Minneapolis
City of Lakes

CPED STAFF REPORT

Prepared for the City Planning Commission
CPC Agenda Item #3
September 8, 2015
BZZ-7283

LAND USE APPLICATION SUMMARY

Property Location: 4264 Upton Avenue South

Project Name: 43rd & Upton Mixed Use Development

Prepared By: Mei-Ling Smith, City Planner, (612) 673-5342

Applicant: 43UP, LLC

Project Contact: Jesse Hamer, Momentum Design Group

Request: To construct a new, four-story mixed-use building with 29 dwelling units and approximately 6,050 square feet of commercial space.

Required Applications:

Conditional Use Permit	To increase the maximum allowed height from the permitted 3 stories/42 feet to 4 stories/55 feet, 11 inches.
Variance	To reduce the south interior side yard setback from 11 feet to 9 feet for the building wall on floors two through four.
Variance	To reduce the west interior side yard setback from 11 feet to 6.5 to allow the second floor building wall and balconies on the third and fourth floors exceeding 50 square feet, 11 to 7.5 feet for the third and fourth floor building walls, and 12 feet to 10 feet for the building wall.
Site Plan Review	For a new, four-story mixed-use building with 29 dwelling units and approximately 6,000 square feet of commercial space.

SITE DATA

Existing Zoning	C1 Neighborhood Commercial District LH Linden Hills Overlay District
Lot Area	20,196 square feet / 0.46 acres
Ward(s)	13
Neighborhood(s)	Linden Hills Neighborhood Council
Designated Future Land Use	Mixed Use
Land Use Features	Neighborhood Commercial Node (43rd Street W & Sheridan Avenue S)
Small Area Plan(s)	Linden Hills Small Area Plan (2013)

Date Application Deemed Complete	July 23, 2015	**Date Extension Letter Sent**	August 28, 2015
End of 60-Day Decision Period	September 21, 2015	**End of 120-Day Decision Period**	November 20, 2015

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site is located at the northwest corner of the intersection of Upton Avenue South/Sheridan Avenue South and West 43rd Street in the Linden Hills Neighborhood. The property is occupied by a vacant one-story building that was most recently occupied by Famous Dave's restaurant and was previously a gas station. At the southeast corner of the site, adjacent to the public sidewalk, there is a rectangular landscaped street easement that is approximately 725 square feet in size. The property has an irregular shape as a result of the easement and existing platting. The site contains two front yards and four interior-facing side yards.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is located within a designated Neighborhood Commercial Node with a mix of commercial uses, multi-family housing, low-density residential housing, and a library. Lake Harriet is less than a mile to the east of the subject property. There is a one-story commercial building adjacent to the west and south property lines of the subject site, and a two-story office building and parking lot directly to the north. There is a residential zoning district (R1 Single-Family District) located along the northernmost 24 feet of the west property line.

PROJECT DESCRIPTION. The proposed development would be a four-story, mixed-use building with approximately 6,050 square feet of ground-level retail and three levels of residential uses, for a total of 29 dwelling units. The approximate gross floor area of the proposed building would be 69,653 square feet.

The applicant is proposing a total of 50 parking spaces. Thirty-six spaces would be provided below-grade and would serve the residential uses, while 14 spaces would be located on the first floor and would serve the non-residential uses. Both parking areas would be accessed via a single curb cut off of Upton Avenue South. The existing curb cut on West 43rd Street would be closed.

A conditional use permit is requested to increase the maximum allowed height in the C1 district from 3 stories/42 feet, whichever is less, to 4 stories/55 feet, 11 inches. The south and west sides of the property containing residential windows are each subject to a minimum yard requirement of 11 feet. The applicant is requesting to reduce the south interior side yard setbacks to nine feet for the building walls on floors two through four. The applicant is also requesting a setback variance from 11 feet to 6.5 feet for the second floor building wall and third and fourth floor balconies exceeding 50 square feet, and to 7.5 feet for the third and fourth floor building walls. In addition, a variance is required to locate the building ten feet from the northern portion of the west property line that is adjacent to the R1 district, where a 12-foot setback is required. Finally, site plan review is required for any new mixed-use building or any building containing five or more new or additional dwelling units.

The applicant brought a previous version of this project to the City Planning Commission Committee of the Whole on June 4, 2015. Among the changes that have been made since then, the applicant has revised their exterior materials to include brick veneer on all sides of the building, and has revised the floor plans so that the fourth floor of the building would be stepped back by at least 10 feet from all street-facing facades.

This item was continued from the August 17, 2015, City Planning Commission meeting to allow additional time to notify the public of the public hearing, as the notices were posted on the site seven days prior to the August 17 public hearing, as opposed to the ten-day minimum listed in section 525.150 of the zoning code. Staff has verified that the applicant made a bona fide attempt to comply with the

ordinance, meaning that the shorter notification period for the posted cards did not invalidate the public hearing on August 17, 2015.

Since the August 17, 2015, City Planning Commission meeting, the applicant has submitted updated elevations and renderings in accordance with the staff recommendation to alter the porcelain tile bays along the ground floor, and to orient the entrance to the residential uses toward West 43rd Street.

RELATED APPROVALS. A previous applicant submitted three prior proposals for the subject site (along with other contiguous property) within the past three years. The Planning Commission approved all three and the City Council granted two appeals of the Planning Commission's decisions. All previous applications contained additional zoning parcels (between two and five parcels, total), while the current application applies just to the property at 4264 Upton Avenue South.

Planning Case #	Application	Description	Action
BZZ-6638	CUP, Variances, Site Plan Review	Four-story, mixed-use building with 20 residential uses and 6,155 square feet of commercial space.	Approved by the CPC on July 14, 2014; appeal denied by the City Council on August 15, 2014.
BZZ-5745	Variances, Site Plan Review	Three-story mixed-use building with 18 dwelling units and 6,052 square feet of commercial space across two parcels.	Approved by the CPC on October 1, 2012.
BZZ-5420	CUP for height, Variances, Site Plan Review, Vacation	Five-story mixed-use building with 40 dwelling units and 11,227 square feet of commercial space across five parcels.	Approved by the CPC on February 6, 2012; appeal granted by the City Council on March 8, 2012.

PUBLIC COMMENTS. As of the printing of this report, staff has received numerous comments from the public in opposition to the project. There are approximately 125 pages of public comments in the attachments, most of which convey opposition to the proposed development. The Linden Hills Neighborhood Council has submitted correspondence to summarize the feedback they have collected on the proposed development. The Zoning Committee voted to oppose the conditional use permit for height, but the board has not expressed a formal position on the project. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to allow increase the maximum allowed height from the permitted 3 stories/42 feet to 4 stories/55 feet, 11 inches, based on the following findings:

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The maximum allowed height of a building in the C1 Neighborhood Commercial District is 2.5 stories or 35 feet, whichever is less. However, as noted in section 548.130(b) of the zoning code, the maximum permitted height of a structure in the C1 district is three stories or 42 feet if the project qualifies for the mixed commercial-residential bonus. This project qualifies for this height increase.

The applicant is proposing a building that is 55 feet, 11 inches in height at its tallest point, not including the parapet, which is between eight and ten inches, which is exempt from the height limitations for principal structures in commercial districts per section 548.100 of the zoning code. The remainder of the building is approximately 53 feet, 8 inches in height, not including the parapet. The proposed 55 foot tall, 11-inch tall building will not be detrimental to or endanger the public health, safety, comfort, or general welfare provided that the development complies with all applicable building codes, life safety ordinances, and Public Works standards.

2. *The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The surrounding area contains a range building heights of between one to seven stories. The office building directly to the north of the site contains two stories. On the same block, to the north, there are two three-story apartment buildings. To the east of the site, on the opposite side of Upton Avenue South and Sheridan Avenue South, there are four-story apartment buildings. There is another four-story building located near the southeast corner of Upton Avenue South and West 43rd Street, and a seven-story building is located one block to the south of the development. The zoning classifications in the surrounding area support as-of-right building heights of four and six stories (R4, R5, R6, OR3, and C2), understanding that some of these properties are also located in the Shoreland Overlay District. The C1 zoning district applies to approximately twenty properties at or near the intersection of Upton Avenue South and West 43rd Street. The C1 zoning district allows buildings heights up to three stories or 42 feet for projects that qualify for the mixed commercial-residential density bonus. As the measurement of building height in the zoning code is based on the adjacent natural grade rather than actual sea elevation, the varied topography of the area plays an important role in the impact a building's height has in conjunction with the structure's bulk and height as measured by the zoning code.

There are public streets and sidewalks along the east and south property lines, and the west and northwest portions of the site would contain landscaping between the building and property line. The closest single-family home is located approximately 70 feet to the west of the shared property line. Directly to the north of the site is a two-story office building. In addition, there is large accessory parking lot separating the subject site and a three-story residential building that is approximately 144 feet from the north.

For these reasons, CPED finds that increasing the height of the building will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

3. *Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.*

Increasing the height of the proposed building will not have an impact on utilities, access roads, or drainage.

4. *Adequate measures have been or will be taken to minimize traffic congestion in the public streets.*

Increasing the height of the proposed building will have no impact on traffic congestion in the public streets. The development meets the minimum parking requirement for both residential and non-residential uses.

5. *The conditional use is consistent with the applicable policies of the comprehensive plan.*

The proposed development would be consistent with the following general land use policies of *The Minneapolis Plan for Sustainable Growth*:

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Land Use Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

1.11.4 Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.

1.11.5 Encourage the development of medium- to high-density housing where appropriate within the boundaries of Neighborhood Commercial Nodes, preferably in mixed use buildings with commercial uses on the ground floor.

Urban Design Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

The site is located within the boundaries of the *Linden Hills Small Area Plan* adopted by the City Council in December 2013. The plan identifies speaks specifically to building height, shading, and commercial character. It includes the following general guidance for building height:

- Encourage overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage buildings that are shorter than the current Zoning Code maximums for 3 and 4 story buildings (42 feet and 56 feet respectively).

- The fourth story of any building in the three neighborhood commercial nodes and along the community corridors shall be stepped back from the street facing façade(s) of the building by at least 10 feet.

The proposed development's building height of 55 feet, 11 inches would be consistent with the overall height guidance provided by the small area plan, as the proposed height would be slightly shorter than the 56-foot maximum for four-story buildings referenced in the small area plan. The small area plan calls for floor-to-floor heights that are shorter than the zoning code maximums of 20 feet for the first story, and 14 feet for every floor above the first. The first floor of the proposed development would be 19 feet in height. The second, third, and fourth floors would be between 11 and 12 feet in height, and the fourth story of the proposed project would be stepped back at least 10 feet from both street-facing facades to minimize shadowing on adjacent streets. Staff encourages the applicant to reduce the height of the first floor below 19 feet.

The plan encourages the massing of new development to reflect the character established by the massing of existing development within the Neighborhood Commercial Node. The proposed project appropriately articulates the existing massing intervals of the surrounding node on each façade.

6. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

   If the requested land use applications are approved, the proposal will comply with all provisions of the C1 Neighborhood Commercial District.

Additional Standards to Increase Maximum Height

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in commercial districts:

1. *Access to light and air of surrounding properties.*

   The proposed building would be 55 feet, 11 inches in height as measured from curb height. However, the building walls adjacent to the public sidewalk would be approximately 42 feet above the adjacent grade, as the fourth story is stepped back from the rest of the building by 10 feet along both streets. Increasing the height of the proposed development should not impede access to light and air that the surrounding properties receive.

2. *Shadowing of residential properties, significant public spaces, or existing solar energy systems.*

   The fourth story of the proposed building would be stepped back 10 feet from both street-facing facades. Allowing the proposed increase in height would not have substantial shadowing effects on adjacent residential properties, significant public spaces, or known existing solar energy systems.

   The applicant submitted a shadow study showing the proposed development's impacts at 9 a.m. and 4 p.m. on June 21st, on September 23rd, and on December 21st. The shadow study indicates that there will be minimal shadowing cast on the residential properties located on the north and west sides of the proposed development site during June, September, and December. The study does indicate some shadowing impacts on the residential properties located on the west side of the development in the winter study. The shadow study also compares the effects of the proposed development with that of a three-story building with the same footprint at same times of day and times of year. Due to the massing of the proposed building, including the fourth level being stepped back at least 10 feet from the edge of the third floor on both street-facing facades, there is little difference in shadowing impacts between the 42-foot proposal and the 55 foot, 11 inch proposal.

Since the August 17, 2015, meeting, the applicant has submitted additional shadow studies, which are included in the attachments.

There are three existing solar energy panel systems in the area based. One is on a commercial building located at 2813 West 43rd Street, approximately 200 feet to the west. The proposed development will have no impact on this system. Another solar energy panel system is located 275 feet northwest of the site at 4231 Vincent Avenue South, and the proposed building would not interfere with the functionality of this system based on the submitted materials. Third, there is a solar energy panel system at 2718 43rd Street West, which is 300 feet to the east of the site. The proposed development would also have no effect this solar energy system.

Other than the first floor, the zoning code limits the height of a story to 14 feet in height. In the past, many conditional use permits to increase the height of a building from three stories to four stories have been approved. In most cases, the overall height of the five-story building was 56 feet, and the height of the proposed building is four stories/55 feet, 11 inches.

3. *The scale and character of surrounding uses.*

   The buildings in the surrounding area range between one and seven stories. Directly to the north of the site is a two-story office building. In addition, there is large accessory parking lot separating the subject site and a three-story residential building that is approximately 144 feet from the north. There are four-story buildings located towards the northeast and east sides of the site, there is a four-story building located near the southeast corner of Upton Avenue South and West 43rd Street, and there is a seven-story building located one block south of the site on the northwest corner of Upton Avenue South and West 44th Street.

   The character of the buildings in the neighborhood is varied. Most of the commercial buildings and many of the single-family homes were built in the early 1900s, while many of the multiple-family dwellings were built mid-twentieth century. There are, however, several infill buildings that have been built within the last ten years.

4. *Preservation of views of landmark buildings, significant open spaces or water bodies.*

   The proposed development will not block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCES

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce south interior side yard setback from 11 feet to nine feet; to reduce west interior side yard setback from 11 to 6.5 feet for the building structure and two balconies exceeding 50 square feet in area, from 11 feet to 7.5 feet for the third and fourth floor building walls, and from 12 feet to 10 feet for the building wall, based on the following findings:

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

   All variances: Residential uses with windows facing an interior side lot line are required to provide building setback distance of 5+2x, where x is equal to the number of floors above the ground floor, per section 548.140 of the zoning code. Since there are three stories above the first floor, a minimum 11-foot setback applies to the south- and west-facing side lot lines on the residential floors (floors two, three, and four). The applicant is seeking a variance to reduce the south interior side yard setback from 11 feet to nine feet for the building walls containing residential windows on floors

two through four. The applicant is also seeking a variance to reduce the west interior side yard setback from 11 to 6.5 feet for the building wall containing residential windows. The building wall is set back approximately 7.5 feet from the west interior property line on the third and fourth floors adjacent to the commercial property, which requires a variance to be located within the 11-foot setback.

The zoning code allows balconies, decks, and ground level patios not exceeding 50 square feet in area to project up to four feet into a required interior side yard of a multiple family dwelling, provided that the balcony, deck, or ground level patio be located no closer than ten feet from the interior side lot line. One west-facing third-floor balcony exceeds 50 square feet, and one west-facing fourth floor balcony exceeds 50 square feet and both are located within the ten-foot minimum distance to the property line that would be required for a permitted obstruction.

In addition, the applicant is requesting a variance to reduce the northernmost portion of the west interior side yard setback adjacent to the R1 Single-Family District from 12 feet to 10 feet. The required setback along the rear property line of the R1 district is 6+2x, where x equals the number of stories above the first floor. The 12 foot setback applies to all levels of the structure along the portion of the property that abuts the R1 district.

The site is zoned C1 Neighborhood Commercial District and is located in a designated Neighborhood Commercial Node. The applicant is trying to balance the policies that support increased commercial activity and residential density on the site with the need to provide outdoor space for the residents by designing the development as a mixed-use building. The site has an irregular shape as a result of the easement and existing platting and contains two front yards and four interior-facing side yards. The building footprint follows the shape of the lot, which makes it difficult to accommodate outdoor open space for the residential units. Balconies or patios are being proposed for each unit to accommodate outdoor space for the residents. CPED staff finds that practical difficulties exist in complying with the ordinance because of the circumstances unique to the property.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

   All variances: The request to allow a reduced setback along the south interior and west interior property lines to accommodate the building structure and balconies is reasonable and is in keeping with the spirit and intent of the ordinance and comprehensive plan. The intent of having yard controls is to provide for the orderly development and use of land, and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards by providing adequate light, air, open space, and separation of uses. The proposed building and balconies will not diminish light, air, or open space for the adjacent properties. The single-family homes that are located to the west of the site are located approximately 70 feet away, and there is a one-story commercial building located to the south and west of the subject site.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

   All variances: Granting the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Again, the single-family homes located to the west of the site are located approximately 70 feet away and there is a one-story commercial building located to the south and west of the subject site.

SITE PLAN REVIEW

The Department of Community Planning and Economic Development has analyzed the application based on the required findings and applicable standards in the site plan review chapter:

1. Conformance to all applicable standards of Chapter 530, Site Plan Review.

Building Placement and Design – ***Requires alternative compliance***

- The building reinforces the street wall, facilitates pedestrian access, and maximized natural surveillance. The building entrances at street level can be accessed by residents, guests, employees, and customers. There are large windows facing the street that maximize the opportunities for people to observe adjacent spaces and the public sidewalks.
- There are two principal entrances to the building. The principal entrance to the ground floor retail space is oriented toward West 43rd Street. In addition, the retail tenant space would have multiples entrances facing Upton Avenue South. Since the August 17, 2015, City Planning Commission meeting, the applicant has updated the orientation of the principal entrance for the residential use so that it also faces a public street (West 43rd Street). This update can be found in the elevations and rendering in the attachments.
- The site is located on a reverse corner lot, which requires that both walls abutting the streets be located within eight feet of the property line. The first floor of building is within eight feet of the front property line on Upton Avenue South, but a portion of the building wall along West 43rd Street exceeds eight feet and is located between 8.5 feet and 10.25 feet from the south property line. This item requires alternative compliance.
- The area between the building and property lines will contain additional sidewalk space and landscaping.
- All of the proposed parking is located below ground or enclosed within the building.
- The building wall along Upton Avenue South is approximately 158 feet in length, and the building wall along West 43rd Street is 95 feet in length. The applicant has used a variety of materials, recesses in the building wall, and differently sized window openings to break up the façade into smaller sections.
- There are no areas of the development that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. To comply with this requirement, the applicant has proposed a series of porcelain tile bays around the perimeter of the first floor parking area. The applicant has updated the elevations and renderings since the August 17, 2015, City Planning Commission meeting, per staff recommendation, by removing the stucco band above the porcelain-covered bays on the north, south, east, and west elevations, and replacing the tile with brick for the first three feet or more above grade.
- Plain face concrete block is not proposed as an exterior material. The sides and rear of the building are similar to and compatible with the front of the building.
- As proposed, the primary exterior materials of the building would be stucco, brick veneer, and porcelain tile, with glass, metal, and wood laminate accents. The submitted materials are consistent with the City's policy of allowing no more than three exterior materials per elevation, excluding windows, doors, and foundation materials.
- The Linden Hills Overlay District requires that at least 40 percent of the first-floor façade facing a public street or sidewalk be windows or doors of clear or lightly tinted glass that allows views into and out of the building, as measured between two and ten feet above the finished level of the first floor. In addition, at least 10 percent of the upper floors facing a public street, sidewalk, pathway, or on-site parking lot are required to be windows. The window requirement applies to the Upton Avenue South (east) and West 43rd Street facades (south). The project is in compliance with the minimum window requirement (see **Table 1**).
- The windows are vertical in nature and are evenly distributed along the building walls.

- Sixty-seven percent of the building frontage along Upton Avenue South and 100 percent of the building frontage along West 43rd Street contain active functions. As 32 percent of the Upton Avenue South ground floor frontage contains parking, exceeding the 30 percent maximum, alternative compliance is required.
- The principal roof line of the building will be flat. The majority of the commercial buildings and the multiple-family buildings in the area have flat roofs and the majority of the single-family homes in the area have pitched roofs.

Table 1. Percentage of Windows Required for Elevations Facing a Public Street, Sidewalk, Pathway, or On-Site Parking

	Code Requirement		Proposed	
East elevation (facing Upton Ave S)				
1st Floor	40% minimum	506 sq. ft.	43%	542 sq. ft.
2nd Floor	10% minimum	177 sq. ft.	31%	550 sq. ft.
3rd Floor	10% minimum	177 sq. ft.	28%	499 sq. ft.
4th Floor	10% minimum	170 sq. ft.	34%	582 sq. ft.
South elevation (facing W 43rd Street)				
1st Floor	40% minimum	304 sq. ft.	68%	516 sq. ft.
2nd Floor	10% minimum	160 sq. ft.	24%	381 sq. ft.
3rd Floor	10% minimum	160 sq. ft.	19%	302 sq. ft.
4th Floor	10% minimum	156 sq. ft.	22%	342 sq. ft.

Access and Circulation – ***Meets requirements***

- All of the principal entrances leading into and out of the building are connected to the public sidewalk either directly or via a walkway.
- No transit shelters are proposed as part of this development.
- All of the proposed parking is located below-ground or enclosed within the building. The proposed development would have a single curb cut accessed from Upton Avenue South. Vehicular access has been designed to minimize conflicts with pedestrians and surrounding residential uses.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the C1 zoning district. According to the materials submitted by the applicant, 92.8 percent of the site will be impervious. Currently, 93.8 percent of the site is impervious.

Landscaping and Screening – ***Meets requirements***

- The composition and location of landscaped areas complement the scale of the development and its surroundings.
- The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 20,196 square feet and the building footprint is 15,929 square feet. The difference is 4,267 square feet, and 20 percent of this number is 853 square feet. The applicant is proposing approximately 1,461 square feet of landscaping on the site, or approximately 34 percent of the site not occupied by the building.
- The zoning code requires that the site contain at least one canopy tree per 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree requirement for this site is two and the shrub requirement is nine. The applicant is providing a total of two canopy trees and 13 shrubs on-site, as well as a variety of perennials, which meets the

minimum requirements. The applicant is also proposing nine additional canopy trees, an ornamental tree, shrubs, perennials, and grasses landscape materials in the right-of-way along both Upton Avenue South and West 43rd Street. See **Table 2.**

- All areas not occupied by buildings contain landscaping or walkways.
- There is no surface parking proposed for the site, so the site is not subject to the screening and landscaping requirements for parking areas per Chapter 530.

Table 2. Landscaping and Screening Requirements

	Code Requirement	Proposed
Lot Area	--	20,196 sq. ft.
Building footprint	--	15,929 sq. ft.
Remaining Lot Area	--	4,267 sq. ft.
Landscaping Required	853 sq. ft.	1,461 sq. ft.
Canopy Trees (1: 500 sq. ft.)	2 trees	2 trees
Shrubs (1: 100 sq. ft.)	9 shrubs	13 shrubs

Additional Standards – ***Meets requirements***

- There are no surface parking spaces proposed on the site.
- There are no important elements of the city near the site that will be obstructed by the proposed building.
- This building should have minimal shadowing effects on public spaces and adjacent properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the building entrances and windows are located along the front property lines, people can see in and out of windows at all levels of the building, there are distinct pathways across the site for pedestrians, and the development integrates entrances, exits, signs, and landscaping to provide natural access control and guide people coming to and going from the site.
- This site is neither historically designated nor is it located in a historic district.

2. Conformance with all applicable regulations of the zoning ordinance.

The proposed use of a multiple-family dwelling with five or more units and general retail sales and services is *permitted* in the C1 zoning district.

Off-street Parking and Loading – ***Meets requirements with Conditions of Approval***

- The minimum parking requirement for the residential uses is 29 (1 per dwelling unit), with a ten percent reduction based on the transit incentives in section 541.200 (1) of the zoning code, as the multiple-family dwelling would be located within 300 feet of a transit stop with midday service headways of thirty (30) minutes or less in each direction. The total parking requirement for the residential uses is 26 spaces, and there is no maximum parking restriction. Based on the proposed retail space of 6,047 square feet, the parking requirement for the non-residential use is four. The total minimum requirement is 33 and 50 spaces are provided, as shown in **Table 3**. The applicant has indicated that 14 spaces would be available to the public, and the 36 below-grade spaces would be reserved for the residential uses.
- The Linden Hills Overlay District requires that the number of accessory spaces for nonresidential uses shall not exceed 150 percent of the minimum requirement. The minimum requirement for non-residential uses is four and the allowance under the overlay district regulations is six.

However, the zoning administrator may authorize additional parking spaces to serve other uses. The proposed total of 14 spaces exceeds the Linden Hills Overlay District maximum for the non-residential uses. The applicant has not shown how the 6,047 square feet of retail space would be divided among individual tenants, which could increase the minimum parking requirement and, as a result, the overlay district allowance for non-residential uses. The specific commercial use could also result in an increase in the minimum parking requirement. For example, a restaurant tenant would increase the minimum parking requirement in the Linden Hills Overlay District, as the parking requirement is one space per three seats, but not less than four parking spaces overall. In addition, the applicant has not indicated whether the residents of the building or their guests would be able to park in a portion of the spaces on the first level, or if the parking would be available to other businesses in the commercial district. The final site plan must provide additional detail to demonstrate compliance with the applicable parking minimums and maximums.

Table 3. Vehicle Parking Requirements Per Use (Chapter 541)

	Minimum Vehicle Parking (Before Reductions)	Applicable Parking Reductions	Minimum Vehicle Parking (Total)	Maximum Parking Allowed	Max. with Linden Hills Overlay District	Proposed
General retail sales and services	4	--	4	30	6 (see above explanation)	14
Residential dwellings	29	3 (10% reduction)	26	No maximum	No maximum	36
Total	33	3	**30**	30 (retail only)	**6 (retail only – see above)**	**50**

- The minimum bicycle parking requirement for multiple-family dwellings with five or more units is one space per two dwelling units. The development contains 29 dwelling units and the minimum number of bicycle parking spaces is 15, of which at least 14 must meet the definition of long-term bicycle parking. The applicant is proposing one long-term bicycle parking space for each below-grade parking stall to exceed the minimum requirement.
- The minimum bicycle parking requirement for the general retail sales and services use is 3 spaces, of which at least 2 must be short-term. Non-residential uses that have less than 1,000 square feet in gross floor area are exempt from this requirement. The one proposed retail space is 6,047 square feet in area. Again, the bicycle parking may change based on the final layout of the non-residential uses. The proposed plan includes seven short-term bicycle parking spaces, which exceeds the minimum requirements (**Table 4**).
- The development is not subject to a loading requirement, as the use is less than 20,000 square feet.

Table 4. Bicycle Parking and Loading Requirements (Chapter 541)

	Minimum Bicycle Parking	Minimum Short-Term	Minimum Long-Term	Proposed	Loading Requirement	Proposed
General	3	(2) Not less	--	7	Low (20,000	0

retail sales and services		than 50%			sq. ft. or greater)	
Residential dwellings	15	--	(14) Not less than 90%	36	None	0
Total	**18**	**2**	**14**	**43**	**0**	**0**

Building Bulk and Height – ***Requires conditional use permit***

- The maximum floor area ratio (F.A.R.) is in the C1 zoning district is 1.7. The development qualifies for two floor area bonuses worth 20 percent each: the enclosed parking density bonus, and the mixed residential-commercial density bonus. The maximum allowed floor area ratio for the development is 2.38. The lot in question is 20,196 square feet in area. The applicant is proposing 47,285 square feet in gross floor area, for a total of 2.34 (see **Table 5**).
- As previously mentioned, a conditional use permit is required to increase the development's allowed height in the C1 zoning district from 3 stories/42 feet, whichever is less, to 55 feet, 11 inches.

Table 5. Building Bulk and Height Requirements

	Code Requirement	Proposed
Lot Area	--	20,196 sq. ft. / 0.46 acres
Gross Floor Area (GFA)	48,066 sq. ft. max	47,285 sq. ft.
Maximum Floor Area Ratio (GFA/Lot Area)	2.38	2.34
Maximum Building Height	3 stories or 43 feet, whichever is less	55 feet, 11 inches

Lot Requirements – ***Meets requirements***

- The proposed dwelling units (DUs) are part of a mixed-use building and the residential lot dimension requirements for the C1 district do not apply to this development (**Table 6**).

Table 1. Lot Requirements Summary

	Code Requirement	Proposed
Dwelling Units (DU)	--	29 DUs
Density (DU/acre)	--	63 DU/acre
Minimum Lot Area	Not less than 5,000 sq. ft.	20,196 sq. ft.
Maximum Impervious Surface Area	Not applicable	92.8%
Maximum Lot Coverage	Not applicable	79%
Minimum Lot Width	Not applicable	152 ft.

Yard Requirements – ***Requires variance(s)***

- The front yard setback along Upton Avenue South and West 43rd Street is zero feet. In the C1 zoning district, setback requirements do not typically apply when adjacent to another commercial zoned property. However, when the use is residential and there are windows facing an interior side

or rear property line, a setback is required of 5+2x, where x equals the number of stories above the first floor. This provision applies to the residential uses along the north, west, and south interior property lines. The resulting setback is 11 feet. In addition, the northern portion of the west building wall is adjacent to property that is zoned R1, so the west interior setback is 6+2x for this portion of the building, resulting in a setback of 12 feet for this portion of the building alone. Please refer to **Table 7**.

- The applicant has applied for variances to reduce the south and west interior setbacks to accommodate the building structure and two balconies.

Table 2. Minimum Yard Requirements

	Zoning District	Proposed
Front (East – Upton Ave S)	0 ft.	3 ft.
Front (South – W 43rd St)	0 ft.	3-10 ft.
Interior Side (West, adjacent to R1)	11 ft.	10 ft. (1st and 2nd floors) – *requires variance* 13-14 ft. (3rd and 4th floors)
Interior Side (West, floors 2-4 only)	11 ft.	6.5 ft.-7.5 ft. for the building wall and balconies exceeding 50 sq. ft. (2nd, 3rd, 4th floors) – *requires variance*
Interior Side (South, floors 2-4 only)	11 ft.	9 ft. (2nd, 3rd, 4th floors) – *requires variance*
Interior Side (North, floors 2-4 only)	11 ft.	11 ft.

Signs – ***Meets requirements with Conditions of Approval***

- The applicant's preliminary sign plans show one attached sign approximately 16.5 feet above the adjacent grade and approximately ten square feet in area. The sign would be externally illuminated from above.
- Assuming no freestanding or roof sign is also proposed, the each primary building wall is allowed 1.5 square feet of signage for each foot of linear building wall in the C1 district. The Upton Avenue South façade is allowed up to 237 square feet of sign area (45 square foot max per sign), while the West 43rd Street façade is allowed up to 142.5 square feet of signage. Additional provisions apply for additional types of signage. The maximum height allowed is 14 feet.
- All signage is subject to the standards in Chapter 543, On-Premise Signs. The applicant will be required to submit a separate signage permit application for any signage that is proposed in the future.

