, a supportive housing project next to my house, this is awesome!" It's never happened and never will happen. I understand the fear people have when something like this happens. You're wondering who the people are, you don't know their background, some are criminals and coming into the neighborhood. From all the letters we got, I understand your neighborhood sounds like a really nice quiet little corner of the world. It sounds like you don't have a lot of negative things that go on there, your wife likes to go jogging, your children play freely and you don't worry about things and that's wonderful. On the other hand, I look at our Comprehensive Plan for the city which says... and a lot of letters talked about this, about not putting these people here but putting them there. Where's "there"? "There" is where we concentrate poverty and criminal problems. It's in the same back yard we always shove our problems in. I have a problem with condoning that attitude because I don't think that as a planning commission we should be saying that it's ok to put people there as long as there's an area that already has concentrations of supportive housing and negative things going on but Heaven forbid we put it in a place where we can't find anyone to tell me that there was something other than elderly people living there in terms of a supportive housing situation for criminals or homeless or addicts or anything people normally protest about. I don't see that your neighborhood is inundated and this is a straw that will break the camel's back. In terms of neighborhood having a choice, they can't move anywhere where the neighborhood would have had a choice, that reasoning makes no sense to me, Commissioner Cohen, because anywhere they move the neighborhood wouldn't have had a choice to have them move there. That would mean that they couldn't move at all ever. I find that that's not really a sound argument. I don't think this will impede industrial business. When we talk about the consultant studies that were done, they were talking about when they build these condos next to these things where people spend money because they want to live next to amenities or walk their dog to the coffee shop and all of the sudden there's an industrial facility doing concrete and cement production next door and they're getting dust in their kitchen window. This is an entirely different situation where these people are living in there and they want to change their life. I don't think it's the same situation. I'm confused about the contradiction in the fact that we're saying there are no amenities for them but at the same time everyone seems to be saying they don't want them walking the streets. By the sounds of the program, they're not let out of the program to wander around and grab coffee at the corner with their friends, they're in the program to worship. We have a daily schedule for them and it appears their only free time is from 8pm to 10pm and they have to be for lock down or bed [tape ended]... it doesn't matter that they aren't around other sources of social assistance because they're all that they need in the facility. What I'm hearing and empathize with is what every other neighborhood resident comes to us with is asking to please not put this next to their house because they don't know who the people are. When I'm looking at it on paper, this site is surrounded by industrial and is quite a distance to residential. This is a site where they are living in industrial places, doing industrial work and they're not living there to hang out at the bar with their friends, they are going there to live there and be there so it's a different animal. I will not be voting for the motion.

Commissioner Tucker: I want to remind commissioners that the first of the three Committee of the Whole sessions where we addressed this issue, it was about the zoning matter not the building design. There were no major concerns about this being an inappropriate use of that site. In fact, it was also noted that this was one of the few times that we'd seen an ILOD applied where it was actually an accessory use to an industry there rather than just a way to turn industrial zoning into

residential. This really does connect to the industrial part there. I just wanted to remind you that those were the comments we made quite a few months ago when we first addressed this. Perhaps today we heard new concerns from the neighbors that change our thinking on that, but we started off as a body not having a particular problem with the rezoning. Any other comments? If not we will vote on the motion. The motion is to deny the rezoning. In favor? Opposed?

The motion carried 3-2.

Commissioner Tucker: Without the rezoning, the rest doesn't work.

Staff Wittenberg: Commissioners, at this point, given that the remaining applications essentially become more or less moot without the approval of the rezoning, you could choose to simply make the finding that you are denying those applications for that reason. You could go above and beyond that and make additional findings if you'd like. Keep in mind, I think you've articulated the Comp Plan basis for the denial of the rezoning. You could choose to add to that within the context of the other four findings of the rezoning as well.

Commissioner Wielinski: My question would be, if this is appealed and overturned, would then the other conditions and variances follow as written?

Commissioner Tucker: The rezoning goes automatically to the City Council so they'll be looking at the denial.

Commissioner Wielinski: If they overturn the zoning, then would this be the time if we wanted to add conditions should that happen to make sure those are covered further forward?

Commissioner Tucker: You're suggesting approving the other parts if we wanted to add conditions in there having denied the use?

Staff Wittenberg: Which I wouldn't recommend given that these applications become more or less moot with the denial of the rezoning.

Commissioner Wielinski: Then I would like to make the motion to take those off or make them moot or whatever because the zoning was denied.

Commissioner Tucker: You will be moving to deny them based on the rezoning being denied.

Commissioner Wielinski: Yes.

Commissioner Cohen seconded the motion.

Commissioner Tucker: Any discussion? I would like to say that as a commission at the Committee of the Whole, we spent most of our time on the site plan review and found a great deal of cooperation from the applicant and his architect and improved the project quite a bit, mindful of the things that the neighborhood said in terms of how it fit in to the area, how it complimented the St. Anthony Parkway. I would hope that those comments from the Committee of the Whole go forward if this is appealed. With that, I will call for the vote to deny B, C and D. All those in favor? Opposed?

The motion carried 3-2.