Refuse Screening – ***Meets requirements***

- There will be trash and recycling rooms located within building on the first floor.

Screening of Mechanical Equipment – ***Meets requirements***

- The transformer adjacent to the driveway along Upton Avenue South will be fully screened within the building.

Lighting – ***Meets requirements with Conditions of Approval***

- A lighting plan showing footcandles shall be submitted to show compliance with the requirements of Chapter 535, Regulations of General Applicability:

  535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

  (b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

  (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
  (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
  (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
  (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
  (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Specific Development Standards – ***Not applicable***

LH Linden Hills Overlay District Standards – ***Meets requirements***

- The proposal is in compliance with the LH Linden Hills Overlay District.

3. Conformance with the applicable policies of *The Minneapolis Plan for Sustainable Growth*.

The Minneapolis Plan for Sustainable Growth identifies the site as Mixed Use on the future land use map and is located within a designated Neighborhood Commercial Node. In addition to the policies cited for the conditional use permit application, the proposed development is consistent with the following principles and policies outlined in the comprehensive plan:

Urban Design Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.

Urban Design Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.

10.5.1 Smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes.

Urban Design Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

10.6.3 Provide appropriate physical transition and separation using green space, setbacks or orientation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

10.6.4 Orient buildings and building entrances to the street with pedestrian amenities like wider sidewalks and green spaces.

10.6.5 Street-level building walls should include an adequate distribution of windows and architectural features in order to create visual interest at the pedestrian level.

Urban Design Policy 10.14: Encourage development that provides functional and attractive gathering spaces.

Urban Design Policy 10.15: Wherever possible, restore and maintain the traditional street and sidewalk grid as part of new developments.

Urban Design Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.

10.16.1 Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota.

10.16.2 Provide streetscape amenities, including street furniture, trees, and landscaping, that buffer pedestrians from auto traffic, parking areas, and winter elements.

10.16.3 Integrate placement of street furniture and fixtures, including landscaping and lighting, to serve a function and not obstruct pedestrian pathways and pedestrian flows.

10.16.4 Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks.

Urban Design Policy 10.18: Reduce the visual impact of automobile parking facilities.

CPED finds that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

4. Conformance with applicable development plans or objectives adopted by the City Council.

The site is located within the boundaries of the *Linden Hills Small Area Plan* adopted by the City Council in December 2013. The project is also located within a Neighborhood Commercial Node and is consistent with the small area plan's land use guidance:

- The Neighborhood Commercial Nodes and Community Corridors are valued for their eclectic diversity of buildings and their scale. New development should reflect the character of the area through articulation, such as massing intervals and varied setbacks. This should be achieved through more than just a change in building materials.

The proposed project appropriately articulates the existing massing intervals of the surrounding node on each façade through regular projections and recesses in the building wall, awnings, windows, and exterior building materials.

The plan speaks specifically to building height, shading, and commercial character. It includes the following general guidance for building height:

- Encourage overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage buildings that are shorter than the current Zoning Code maximums for 3 and 4 story buildings (42 feet and 56 feet respectively).
- The fourth story of any building in the three neighborhood commercial nodes and along the community corridors shall be stepped back from the street facing façade(s) of the building by at least 10 feet.

The small area plan calls for floor-to-floor heights that are shorter than the zoning code maximums of 20 feet for the first story, and 14 feet for every floor above the first. The first floor of the proposed development would be 19 feet in height. The second, third, and fourth floors would be between 11 and 12 feet in height. Staff encourages the applicant to reduce the height of the first floor below 19 feet.

In addition, the plan articulates the importance of "transition areas" between new three- or four-story buildings that are adjacent to single- or two-family structures through the use of vegetative buffers, articulated rear facades, and by stepping back the top floor of the development an additional ten feet from the shared property lines. The nearest single or two-family home would be 70 feet to the west. The first floor building wall is located 10 feet from the property line that is adjacent to the residential district. The second, third, and fourth floors of the proposed development would be stepped back from the first floor building wall by an additional 9 feet in this location. Staff finds that the project meets the intent of the applicable policies in the small area plan.

5. Alternative compliance.

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding that the project meets one of three criteria required for alternative compliance. Alternative compliance is requested for the following requirements:

- **Building placement.** The site is located on a reverse corner lot, which requires that both walls abutting the streets be located within eight feet of the property line. The first floor of building is within eight feet of the front property line on Upton Avenue South, but a portion of the building wall along West 43rd Street exceeds eight feet and is located between 8.5 feet and 10.25 feet from the south property line. This item requires alternative compliance. Staff recommends granting alternative compliance to allow a portion of the building to be placed more than eight feet from the property line. The area between the building and public sidewalk contains an easement for a pocket park, and the proposed entrance would require a set of stairs in this location due to the varied grade of the site. In addition, the proposed building design will help to break up the massing of the overall building wall in relation to the public street and sidewalk.
- **Ground floor active functions.** Sixty-seven percent of the building frontage along Upton Avenue South and 100 percent of the building frontage along West 43rd Street contain active functions. As 32 percent of the Upton Avenue South ground floor frontage contains parking, exceeding the 30 percent maximum, alternative compliance is required. Staff recommends granting alternative compliance for this requirement. The property contains two street frontages and the site currently contains one curb cut off of each public street. The building wall is approximately 158 linear feet along Upton Avenue South. The 51-foot wide portion of the Upton Avenue South elevation that contains parking and driveways would be the single access point for all vehicles going to and from the site, and all parking would be provided underground or enclosed within the building to provide a continuous building wall along the street. Due to the applicant's request to consolidate vehicle traffic on an irregular corner lot, staff finds that it would be practical to grant alternative compliance in this case.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Jesse Hamer for the property located at 4264 Upton Avenue South:

A. Conditional Use Permit to increase the maximum permitted height in the C1 Neighborhood Commercial District.

Recommended motion: **Approve** the conditional use permit to increase the maximum allowed height from the permitted 3 stories/42 feet to 4 stories/55 feet, 11 inches, 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 two years of approval.

B. Variance of the required south interior side yard setback.

Recommended motion: **Approve** the variance to reduce the south interior side yard setback from 11 feet to 9 feet for the building wall on floors two through four.

C. Variance of the required west interior side yard setback.

Recommended motion: **Approve** the variance to reduce the west interior side yard setback from 11 feet to 6.5 to allow the second floor building wall, balconies on the third and fourth floors exceeding 50 square feet, and to 7.5 feet for the third and fourth floor building walls, and from 12 feet to 10 feet for the building wall.

D. Site Plan Review for a new commercial building.

Recommended motion: **Approve** the site plan review application for a new, four-story mixed-use building with 29 dwelling units and approximately 6,000 square feet of commercial space, subject to the following conditions:

1. Approval of the final site, landscaping, elevation, and lighting plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by September 8, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. All signs shall comply with Chapter 543 of the zoning code. All signage requires a separate permit from CPED.
4. The applicant shall remove all references to stucco in the proposed porcelain and stucco openings along the ground floor elevations, and the first three feet or more above grade shall be brick instead of porcelain tile.
5. The applicant shall provide additional detail on the individual tenant spaces and accessory parking areas to demonstrate compliance with the applicable parking minimums and maximums in Chapter 541, Off-Street Parking and Loading and section 551.290 of the zoning code.

ATTACHMENTS

1. PDR report
2. Written description and findings submitted by applicant
3. Zoning map
4. Survey
5. Plans
6. Building elevations - updated
7. Renderings - updated
8. Shadow study - updated
9. Photos
10. Public comments
11. Correspondence from the Linden Hills Neighborhood Council

Minneapolis Development Review
250 South 4th Street
Room 300
Minneapolis, MN 55415

Preliminary Development Review Report

Development Coordinator Assigned: **PATRICIA MURZYN**
(612) 673-5827
patricia.murzyn@minneapolismn.gov

Status *

Tracking Number:	PDR 1001312
Applicant:	CLARK GASSEN 13911 RIDGEDALE DRIVE #125 MINNETONKA, MN 55305
Site Address:	4264 UPTON AVE S
Date Submitted:	20-MAY-2015
Date Reviewed:	03- JUN-2015

Purpose

The purpose of the Preliminary Development Review (PDR) is to provide Customers with comments about their proposed development. City personnel, who specialize in various disciplines, review site plans to identify issues and provide feedback to the Customers to assist them in developing their final site plans.

The City of Minneapolis encourages the use of green building techniques. For additional information please check out our green building web page at: http://www.ci.minneapolis.mn.us/mdr/GreenBuildingOptions_home.asp.

DISCLAIMER: The information in this review is based solely on the preliminary site plan submitted. The comments contained in this report are preliminary ONLY and are subject to modification.

Project Scope

Proposed mixed use development with underground and at grade parking.

Review Findings (by Discipline)

❑ Construction Code Services

- Design of earth retention systems for excavations near property lines is required for permit issuance.
- Dependent on construction type and fire separation distance, fire rated exterior walls may be required.
- Egress courts have been created on the north and west sides of the proposed building. When the court is less than 10 feet wide, the walls are required to have a 1 hour fire resistance rating for a distance of 10 feet above the floor of the court. Openings in the court walls shall be ¾ hour rated.
- The west egress court serves two required exits and is dead ended. If the opening of the egress court is blocked at the street, all exits from the dwelling units will be nullified.

❑ Zoning - Planning

- The following land use applications have been identified based on the preliminary plans:
  - Conditional use permit to exceed the maximum permitted height in the C1 district of 2.5 stories or 35 feet (or 3 stories/42 feet if the mixed use density bonus is applied), whichever is less, to 4 stories/53 feet, 8 inches (56 feet including the parapet).
  - Variance to reduce the south interior side yard setback below 11 feet.
  - Variance to reduce the west interior side yard setback below 11 feet.
  - Site plan review for 29 dwelling units and approximately 6,000 square feet of commercial space.
- In addition, staff would like the following items to be addressed or clarified in preparation for the formal land use application submittal:
- Please provide additional detail for the rooftop plan, including showing the location of all mechanical equipment.
- All mechanical equipment, including the transformer, must be screened on all four sides per Chapter 535, Regulations of General Applicability.
- EIFS is not an allowed exterior building material. Please update the elevations to reflect a durable material. For the land use application, please provide a sample board for the exterior materials, as well as a table on the elevations listing the percentages of each exterior material on each elevation. Authorized building materials can be found on this guide: http://www.minneapolismn.gov/www/groups/public/@cped/documents/webcontent/wcms1p-141337.pdf.
- In addition, building walls should not contain more than three exterior materials per elevation, not including windows, doors, and foundation. The LH overlay district emphasizes that exterior materials should be the same on all sides of commercial buildings adjacent to residence districts (551.310). Staff recommends proposing a higher proportion of high quality materials on the interior elevations to lessen the differentiation between those and the street-facing facades.
- Consider consolidating the curb cut and garage door off of Upton.
- The LH overlay district requires a landscaped yard of 5' between commercial building and any residence or office residence district boundary. The landscaped area shall contain a continuous screen consisting of shrubs between 3 and 6 feet in height. This provision applies to the northwest corner of the site, where you are currently proposing to plant a deciduous tree. The current configuration would require alternative compliance through site plan review. Additional screening would be beneficial between the interior sides of the building and the adjacent properties.
- Please note the following:
- Landscaping that falls within the pocket park easement does not count toward the minimum on-site landscaping requirements for site plan review. Please update the landscape plan and planting schedule accordingly.
- The applicant is proposing an FAR of 2.29. The development would qualify for two 20 percent density bonuses (0.34 each based on the permitted FAR of 1.7) based on the information based on the information provided. If the commercial space or parking configuration changes, or if the gross floor area measurements provided in PDR plans conflict with staff's measurements in the land use application, there is a chance that a variance to increase the maximum allowed FAR may be required.
- The applicant is proposing 39 below-grade parking spaces for the residential use, and 14 spaces for the commercial tenant, for a total of 53 spaces. The minimum parking requirement for the residential use is 29 parking spaces. If the proposed use is General Retail Sales and Services, the non-residential parking requirement would be 4 spaces for 6,000 square feet, for a total of 33 spaces. However, the parking and loading requirements for the commercial space depends on the use based on Chapter 541 and the applicable standards of the LH Linden Hills Overlay district.

❑ Business Licensing

- Continue to work with Patty Murzyn (612-673-5827) concerning a Food Plan Review, SAC determination, and any business license application submittal that would be required should a food related business occupy any of the of the future retail space.

❑ Addressing

- Per City of Minneapolis Street Naming and Address Standard V1.22, the City of Minneapolis holds authority for assignment of all addresses, verification, change, and/or additions. Each assigned address number uses the street that provides the best/direct access for life safety equipment and best/direct access to the occupants.
- The parcel and the structure address for the proposed mixed use building will be 4262 Upton Avenue South.
- The door marked "Residential Entry" will be addressed 2810 43rd Street West.
- The double doors located east of the residential entry that leads into the space identified as "Tenant Space" will be addressed 2804 43rd Street West.
- At this time the three accessory doors located off of Sheridan Avenue will not be assigned an address as no clear distinction has been identified for their use, and appear to lead into the addressed 2804 tenant space.
- When assigning suite sequences the following guidelines are as follows:
  - The first one to two digits of the suite sequence number will designate the floor number of the site.
  - The last two digits of the suite sequence number will designate the unique ID for the unit (condo, suite, unit, or apartment).
  - Suite sequence digit numbers will be assigned to dwelling, commercial and retail units, not common areas. For example, laundry rooms, saunas, workout rooms, etc., would not be assigned numbers.
- Please provide each condo, suite, unit or apartment number.
- This building is also considered to have a parking ramp per MCO Chapter 108. As such, within 5 years of the date of the certificate of occupancy being issued, the parking ramp will be required to have annual inspections and apply for a Ramp Operating Certificate.

❑ Parks - Forestry

- Contact Craig Pinkalla (612-499-9233 cpinkalla@minneapolisparks.org.) regarding any questions related to planting, removal or the process for protection of trees during construction in the city right of way.
- Effective January 1, 2014, the City of Minneapolis and the Minneapolis Park and Recreation Board adopted an update to the existing Parkland Dedication Ordinance. The adopted City of Minneapolis Parkland Dedication ordinance is located in Section 598.340 of the City's Land Subdivision ordinance:
  - http://library.municode.com/index.aspx?clientId=11490.
- As adopted, the fee in lieu of dedication for new residential units is $1,500 per unit (affordable units excluded per ordinance) and for commercial and industrial development it is $200 per development employee (as defined in ordinance). Any dedication fee (if required) must be paid at the time of building permit issuance.
- There is also an administration fee that is 5% of the calculated park dedication fee.
- As proposed, the mixed use development with 29 apartments calculated dedication fee is as follows:
- Park Dedication Fee Calculation =
- Residential (29 units x $1,521.00 per unit) = $44,109.00
- Non-Residential Commercial Space = $ 811.00
- 5% of $44,920 (Administration Fee) = $ 1,000.00
- Total Park Dedication Administrative Fee: $45,920.00
- This is a preliminary calculation based on your current proposal; a final calculation will be made at the time of building permit submittal.
- For further information, please contact Patty Murzyn 612-673-5827.

❑ Right of Way

- An encroachment permit shall be required for all streetscape elements in the Public right-of-way such as: plants & shrubs, planters, tree grates and other landscaping elements, sidewalk furniture (including bike racks and bollards), and sidewalk elements other than standard concrete walkways such as pavers, stairs, raised landings, retaining walls, access ramps, and railings (NOTE: railings may not extend into the sidewalk pedestrian area). Please contact Bob Boblett at (612) 673-2428 for further information.

- Note to the Applicant: Any elements of an earth retention system and related operations (such as construction crane boom swings) that fall within the Public right-of-way will require an encroachment permit application. If there are to be any earth retention systems which will extend outside the property line of the development then a plan must be submitted showing details of the system. All such elements shall be removed from the Public right-of-way following construction with the exception of tie-backs which may remain but must be uncoupled and de-tensioned. Please contact Bob Boblett at (612) 673-2428 for further information.
- In addition, any elements of an earth retention system and related excavations that fall within the Public right-of-way will require a "Right-of-Way Excavation Permit". This permit is typically issued to the General Contractor just prior to the start of construction. However, it is the Applicant's responsibility to insure that all required permits have been acquired by its consultants, contractors, sub-contractor's prior to the start of work.
- The Project limits fall within the boundaries of the Linden Hills Special Service District. Any improvements, modifications, and alterations to the streetscape are subject to the review and approval of the Linden Hills Special Service District, and will require the approval of the Special Service District Advisory Board. Please co-ordinate contact with the Advisory Board through Andy Carlson (612) 673-2836.
- The City was granted an easement for the existing "pocket park" on the corner of W. 43rd St. and Upton Ave. S. as a condition for the original site improvements and as a benefit to the neighborhood. The existing "pocket park" was de-constructed in 2014 as part of previous development plans and the former Developer is still obligated to reconstruct the "pocket park" in accordance with the original plans. Prior to being permitted to modify the corner easement area the Applicant must provide documentation verifying approval from Council Member Linea Palmisano (Ward 13) and the appropriate neighborhood association (the Linden Hills Neighborhood Council - LHiNC). It is the clear expectation of the City, CM Palmisano, LHiNC, and the Linden Hills Special Service District that the existing "pocket park" be reconstructed to its pre-deconstructed 2014 state or better. If the Developer proposes a different "pocket park" design, the Developer shall provide for a "pocket park re-design process" that includes the input of Minneapolis Public Works, LHiNC, and the Linden Hills Special Service District.
- At this time, it shall be assumed that the "pocket park" will be reconstructed to the original plans. The current site plan indicates encroachments of the proposed building (both above and below) the existing "pocket park" easement area which, in effect, would prevent the "pocket park" from being reconstructed to the original plans. Until such time that a "re-designed pocket park" is approved, any vacation of "air rights" and "subterranean rights" above and below the existing easement will not be considered further. Should the Developer agree to reconstruct the "pocket park" to its original plans, the Developer will ensure that conditions are adequate for plant and mature tree development.
- The current site is secured by chain-link fence, as a left-over from the previous development. The Developer is also committed to the "pocket park" reconstruction by a standing Right-of-way Excavation Permit. At a minimum, it is recommended, that the Right-of-way Excavation Permit be transferred to the current Applicant; please contact Brad Blackhawk at (612) 673-2451 for further information.
- The site plan indicates potential impacts to the adjacent property immediately north of the proposed site. The Applicant shall provide written documentation that the affected property owner is supportive of the proposed work and will allow work to be done on his property.

❑ Street Design

- The plan as submitted meets the requirements of the Public Works Street Design Division.

❑ Sidewalk

- The plan as submitted meets the requirements of the Public Works Sidewalk Inspections Division.

❑ Traffic and Parking

- The nature of the proposed development is such that traffic impacts will be an issue; please contact Allan Klugman at (612) 673-2743 to discuss the requirements of a Travel Demand Management Plan (TDMP).

- Current ordinance states that all maneuvers associated with loading, parking or sanitation pick up for a private development shall occur on private property. Please provide a narrative explaining the trash removal operations and show turning maneuvers for all truck type vehicles that will be using the loading dock/parking entrance areas.
- Per City Ordinance the Applicant shall provide for (and identify) a solid waste collection point (SWCP) on the site plans. The location of the SWCP is subject to the review and approval of the Public Works Department.
- Please contact Bill Prince at (612) 673-3901 regarding existing and proposed street lighting. All street lighting (existing and proposed) shall be shown clearly on the site plan.

Note to the Applicant: Please add the following notes to the site plan:

- Street lighting installed as part of the Project shall be inspected by the City. Contractors shall arrange for inspections with the Traffic Department, please contact Dave Prehall at (612) 673-5759 for further information. Any lighting installations not meeting City specifications will be required to be reinstalled at Owner expense.
- An obstruction permit is required anytime construction work is performed in the Public right-of-way. Please contact Scott Kramer at (612) 673-2383 regarding details of sidewalk and lane closures. Log on to http://minneapolis.mn.roway.net. for a permit.
- Contact Allan Klugman at (612) 673-2743 prior to construction for the temporary removal/temporary relocation of any City of Minneapolis signal system that may be in the way of construction.
- All costs for relocation and/or repair of City Traffic facilities shall be borne by the Contractor and/or Property Owner.
- Contact Doug Maday at (612) 673-5755 prior to construction for the removal of any City of Minneapolis right of way signs that may be in the way of construction.

❑ Water

- The plan as submitted meets the requirements of the Public Works Water Maintenance & Distribution Division.

❑ Sewer Design

- Groundwater: Please identify the lowest floor elevation on the grading plan.
- Stormwater Management: The proposed project is located within the Minnehaha Creek Watershed District, which has a separate review process from that of the City. Please note it may be necessary to obtain approvals or permits from Minnehaha Creek Watershed District.
- Surface Drainage: It is reasonably expected that the proposed building may be at risk of flooding during large rain events. The intersection of 43rd and Upton is a low point in the area. The project should consider this and be designed in a manner to address flood protection. Please acknowledge notification of this potential issue and identify what steps have been taken to address it with the design.
- Utility Connections: Core drilling a 6" connection to the 9" clay main would not be permitted. The sanitary connection to the existing clay main should be made by cutting in a wye of similar material, installation of couplings with shear rings, and concrete collars. Please note this on the plans.
- For comments or questions on Public Works Surface Water & Sewers Division related requirements please contact Jeremy Strehlo, (Professional Engineer) at (612) 673-3973, or jeremy.strehlo@minneapolismn.gov.

❑ Fire Safety

- Provide required fire suppression system throughout building.
- Fire department connection must be located on the address side of building and within 150 feet of a fire hydrant.
- Provide required fire alarm system throughout building.
- Provide and maintain fire apparatus access at all times.

❑ Environmental Health

- In 1919 the first gas filling station was constructed on site. Minneapolis permit records reference a filling station at the site until 1987 when a permit for an addition to an existing station was completed, B540950. Minnesota Pollution Control Agency (MPCA) records document the removal of 3 underground storage tanks, 2-10,000 gallon gasoline and 1-1,000 gallon fuel oil possibly in 1988. In 1993 a petroleum release was detected on site and identified by Minnesota Pollution Control Agency as petroleum leak site # 6405. The MPCA closed the file in 1994. In 1995 a certificate of occupancy was issued for a restaurant. The release was possibly detected from work related to the conversion of the site to a restaurant. Minneapolis fire department records indicate several more tanks onsite which have not been accounted for. A site investigation should be conducted prior and demolition and excavation work for location of possible tanks. In addition the site developer should contact the MPCA about entering the petroleum brownfield program and obtain a letter of no association for existing soil contamination.
- Any out of service tanks must be addressed as part of the site work. If unidentified out of service tanks or impacted soils are encountered during site activities, work will need to stop and notification provided to the MN State Duty officer at (615) 649-5451. Approval for removal of tanks, and removal/disposal and/or reuse of impacted soils must be must occur from the MCPA and the City of Minneapolis prior to continuing excavation activities.
- If dewatering is required during site construction see below for city permit requirements. Subgrade structures such as the proposed underground parking should be designed to prevent infiltration of groundwater without the need for a permanent dewatering system being installed.
- No construction, demolition or commercial power maintenance equipment shall be operated within the city between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or during any hours on Saturdays, Sundays and state and federal holidays, except under permit. Contact Environmental Services at 612-673-3867 for permit information.
- Permits and approval are required from Environmental Services for the following activities: Temporary storage of impacted soils on site prior to disposal or reuse; Reuse of impacted soils on site; Dewatering and discharge of accumulated storm water or ground water, underground or aboveground tank installation or removal, well construction or sealing. Contact Tom Frame at 612-673-5807 for permit applications and approvals.
- A review of the project, permits issued and an inspection from Environmental Service for identification of equipment and site operations that require annual registration with the City of Minneapolis will occur for this project.

❑ Historical Preservation Committee

- There is no HPC flag on this property. HPC review is not required at this time. HPC review is required for any wrecking permits pertaining to the removal of any existing structures.

END OF REPORT

UPTON AND 43RD MIXED USE DEVELOPMENT

GENERAL LAND USE APPLICATION

July 2, 2015

STATEMENT OF PROPOSED USE AND PROJECT DESCRIPTION

Goals for the Site

The Project will promote the long-term economic viability of the 43rd and Upton commercial node that is an important asset to Linden Hills and the City of Minneapolis by replacing the existing surface parking lot and vacant one-story building (previously Famous Dave's and before that a gas station) with a beautifully-designed, 4-story building constructed of high-quality materials. New tenants will activate the street front to complement existing area retail. New apartments will meet the need for additional quality neighborhood housing. The Project will create an inviting energy at the corner that gives neighbors and visitors more reasons to enjoy 43rd and Upton.

Existing Conditions

The site is made up of one lot located at the NW corner of 43rd Street and Upton Avenue South. As previously noted, the site contains a vacant building and surface parking and was previously used as a gas station and then a restaurant. Of the 20,196 SF of site area, roughly 75% is currently asphalt surface parking. Less than 7% of the site is green space. Soils are contaminated due to the site's former gas station use. We are applying for much needed cleanup grant funding. We are working with Braun Engineering on the environmental remediation planning. Groundwater is located at 27'-29' below grade at multiple boring locations across the site.

Proposed Mix of Uses

The Project is a 4-story, 53'-8" tall building with one level of underground parking. The first floor of the building contains 6,000 SF of street-front commercial space and an entrance lobby for the residents above. Floors two, three, and four contain 29 high quality apartment units. The single level of below-grade parking (36 stalls) will serve building residents. Public parking (14 stalls) is provided in an enclosed at grade garage. These public stalls will serve the Project's retail uses.

Proposed Design

The Project has been designed with careful consideration of the design guidelines in the Linden Hills Small Area Plan developed by the neighborhood and approved by the City. The guidelines allow mixed use buildings of 4 stories in the commercial nodes, but encourage them to be less than 56' tall. The Project height is consistent with this guidance. In accordance with the Small

Area Plan the fourth floor steps back 10' from the street as well as the adjacent pocket park. Each dwelling unit has at least one balcony or exterior living space, which is recessed into the façade of the building. This creates architectural relief and terracing that complements our goal of bringing more life and activity to the streetscape while dissolving the bulk of the building and creating a less monolithic appearance.

The first floor exterior presents a mix of glass storefronts and porcelain tile. The first floor garage is clad with brick masonry, broken up by panels of tile. The upper levels are clad in a combination of brick masonry and stucco, along with glass railings and large windows. Accent laminated wood panels are used sparingly on the south and east elevations. There is also a recessed art element on the west elevation of the elevator tower.

The "pocket park" easement will remain at its current location on the corner. Per agreements made by the previous developer, we will return the park to its original design at the request of the neighborhood. Alternatively we have agreed to work with the neighborhood to enhance the pocket park design. After soils clean-up and construction, we propose a renovated park in a slightly expanded size. The building will be setback at the first floor from the pocket park to increase the size and feel of this important neighborhood amenity. The intent is to improve on the form of the space while retaining its function as a place to rest and observe the activity of the intersection. A proposed green wall – between the building and the west side of the park – will further enhance the relaxing setting. Canopy trees will be returned to the corner to engender a sense of cover and protection from the busy intersection.

The proposed design eliminates the existing south curb cut off of 43rd Street. Both public and private vehicle traffic is accessed from a single curb cut along Upton. Trash, recycling, and organic compost will be picked up from this same curbside location. All garbage bins will be stored within the building and brought to the curb at the time of pickup.

Bike racks will be provided. The site is near the Lake Harriet portion of the Grand Rounds bike route and connecting trails. It is also on the MTC bus line number 6.

CONDITIONAL USE PERMIT FOR INCREASED HEIGHT REQUIRED FINDINGS

A conditional use permit is requested to increase the height of the building from the allowed 3-stories / 42' to 4 stories / 53'-8".

1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposed building height will not be detrimental to or endanger the public health, safety, comfort or general welfare. From most sidewalk perspectives, the building will present as a 3-story building due to the setbacks of the 4th floor. The project will be constructed in compliance with all applicable building and life safety code requirements.

2) The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The proposed 4-story building will not be injurious to the use and enjoyment of other property or impede the normal and orderly development of the area and is likely to have a positive effect on property values in the area. The Project has been designed to be sensitive to this uniquely, pedestrian-oriented neighborhood. Much effort has been given to realizing a design that reduces the perception and massing of the 4-story building including: setbacks at the first floor especially around the existing pocket park, setbacks at the fourth floor that meet the 10' setback described in the Small Area Plan, extensive storefront glazing at the first floor, expansion of the existing pocket park, and the widening of the sidewalk areas to allow for tenant activity.

There is precedent for height in this area; there are several 4-story residential buildings nearby and there is a 7-story condominium building (measured from the average elevation of its base) one block south at 44th Street and Upton. None of these other buildings have upper levels that are stepped back. Due to area topography, the ground levels of these neighboring buildings are at higher elevations than the proposed Project. By bringing residential density, expanded commercial services, and high-quality infill development to this corner, this mixed-use project will enhance the use, enjoyment and development of properties in the surrounding area.

3) Adequate utilities, access roads, drainage, necessary facilities and other measures have been or will be provided.

Adequate utilities, access, drainage, and other necessary facilities will be provided for the project and the proposed height of the building will have no impact on these features.

4) Adequate measures have been or will be taken to minimize traffic congestion in the public streets.

The additional height will have no impact on traffic congestion in the public streets.

5) The conditional use is consistent with the applicable policies of the comprehensive plan.

The Project is consistent with the applicable policies of the City's comprehensive plan. The comprehensive plan classifies the future land use of the site as "Mixed Use," which allows for mixed use development, including mixed use with residential. The project site is located the Linden Hills Neighborhood Commercial Node. Commercial uses in Neighborhood Commercial Nodes primarily serve the needs of the surrounding neighborhood, although they may also contain specialty stores that serve a regional client base. These Nodes are intended to support medium to high density residential uses. The building and site design is also consistent with policies of the Urban Design chapter of the comprehensive plan that call for multiple-family dwellings to be high quality architecture that is compatible with the surrounding context, appropriate in form and scale, of traditional urban form and that include pedestrian scale design features.

The Project also complies with the guidance of the Linden Hills Small Area Plan, which allows for 4-story, mixed-use buildings in the Neighborhood Commercial Node. The building height is less than the 56-foot limit for 4-story buildings and the 4th story is stepped back 10 feet from the street-facing facades and from the residentially-zoned district at the northwest corner of the site.

6) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With approval of the other zoning applications for the Project, it will conform to the applicable regulations of the C1 zoning district.

Additional factors to be considered when determining the maximum height per §548.110:

(1) Access to light and air of surrounding properties.

Public right-of-way borders the site on two sides. The building meets setback requirements adjacent to the 2-story commercial building to the north and adjacent to the residential district to the northwest. The single-family home to the west is approximately 70 feet from the shared property line. The building will be set back at least 6 feet from the 1-story commercial building to the southwest. Allowing an increase in height to 4 stories will not impede access to light and air for the surrounding properties.

(2) Shadowing of residential properties, significant public spaces, or existing solar energy systems.

The shadow studies indicate that the proposed 4-story building will shadow neighboring residential properties at various times, particularly in winter, but the degree of shadowing is not unusual compared to that typically experienced in an urban neighborhood. Moreover, as demonstrated by the comparative shadow studies, the shadows cast by the proposed 4-story building are essentially the same as those that would be cast by a building that was 42-feet tall (and which would not require a CUP for increased height). The building does not shadow significant public spaces. Shadowing of the corner "pocket park" along Upton will occur in the afternoons under any build scenario.

Two solar energy panel systems were identified on surrounding properties. One is located on the hardware store (formerly the co-op) at 2813 W. 43rd Street to the south of the project site and will not be shadowed by the new building. The second is located on the roof of a single-family home at 4231 Vincent Avenue. The panel is located on the western-most end of the south-facing side of the roof. Previous shadow studies for the larger building previously proposed for this site determined that the brief shadowing of that house that would occur on winter mornings would not have a substantial impact on the functionality of the solar system.

(3) The scale and character of surrounding uses.

To the north and northeast of the project site is a 2-story commercial building and surface parking lots. Further north are condominium buildings and townhomes of three and four stories

in height. Commercial buildings immediately across Upton and 43rd are one and two stories tall. Single family dwellings are located on the adjacent lots to the west and northwest of the project site. There are several large and tall apartment/condo buildings (mostly 4-stories and one 7-story building) scattered within one and two blocks around the intersection. The topography of the area is such that the top of the proposed 4-story building will be similar or lower in elevation than "shorter" buildings within a block or two radius from the project site.

(4) Preservation of views of landmark buildings, significant open spaces or water bodies.

The Project will not block views of landmark buildings, significant open spaces or water bodies.

VARIANCES OF YARD SETBACKS
REQUIRED FINDINGS

Uses in the Commercial zoning districts are not generally subject to yard requirements; however, this Project is subject to yard requirements because it is a residential project that includes windows facing an interior side yard or rear yard, and because it is adjacent to an R1 zoning district at the northwest corner. Variances are requested for a reduction of the setback along the south interior property line adjoining the neighboring commercial property from 11' to 9' and along the west interior property line adjoining the same commercial property from 11' to 6'.

1) Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The irregular, L-shape of the site wraps around the side (east) and back (north) of an existing commercial site. Due to the required clearances for the parking and drive lanes in the underground and at-grade parking garages, the garage and retail (1st floor) walls along these property lines are closer than the setback required at the residential floors (2nd, 3rd, and 4th). We are requesting these variances to stack the exterior walls of the upper floors directly over the 1st floor walls in order to maintain structural consistency and ease of construction. The corner easement area also imposes constraints on the arrangement of the building, uses and amenities. The proposed density and mix of uses in the Project are supported by City land use policies. These circumstances present practical difficulties in complying with the ordinance that are unique to the property and not created by the applicant.

2) The property owner proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The proposed reduction in setbacks adjacent to a commercially-zoned and used property are reasonable and similar to setbacks typically occurring in commercial districts. The purpose of setback requirements is to ensure light and air and appropriate separation of uses. The proposed setbacks will not diminish access to light and air for adjacent use. As discussed in the findings

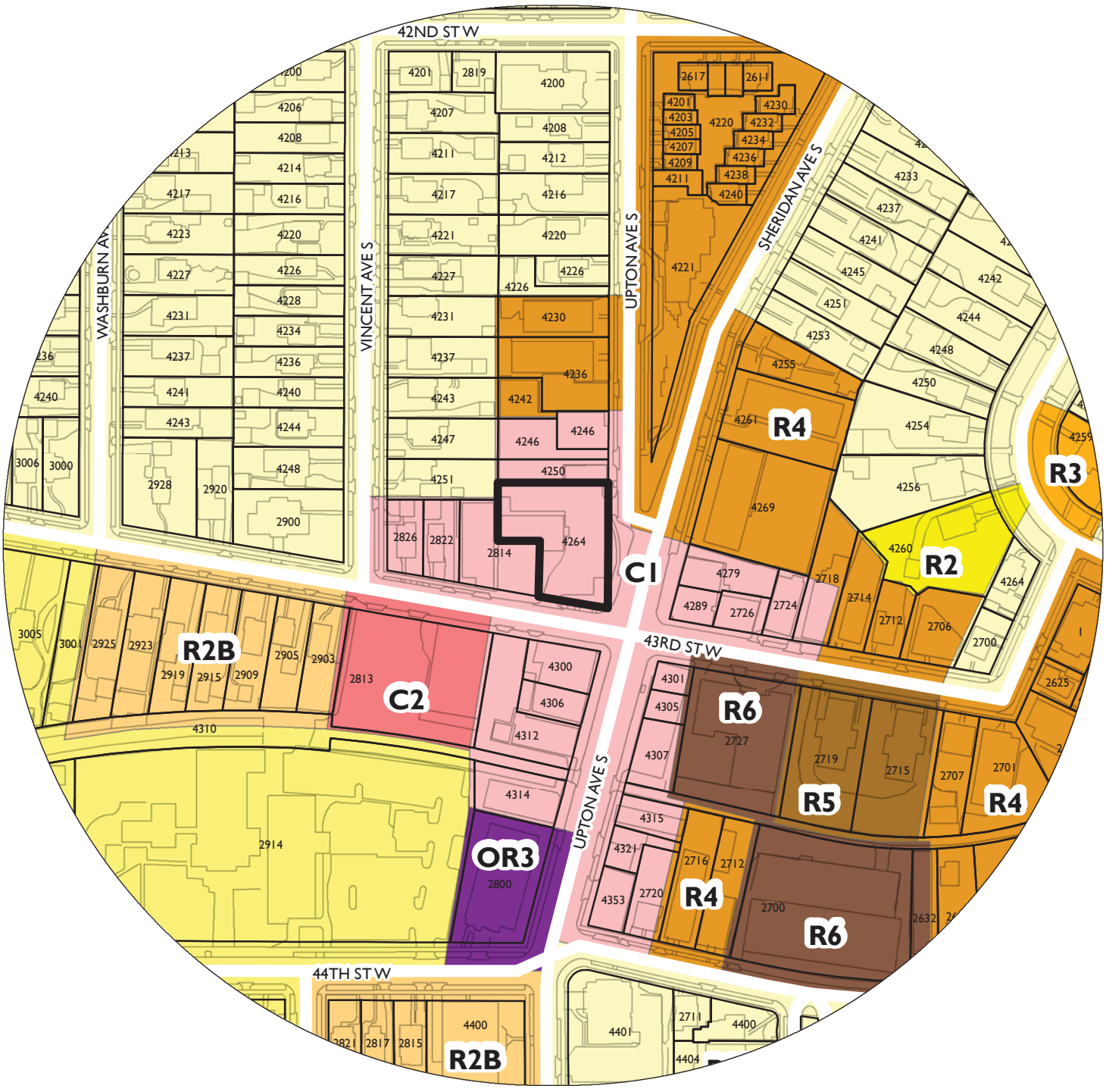
for the CUP for increased height, the building design is also consistent with the policies of the comprehensive and small area plans.

3) The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The property lines in question face the blank 1-story facades of the existing commercial building. The design will meet all of the requirements of the building Code, maintaining the health, safety, and welfare of the public and building occupants.

Jesse Hamer / 43UP LLC — **13th**

NAME OF APPLICANT — WARD



PROPERTY ADDRESS

4264 Upton Ave S

FILE NUMBER

BZZ-7283

ALTA/ACSM LAND TITLE SURVEY

~for~ CIVIL SITE GROUP

PROPERTY ADDRESS: 4264 -UPTON AVE S, MINNEAPOLIS, MN

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES SIGN
- DENOTES UTILITY POLE
- (M) DENOTES MISCELLANEOUS MANHOLE
- (S) DENOTES SANITARY SEWER MANHOLE
- (D) DENOTES STORM SEWER MANHOLE
- DENOTES CATCH BASIN
- (W) DENOTES WATER MANHOLE
- ohw DENOTES OVERHEAD WIRE
- g DENOTES UNDERGROUND GAS
- i DENOTES WATERMAIN
- DENOTES SANITARY SEWER
- DENOTES STORM SEWER
- DENOTES EXISTING FENCE
- ×1011.2 DENOTES EXISTING ELEVATION.

NORTH

(IN FEET)
1 inch = 20 ft.

LEGAL DESCRIPTION:

South 24 feet of Lot 11, and Lots 12 and 13, Block 22, First Division of Remington Park, Hennepin County, Minnesota

Except

All that part of Lot 13, Block 22, First Division of Remington Park, Hennepin, lying West of line drawn from a point on the North line of said Lot, a distant 94.03 feet West of the Northeast corner thereof, to a point in the Southerly line of said Lot, distant 97.09 feet Westerly, measured along said Southerly line, from the Southeast corner of said Lot.

Hennepin County, Minnesota
Abstract Property

BENCHMARK

BASIS FOR ELEVATION: ASSUMED TNH OF HYDRANT APPROX. 50' NORTH OF THE INTERSECTION OF 43RD ST W AND SHERIDAN AVE SOUTH. ELEVATION = 883.16

GENERAL NOTES:

- BEARING SYSTEM IS BASED ON NAD 83 (1998) (VIA REAL TIME GPS MEASUREMENTS UTILIZING MNDOT VRS NETWORK)
- FIELD WORK COMPLETED 4/27/11 AND UPDATED 05/03/2015

ALTA "TABLE A" NOTES:

4. Gross land area = 0.46 Acres (20,149± sq.ft.)

6b. Zoning information has not been provided to insurer.

9. 30 REGULAR PARKING STALLS, 2 HANDICAP STALLS, FOR A TOTAL OF 32 STALLS

10(a). NA

11(a & b). Utilities shown hereon are observed. Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and underground utilities and/or structures may be encountered. Contact Gopher State One Call Notification Center at (651) 454-0002 for verification of utility type and field location prior to excavation.

18. There was observable evidence of earth moving work. Patio pavers were removed recently within the Street Easement area. There is no observable evidence of building construction or building additions.

18. There is no above ground observable evidence of site use as a solid waste dump, sump or sanitary landfill.

CERTIFICATION

I hereby certify to Jacob Schaffer, Linden Landholdings, LLC , Civil Site Group, Commercial Partners Title LLC & Stewart Title Guaranty Company to their heirs, successors and assigns, that I have surveyed the property legally described hereon; that this survey is a true, correct and accurate drawing and representation of said property and the boundaries thereof; that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," as jointly established and adopted by ALTA and ACSM in 2011, and includes Items 1, 4, 5, 6(a), 8, 9, 10(a), 11(a), 18 and 21 of Table A thereof, and meets the Accuracy Standards (as adopted by ALTA and ACSM and in effect on the date of this certification), and that in locating or identifying recorded easements or other recorded documents I have relied upon the Commitment for Title Insurance issued by Commercial Partners Title, LLC, dated January 14th, 2015 (commitment no.39666).

Dated : May 6th 2015

Michael D. Nelson L.S.#49546

DRAWN BY: MDN	JOB NO: 15153	DATE: 04/28/15
CHECK BY: ERV		

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

JOB #15195

ACRE LAND SURVEYING
Serving Twin Cities Metro area and beyond
763-458-2967 acrelandsurveying@gmail.com

D:\Users\Mike\OneDrive\Land Projects 2008\15195-Linden Hills\dwg\15915AS.dwg 5/6/2015 3:34:29 PM CDT

MOMENTUM DESIGN GROUP
1595 UNIVERSITY AVENUE WEST
SUITE 200
ST. PAUL, MN 55104
952.583.5760

CivilSite GROUP
4931 W. 35TH ST., #200
ST. LOUIS PARK, MN 55416
952.250.2003 / 763.213.3944
CivilSiteGroup.com

43RD & UPTON

MINNEAPOLIS, MINNESOTA

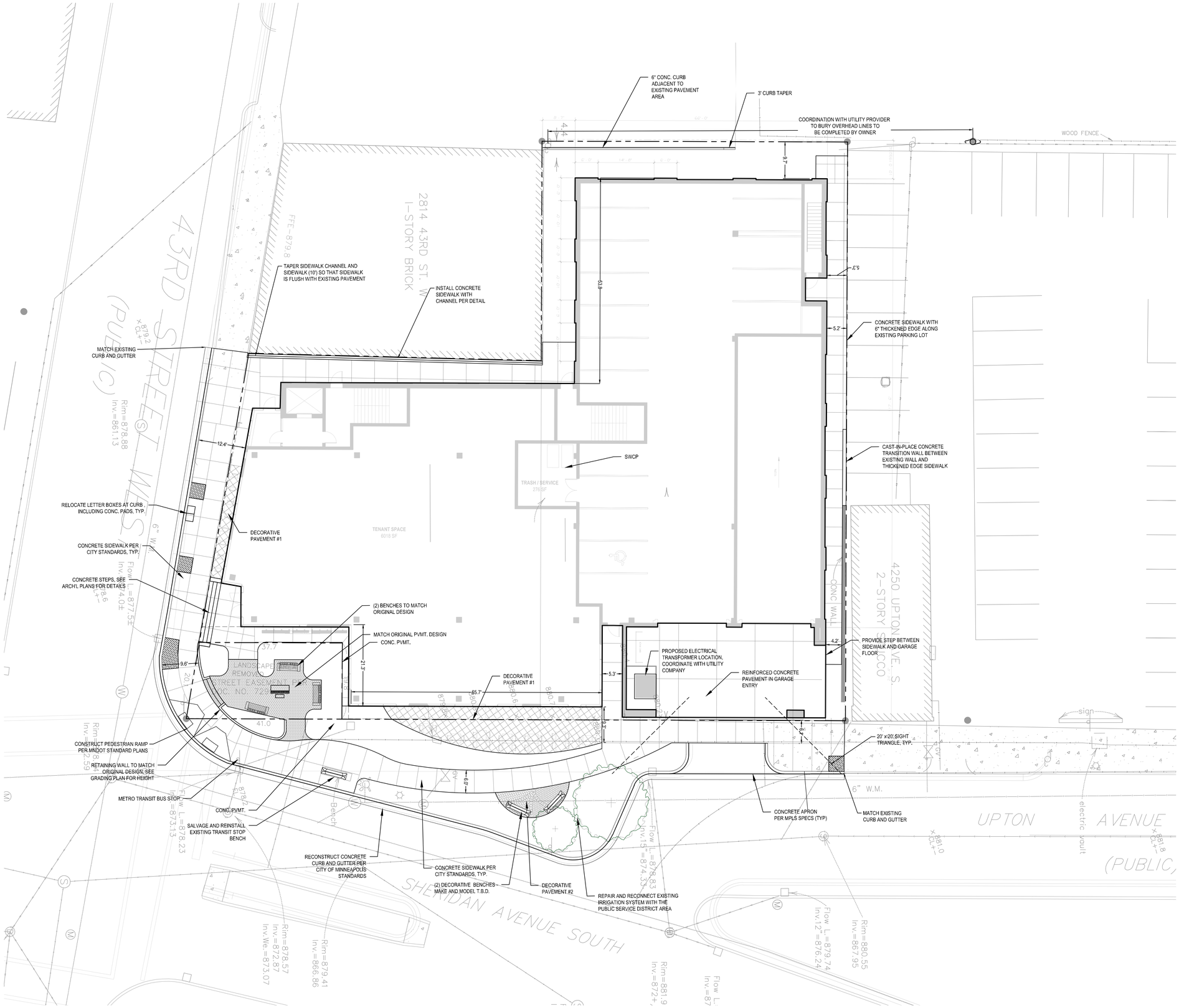
LAND USE APPLICATION SUBMITTAL 7/2/15

Date	7/2/15		
Project Architect	JBW		
Permit Submit Date	N/A		
Project Number	15011		

CONDOMINIUMS

EXISTING CONDITIONS PLAN

C0



SITE PLAN NOTES:

1. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND STREET OPENING PERMIT.
2. THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO-TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
3. CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
4. LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
5. CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
6. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING, FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
7. CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, NUMBERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
8. FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
9. CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS FOR THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION, DUE TO LOCATIONAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.

OPERATIONAL NOTES:

1. ALL SNOW WILL BE REMOVED FROM PUBLIC WALK, AS PER CITY ORD. , BY MANAGEMENT CO.
2. TRASH WILL BE COLLECTED INSIDE THE BUILDING. TRASH BINS WILL BE REMOVED FROM BASEMENT STORAGE AREA TO THE REMOVAL TRUCK LOCATION OUTSIDE THE BUILDING, ON THE STREET AT TIME OF PICK-UP. NO TEMPORARY OUTDOOR STAGING OR STORAGE OF TRASH BINS WILL BE NECESSARY.

CITY COORDINATION NOTES:

1. TRAFFIC & PARKING
   - 1.1. STREET LIGHTING INSTALLED AS PART OF THE PROJECT SHALL BE INSPECTED BY THE CITY. CONTRACTORS SHALL ARRANGE FOR INSPECTIONS WITH THE TRAFFIC DEPARTMENT, PLEASE CONTACT DAVE PREHALL AT (612) 673-5759 FOR FURTHER INFORMATION. ANY LIGHTING INSTALLATIONS NOT MEETING CITY SPECIFICATIONS WILL BE REQUIRED TO BE REINSTALLED AT OWNER EXPENSE.
   - 1.2. AN OBSTRUCTION PERMIT IS REQUIRED ANYTIME CONSTRUCTION WORK IS PERFORMED IN THE PUBLIC RIGHT-OF-WAY. PLEASE CONTACT SCOTT KRAMER AT (612) 673-2383 REGARDING DETAILS OF SIDEWALK AND LANE CLOSURES. LOG ON TO HTTP://MINNEAPOLIS.MN.ROWAY.NET FOR A PERMIT.
   - 1.3. COORDINATE WITH CRAIG PINKALLA, CITY OF MINNEAPOLIS, (612) 499-9233 FOR ALL WORK REGARDING REMOVAL OR PROTECTION OF TREES DURING CONSTRUCTION IN THE CITY RIGHT-OF-WAY.
   - 1.4. COORDINATE WITH PAUL CAO, CITY OF MINNEAPOLIS, (612) 673-2943 FOR ALL WORK REGARDING BIKE RACKS IN THE CITY RIGHT-OF-WAY.
   - 1.5. CONTACT ALLAN KLUGMAN AT (612) 673-2743 PRIOR TO CONSTRUCTION FOR THE TEMPORARY REMOVAL/TEMPORARY RELOCATION OF ANY CITY OF MINNEAPOLIS SIGNAL SYSTEM THAT MAY BE IN THE WAY OF CONSTRUCTION.
   - 1.6. ALL COSTS FOR RELOCATION AND/OR REPAIR OF CITY TRAFFIC FACILITIES SHALL BE BORNE BY THE CONTRACTOR AND/OR PROPERTY OWNER.
   - 1.7. CONTACT DOUG MADAY AT (612) 673-5755 PRIOR TO CONSTRUCTION FOR THE REMOCAL OF ANY CITY OF MINNEAPOLIS RIGHT OF WAY SIGNS THAT MAY BE IN THE WAY OF CONSTRUCTION.
2. ENVIRONMENTAL HEALTH
   - 2.1. COORDINATE WITH ENVIRONMENTAL SERVICES, CITY OF MINNEAPOLIS, (612) 673-3867 FOR PERMITS RELATING TO AFTER HOURS WORK, TEMPORARY STORAGE OF IMPACTED SOILS ON SITE PRIOR TO DISPOSAL OR REUSE, REMEDIATION OF CONTAMINATED SOIL AND GROUNDWATER, REUSE OF IMPACTED SOILS ON SITE, DEWATERING AND DISCHARGE OF ACCUMULATED STORM WATER OR GROUND WATER TO CITY SEWERS, FLAMMABLE WASTE TRAPS, UNDERGROUND OR ABOVEGROUND TANK INSTALLATION OR REMOVAL, WELL CONSTRUCTION OR SEALING, OR ON-SITE ROCK CRUSHING.
   - 2.2. NO CONSTRUCTION, DEMOLITION OR COMMERCIAL POWER MAINTENANCE EQUIPMENT SHALL BE OPERATED WITHIN THE CITY BETWEEN THE HOURS OF 6:00 PM AND 7:00 AM ON WEEKDAYS OR DURING ANY HOURS ON SATURDAYS, SUNDAYS AND STATE AND FEDERAL HOLIDAYS, EXCEPT UNDER PERMIT.
   - 2.3. IF CONTAMINATED SOIL IS ENCOUNTERED, IT MUST BE REPORTED TO THE MINNESOTA DUTY OFFICER AT (651) 649-5451.

AREAS AND QUANTITIES:

	EXISTING		PROPOSED	
BUILDING COVERAGE	3,733 SF	18.5%	15,929 SF	78.9%
ALL PAVEMENTS	15,208 SF	75.3%	2,806 SF	13.9%
ALL NON-PAVEMENTS	1,255 SF	6.2%	1,461 SF	7.2%
TOTAL SITE AREA	20,196 SF	100.0%	20,196 SF	100.0%
IMPERVIOUS SURFACE				
EXISTING CONDITION	18,941 SF	93.8%		
PROPOSED CONDITION	18,735 SF	92.8%		
DIFFERENCE	-206 SF	-1.0%		

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

1" = 10'-0"
5'-0" 0 10'-0"

LEGEND:
- CONCRETE PAVEMENT AS SPECIFIED (PAD OR WALK)
- PROPERTY LINE
- CURB AND GUTTER
- FENCE

MOMENTUM DESIGN GROUP
1595 UNIVERSITY AVENUE WEST
SUITE 200
ST. PAUL, MN 55104
952.563.5760

CivilSite GROUP
4931 W. 35TH ST., #200
ST. LOUIS PARK, MN 55416
952.250.2003 / 763.213.3944
CivilSiteGroup.com

43RD & UPTON
MINNEAPOLIS, MINNESOTA

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Date 7/2/15 License No. 43923

REVISION SUMMARY

DATE	DESCRIPTION
5/15/15	PDR SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

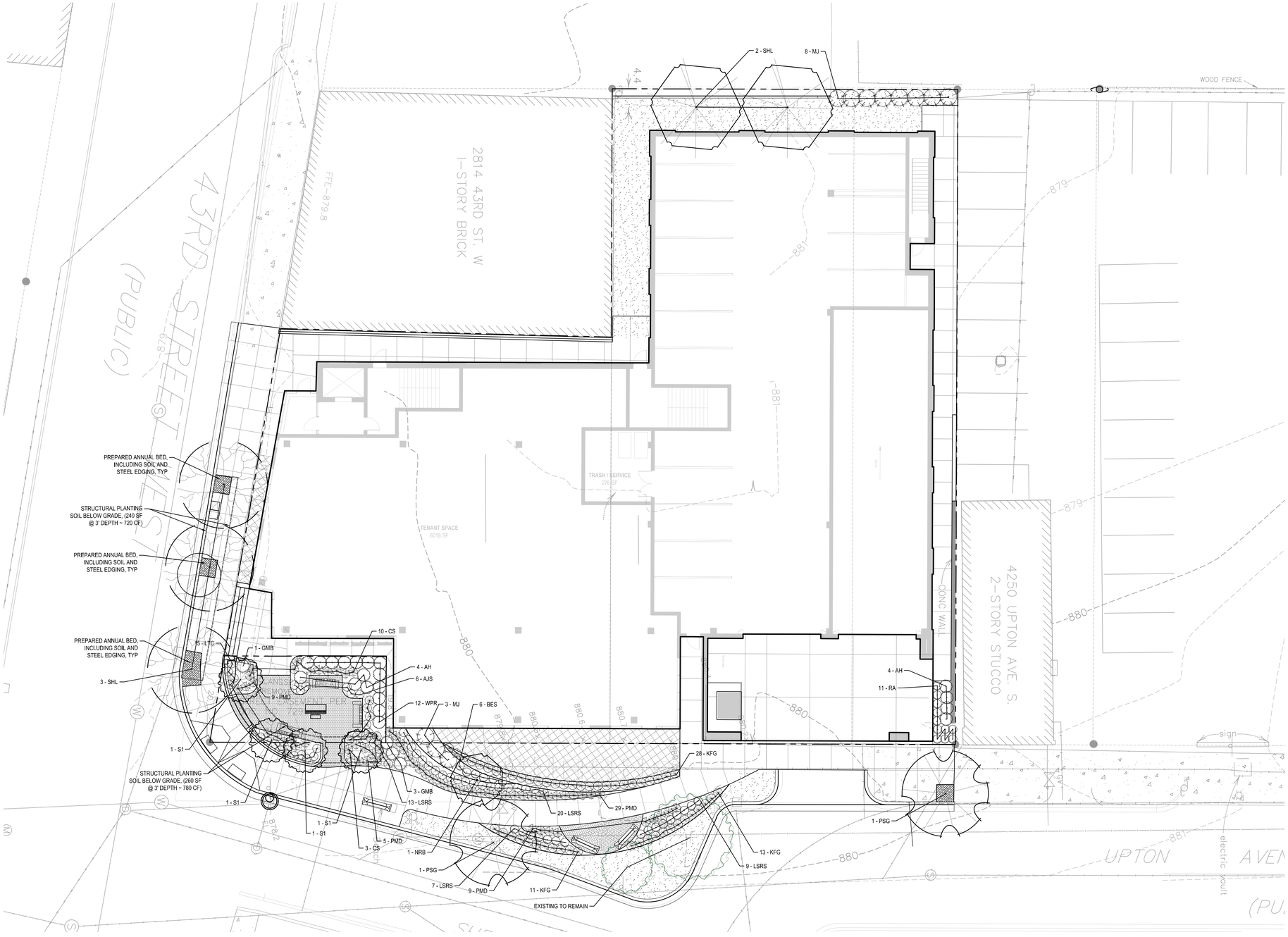
LAND USE APPLICATION SUBMITTAL 7/2/15

Date	7/2/15
Project Architect	JRW
Permit Submit Date	N/A
Project Number	15011

CONDOMINIUMS

SITE PLAN

C2



PLANT SCHEDULE - ENTIRE SITE

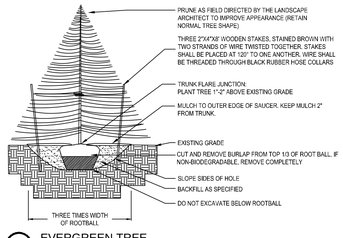
SYM	QUANT. ON-SITE	QUANT. OFF-SITE	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	COMMENTS
			DECIDUOUS TREES				
SHL	2	3	SUNBURST HONEY LOCUST	Gleditsia triacanthos 'Suncole'	2.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
PSG	-	2	PRINCETON SENTRY GINKGO (MALE)	Ginkgo biloba 'Princeton Sentry'	2.5" CAL.	B&B	STRAIGHT LEADER, FULL FORM
S1	0	4	DAKOTA PINNACLE BIRCH	Betula platyphylla 'Fargo'	4+" CAL.	B&B	MATCHING SPECIMENS
			ORNAMENTAL TREES				
NRB	-	1	NORTHERN REDBUD	Cercis canadensis 'Northern Strain'	1.5" CAL.	CONT.	SINGLE STEM, STRAIGHT LEADER
			DECIDUOUS SHRUBS				
AH	8	-	ANNABELLE HYDRANGEA	Hydrangea arborescens 'Annabelle'	#5	CONT.	DENSE BRANCHING
WPR	12	-	WINNIPEG PARKS ROSE	Rosa 'Winnipeg Parks'	#5	CONT.	DENSE BRANCHING
			EVERGREEN SHRUB				
MJ	9	2	MEDORA JUNIPER	Juniperus scopulorum 'Medora'	#5	CONT.	FULL FORM
GMB	1	3	GREEN MOUNTAIN PYRAMIDAL BOXWOOD	Buxus 'Green Mountain'	#5	CONT.	FULL FORM
			PERENNIALS, GRASSES, VINES & GROUND COVER				
BES	-	6	PIXIE MEADOWBRITE ECHINACEA	Echinacea 'Pixie Meadowbrite'	#1	CONT.	
AJS	6	-	AUTUMN JOY SEDUM	Sedum 'Autumn Joy'	#1	CONT.	
LSRS	11	38	LITTLE SPIRE RUSSIAN SAGE	Perovskia 'Little Spire'	#1	CONT.	
CS	10	0	CARADONNA SALVIA	Salvia x sylvestris 'Caradonna'	#1	CONT.	
LTC	7	8	LITTLE TITCH CATMINT	Nepeta racemosa "Little Titch"	#1	CONT.	
PMD	3	40	PARDON ME DAYLILY	Hemerocallis 'Pardon Me'	#1	CONT.	
KFG	-	24	KARL FOERSTER GRASS	Calamagrostis x acutiflora 'Karl Foerster'	#1	CONT.	
CH	-	-	CLIMBING HYDRANGEA	Hydrangea anomala 'var. petiolaris'	#1	CONT.	
EBF	-	-	ELIJAH BLUE FESCUE	Festuca ovina 'Elijah Blue'	#1	CONT.	
RA	11	-	VISIONS IN RED ASTILBE	Astilbe chinensis 'Visions in Red'	#1	CONT.	

2 (ON-SITE & OUT OF POCKET PARK EASEMENT)

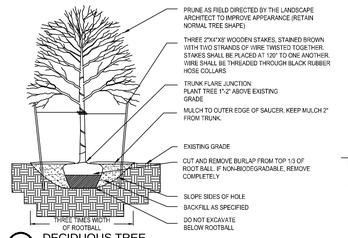
REQUIRED: 2 TREES 9 SHRUBS

13 (ON-SITE & OUT OF POCKET PARK EASEMENT)

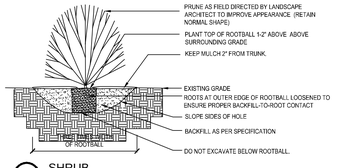
* SYMBOL S1 TO DESIGNATE A SPECIMEN SHADE TREE TO BE PLANTED PRIOR TO INSTALLATION OF ADJACENT PVMTS. SPECIFIC SPECIES OF TREE SHALL BE SELECTED BY NEIGHBORHOOD APPOINTED REPRESENTATIVES, IN COORDINATE WITH CONTRACTOR AND CONTRACTOR'S NURSERY TO ENSURE AVAILABILITY AND VIABILITY OF PREFERRED SPECIES.



1 EVERGREEN TREE
NTS



2 DECIDUOUS TREE
NTS



3 SHRUB
NTS

LANDSCAPE NOTES:

1. ALL SHRUB BEDS SHALL BE MULCHED WITH 4" DEPTH OF DOUBLE SHREDDED HARDWOOD MULCH OVER WEED BARRIER. OWNER'S REP SHALL APPROVE MULCH SAMPLE PRIOR TO INSTALLATION. EDGING SHALL BE METAL EDGING OR APPROVED EQUAL.

2. PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMBNESS OF PLANT MATERIAL FOR DURING OF ACCEPTANCE PERIOD.

3. UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.

4. CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR ONE (1) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.

5. ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" LAYER LOAM AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.

6. COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES, LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

7. ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.

8. REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.

9. SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.

10. REMOVE AND REPLACE EXISTING LANDSCAPE MATERIALS LOCATED WITHIN THE ROW. WORK WITH NEIGHBORHOOD AND EXISTING SERVICE DISTRICT REPS.

11. INSTALL PAVERS PER MANUFACTURER SPECIFICATIONS AND AS SHOWN ON THE PLAN. OWNER TO SELECT PAVER TYPE AND COLOR.

12. PROVIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE A FULLY PROGRAMMABLE SYSTEM CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PATHWAY/BACK OF CURB.

CITY COORDINATION NOTES:

1. SPECIAL DISTRICT COORDINATION
   1.1. COORDINATE WITH ANDY CARLSON, LINDEN HILLS SPECIAL SERVICE DISTRICT ADVISORY BOARD, (612) 673-2836 PRIOR TO LANDSCAPE WORK BEING COMPLETED ON THE PROJECT.

AREAS AND QUANTITIES:

PROPOSED LANDSCAPE AREA CALCULATION:
SITE AREA - BUILDING COVERAGE = OPEN SPACE

20,196.0 SF* - 15,929.0 SF = 4,267.0 SF

20% OF OPEN SPACE = LANDSCAPE AREA

20% X 4,267.0 SF = 853.4 SF REQUIRED
34% X 4,267.0 SF = 1,461.0 SF PROVIDED

92.8% PROPOSED IMPERVIOUS RATIO

PROPOSED LANDSCAPE:
1 TREE/ 500 SF OF "LANDSCAPE AREA"
853.4 SF / 500 = 2 TREES REQUIRED
SEE PLANT SCHEDULE
1 SHRUB/100 SF OR "LANDSCAPE AREA"
853.4 SF / 100 = 9 SHRUBS REQUIRED
SEE PLANT SCHEDULE

* NOTE: SITE AREA, AS REFERENCED ABOVE, DOES NOT INCLUDE AREA WITHIN POCKET PARK

LEGEND

- PREPARED PLANTING SOIL - SUITABLE FOR ANNUAL PLANTING. INCLUDE SHREDDED MULCH AS GROUND COVERING
- SOD - SEE SOD INSTALLATION NOTES ABOVE
- SHREDDED MULCH OVER PERMEABLE GEO-FABRIC IN ALL PLANTING BEDS, INCLUDE EDGING AS SHOWN, PROVIDE SAMPLES
- PROPOSED CANOPY & EVERGREEN TREE SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED DECIDUOUS AND EVERGREEN SHRUB SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- PROPOSED PERENNIAL PLANT SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
- DECORATIVE BOULDERS, 18"-30" DIA.

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WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

N

1" = 10'-0"
5'-0" 0 10'-0"

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SUITE 200
ST. PAUL, MN 55104
952.563.5760

CivilSite GROUP
4931 W. 35TH ST., #200
ST. LOUIS PARK, MN 55416
952.250.2003 / 763.213.3944
CivilSiteGroup.com

43RD & UPTON
MINNEAPOLIS, MINNESOTA

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the state of Minnesota.

Date 7/2/15 License No. 25904

REVISION SUMMARY

DATE	DESCRIPTION
5/15/15	PDR SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

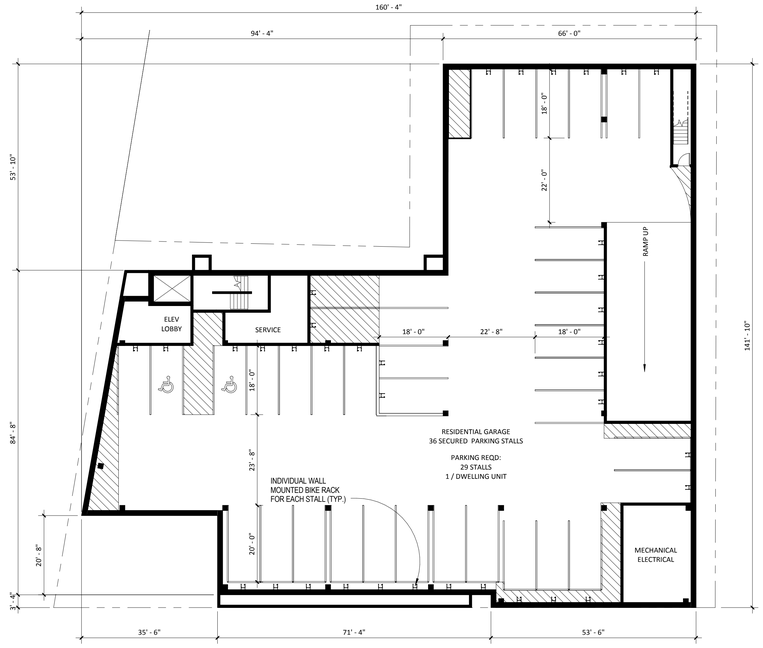
LAND USE APPLICATION SUBMITTAL 7/2/15

Date	7/2/15	
Project Architect	JBW	
Permit Submit Date	N/A	
Project Number	15011	

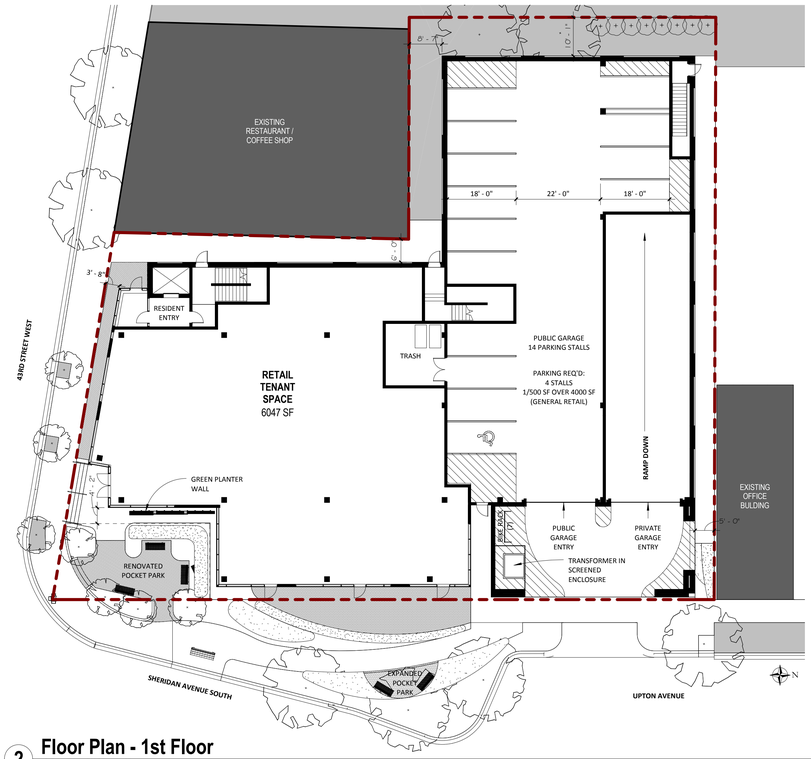
CONDOMINIUMS

LANDSCAPE PLAN

L1

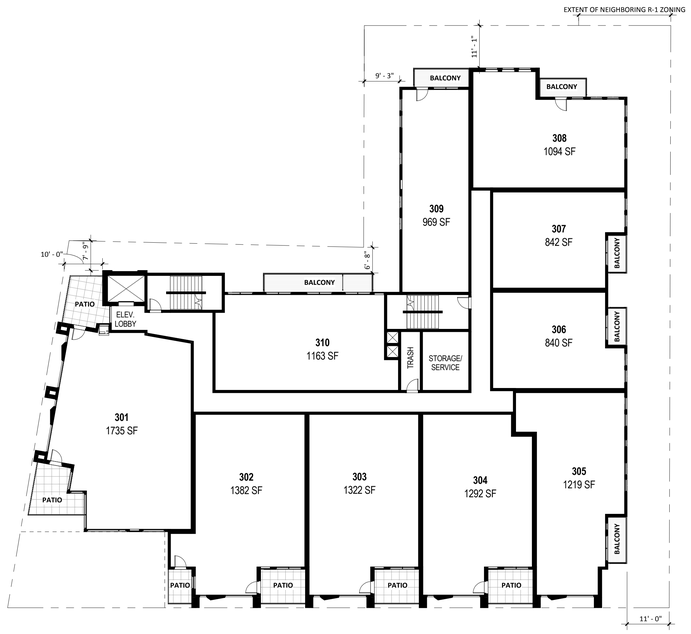


1 **Floor Plan - Lower Garage**
SCALE 1/16" = 1'-0"



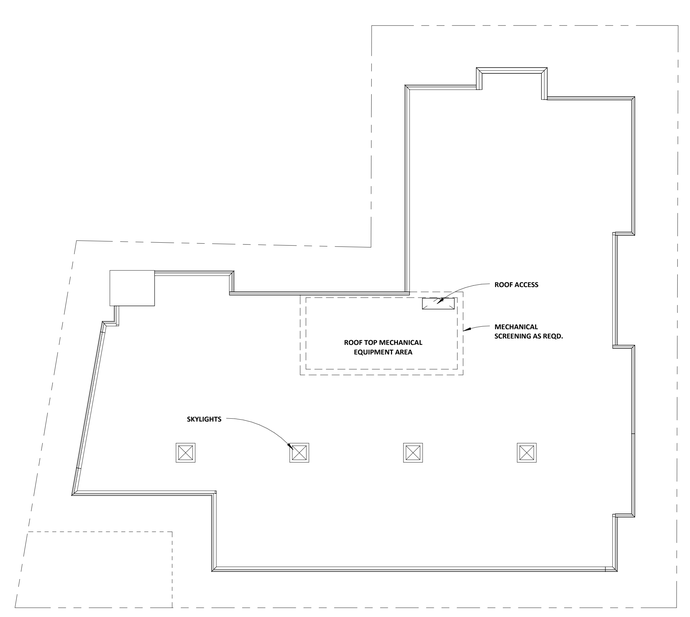
2 **Floor Plan - 1st Floor**
SCALE 1/16" = 1'-0"

3 **Floor Plan - 2nd Floor**
SCALE 1/16" = 1'-0"



4 **Floor Plan - 3rd Floor**
SCALE 1/16" = 1'-0"

5 **Floor Plan - 4th Floor**
SCALE 1/16" = 1'-0"



6 **Roof Plan**
SCALE 1/16" = 1'-0"

GROSS BUILDING AREA BY FLOOR	
ABOVE GRADE	
1st Floor	7176 SF
2nd Floor	13970 SF
3rd Floor	13970 SF
4th Floor	12753 SF
	47869 SF
GARAGE	
Garage	16165 SF
1st Floor	5695 SF
	21860 SF
GRAND TOTAL BLDG AREA	69729 SF

MOMENTUM DESIGN GROUP

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Minneapolis, Minnesota

CITY SUBMITTAL
07/22/15

Date	07/22/15
Project Architect	JEH
Permit Submit Date	N/A
Project Number	15011

Floor Plans

cA10

City of Minneapolis Standard Erosion Control Notes

City of Minneapolis Standard Erosion and Sediment Control Notes for Plans

These notes may be used as performance standards or requirements for projects not meeting the threshold for a formal plan.

1. Contractor must call a construction start 48 hours prior to any land disturbances 612-673-3867. Failure to do so may result in fines, the revocation of permit and a stop work order being issued.
2. Install perimeter erosion control at the locations shown on the plans prior to the commencement of any land disturbance or construction activities.
3. Before beginning construction, install a temporary rock construction entrance at each point where vehicles exit the construction site. Use 2 inch or greater diameter rock in a layer at least 6 inches thick across the entire width of the entrance. Extend the rock entrance at least 50 feet into the construction zone using a geo-textile fabric beneath the aggregate to prevent migration of soil into the rock from below.
4. Remove all soils and sediments tracked or otherwise deposited onto public and private pavement areas. Removal shall be on a daily basis when tracking occurs and may be ordered by Minneapolis inspectors at any time if conditions warrant. Sweeping shall be maintained throughout the duration of the construction and done in a manner to prevent dust being blown to adjacent properties.
5. Install inlet protection at all public and private catch basin inlets, which receive runoff from the disturbed areas. Contractor shall clean, remove sediment or replace storm drain inlet protection devices on a routine basis such that the devices are fully functional for the next rain event. Sediment deposited in and/or plugging drainage systems is the responsibility of the contractor. Hay bales or filter fabric wrapped grates are not allowed for inlet protection.
6. Locate soil or dirt stockpiles no less than 25 feet from any public or private roadway or drainage channel. If remaining for more than seven days, stabilize the stockpiles by mulching, vegetative cover, tarps, or other means. Control erosion from all stockpiles by placing silt barriers around the piles. Temporary stockpiles located on paved surfaces must be no less than two feet from the drainage/gutter line and shall be covered if left more than 24 hours.
7. Maintain all temporary erosion and sediment control devices in place until the contributing drainage area has been stabilized. Inspect temporary erosion and sediment control devices on a daily basis and replace deteriorated, damaged, or rotted erosion control devices immediately.
8. Temporarily or permanently stabilize all construction areas which have undergone final grading, and all areas in which grading or site building construction operations are not actively underway against erosion due to rain, wind and running water within 7-14 days. Use seed and mulch, erosion control matting, and/or sodding and staking in green space areas. Remove all temporary synthetic, structural, non-biodegradable erosion and sediment control devices after the site has undergone final stabilization with permanent vegetation establishment. Final stabilization for purposes of this removal is 70% established cover over denuded area.
9. Ready mixed concrete and concrete batch/mix plants are prohibited within the public right of way. All concrete related production, cleaning and mixing activities shall be done in the designated *concrete mixing/washout* locations as shown in the erosion control plan. Under no circumstance may washout water drain onto the public right of way or into any public or private storm drain conveyance.
10. Changes to approved erosion control plan must be approved by the erosion control inspector prior to implementation. Contractor to provide installation and details for all proposed alternate type devices.
11. If dewatering or pumping of water is necessary, the contractor is responsible for obtaining any necessary permits and/or approvals prior to discharge of any water from the site. If the discharge from the dewatering or pumping process is turbid or contains sediment laden water, it must be treated through the use of sediment traps, vegetative filter strips, or other sediment reducing measures such that the discharge is not visibly different from the receiving water. Additional erosion control measures may be required at the discharge point to prevent scour erosion. The contractor shall provide a dewatering/pumping plan to the Erosion Control Inspector prior to initiating dewatering activities.

SUPPLEMENTARY REMOVALS EROSION CONTROL NOTES:

PROJECT NARRATIVE:
PROJECT IS A REDEVELOPMENT OF A COMMERCIAL BUILDING AND SURFACE PARKING LOT INTO A MULTI STORY MULTI FAMILY BUILDING WITH NO SURFACE PARKING.

CONSTRUCTION REMOVALS SEQUENCING IS PLANNED AS FOLLOWS:

1. INSTALL STABILIZED ROCK CONSTRUCTION ENTRANCE
2. INSTALL SILT FENCE AROUND SITE, & INLET PROTECTION IN AND AROUND CATCH BASINS.
3. REMOVE EXISTING PARKING AND BUILDING FACILITIES
4. CLEAR AND GRUB REMAINDER OF SITE
5. STRIP AND STOCKPILE TOPSOIL, AND MILL BITUMINOUS
6. PREP AND TRANSITION TO NEW CONSTRUCTION ACTIVITIES

REMOVALS DISTURBANCE LENGTH OF TIME:

THE REMOVALS TIMING FOR THIS PROJECT IS EXPECTED TO LAST 30-45 DAYS UNTIL THE START OF NEW CONSTRUCTION.

TEMPORARY AND PERMANENT STABILIZATION:

FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS ON ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1); EMBANKMENTS OF PONDS, BASINS, AND TRAPS; AND WITHIN FOURTEEN (14) DAYS ON ALL OTHER DISTURBED OR GRADED AREAS. SEE PROPOSED LANDSCAPE PLAN FOR FINAL STABILIZATION MEASURES.

SEE EROSION CONTROL PLAN (SHEET C5) FOR CONSTRUCTION STORM WATER MANAGEMENT PLAN AFTER DEMOLITION AND REMOVALS ARE COMPLETE.

CONSTRUCTION DEWATERING SHALL BE INCIDENTAL TO PROJECT. CONTRACTOR SHALL APPLY FOR ALL REQUIRED PERMITS.

CONTRACTOR TO PROVIDE AN ALLOWANCE IN THEIR BID FOR UP TO 200 TONS OF MANMADE OBJECT REMOVAL

ANY AREAS DISTURBED OUTSIDE OF THE PROJECT LIMIITS SHOULD BE REPLACED TO MATCH EXISTING CONDITIONS AT NO COST TO THE OWNER

AREAS AND QUANTITIES:

	EXISTING		PROPOSED	
BUILDING COVERAGE	3,733 SF	18.5%	15,929 SF	78.9%
ALL PAVEMENTS	15,208 SF	75.3%	2,806 SF	13.9%
ALL NON-PAVEMENTS	1,255 SF	6.2%	1,461 SF	7.2%
TOTAL SITE AREA	20,196 SF	100.0%	20,196 SF	100.0%
IMPERVIOUS SURFACE				
EXISTING CONDITION	18,941 SF	93.8%		
PROPOSED CONDITION	18,735 SF	92.8%		
DIFFERENCE	-206 SF	-1.0%		
DISTURBED AREA	25,750 SF			
CONSTRUCTION ENTRANCE	40 CY			
SILT FENCE/BIO-ROLL	600 LF			
EROSION CONTROL BLANKET	0 SF			
INLET PROTECTION DEVICES	5 EA			

OWNER INFORMATION

OWNER: 43 UP LLC
CLARK GASSEN
13911 RIDGEDALE DRIVE, SUITE 125
MINNETONKA, MN 55305

OWNER, DEVELOPER, CONTRACTOR SIGNED STATEMENT

ALL CLEARING, GRADING, CONSTRUCTION OR DEVELOPMENT WILL BE DONE PURSUANT TO THE PLAN. SINGED BY PARTIES BELOW:

OWNER:____________________

DEVELOPER:____________________

CONTRACTOR:____________________

LEGEND:

- 932 — EX. 1' CONTOUR ELEVATION INTERVAL
- COMBINATION BIO-ROLL, CHAIN LINK CONSTRUCTION FENCE
- STABILIZED CONSTRUCTION ENTRANCE

GOPHER STATE ONE CALL
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(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

1" = 10'-0"
5'-0" 0 10'-0"

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952.583.9788

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ST. LOUIS PARK, MN 55416
952.250.2003 / 763.213.3944
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MINNEAPOLIS, MINNESOTA

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.
Date 7/2/15 License No. 44263

REVISION SUMMARY

DATE	DESCRIPTION
5/15/15	PDR SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

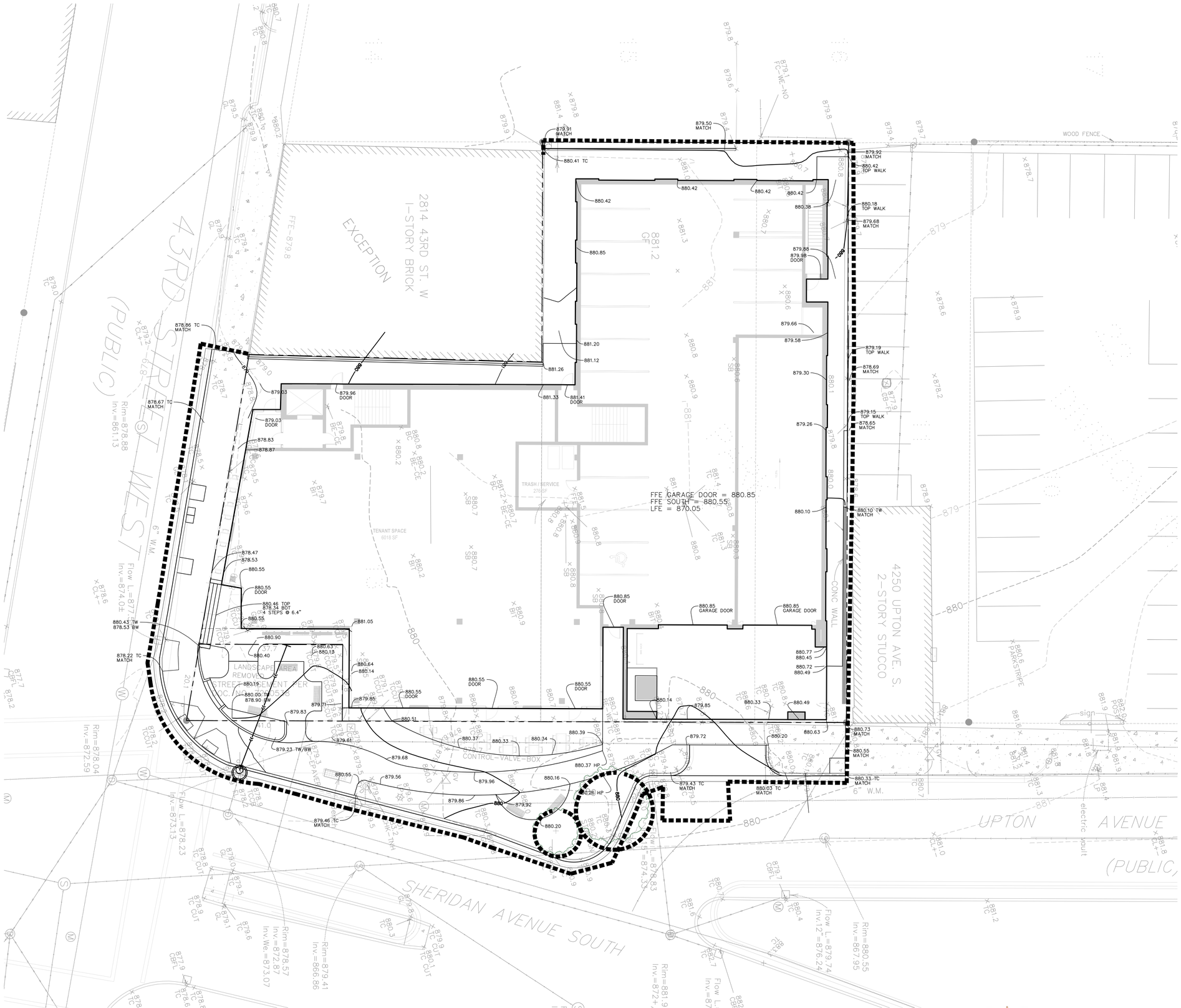
LAND USE APPLICATION SUBMITTAL
7/2/15

Date	7/2/15
Project Architect	JBW
Permit Submit Date	N/A
Project Number	15011

CONDOMINIUMS

REMOVALS AND EROSION CONTROL PLAN

C1



GRADING NOTES:

1. SEE SITE PLAN FOR HORIZONTAL LAYOUT.
2. CONTRACTOR SHALL REFER TO RECOMMENDATIONS IN THE GEOTECHNICAL REPORT FOR ANY ADDITIONAL SITE PREPARATION INFORMATION, SOIL CORRECTION, TYPE OF BACKFILL, OR REQUIREMENTS.
3. EXCAVATION AND EMBANKMENT ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT RECOMMENDATIONS.
4. GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
5. THE CONTRACTOR SHALL SCHEDULE SITE WORK TO MINIMIZE THE DISTURBED AREA AT ANY GIVEN TIME.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOP-SOIL AND SODDING ACTIVITIES.
7. EXCESS FILL MATERIAL SHALL BE REMOVED AND LEGALLY DISPOSED OF BY THE CONTRACTOR OFF-SITE.
8. PROPOSED SPOT GRADES ARE FLOWLINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
9. GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
10. PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS.
11. CONTRACTOR SHALL STRIP, STOCKPILE, AND RE-SPREAD SUFFICIENT TOPSOIL TO PROVIDE A MINIMUM 4" COMPACTED DEPTH TO DISTURBED AREAS TO BE SEEDED OR SODDED.
12. CONCRETE WASHOUT PROCEDURES SHALL BE COMPLETED OFF-SITE.

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

1" = 10'-0"
5'-0" 0 10'-0"

LEGEND:

932	EX. 1' CONTOUR ELEVATION INTERVAL
419	1' CONTOUR ELEVATION INTERVAL
822.0	SPOT GRADE ELEVATION (FLOW LINE UNLESS OTHERWISE NOTED)
	COMBINATION SILT FENCE, CHAIN LINK CONSTRUCTION FENCE

MOMENTUM DESIGN GROUP
2395 UNIVERSITY AVENUE WEST
SUITE 200
ST. PAUL, MN 55114
952.563.9700

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4931 W. 35TH ST., #200
ST. LOUIS PARK, MN 55416
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CivilSiteGroup.com

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MINNEAPOLIS, MINNESOTA

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date 7/2/15 License No. 44263

REVISION SUMMARY

DATE	DESCRIPTION
5/15/15	PDR SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

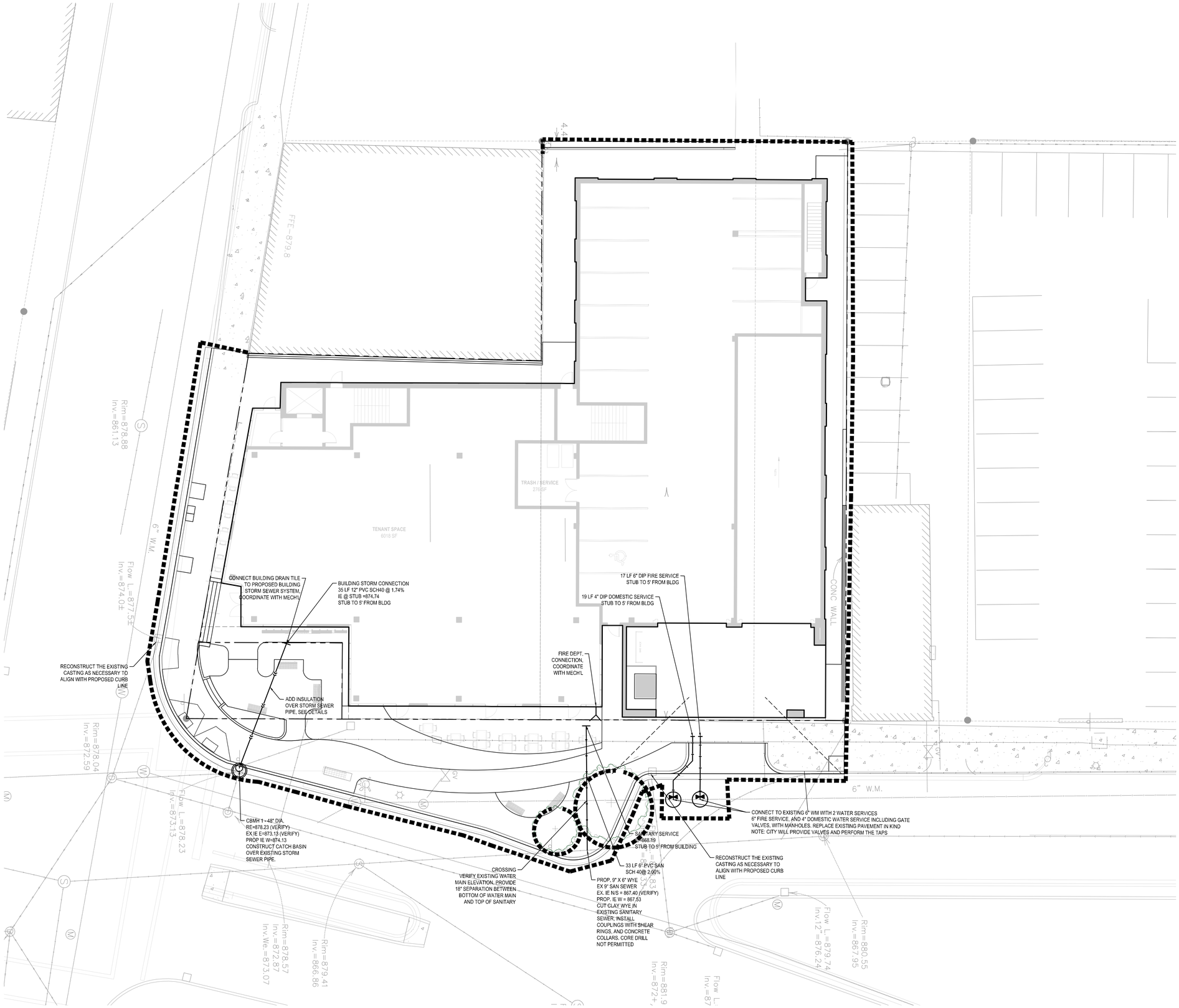
LAND USE APPLICATION SUBMITTAL
7/2/15

Date	7/2/15
Project Architect	JBW
Permit Submit Date	N/A
Project Number	15011

CONDOMINIUMS

GRADING AND DRAINAGE PLAN

C3



UTILITY NOTES:

1. SEE SITE PLAN FOR HORIZONTAL DIMENSIONS AND LAYOUT.
2. CONTRACTOR SHALL FIELD VERIFY LOCATION AND ELEVATION OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF DISCREPANCIES OR VARIATIONS FROM THE PLANS.
3. ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
4. UTILITY INSTALLATION SHALL CONFORM TO THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM), AND SHALL CONFORM WITH THE REQUIREMENTS OF THE CITY AND THE PROJECT SPECIFICATIONS.
5. ALL WATER PIPE SHALL BE CLASS 52 DUCTILE IRON PIPE (DIP) UNLESS OTHERWISE NOTED.
6. UTILITIES ON THE PLAN ARE SHOWN TO WITHIN 5' OF THE BUILDING FOOTPRINT. THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE FINAL CONNECTION TO BUILDING LINES. COORDINATE WITH ARCHITECTURAL AND MECHANICAL PLANS.
7. A MINIMUM OF 8 FEET OF COVER IS REQUIRED OVER ALL WATERMAIN, UNLESS OTHERWISE NOTED. EXTRA DEPTH MAY BE REQUIRED TO MAINTAIN A MINIMUM OF 18" VERTICAL SEPARATION TO SANITARY OR STORM SEWER LINES. EXTRA DEPTH WATERMAIN IS INCIDENTAL.
8. A MINIMUM OF 18 INCHES OF VERTICAL SEPARATION AND 10 FEET OF HORIZONTAL SEPARATION IS REQUIRED FOR ALL UTILITIES, UNLESS OTHERWISE NOTED.
9. ALL CONNECTIONS TO EXISTING UTILITIES SHALL BE IN ACCORDANCE WITH CITY STANDARDS AND COORDINATED WITH THE CITY PRIOR TO CONSTRUCTION.
10. COORDINATE LOCATIONS AND SIZES OF SERVICE CONNECTIONS WITH THE MECHANICAL DRAWINGS.
11. COORDINATE INSTALLATION AND SCHEDULING OF THE INSTALLATION OF UTILITIES WITH ADJACENT CONTRACTORS AND CITY STAFF.
12. ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. ALL PAVEMENT CONNECTIONS SHALL BE SAWCUT. ALL TRAFFIC CONTROLS SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CITY. THIS SHALL INCLUDE BUT NOT BE LIMITED TO SIGNAGE, BARRICADES, FLASHERS, AND FLAGGERS AS NEEDED. ALL PUBLIC STREETS SHALL BE OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT APPROVAL BY THE CITY.
13. CONTRACTOR SHALL COORDINATE ALL WORK WITH PRIVATE UTILITY COMPANIES.
14. CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS THROUGHOUT CONSTRUCTION AND SUBMIT THESE PLANS TO ENGINEER UPON COMPLETION OF WORK.

REQUIRED CITY OF MINNEAPOLIS CORRESPONDANCE AND DOCUMENTATION NOTES:

1. CONTRACTOR, PROPERTY OWNER OR RESPONSIBLE PARTY SHALL CONTACT MINNEAPOLIS SURFACE WATERS AND SEWERS 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION RELATED TO OR IN THE LOCATION OF THE PROPOSED STORM WATER MANAGEMENT BMP. CONTACT PAUL CHELLSEN, 612-673-2406 OR PAUL.CHELLSEN@MINNEAPOLISMN.GOV
2. UPON THE PROJECT'S COMPLETION THE GENERAL CONTRACTOR, PROPERTY OWNER OR RESPONSIBLE PARTY SHALL PROVIDE TO THE DEPARTMENT OF PUBLIC WORKS A "FINAL STORM WATER MANAGEMENT REPORT" INCLUDING DRAWINGS. THIS REPORT WILL SERVE AS A MEANS OF VERIFICATION THAT THE INTENT OF THE APPROVED STORM WATER MANAGEMENT DESIGN HAS BEEN MET. THIS FINAL REPORT SHALL SUBSTANTIATE THAT ALL ASPECTS OF THE ORIGINAL DESIGN HAVE BEEN ADEQUATELY PROVIDED FOR BY THE CONSTRUCTION OF THE PROJECT.
3. COORDINATE WITH MINNEAPOLIS PUBLIC WATER DEPARTMENT PRIOR TO CONSTRUCTION TO CONFIRM ALL DOMESTIC AND FIRE SERVICE LOCATIONS, SIZES, AND CONNECTIONS TO EXISTING WATER MAINS.

NON STORM WATER DISCHARGES:

1. THERE ARE NO KNOWN NON-STORM WATER DISCHARGES ON THE EXISTING SITE AND NONE ARE PROPOSED AS PART OF THIS DEVELOPMENT.

GROUNDWATER STATEMENT:

PER GEOTECHNICAL REPORT BY AMERICAN ENGINEERING TESTING , INC., DATED 3-24-2010 GROUNDWATER WAS OBSERVED AT ELEVATIONS RANGING 26.2 TO 29.4 FEET BELOW EXISTING GRADE

THIS PROJECT DOES NOT PROPOSE ANY PERMANENT GROUNDWATER DISCHARGE TO THE STORM WATER SYSTEM.

LEGEND:

- MANHOLE OR CATCH BASIN
- GATE VALVE AND MANHOLE
- FIRE DEPARTMENT CONNECTION
- SANITARY SEWER
- STORM SEWER
- WATER MAIN

GOPHER STATE ONE CALL
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

1" = 10'-0"
5'-0" 0 10'-0"

MOMENTUM DESIGN GROUP
1595 UNIVERSITY AVENUE WEST
SUITE 200
ST. PAUL, MN 55104
952.583.5760

CivilSite GROUP
4931 W. 35TH ST., #200
ST. LOUIS PARK, MN 55416
952.250.2003 / 763.213.3944
CivilSiteGroup.com

43RD & UPTON
MINNEAPOLIS, MINNESOTA

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date: 7/2/15 License No. 44925

REVISION SUMMARY

DATE	DESCRIPTION
5/15/15	PDR SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

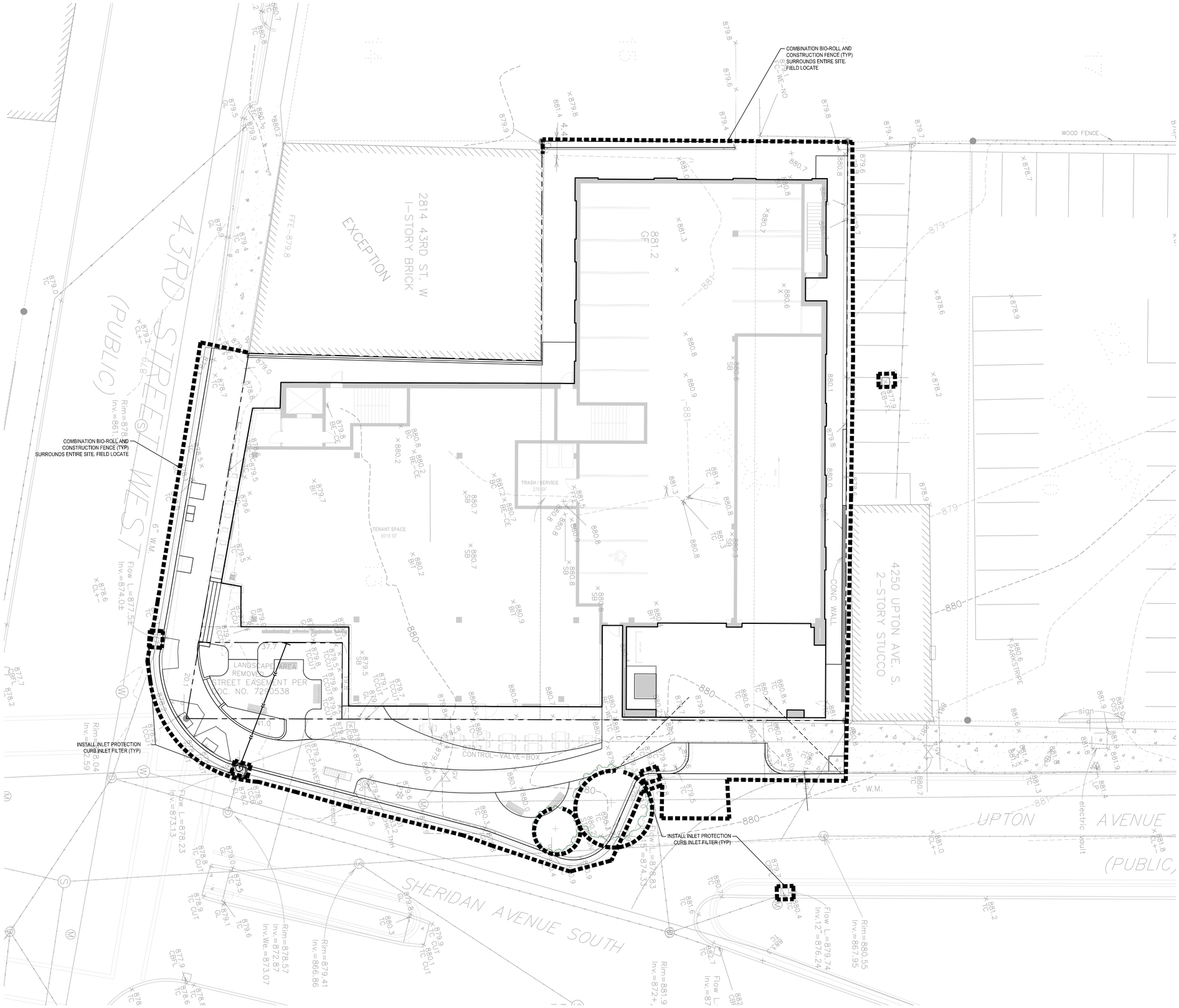
LAND USE APPLICATION SUBMITTAL 7/2/15

Date	7/2/15
Project Architect	JBW
Permit Submit Date	N/A
Project Number	15011

CONDOMINIUMS

UTILITY PLAN

C4



GOPHER STATE ONE CALL
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1" = 10'-0"
5'-0" 0 10'-0"

City of Minneapolis Standard Erosion Control Notes

City of Minneapolis Standard Erosion and Sediment Control Notes for Plans
These notes may be used as performance standards or requirements for projects not meeting the threshold for a formal plan.

1. Contractor must call a construction start 48 hours prior to any land disturbances 612-673-3867. Failure to do so may result in fines, the revocation of permit and a stop work order being issued.
2. Install perimeter erosion control at the locations shown on the plans prior to the commencement of any land disturbance or construction activities.
3. Before beginning construction, install a temporary rock construction entrance at each point where vehicles exit the construction site. Use 2 inch or greater diameter rock in a layer at least 6 inches thick across the entire width of the entrance. Extend the rock entrance at least 50 feet into the construction zone using a geo-textile fabric beneath the aggregate to prevent migration of soil into the rock from below.
4. Remove all soils and sediments tracked or otherwise deposited onto public and private pavement areas. Removal shall be on a daily basis when tracking occurs and may be ordered by Minneapolis inspectors at any time if conditions warrant. Sweeping shall be maintained throughout the duration of the construction and done in a manner to prevent dust being blown to adjacent properties.
5. Install inlet protection at all public and private catch basin inlets, which receive runoff from the disturbed areas. Contractor shall clean, remove sediment or replace storm drain inlet protection devices on a routine basis such that the devices are fully functional for the next rain event. Sediment deposited in and/or plugging drainage systems is the responsibility of the contractor. Hay bales or filter fabric wrapped grates are not allowed for inlet protection.
6. Locate soil or dirt stockpiles no less than 25 feet from any public or private roadway or drainage channel. If remaining for more than seven days, stabilize the stockpiles by mulching, vegetative cover, tarps, or other means. Control erosion from all stockpiles by placing silt barriers around the piles. Temporary stockpiles located on paved surfaces must be no less than two feet from the drainage/gutter line and shall be covered if left more than 24 hours.
7. Maintain all temporary erosion and sediment control devices in place until the contributing drainage area has been stabilized. Inspect temporary erosion and sediment control devices on a daily basis and replace deteriorated, damaged, or rotted erosion control devices immediately.
8. Temporarily or permanently stabilize all construction areas which have undergone final grading, and all areas in which grading or site building construction operations are not actively underway against erosion due to rain, wind and running water within 7-14 days. Use seed and mulch, erosion control matting, and/or sodding and staking in green space areas. Remove all temporary synthetic, structural, non-biodegradable erosion and sediment control devices after the site has undergone final stabilization with permanent vegetation establishment. Final stabilization for purposes of this removal is 70% established cover over denuded area.
9. Ready mixed concrete batch/mix plants are prohibited within the public right of way. All concrete related production, cleaning and mixing activities shall be done in the designated *concrete mixing/washout* locations as shown in the erosion control plan. Under no circumstance may washout water drain onto the public right of way or into any public or private storm drain conveyance.
10. Changes to approved erosion control plan must be approved by the erosion control inspector prior to implementation. Contractor to provide installation and details for all proposed alternate type devices.
11. If dewatering or pumping of water is necessary, the contractor is responsible for obtaining any necessary permits and/or approvals prior to discharge of any water from the site. If the discharge from the dewatering or pumping process is turbid or contains sediment laden water, it must be treated through the use of sediment traps, vegetative filter strips, or other sediment reducing measures such that the discharge is not visibly different from the receiving water. Additional erosion control measures may be required at the discharge point to prevent scour erosion. The contractor shall provide a dewatering/pumping plan to the Erosion Control Inspector prior to initiating dewatering activities.

SUPPLEMENTARY NOTES:

PROJECT NARRATIVE:
PROJECT IS A REDEVELOPMENT OF A COMMERCIAL BUILDING AND SURFACE PARKING LOT INTO A MULTI STORY MULTI FAMILY BUILDING WITH NO SURFACE PARKING.

CONSTRUCTION SEQUENCING IS PLANNED AS FOLLOWS:

1. INSTALL STABILIZED ROCK CONSTRUCTION ENTRANCE
2. INSTALL SILT FENCE AROUND SITE & INLET PROTECTION IN AND AROUND CATCH BASINS (WHERE NOT COVERED BY IN PLACE REMOVALS EROSION CONTROL FACILITIES)
3. STRIP AND STOCKPILE TOPSOIL
4. ROUGH GRADING OF SITE
5. STABILIZE DENUDED AREAS AND STOCKPILES
6. CONSTRUCT BUILDING AND IMPROVEMENTS
7. INSTALL STREET, CURB, SIDEWALK AND SITE IMPROVEMENTS
14. FINAL GRADE BOULEVARD, INSTALL LANDSCAPING
16. WHEN ALL CONSTRUCTION ACTIVITY IS COMPLETE AND THE SITE IS STABILIZED, REMOVE SILT FENCE AND RESEED ANY AREAS DISTURBED BY THE REMOVAL.

DISTURBANCE LENGTH OF TIME:

THE TIMING FOR THIS PROJECT IS EXPECTED TO LAST 12-18 MONTHS UNTIL FINAL STABILIZATION..

TEMPORARY AND PERMANENT STABILIZATION:

FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS ON ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1); EMBANKMENTS OF PONDS, BASINS, AND TRAPS; AND WITHIN FOURTEEN (14) DAYS ON ALL OTHER DISTURBED OR GRADED AREAS. SEE PROPOSED LANDSCAPE PLAN FOR FINAL STABILIZATION MEASURES.

CONCRETE WASHOUT:

CONCRETE WASHOUT SHALL BE PERFORMED OFF SITE.

OWNER INFORMATION

OWNER: 43 UP LLC
CLARK GASSEN
13911 RIDGEDALE DRIVE, SUITE 125
MINNETONKA, MN 55305

OWNER, DEVELOPER, CONTRACTOR SIGNED STATEMENT

ALL CLEARING, GRADING, CONSTRUCTION OR DEVELOPMEN WILL BE DONE PURSUANT TO THE PLAN, SINGED BY PARTIES BELOW:

OWNER:_____

DEVELOPER:_____

CONTRACTOR:_____

AREAS AND QUANTITIES:

	EXISTING		PROPOSED	
BUILDING COVERAGE	3,733 SF	18.5%	15,929 SF	78.9%
ALL PAVEMENTS	15,208 SF	75.3%	2,806 SF	13.9%
ALL NON-PAVEMENTS	1,255 SF	6.2%	1,461 SF	7.2%
TOTAL SITE AREA	20,196 SF	100.0%	20,196 SF	100.0%
IMPERVIOUS SURFACE				
EXISTING CONDITION	18,941 SF	93.8%		
PROPOSED CONDITION	18,735 SF	92.8%		
DIFFERENCE	-206 SF	-1.0%		
DISTURBED AREA	25,750 SF			
CONSTRUCTION ENTRANCE	40 CY			
SILT FENCE/BIO-ROLL	600 LF			
EROSION CONTROL BLANKET	0 SF			
INLET PROTECTION DEVICES	5 EA			

LEGEND:

- 932 — EX. 1' CONTOUR ELEVATION INTERVAL
- 419 — 1' CONTOUR ELEVATION INTERVAL
- 422.0 — SPOT GRADE ELEVATION (FLOW LINE UNLESS OTHERWISE NOTED)
- 422.0G — SPOT GRADE ELEVATION GUTTER
- 422.0BC — SPOT GRADE ELEVATION BACK OF CURB (TOP OF CURB)
- 422.0BS — SPOT GRADE ELEVATION BOTTOM OF STAIRS
- COMBINATION BIO-ROLL, CHAIN LINK CONSTRUCTION FENCE
- INLET PROTECTION CURB INLET FILTER
- STABILIZED CONSTRUCTION ENTRANCE

MOMENTUM DESIGN GROUP
7305 UNIVERSITY AVENUE WEST
SUITE 200
ST. PAUL, MN 55114
952.563.5760

CivilSite GROUP
4931 W. 35TH ST., #200
ST. LOUIS PARK, MN 55416
952.250.2003 / 763.213.3944
CivilSiteGroup.com

43RD & UPTON
MINNEAPOLIS, MINNESOTA

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date 7/2/15 License No. 44923

REVISION SUMMARY

DATE	DESCRIPTION
5/15/15	PDR SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

LAND USE APPLICATION SUBMITTAL 7/2/15

Date	7/2/15	
Project Architect	JBW	
Permit Submit Date	N/A	
Project Number	15011	

CONDOMINIUMS

EROSION CONTROL PLAN

C5

MOMENTUM DESIGN GROUP
1595 UNIVERSITY AVENUE WEST
SUITE 200
ST. PAUL, MN 55104
952.583.5760

CivilSite GROUP
4931 W. 35TH ST., #200
ST. LOUIS PARK, MN 55416
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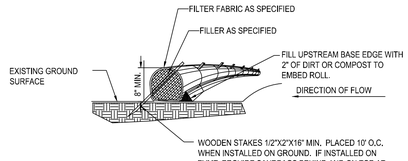
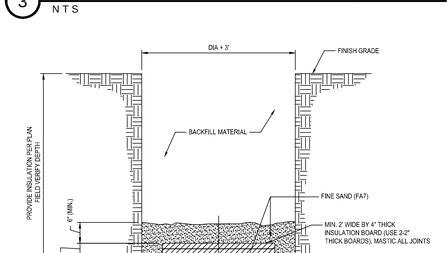


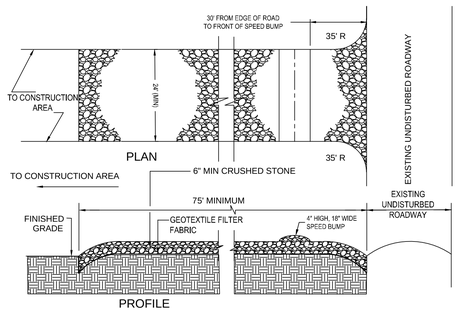
NOTE:
1. COMPOST FILTER LOGS (BIO ROLLS) SHALL BE FILTREXX EROSION CONTROL SOXX OR APPROVED EQUAL.
2. COMPOST FILLER TO BE MADE FROM A COMPOST BLEND 30%-40% GRADE 2 (SPEC 3890) AND 60%-70% PARTIALLY DECOMPOSED WOOD CHIPS, PER MNDOT SPEC 3897.
3. FILTER FABRIC SHALL BE GEOTEXTILE KNITTED MATERIAL WITH MAX. OPENINGS OF 3/8".
4. IF MULTIPLE ROLLS NEEDED, OVERLAP BY MIN. 12" AT ENDS AND STAKE.
5. SILT SHALL BE REMOVED ONCE IT REACHES 80% OF THE HEIGHT OF THE ROLL OR AS DEEMED NECESSARY BY SITE CONTRACTOR TO MAINTAIN PROPER FUNCTION.

1 SEDIMENT BIO-ROLL / COMPOST FILTER LOG
N T S



NOTES:
1. REPLACE INLET GRATE UPON COMPLETE INSTALLATION OF INLET PROTECTION FABRIC.
2. CONTRACTOR SHALL REMOVE ALL ACCUMULATED SEDIMENT AND DEBRIS FROM THE SURFACE OF THE SYSTEM AFTER EACH STORM EVENT AND AT THE COMPLETION OF THE CONTRACT.
3. REFERENCE APPLE VALLEY STANDARD PLATE ERO-4C.

2 CURB INLET FILTER
N T S



NOTES:
1) PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION ENTRANCE AND UNDISTURBED ROADWAY.
2) THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO UNDISTURBED ROADWAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDING STONE TO THE LENGTH OF THE ENTRANCE.
3)REPAIR AND CLEANOUT MEASURES USED TO TRAP SEDIMENT.
4) ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO UNDISTURBED ROADWAY SHALL BE REMOVED AS DIRECTED BY THE ENGINEER.
5) FINAL LOCATION AND INSTALLATION SHALL BE COORDINATED WITH THE CITY PRIOR TO CONSTRUCTION ACTIVITIES.

3 STABILIZED CONSTRUCTION ACCESS
N T S

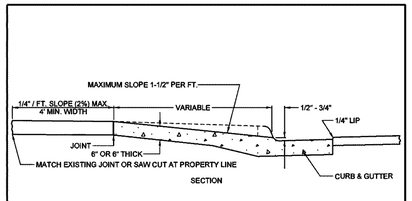
NOTES:

1. INSULATION BOARD TO BE CLOSED CELL, EXTRUDED POLYSTYRENE FOAM MEETING ASTM 578, TYPE VI, 40PSI COMPRESSING STRENGTH (ASTM D1621) 0.1%MAX. WATER ABSORPTION (ASTM C272).

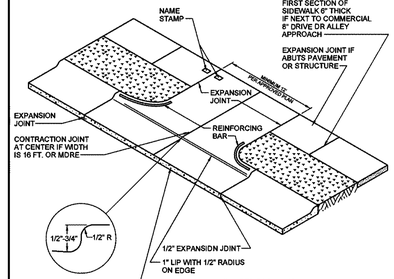
2. BACKFILL MATERIAL AROUND INSULATION MUST BE FINE SAND FREE FROM ROOT, ORGANIC MATERIAL, OR OTHER INJURIOUS MATERIALS.

3. OVERLAP ALL INSULATION BOARD JOINTS.

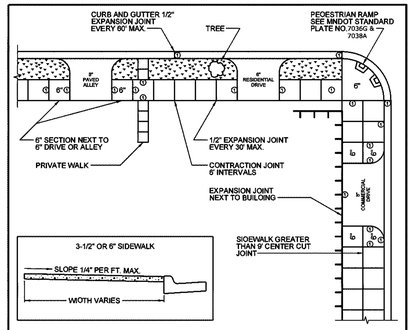
4 UTILITY PIPE INSULATION DETAIL
N T S



MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		TYPICAL DRIVEWAY CONSTRUCTION	STANDARD PLATE NO. ROAD-2001
DRAWN: JFC	DATE: 9/10/07		
APPROVED: GAS	DATE: 5/19/08		

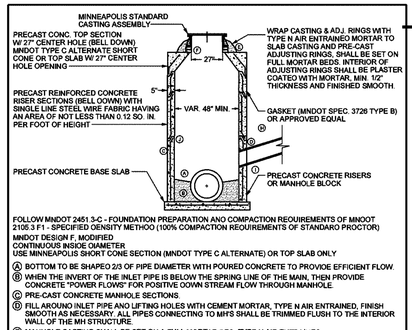


MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		TYPICAL DRIVEWAY	STANDARD PLATE NO. RDAD-2002
DRAWN: JFC	DATE: 9/10/07		
APPROVED: GAS	DATE: 5/19/08		



NOTE:
1. EXPANSION MATERIAL REQUIRED (SEE MNDOT SPEC BOOK, 2301.3K JOINT CONSTRUCTION).
FIRST SECTION NEXT TO COMMERCIAL DRIVEWAY OR ALLEY 6" THICK.
1/2" THICK EXPANSION JOINTS AT 30' INTERVALS (MAXIMUM).
EXPANSION TO BE USED WHEN SIDEWALK ABUTS BUILDING.
CONTRACTION JOINT TO BE CENTERED ON SIDEWALK WIDER THAN 9'.
CONTRACTION JOINT TO BE PLACED EVERY 6' OR LESS.

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		TYPICAL SIDEWALK AND DRIVEWAY CONSTRUCTION	STANDARD PLATE NO. ROAD-2003
DRAWN: JFC	DATE: 9/10/07		
APPROVED: GAS	DATE: 5/19/08		



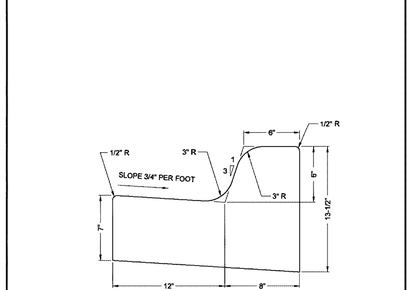
FOLLOW MNDOT 2451.3-C - FOUNDATION PREPARATION AND COMPACTION REQUIREMENTS OF MNDOT 2105.3 F1 - SPECIFIED DENSITY METHOD (100% COMPACTION REQUIREMENTS OF STANDARD PROCTOR)
MNDOT DESIGN F, MODIFIED
CONTINUOUS INSIDE DIAMETER
USE MINNEAPOLIS SHORT CONE SECTION (MNDOT TYPE C ALTERNATE) OR TOP SLAB ONLY

A BOTTOM TO BE SHAPED 2/3 OF PIPE DIAMETER WITH POURED CONCRETE TO PROVIDE EFFICIENT FLOW.
B WHEN THE INVERT OF THE INLET PIPE IS BELOW THE SPRING LINE OF THE MAIN, THEN PROVIDE CONCRETE "POWER FLOWS" FOR POSITIVE DOWN STREAM FLOW THROUGH MANHOLE.
C PRE-CAST CONCRETE MANHOLE SECTIONS.
D FILL AROUND INLET PIPE AND LIFTING HOLES WITH CEMENT MORTAR, TYPE N AIR ENTRAINED, FINISH SMOOTH AS NECESSARY. ALL PIPES CONNECTING TO MH'S SHALL BE TRIMMED FLUSH TO THE INTERIOR WALL OF THE MH STRUCTURE.
E MANHOLE CASTING SHALL BE SET ON A FULL MORTAR BED, TYPE N AIR ENTRAINED
F THE NUMBER OF CONCRETE ADJUSTING RINGS SHALL BE LIMITED TO PROVIDE A MAXIMUM THICKNESS OF 8" INCLUDING MORTAR, TYPE N AIR ENTRAINED WITH A MINIMUM OF 1 - 2" ADJUSTING RING.
ALL ADJUSTING RINGS TO BE NEATLY SEALED WITH CONCRETE GROUT, TYPE N AIR ENTRAINED, ON THE INTERIOR OF THE STRUCTURE.
MINIMUM OF 2" OF ADJUSTING RINGS & MORTAR TYPE N AIR ENTRAINED REQUIRED.
ALL WOOD AND NON-CONCRETE ADJUSTING DEVICES SHALL BE REMOVED.
G CONCRETE MANHOLE BLOCK MAY BE USED WITH THE APPROVAL OF CITY ENGINEER. INTERIOR & EXTERIOR OF BLOCK WORK SHALL BE MORTAR PLASTERED, TYPE N AIR ENTRAINED, TO A SMOOTH FINISH, MIN. 1/2" THICKNESS.
H SUITABLE BACKFILL UNIFORMLY DISTRIBUTED IN 8" OR LESS LAYERS AND COMPACTED BEFORE SUCCESSIVE LAYERS ARE ADDED. MNDOT 2451.3 D - BACKFILLING EXCAVATIONS, COMPACTION IN ACCORDANCE WITH MNDOT 2105.3 F1 - SPECIFIED DENSITY METHOD.
J FILL ANNULAR SPACE ON BELL END OF 1ST RISER SECTION WITH BRICK AND MORTAR, TYPE N AIR ENTRAINED, IF REQUIRED.
K WATER STOP REQUIRED ON PVC, DIP, VCP, HOPE, HOBAS, PPP.

MINNEAPOLIS SHORT CONE SECTION SHALL BE USED UNLESS OTHERWISE SPECIFIED IN THE PLANS AND PLASTER COATED WITH TYPE N AIR ENTRAINED MORTAR (TO A SMOOTH FINISH).
ALL PRE-CAST MH RISER SECTIONS SHALL BE CONFIGURED TO PLACE THE BELL END DOWN.

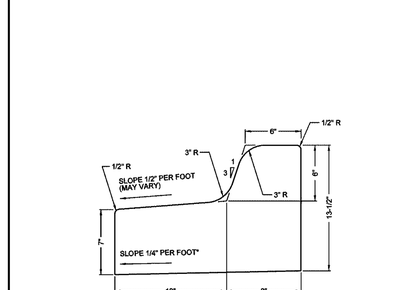
MINNEAPOLIS CUSTOM MNDOT SPEC. REF. 2506 MODIFIED MNDOT 4000J, 4005L
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		TYPICAL MANHOLE CONSTRUCTION	STANDARD PLATE NO. SEWR-1000-R1
DRAWN: DCD	DATE: 12/06		
APPROVED: WKB	DATE: 12/06		

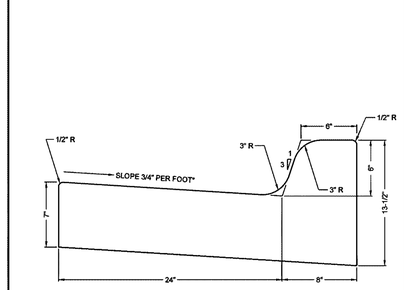


*SLOPE NOT TO EXCEED 1:20 AT CURB RAMPS

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		B612 CURB AND GUTTER	STANDARD PLATE NO. ROAD-1000
DRAWN: JFC	DATE: 4/1/08		
APPROVED: GAS	DATE: 5/19/08		

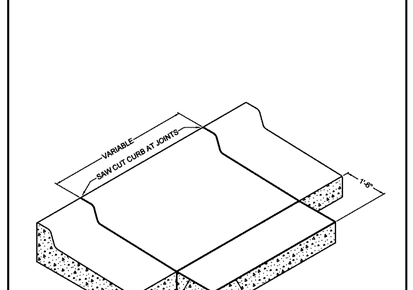


MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		B612 CURB AND GUTTER TIPOUT	STANDARD PLATE NO. ROAD-1001
DRAWN: JFC	DATE: 4/7/08		
APPROVED: GAS	DATE: 5/19/08		

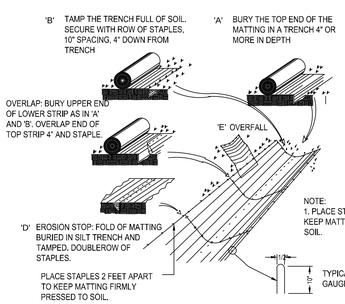


*SLOPE NOT TO EXCEED 1:20 AT CURB RAMPS

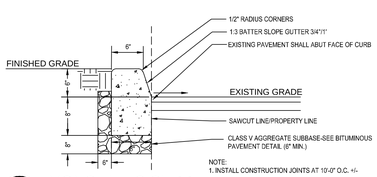
MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		B-624 CURB AND GUTTER	STANDARD PLATE NO. ROAD-1003
DRAWN: JFC	DATE: 9/10/07		
APPROVED: GAS	DATE: 5/19/08		



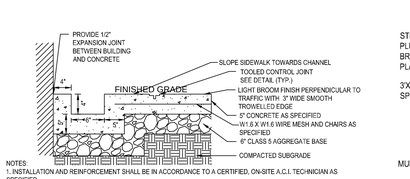
MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		SAW CUT AT CURB AND GUTTER REMOVAL	STANDARD PLATE NO. ROAD-1010
DRAWN: JFC	DATE: 9/10/07		
APPROVED: GAS	DATE: 5/19/08		



5 EROSION BLANKET
N T S

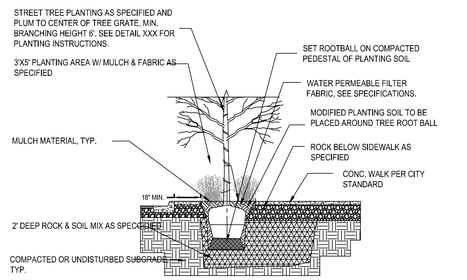


6 MONOLITHIC CURB
N T S



NOTES:
1. INSTALLATION AND REINFORCEMENT SHALL BE IN ACCORDANCE TO A CERTIFIED, ON-SITE A.C.I. TECHNICIAN AS SPECIFIED.
2. SEE GEOTECHNICAL RECOMMENDATIONS FOR GROSS WEIGHT REQUIREMENTS.
3. SEE LAYOUT DRAWINGS FOR LIMITS OF WALKS.
4. SEE CONCRETE JOINT DETAIL FOR REQUIREMENTS.
5. 1/2" WIDE EXPANSION JOINT AND SEALANT AT ALL CURBS.
6. WIRE MESH AND CHAIRS REQUIRED FOR ALL WALKS OR IN LOCATIONS FOR VEHICULAR TRAFFIC.
7. IF APPLICABLE, SEE SPECIFICATIONS FOR ADDITIONAL REQUIREMENT'S FOR DECORATIVE CONCRETE

7 CONCRETE WALK WITH CHANNEL
N T S



8 DECIDUOUS TREE PIT PLANTING
N T S

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MINNEAPOLIS, MINNESOTA

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date: 7/2/15 License No. 44283

REVISION SUMMARY:

DATE	DESCRIPTION
5/15/15	PDR SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

LAND USE APPLICATION SUBMITTAL 7/2/15

Date	7/2/15		
Project Architect	JBW	Permit Submit Date	N/A
		Project Number	15011

CONDOMINIUMS

DETAILS

C6

CONTINUOUS INSIDE DIAMETER REQUIRED
USE TYPE C ALTERNATE SHORT CONE SECTION OR TOP SLAB ONLY

BASE RISER TO BE SET ON A FULL MORTAR BED. TYPE N AIR ENTRAINED MORTAR MIX. FILL ANNULAR SPACE ON BELL END OF 1ST RISER SECTION WITH BRICK AND MORTAR. TYPE N AIR ENTRAINED IF NEEDED.

(A) FILL AROUND INLET PIPE WITH CEMENT MORTAR, TYPE N AIR ENTRAINED. FINISH SMOOTH AS NECESSARY. OVERSIZED HOLE (DOGHOUSE) FOR THE PIPE OPENING TO BE FIELD GROUTED. MANHOLE BLOCK MAY BE SUBSTITUTED FOR PRECAST RISERS AT THE DISCRETION OF THE CITY ENGINEER.

TYPICAL INTERMEDIATE RISER HEIGHTS

12"
16"
32"
46"
64"

48" MANHOLE RISER SECTIONS OTHER HEIGHTS AVAILABLE THROUGH SPECIAL ORDER

PRE CAST RISERS	
MH I.D. (in.)	WALL "T" (in.)
48"	5"
54"	6"
60"	6"
72"	7"
78"	6"
84"	6"
92"	6"
96"	9"
108"	6"
108"	10"
120"	11"
132"	12"

O-RING GASKET JOINT DETAIL

MINNEAPOLIS CUSTOM
MNDOT SPEC. REF. 2506
MODIFIED MNDOT 4005L
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: DCD DATE: 12/09 | APPROVED: HRS DATE: 12/09 | PRECAST RISER SECTIONS | STANDARD PLATE NO. SEWR-1001-R1

NOTES:
PROVIDE MORTAR FILLETS TO FIT THE BOTTOM PORTION OF PIPE TO DIRECT FLOW TO OUTLET.
THE INSIDE OF BRICK OR BLOCK STRUCTURES SHALL BE PLASTERED WITH TYPE N AIR ENTRAINED MORTAR TO A SMOOTH SURFACE.
POWER FLOW STANDARDS APPLY TO ALL MANHOLE STRUCTURES.

MINNEAPOLIS CUSTOM
MNDOT SPEC. REF. 2506
MODIFIED MNDOT 4000J, 4005L
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: DCD DATE: 6/05 | APPROVED: HRS DATE: 12/08 | MANHOLE POWER FLOW DETAIL | STANDARD PLATE NO. SEWR-1002

STRUCTURE	PRECAST CONCRETE BASE				
SIZE (in.)	OUTSIDE DIA. (in.)	"T" (in.)	MIN. REINFORCEMENT (1) (in.) BAR NUMBER	SPACING (in.)	WT. (lbs.)
30	44	8	#4	12	1880
48	88	8	#4	12	1880
80	78	8	#4	12	3320
72	92	8	#4	12	4820
84	108	8	#4	8	8130
96	120	8	#4	8	7850
108	132	10	#4	8	10690
120	146	12	#4	8	17440

ALL REBARS ARE IN ENGLISH DESIGNATIONS

MNDOT SPEC. REF. 2506
MNDOT 4011E
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: CXD DATE: 2/03 | APPROVED: HRS DATE: 12/08 | MANHOLE BASE SLAB | STANDARD PLATE NO. SEWR-1003

NOTES:
(1) CATCH BASIN CASTING.
(2) ON ALL APPLICATIONS USE 1-1/4" SUMP. SUMP SHALL BE MEASURED AT CENTER OF CASTING.
(3) SAME THICKNESS AS ADJACENT PAVEMENT OR GUTTER.
(4) CURB INLET CASTING SHALL BE FASTENED TEMPORARILY TO FRAME CASTING WITH 2 CAP SCREWS. DURING CURB CONSTRUCTION. CAP SCREWS MUST BE REMOVED AFTER CURB HAS HARDENED.

COMPENSATE FOR TILT BY VARYING THE DEPTH OF MORTAR SEAT.
ALL REINFORCEMENT REQUIRED IS INCIDENTAL, WITH NO DIRECT PAYMENT.
ALL REBARS ARE IN ENGLISH DESIGNATIONS.
ALL REBARS ARE GRADE 60

MNDOT SPEC. REF. 2506
MNDOT 7111J
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: DCD DATE: 5/03 | APPROVED: HRS DATE: 12/08 | CATCH BASIN INSTALLATION | STANDARD PLATE NO. SEWR-1009

NOTES:
WEIGHT = 202 LBS.
MATERIAL: GRAY IRON ASTM A-48

MINNEAPOLIS CUSTOM
MNDOT SPEC. REF. 2506
MODIFIED MNDOT 4110F
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: ZTT DATE: 2/03 | APPROVED: HRS DATE: 12/08 | MANHOLE COVER CITY LOGO | STANDARD PLATE NO. SEWR-2000

NOTES:
FOR USE WITH 30" DIA. REINFORCED CONCRETE CATCH BASIN POT.
MAY ALSO BE USED ON A MANHOLE STRUCTURE WHEN PLACED TO CAPTURE GUTTER FLOWS.
MNDOT FRAME CASTING 806, USE GRATE 81B, CURB BOX 824.
APPROXIMATE WEIGHT = 302 LBS.
MATERIAL: GRAY IRON ASTM A-48

MNDOT SPEC. REF. 2506
MNDOT 4125D
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: DCD DATE: 2/03 | APPROVED: HRS DATE: 12/08 | CATCH BASIN CASTING | STANDARD PLATE NO. SEWR-2006

NOTES:
MINNEAPOLIS ALLEY INLET GRATE
MATERIAL: GRAY IRON ASTM A-48

MINNEAPOLIS CUSTOM
MNDOT SPEC. REF. 2506
MODIFIED MNDOT 4154B
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: ZTT DATE: 12/02 | APPROVED: HRS DATE: 12/08 | CIRCULAR VANE GRATE | STANDARD PLATE NO. SEWR-2003

NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: TDS DATE: 1/1/12 | APPROVED: RCE DATE: 1/1/12 | STANDARD MANHOLE | STANDARD PLATE NO. WATR-2006A-R1

(1) INSTALL GRATE WITH ARROW IN DIRECTION OF FLOW.
GRATE TO BE INSTALLED PERPENDICULAR TO THE GUTTER.

GRATE CASTING IS BICYCLE SAFE WHEN PROVIDED TO FIT OVER BOLT HEAD IN FRAME TO PREVENT WRONG ALIGNMENT OF VANES.

NOTES:
MATERIAL: GRAY IRON ASTM A-48

MNDOT CASTING NO. 816
MNDOT SPEC. REF. 2506
MNDOT 4154B
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: DCD DATE: 1/03 | APPROVED: HRS DATE: 12/08 | CATCH BASIN GRATE TYPE "V" | STANDARD PLATE NO. SEWR-2008

NOTES:
IN 5/8" CORED HOLE, A 5' PIECE OF #4 REBAR (GRADE 60) IS REQUIRED.
WEIGHT = 54 LBS.
MATERIAL: GRAY IRON ASTM A-48

MNDOT CURB BOX NO. 824
MNDOT SPEC. REF. 2506
MNDOT 4133A
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS | DRAWN: DCD DATE: 2/03 | APPROVED: HRS DATE: 12/08 | CURB BOX CASTING FOR CATCH BASIN | STANDARD PLATE NO. SEWR-2007

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MINNEAPOLIS, MINNESOTA

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Date 7/2/15 License No. 44263

REVISION SUMMARY

DATE	DESCRIPTION
5/15/15	PDR SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

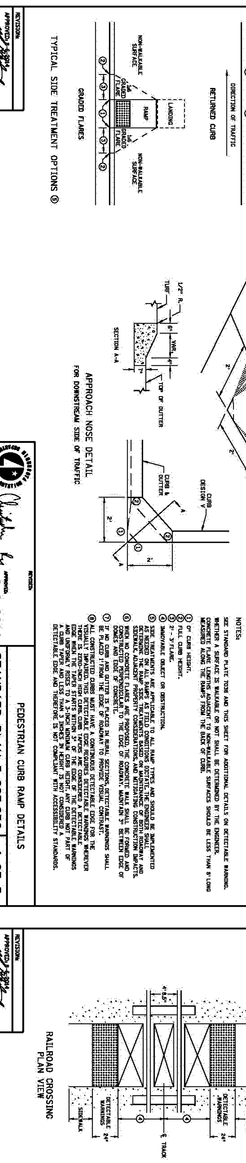
LAND USE APPLICATION SUBMITTAL
7/2/15

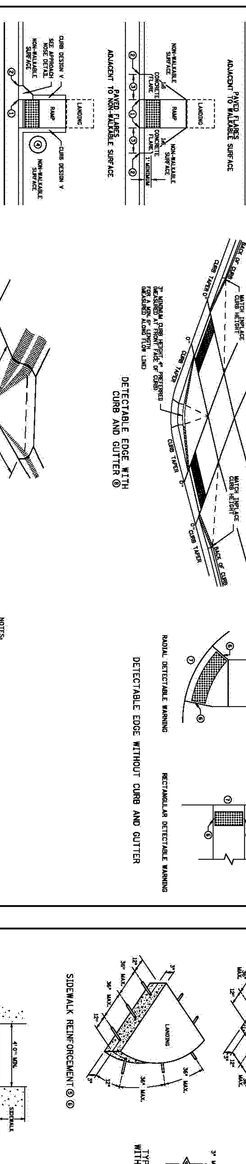
Date	7/2/15
Project Architect	JBW
Permit Submit Date	N/A
Project Number	15011

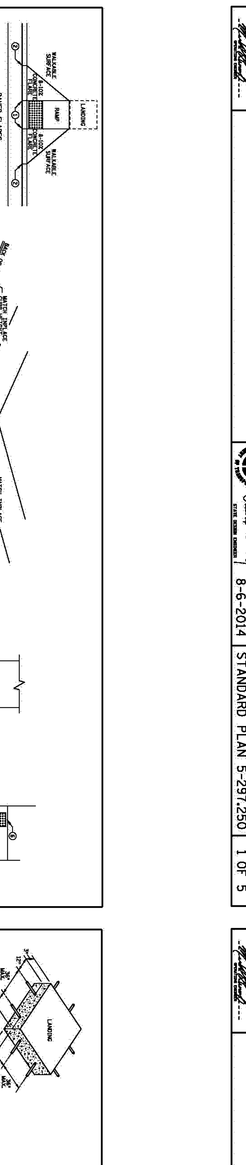
CONDOMINIUMS

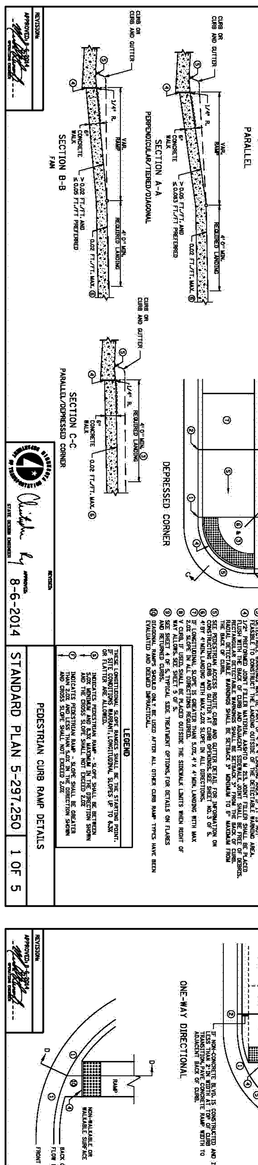
DETAILS

C7









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MINNEAPOLIS, MINNESOTA

Date	7/2/15
Project Architect	JBW
Permit Submit Date	N/A
Project Number	15011

LAND USE APPLICATION SUBMITTAL
7/2/15

REVISION SUMMARY

DATE	DESCRIPTION
5/15/15	PDR SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

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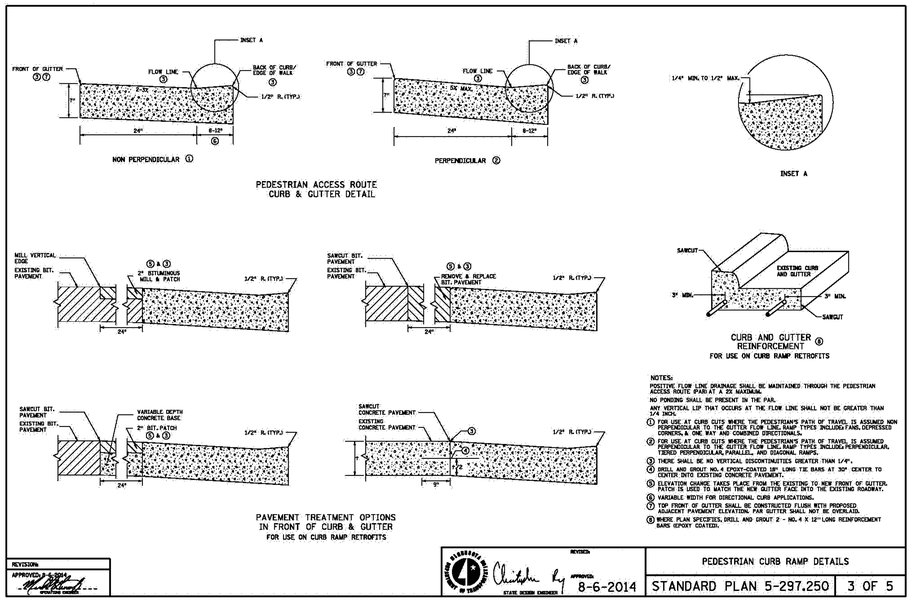
Date 7/2/15 License No. 44263

CONDOMINIUMS
DETAILS

C8



NOTES:
POSITIVE FLOW LINE DRAINAGE SHALL BE MAINTAINED THROUGH THE PEDESTRIAN ACCESS ROUTE (PAR) AT A 2% MAXIMUM.
NO PONDING SHALL BE PRESENT IN THE PAR.
ANY VERTICAL LIP THAT OCCURS AT THE FLOW LINE SHALL NOT BE GREATER THAN 1/4 INCH.

① FOR USE AT CURB CUTS WHERE THE PEDESTRIAN PATH OF TRAVEL IS ASSUMED NON PERPENDICULAR TO THE GUTTER FLOW LINE. RAMP TYPES INCLUDE: FANS, DEPRESSED CORNERS, & ONE WAY AND COMBINED DIRECTIONAL'S.

② FOR USE AT CURB CUTS WHERE THE PEDESTRIAN'S PATH OF TRAVEL IS ASSUMED PERPENDICULAR TO THE GUTTER FLOW LINE. RAMP TYPES INCLUDE: PERPENDICULAR, TIERED PERPENDICULAR, PARALLEL, AND DIAGONAL RAMPS.

③ THERE SHALL BE NO VERTICAL DISCONTINUITIES GREATER THAN 1/4".

④ DRILL AND GROUT NO.4 EPOXY-COATED 18" LONG TIE BARS AT 30" CENTER TO CENTER INTO EXISTING CONCRETE PAVEMENT.

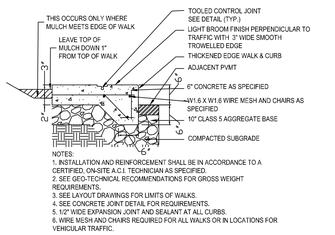
⑤ ELEVATION CHANGE TAKES PLACE FROM THE EXISTING TO NEW FRONT OF GUTTER. PATCH IS USED TO MATCH THE NEW GUTTER FACE INTO THE EXISTING ROADWAY.

⑥ VARIABLE WIDTH FOR DIRECTIONAL CURB APPLICATIONS.

⑦ TOP FRONT OF GUTTER SHALL BE CONSTRUCTED FLUSH WITH PROPOSED ADJACENT PAVEMENT ELEVATION. PAR GUTTER SHALL NOT BE OVERLAID.

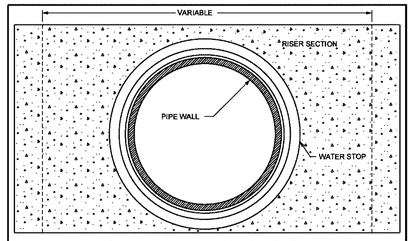
⑧ WHERE PLAN SPECIFIES, DRILL AND GROUT 2 - NO. 4 X 12"-LONG REINFORCEMENT BARS EPOXY COATED.

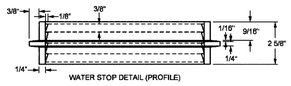
REVISIONS			
APPROVED 8-6-2014			
		PEDESTRIAN CURB RAMP DETAILS	
	8-6-2014	STANDARD PLAN 5-297.250	3 OF 5

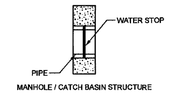


NOTES:
1. INSTALLATION AND REINFORCEMENT SHALL BE IN ACCORDANCE TO A CERTIFIED, ON-SITE A.C.I. TECHNICIAN AS SPECIFIED.
2. SEE GEO-TECHNICAL RECOMMENDATIONS FOR GROSS WEIGHT REQUIREMENTS.
3. SEE LAYOUT DRAWINGS FOR LIMITS OF WALKS.
4. SEE CONCRETE JOINT DETAIL FOR REQUIREMENTS.
5. 1/2" WIDE EXPANSION JOINT AND SEALANT AT ALL CURBS.
6. WIRE MESH AND CHAIRS REQUIRED FOR ALL WALKS OR IN LOCATIONS FOR VEHICULAR TRAFFIC.

1 THICKENED EDGE CONC. WALK
N T S







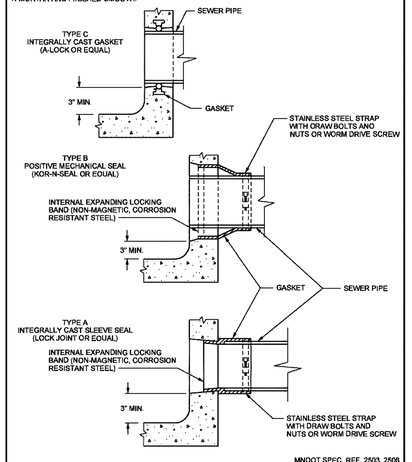
APPLICATIONS REQUIRE CONCRETE MORTAR AND/OR BRICK/BLOCK TO SEAL THE OPENING AND BE FINISHED TO A SMOOTH FINISH INTERIOR AND EXTERIOR

NOTES:
DIMENSIONS VARY BY MANUFACTURER, PIPE SIZE AND MATERIAL TYPE.
SEAL FOR RGU/O JOINTS BETWEEN PIPE AND CONCRETE STRUCTURES
ILLUSTRATED HERE: FERNCO INC. GAVISON, MI MODEL 12 CMA;
PRESS-SEAL GASKET CORP. KWIK SEAL OR AN APPROVED EQUIVELANT.
NEOPRENE MATERIALS SHALL MEET OR EXCEED ASTM C 923 AND C 443.
WATER STOP REQUIRED FOR: PVC, HDPE, CIP, VCP, DIP, PPP, HOBAS.

MINNEAPOLIS CUSTOM
MNDOT SPEC. REF. 2503, 2506
MODIFIED MNDOT 4007C
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		WATER STOP OETAIL	STANDARD PLATE NO. SEWR-3000
DRAWN: GCD	DATE: 2/03		
APPROVED: HRS	DATE: 12/06		

CORED OPENINGS SHALL BE BEVELLED TO ALLOW FOR MIS-ALIGNMENT. FLEXIBLE SLEEVE SHALL BE NEOPRENE MATERIAL MEETING ASTN C-443. VOIDS BETWEEN GASKET AND STRUCTURE SHALL BE FILLED USING TYPE N MORTAR AND FINISHED SMOOTH.



MNDOT SPEC. REF. 2503, 2506
MNOOT 4007C
NOT TO SCALE

MINNEAPOLIS DEPARTMENT OF PUBLIC WORKS		WATERTIGHT PIPE CONNECTION	STANDARD PLATE NO. SEWR-3001
DRAWN: GCD	DATE: 3/03		
APPROVED: HRS	DATE: 12/06		

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MINNEAPOLIS, MINNESOTA

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Date: 7/2/15 License No. 44303

REVISION SUMMARY

DATE	DESCRIPTION
5/15/15	DRB SUBMITTAL
7/2/15	LAND USE APPLICATION SUBMITTAL

LAND USE APPLICATION SUBMITTAL
7/2/15

Date	7/2/15
Project Architect	JBW
Permit Submit Date	N/A
Project Number	15011

CONDOMINIUMS

DETAILS

C9

MATERIAL PERCENTAGES

BRICK:	13%
STUCCO:	25%
GLASS:	42%
TILE:	15%
WOOD LAMINATE:	5%

MATERIAL PERCENTAGES WITHOUT GLAZING

BRICK:	17%
STUCCO:	48%
TILE:	30%
WOOD LAMINATE:	5%

1 Elevation - East

SCALE 3/16" = 1'-0"

MATERIAL PERCENTAGES

BRICK:	27%
STUCCO:	30%
GLASS:	28%
TILE:	13%
WOOD LAMINATE:	2%

MATERIAL PERCENTAGES WITHOUT GLAZING

BRICK:	36%
STUCCO:	44%
TILE:	18%
WOOD LAMINATE:	2%

2 Elevation - South

SCALE 3/16" = 1'-0"

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CITY SUBMITTAL

08/24/15

Date	08/24/15
Project Architect	JEH
Permit Submit Date	N/A
Project Number	15011

South & East Elevations

cA20

1 **Elevation - West**
SCALE 3/16" = 1'-0"

2 **Elevation - North**
SCALE 3/16" = 1'-0"

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CITY SUBMITTAL 08/24/15

Date	08/24/15
Project Architect	JEH
Permit Submit Date	N/A
Project Number	15011

North & West Elevations

cA21

Perspective - From Southeast

Perspective - From Northeast

Perspective - From Northwest

Perspective - From Southwest

Site Context
1 1/2" = 1'-0"

Neighborhood Section - East/West
1" = 30'-0"

Neighborhood Section - North/South
1" = 30'-0"

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CITY SUBMITTAL

07/22/15

Date	07/22/15
Project Architect	JEH
Permit Submit Date	N/A
Project Number	15011

Site Context

cA32

Shadow Study - Summer Solstice- 9am - 3 Story Massing for Comparison

1" = 60'-0"

Shadow Study - Summer Solstice- 9am

1" = 60'-0"

Shadow Study - Summer Solstice- 4pm

1" = 60'-0"

Shadow Study - Equinox - 9am - 3 Story Massing for Comparison

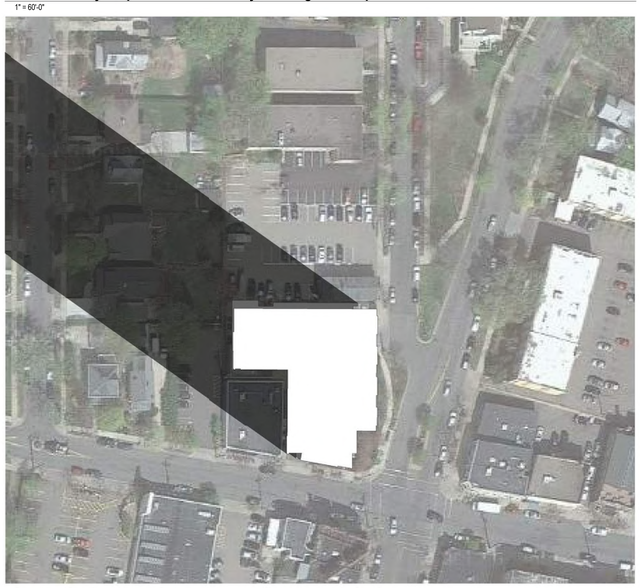
1" = 60'-0"

Shadow Study - Equinox - 9am

1" = 60'-0"

Shadow Study - Equinox - 4pm

1" = 60'-0"



Shadow Study - Winter Solstice- 9am - 3 Story Massing for Comparison

1" = 60'-0"

Shadow Study - Winter Solstice- 9am

1" = 60'-0"

Shadow Study - Winter Solstice- 4pm

1" = 60'-0"

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Minneapolis, Minnesota

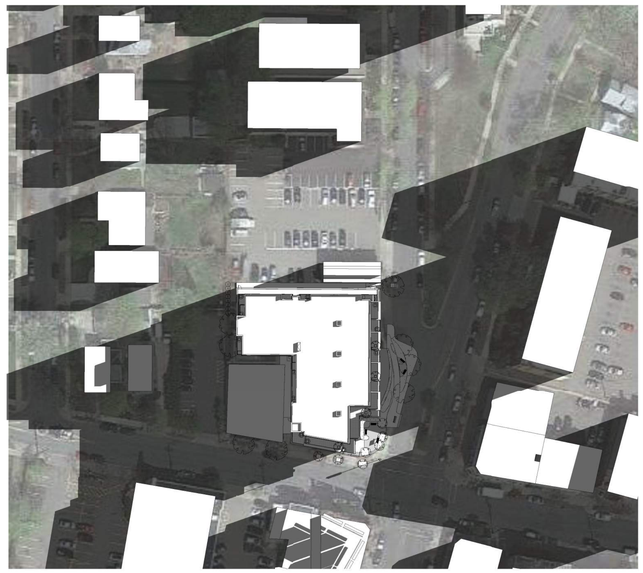
CITY SUBMITTAL

07/22/15

Date	07/22/15
Project Architect	JEH
Permit Submit Date	N/A
Project Number	15011

Shadow Study

cA31

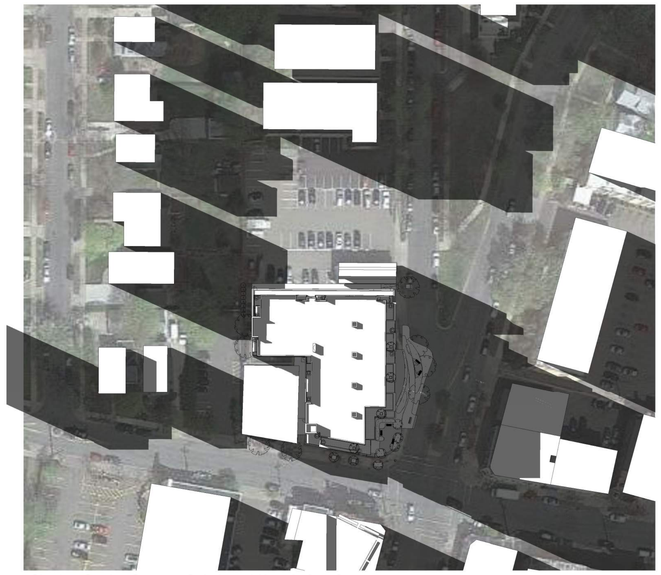


Shadow Study - Summer Solstice - 1 Hour after Sunrise

1" = 60'-0"

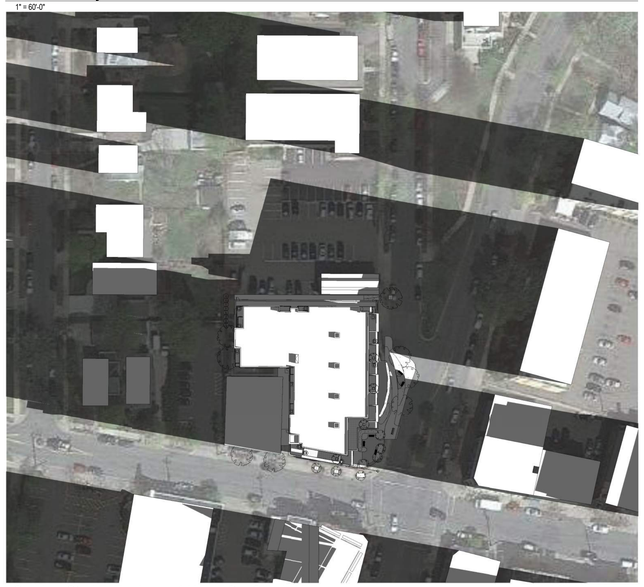
Shadow Study - Summer Solstice - Noon

1" = 60'-0"



Shadow Study - Summer Solstice - 1 Hour before Sunset

1" = 60'-0"

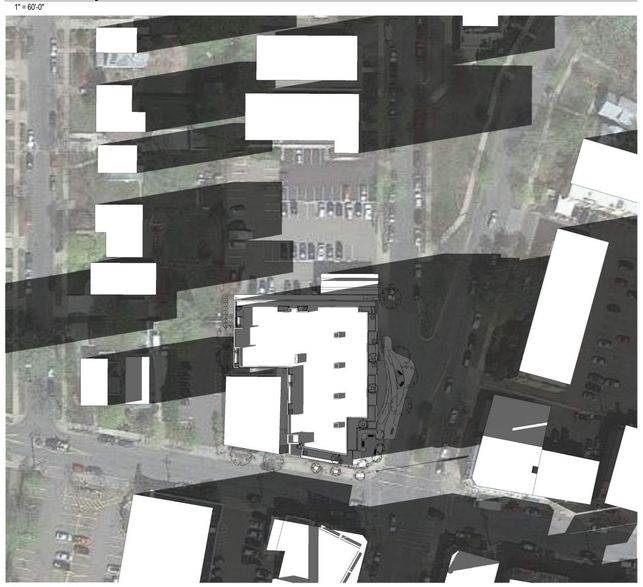


Shadow Study - Equinox - 1 Hour after Sunrise

1" = 60'-0"

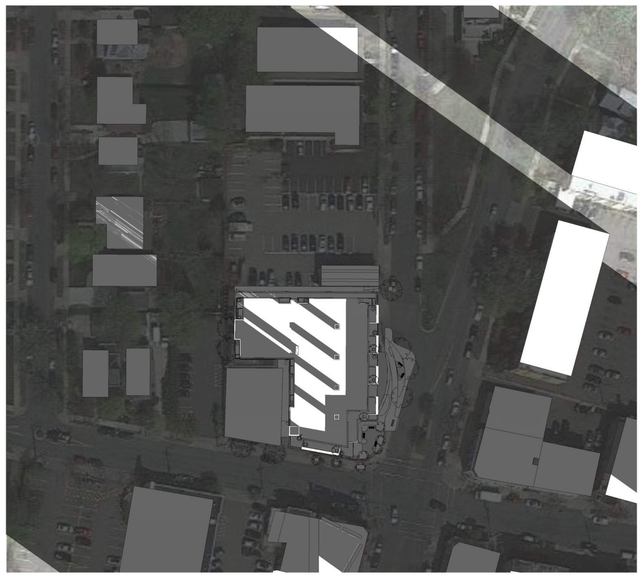
Shadow Study - Equinox - Noon

1" = 60'-0"



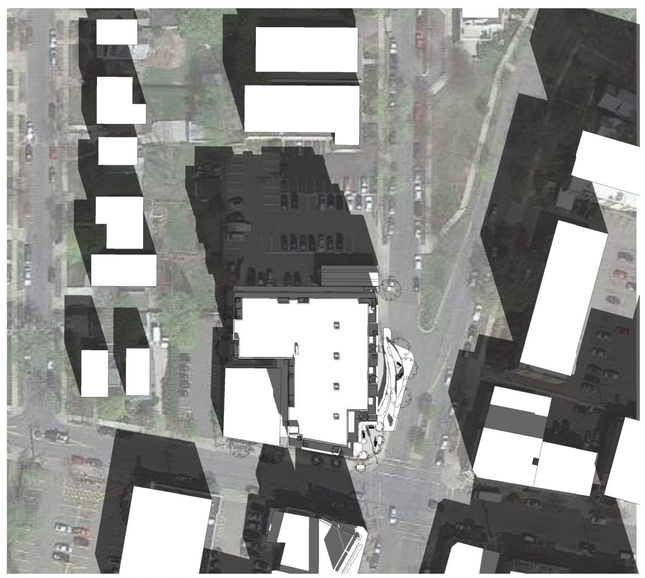
Shadow Study - Equinox - 1 Hour before Sunset

1" = 60'-0"



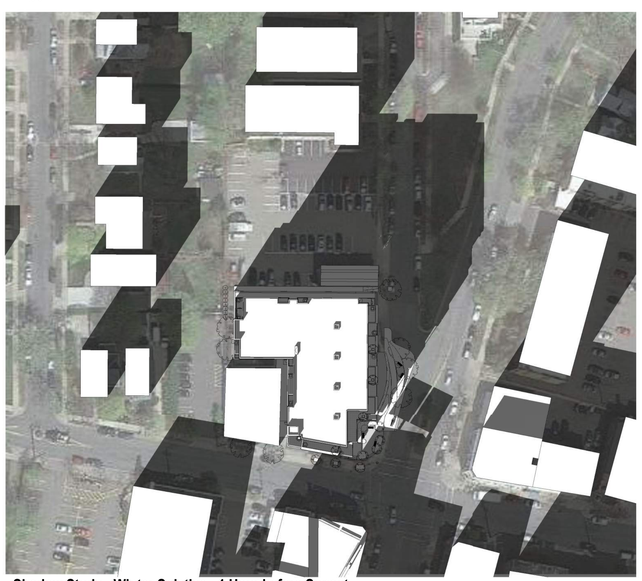
Shadow Study - Winter Solstice - 1 Hour after Sunrise

1" = 60'-0"



Shadow Study - Winter Solstice - Noon

1" = 60'-0"



Shadow Study - Winter Solstice - 1 Hour before Sunset

1" = 60'-0"

MOMENTUM DESIGN GROUP
2395 UNIVERSITY AVENUE WEST
SUITE 206
ST. PAUL, MN 55114
(952) 563-9196

43RD & UPTON

Minneapolis, Minnesota

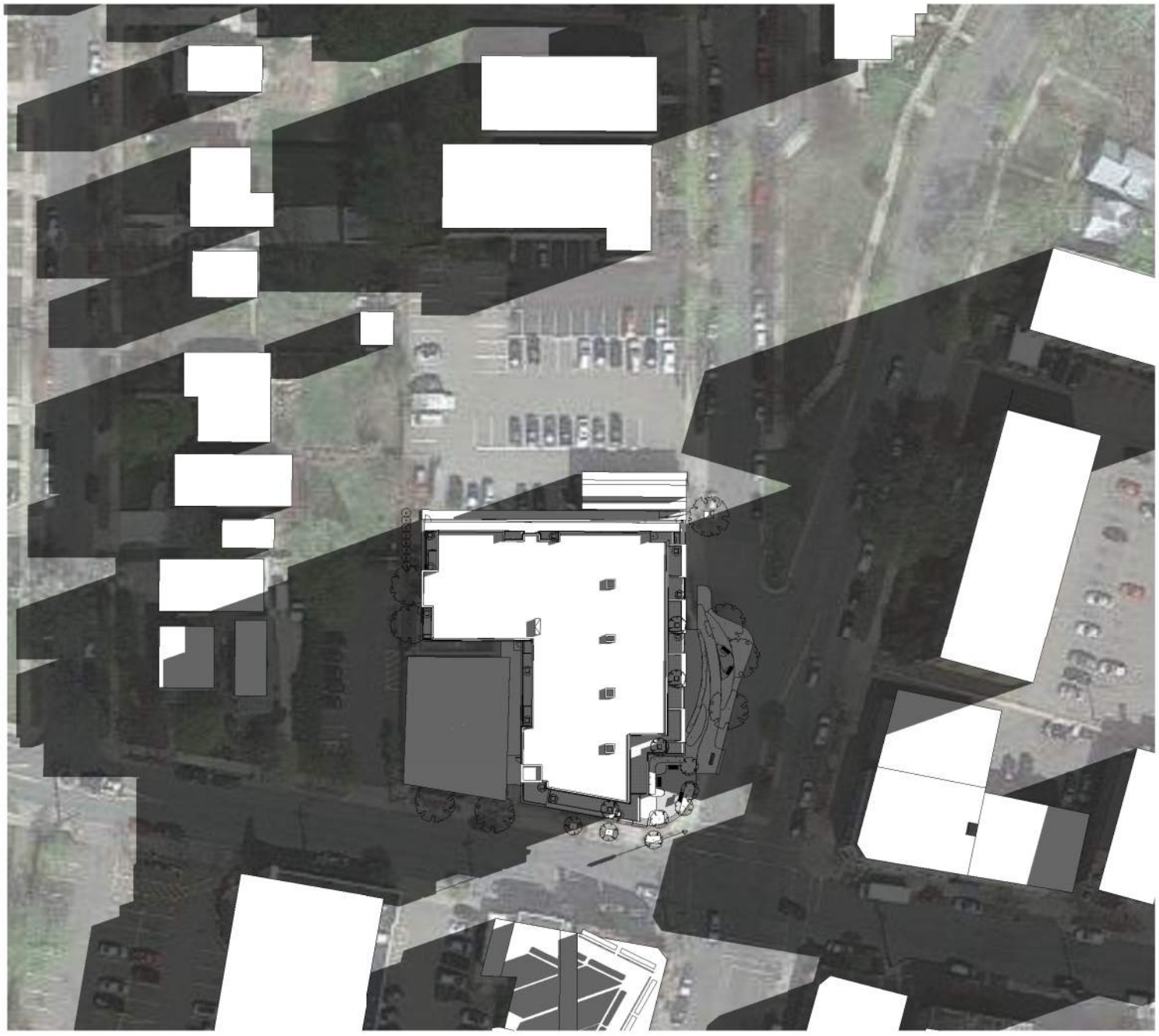
CITY SUBMITTAL

08/31/15

Date	08/31/15
Project Architect	JEH
Permit Submit Date	N/A
Project Number	15011

Shadow Study

cA31



Shadow Study - Summer Solstice - 1 Hour after Sunrise

1" = 80'-0"

Shadow Study - Summer Solstice - Mid-morning

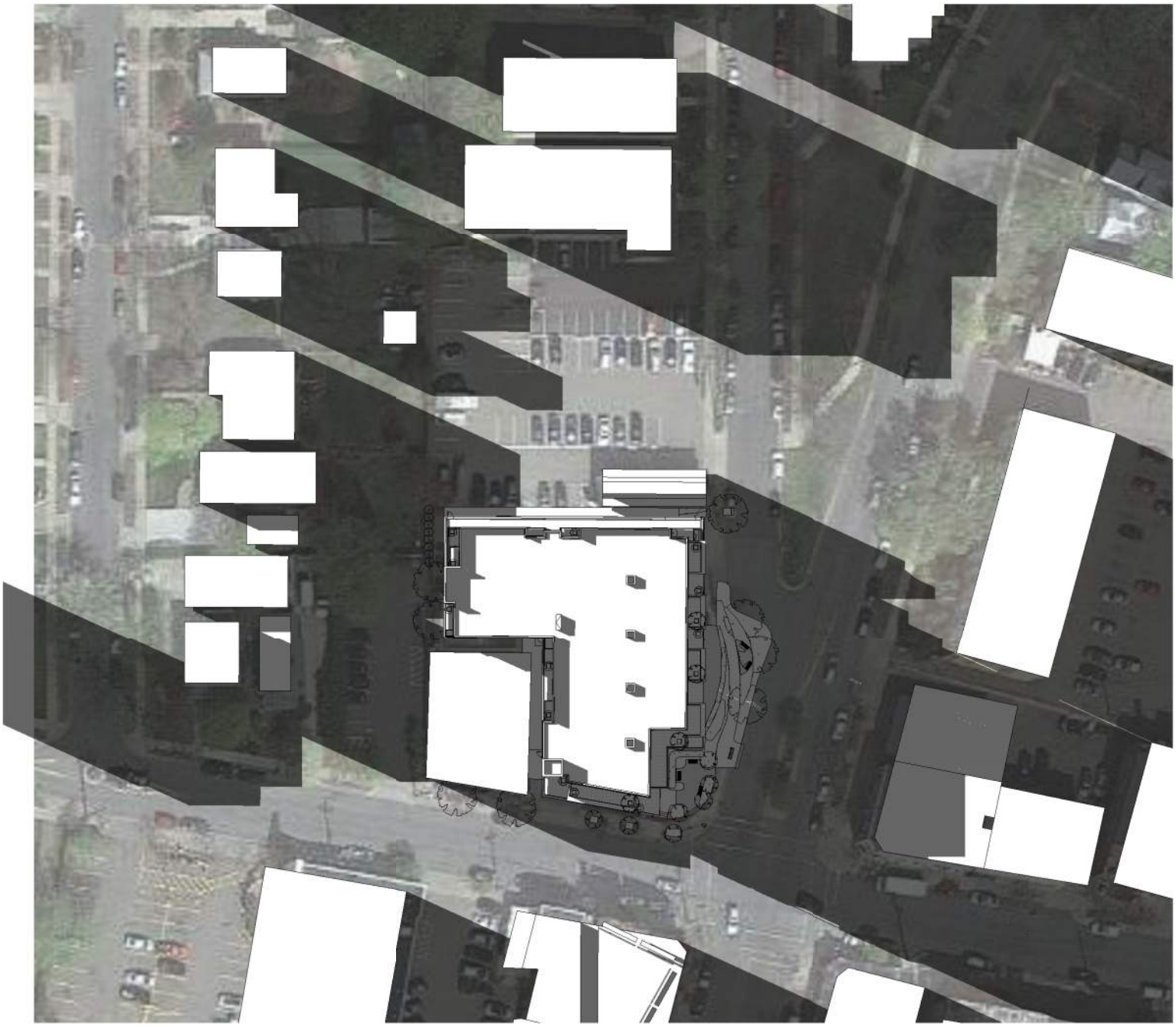
1" = 80'-0"

Shadow Study - Summer Solstice - Noon

1" = 80'-0"

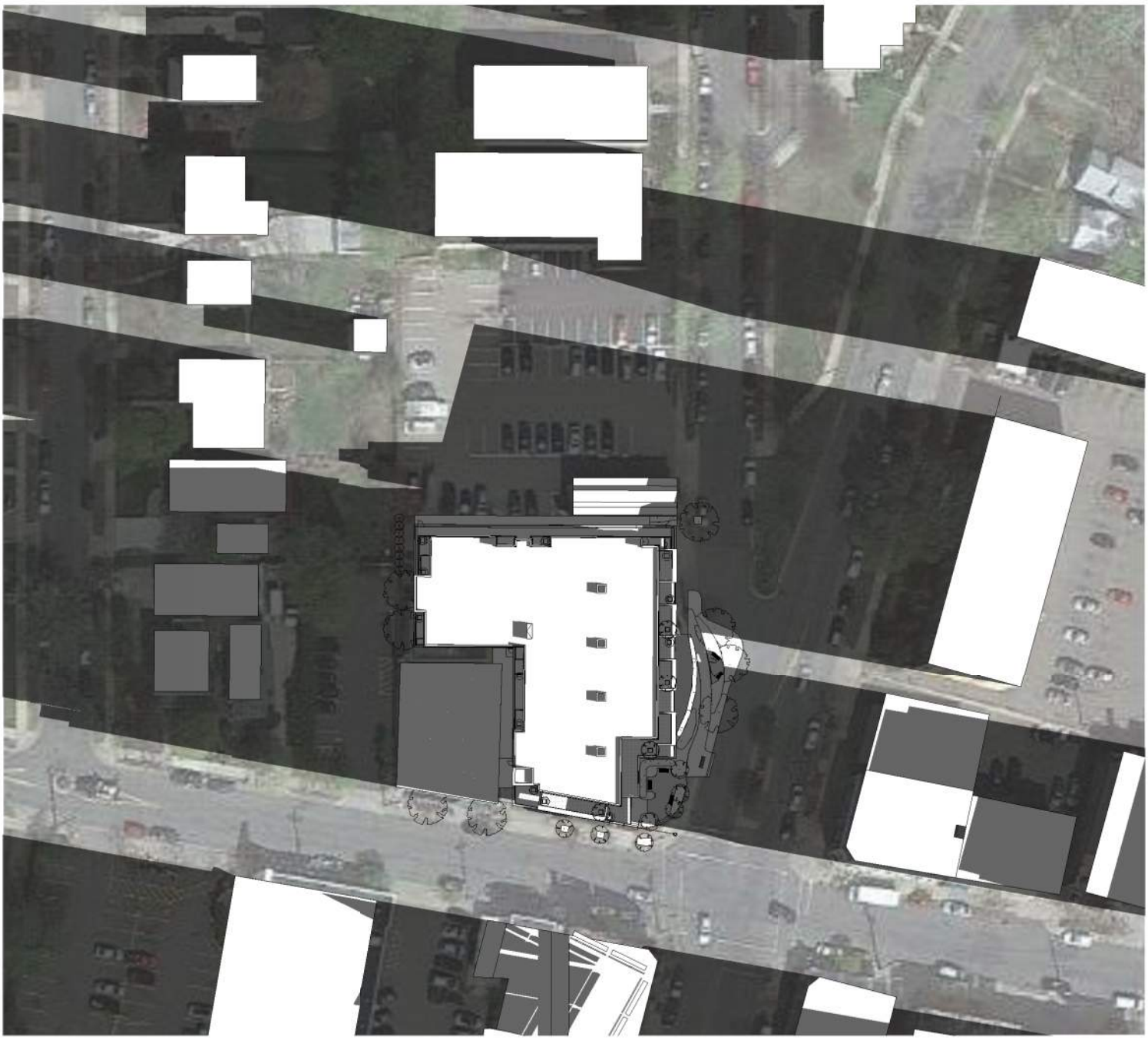
Shadow Study - Summer Solstice - Mid-afternoon

1" = 80'-0"



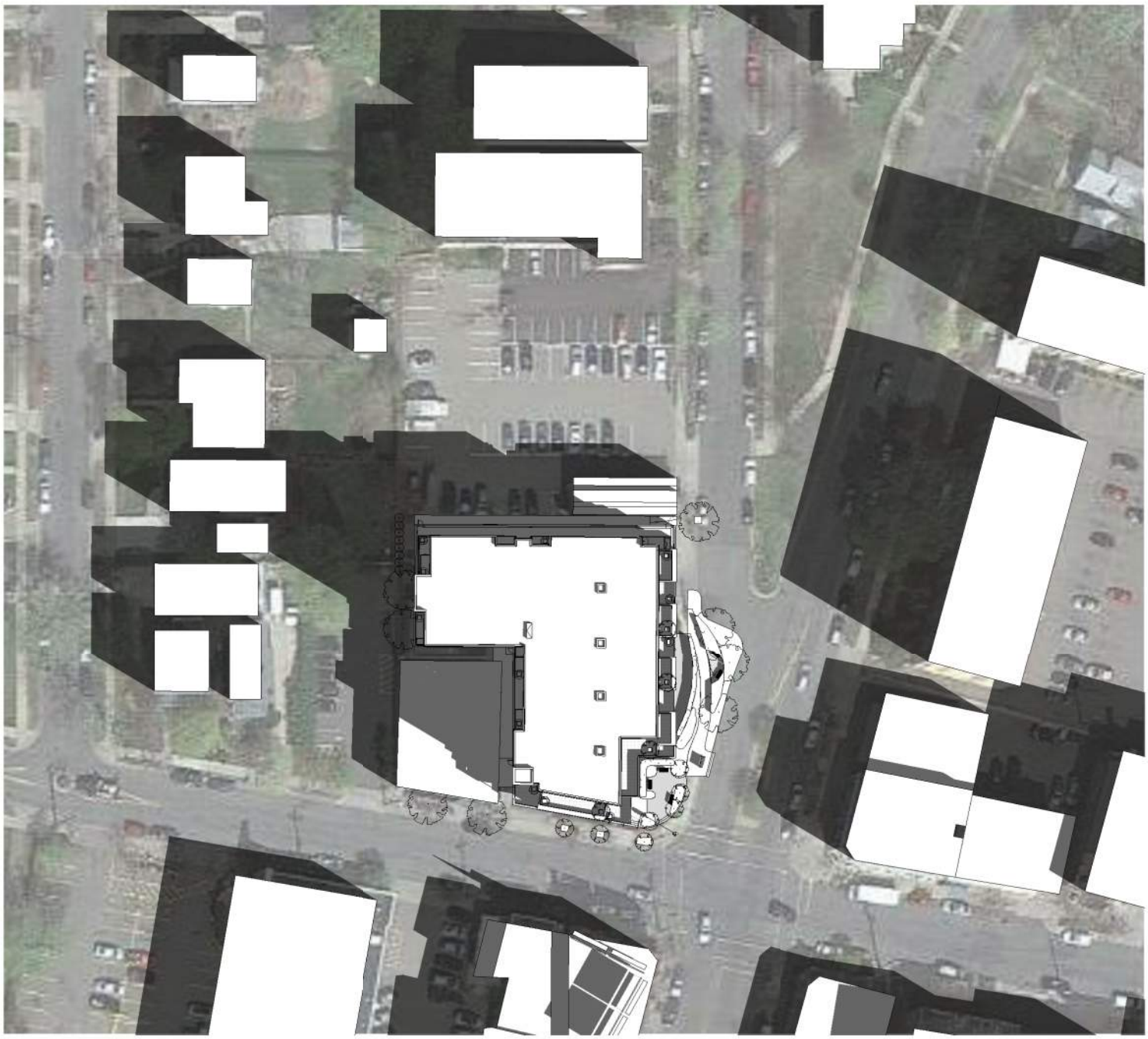
Shadow Study - Summer Solstice - 1 Hour before Sunset

1" = 80'-0"



Shadow Study - Equinox - 1 Hour after Sunrise

1" = 80'-0"



Shadow Study - Equinox - Mid-morning

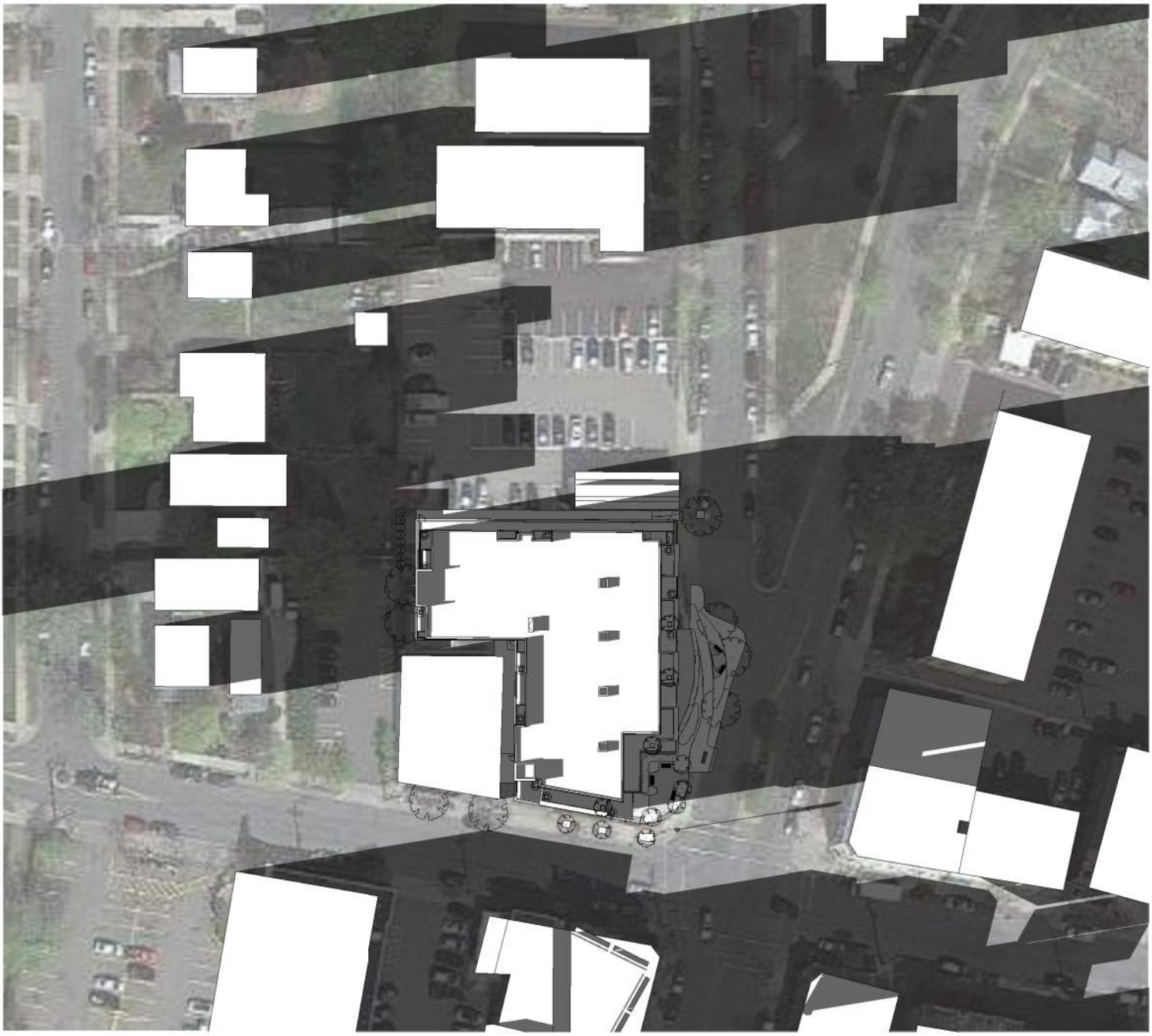
1" = 80'-0"

Shadow Study - Equinox - Noon

1" = 80'-0"

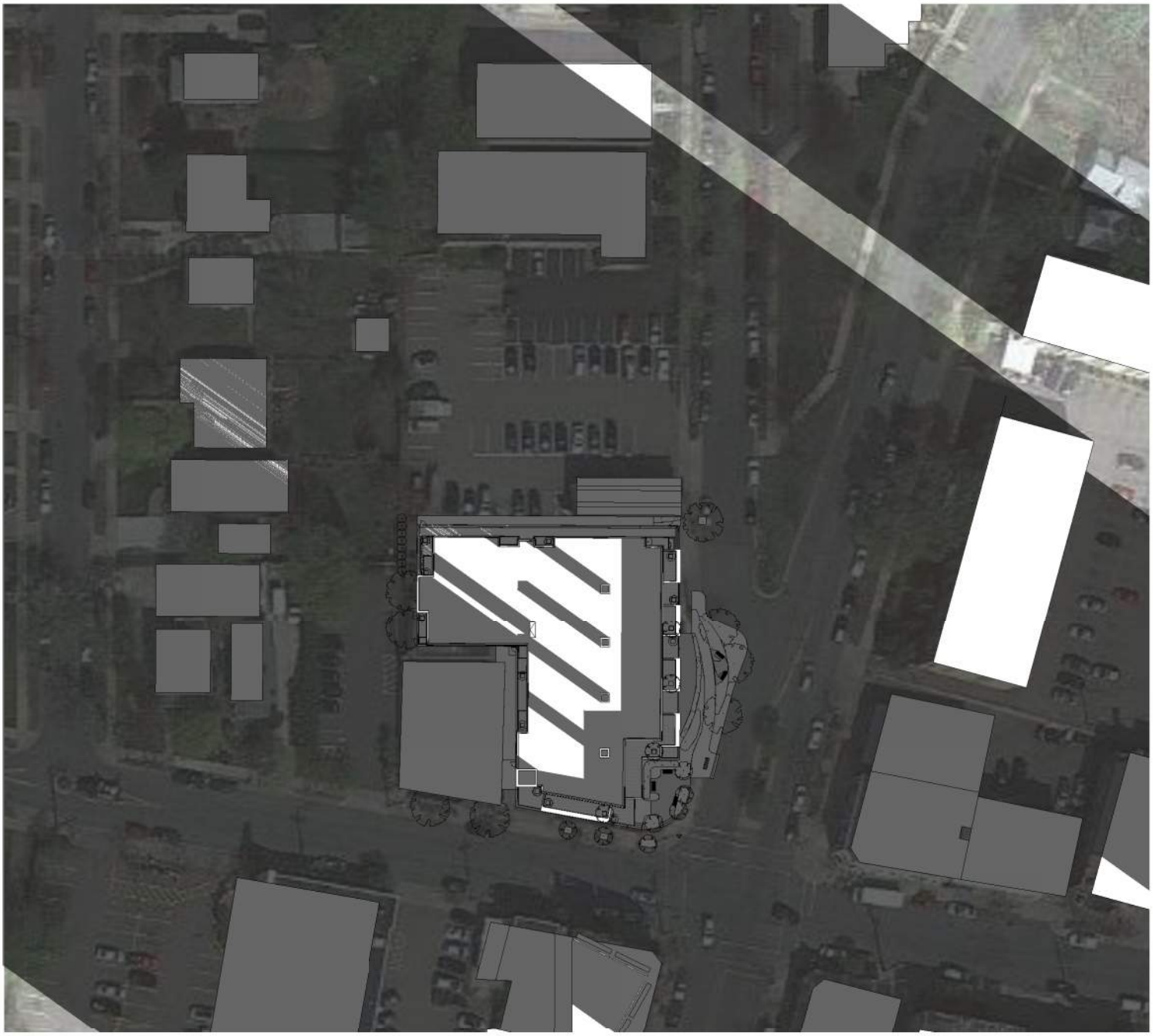
Shadow Study - Equinox - Mid-afternoon

1" = 80'-0"



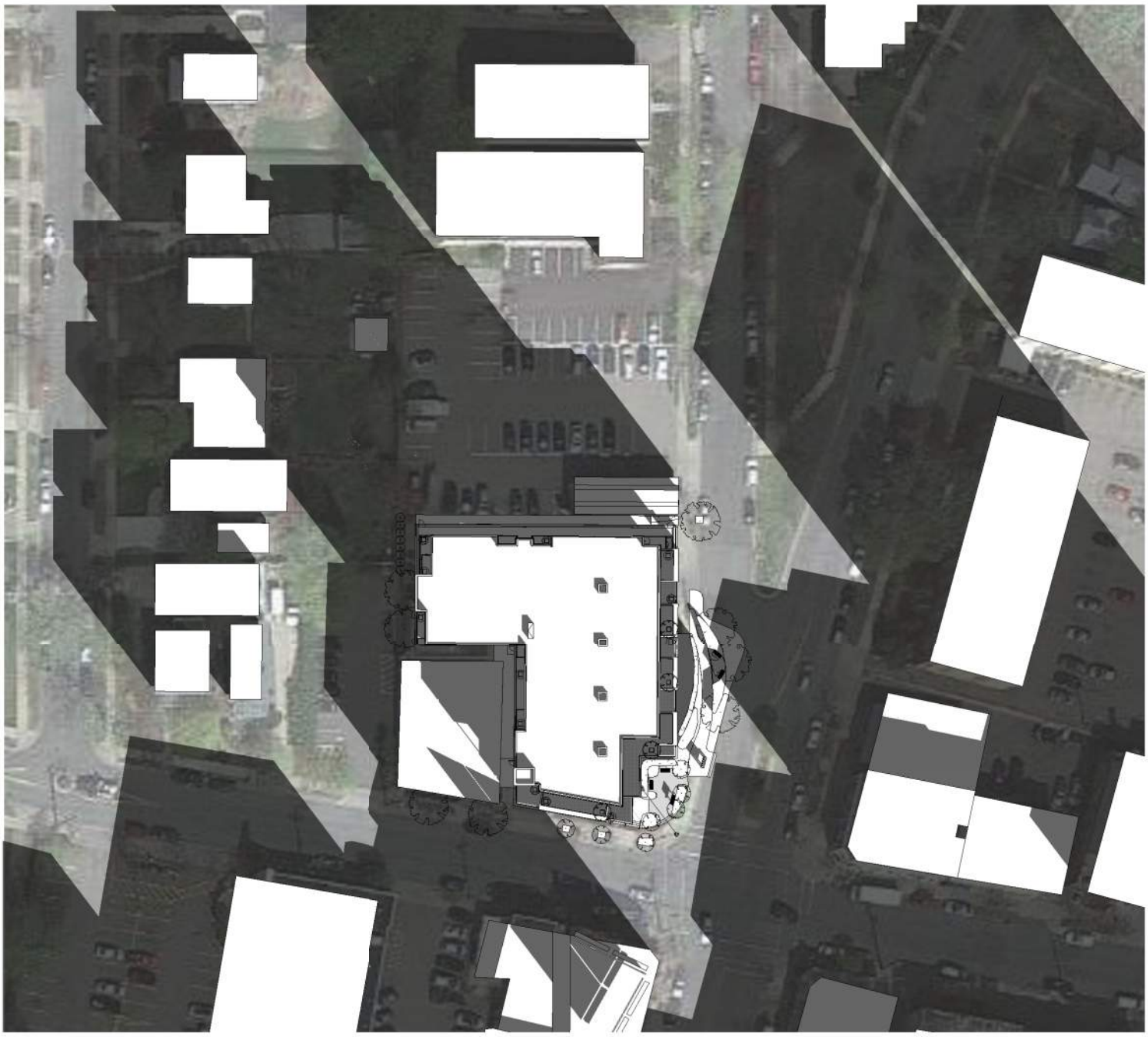
Shadow Study - Equinox - 1 Hour before Sunset

1" = 80'-0"



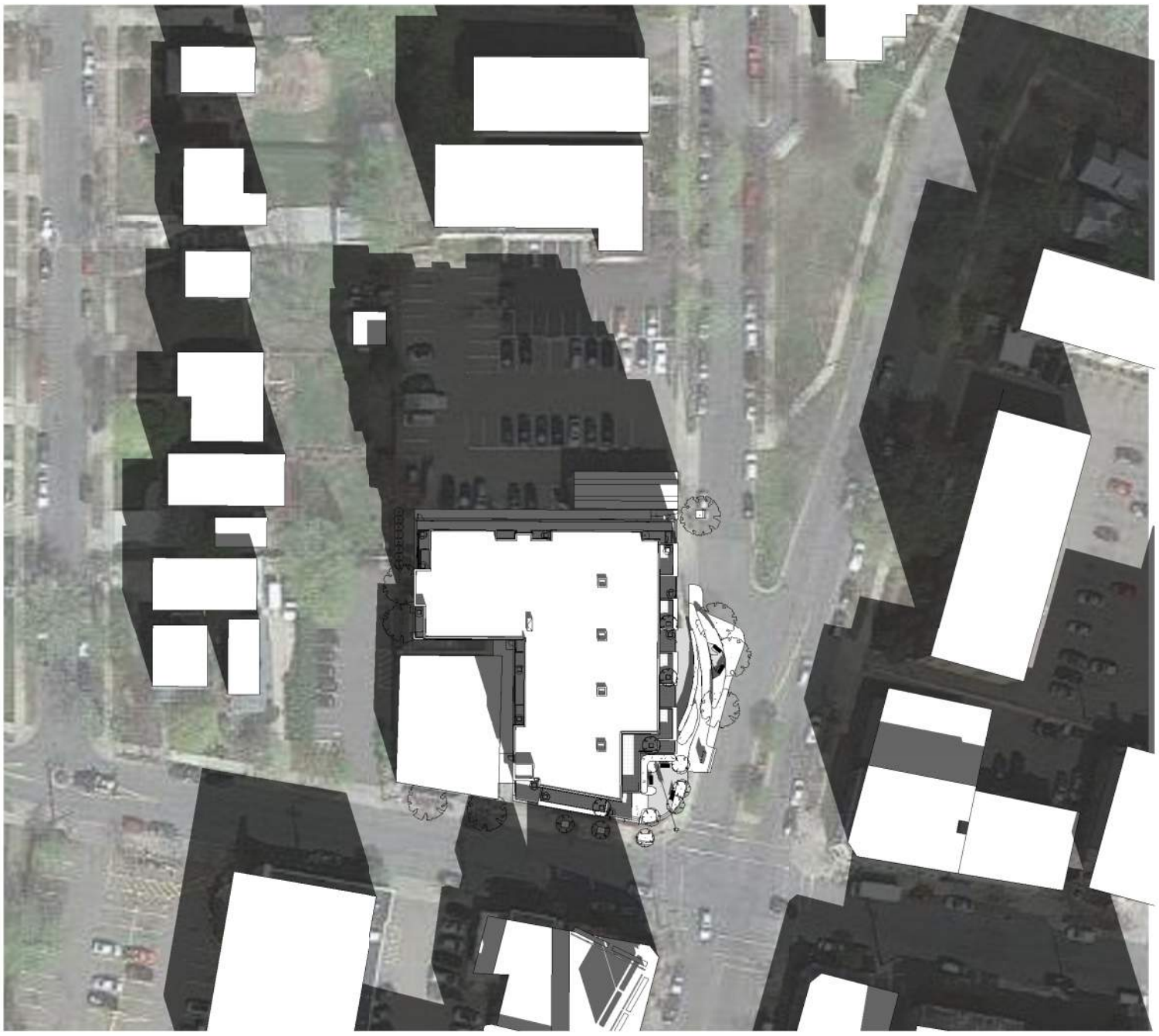
Shadow Study - Winter Solstice - 1 Hour after Sunrise

1" = 80'-0"



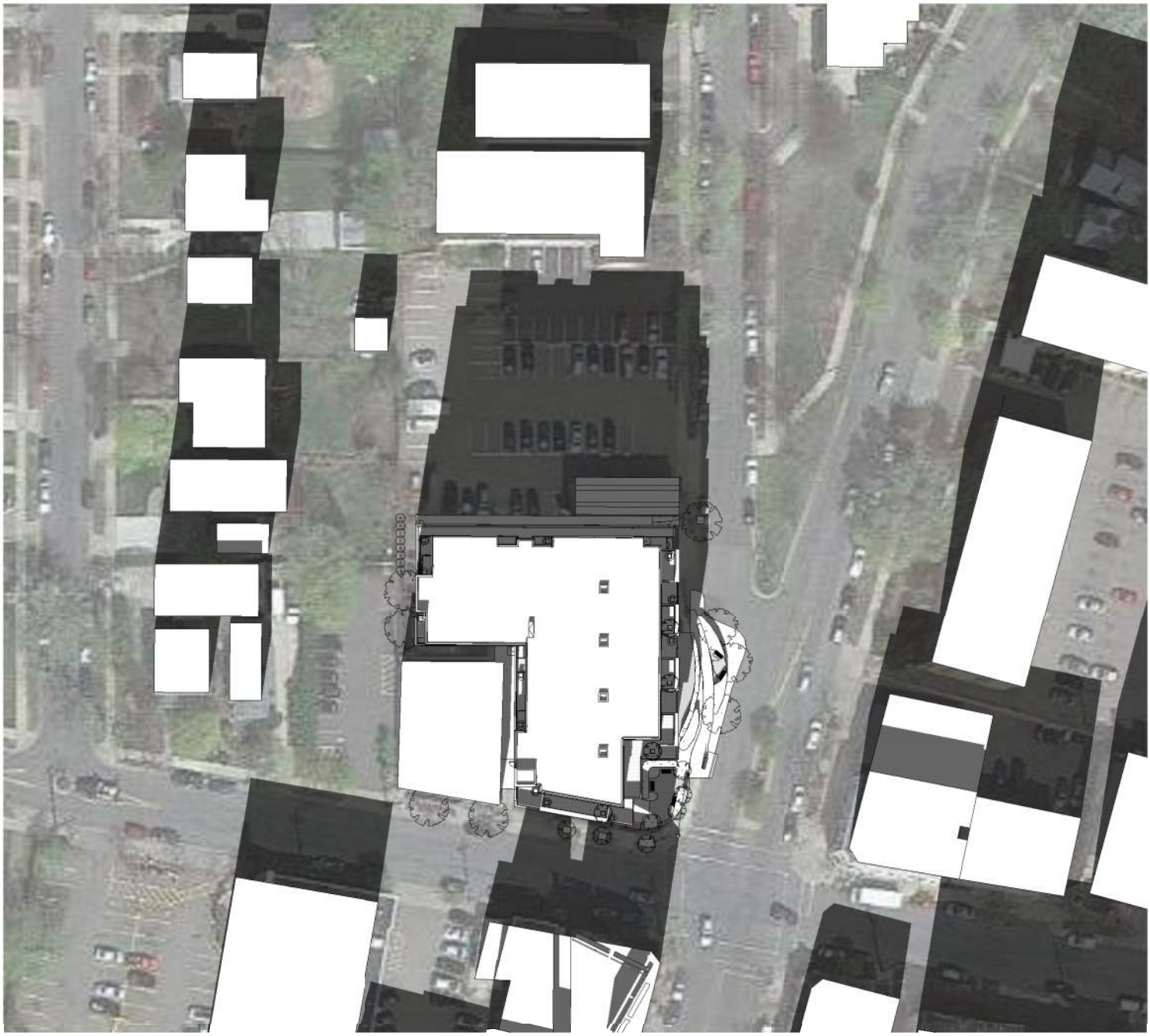
Shadow Study - Winter Solstice - Mid-morning

1" = 80'-0"



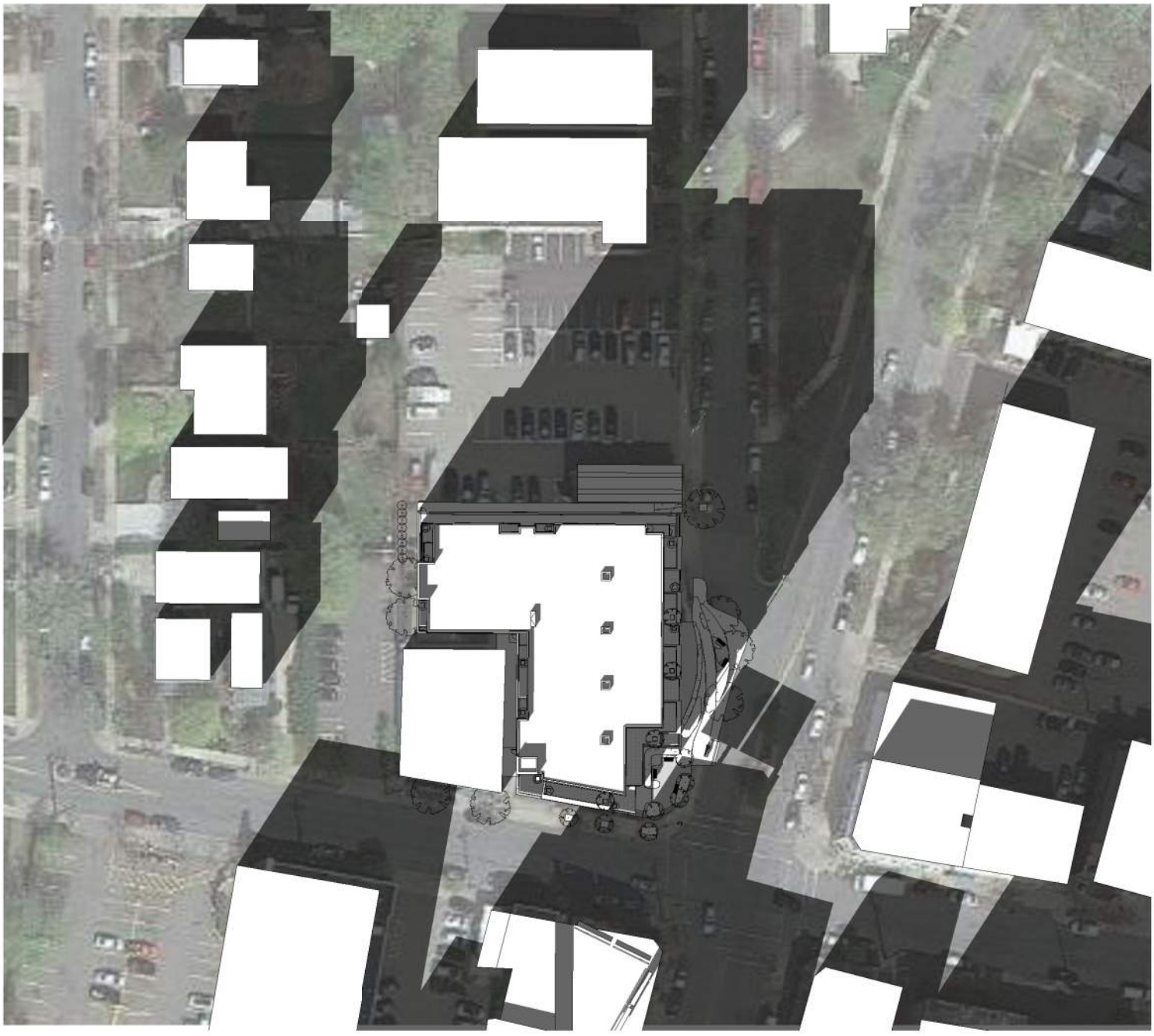
Shadow Study - Winter Solstice - Noon

1" = 80'-0"



Shadow Study - Winter Solstice - Mid-afternoon

1" = 80'-0"

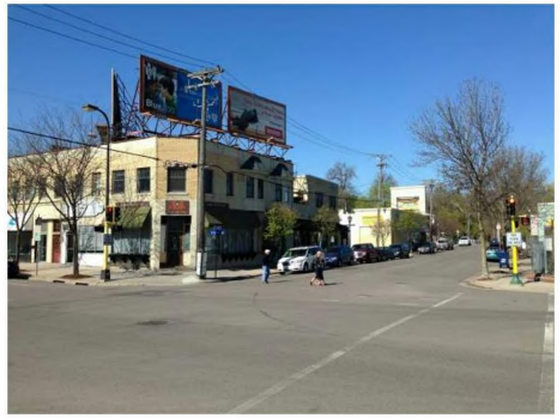


Shadow Study - Winter Solstice - 1 Hour before Sunset

1" = 80'-0"

VIEWS FROM INTERSECTION OF 43RD & UPTON

LOOKING SOUTH



LOOKING SOUTHWEST

LOOKING NORTH WEST

LOOKING NORTH

VIEWS ACROSS 43RD

LOOKING NORTH AT NEIGHBORING COFFEE SHOP

LOOKING NORTHEAST

VIEWS FROM UPTON

LOOKING SOUTH

LOOKING SOUTHEAST

PROJECT SITE

VIEWS ACROSS UPTON FROM PROJECT SITE

LOOKING EAST

LOOKING EAST

LOOKING SOUTHEAST

MOMENTUM DESIGN GROUP

43RD & UPTON

Minneapolis, Minnesota

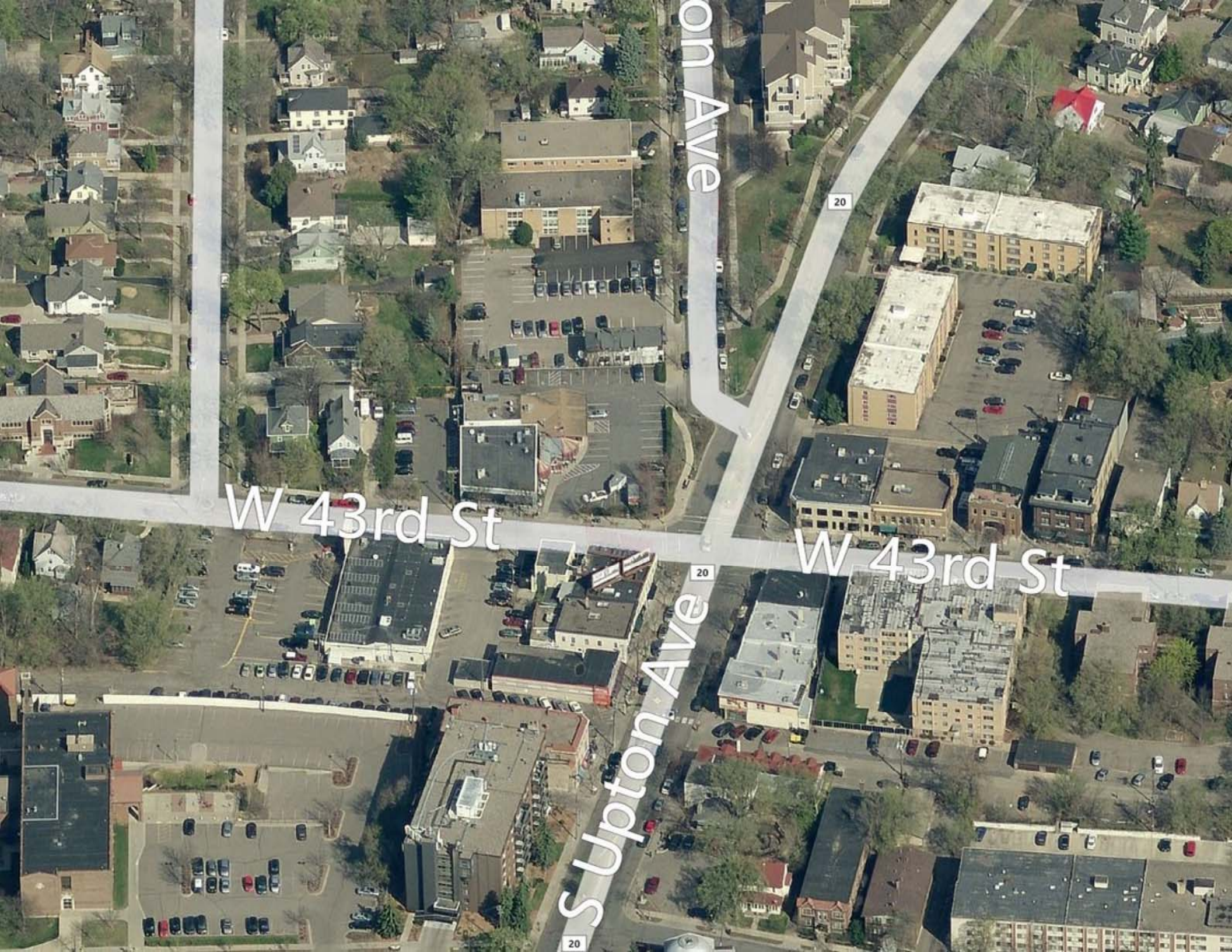
CITY SUBMITTAL

07/22/15

Date	07/22/15
Project Architect	JEH
Permit Submit Date	N/A
Project Number	15011

Site Photos

cA30


W 43rd St
W 43rd St
S Upton Ave
20
20
20

Smith, Mei-Ling C.

From: Dorothy Williams <dawilliams66@gmail.com>
Sent: Sunday, May 31, 2015 4:07 PM
To: Palmisano, Linea
Subject: opposing the proposed building at 43rd and Upton

Linnea,

I am counting on you to support the work of the residents of Linden Hills and honor and uphold our wishes as expressed in the Small Area Plan
, opposing the proposed building at 43rd and Upton
.

I will not be in town Tuesday night for the meeting, but hope you will support the views expressed by Linden Hills Residents For Responsible Development.

Thank you for your support.

Dorothy Williams

Smith, Mei-Ling C.

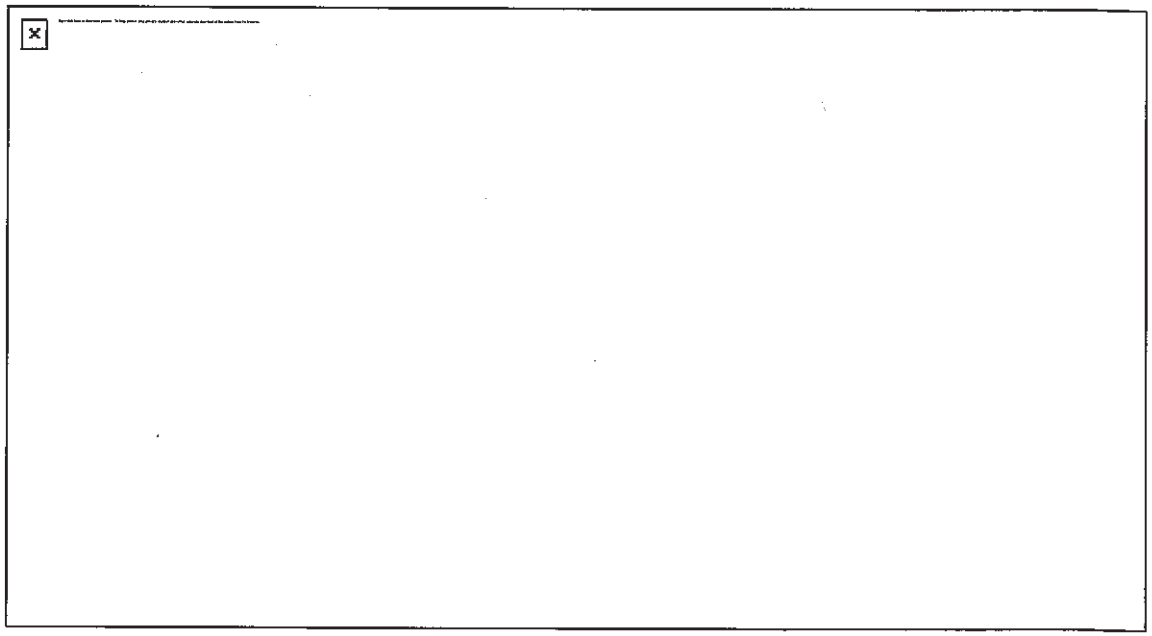
From: Susan Spray <srspray@hotmail.com>
Sent: Sunday, May 31, 2015 5:08 PM
To: Palmisano, Linea
Subject: FW: PROPOSED DEVELOPMENT ALERT - PUBLIC MEETING TUESDAY 7 PM

Hi, Linea. Thought you should see this. Do you know why the C-1 was omitted by the city as this statement claims?

Susan Spray

Date: Sun, 31 May 2015 16:42:39 -0400

To: srspray@hotmail.com
Subject: PROPOSED DEVELOPMENT ALERT - PUBLIC MEETING TUESDAY 7 PM
CC:



CLICK TO ENLARGE

Not Again!

Another C-2 building is being proposed for the C-1 former Famous

Dave's site.

A 4-story mixed-use building 56' tall including parapet is being proposed for the C1-zoned corner at 43rd & Upton. The C-1 height limit for a mixed-use building is 3 stories/42'.

C-1 zoning for Downtown Linden Hills (see Zoning map below) guards and preserves the mix of human-scale buildings essential to the Downtown's character, scale, and charm. This proposed building is out-of-scale at its proposed height: it would drastically change the character of Downtown Linden Hills.

The Developer Says The Linden Hills Small Area Plan Supports His C-2 Building.

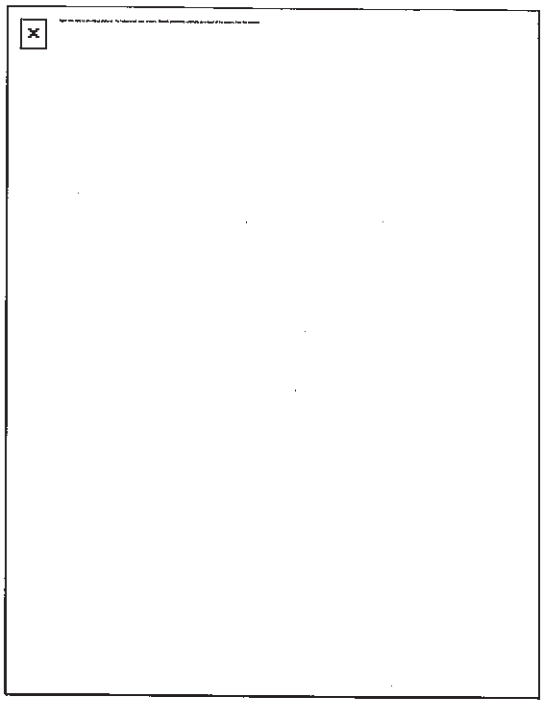
No, the Small Area Plan does not support this proposal!

The Linden Hills neighborhood invested $60,000 and 18 months of community engagement on the part of hundreds of residents to write the "Linden Hills Small Area Plan (LHSAP)." (Link to LHSAP)

The Plan the residents wrote affirmed C-1 height limits for all Downtown C-1 parcels. But at the very end of process in December 2013, the City removed the neighborhood Plan's stated C-1 height limits without residents' knowledge or consent. Even with the City's changes the approved Plan *DOES NOT* support C-2 height at 43rd & Upton. In addition to height, the proposed building also does not follow the LHSAP guidance for setbacks, transitions, character, or scale.

A C-2 Building Height Precedent Could Be Devastating.

Parcels in gray are C-1, including the Subject former Famous Dave's Site. If the Subject Site is stripped of C-1 protection, the precedent will be set to build 56'/4-story buildings on any and all of the C-1 Downtown parcels shown in gray, which are the properties at the heart of the Downtown.



What You Can Do:

* **Attend Tuesday night's LHiNC meeting** (7 pm, Linden Hills Park Building) to be in the audience when the developer presents his project to LHiNC and the neighborhood. Ask your questions, voice your concerns.

* **Forward this email** using the link below.

* **CONTACT COUNCIL MEMBER PALMISANO - *VERY IMPORTANT!***

Call Linea at her office (612) 673-2213, or click below to send an email. Tell Linea that you are counting on her to support the work of the residents of Linden Hills and honor and uphold their wishes as expressed in the Small Area Plan.

Linea.Palmisano@minneapolismn.gov

Sincerely,

Your neighbors at *Linden Hills Residents For Responsible Development*

Forward email

This email was sent to srspray@hotmail.com by nolindencorner@gmail.com |
Update Profile/Email Address | Rapid removal with SafeUnsubscribe™ | Privacy Policy.

Smith, Mei-Ling C.

From: Maxine Davis <maxinedavis@me.com>
Sent: Sunday, May 31, 2015 5:19 PM
To: Palmisano, Linea
Subject: RE: Linden Hills Buildings on Famous Dave's Site!!!

Dear Ms. Palmisano:

My husband and I are residents of Linden Hills.
Like others in the neighborhood, we spent time, money,
and energy "changing" the original building that was planned
for the Famous Dave's site.

We do want development and growth in Linden Hills.
However, we are for thoughtful design and following the thought-out
proposals we supported for growth in the area.

Once again I will be attending a meeting to understand this new
plan for development in our lovely "downtown." Why are we
again spending our time, money, and energy to stop what appears
to be a building not suited to our "town?"

I hope you will join us at the meeting to see the concern
of the people in your voting district. Looking forward to seeing
you Tuesday night! Thanks.

Sincerely,
Maxine Davis
Gregory Tetrault
30-year Linden Hills Residents
2925 West 40th Street
Minneapolis, MN 55410

Smith, Mei-Ling C.

From: Russ Bremner <russbremner@mac.com>
Sent: Sunday, May 31, 2015 6:02 PM
To: Palmisano, Linea
Subject: Famous Dave's replacement

I do not support the proposed skyscraper on the Famous Dave's Linden Hills site. It's size, character, lack of parking, and their relation to existing low rise structures enforces my view that this project should be denied.
Thank you
R Bremner
4017 Linden Hills Blvd

Smith, Mei-Ling C.

From: Monica STUART <monicastuart@me.com>
Sent: Sunday, May 31, 2015 7:08 PM
To: Palmisano, Linea
Subject: No. To the Linden Hills Development.

Please respect the current zoning code of the Linden Hills neighborhood. Deny the developers request to build at 56 feet.

Monica Stuart
Kent Stuart
4116 Zenith

Smith, Mei-Ling C.

From: Travis Anderson <travis@travisandersonphoto.com>
Sent: Sunday, May 31, 2015 8:33 PM
To: Palmisano, Linea
Subject: Linden Hills proposed development

Council Member Palmisano,

We just went through a fight, spending hundreds of hours and tens of thousands of dollars, to address an out-of-scale building development in Linden Hills. I am counting on your support to honor the consensus of most Linden Hills residents that a project of this scale does not belong on 43rd and Upton. Please reject this proposal.

Thank you for your consideration,

Travis Anderson
612-616-6456

Begin forwarded message:

From: Linden Hills Residents For Responsible Development <nolindencorner@gmail.com>
Subject: PROPOSED DEVELOPMENT ALERT - PUBLIC MEETING TUESDAY 7 PM
Date: May 31, 2015 at 3:42:40 PM CDT
To: travis@travisandersonphoto.com
Reply-To: nolindencorner@gmail.com

Smith, Mei-Ling C.

From: Mark van Osnabrugge <mvanosnabrugge@yahoo.com>
Sent: Sunday, May 31, 2015 10:02 PM
To: Palmisano, Linea
Subject: Linden Hills Corner Proposal

Linea,

Please support the work of the residents of Linden Hills and honor and uphold their wishes as expressed in the Small Area Plan - please do not support the requested height and size of the new building proposal for the Linden Hills Corner. Please restrict the new building to the zoned 3 story maximum height requirement.

Thanks,
Mark van Osnabrugge
4036 Queen Ave S.

Smith, Mei-Ling C.

From: tim sellner <tsellner@gmail.com>
Sent: Sunday, May 31, 2015 10:02 PM
To: Palmisano, Linea; Carrie Sellner
Subject: Famous Dave's Site

HI Linea,

I am hoping that you would consider all the effort that the neighborhood has put into keeping developments within the current guidelines. Those guidelines s/b followed unless there is a compelling reason not to or the neighborhood is ok with it.

That is not the case here.

Thanks for your consideration.

Tim Sellner

Smith, Mei-Ling C.

From: Donna Mayotte <draemayo@yahoo.com>
Sent: Monday, June 01, 2015 12:18 AM
To: Palmisano, Linea
Subject: 42nd & Upton development

Please support the work we've done for years to maintain the LHSAP. This has required a huge commitment by residents of LH to maintain a livable and acceptable height restriction on all new development in our downtown. It seems the new developer is simply attempting an end run after Mark Dwyer dropped his plan due to our opposition. We are not opposed to development; we ARE opposed to the persistent attempt to override the expressed wishes of our community.

thank you for your attention

Donna Mayotte
3926 Sheridan Ave S
Mpls 55410

Smith, Mei-Ling C.

From: Stephanie Avalon <savalon@bwjp.org>
Sent: Monday, June 01, 2015 6:38 AM
To: Palmisano, Linea
Subject: 43rd and Upton

Hello Linea
I have lived in Linden Hills since I was fifteen years old, owned a home here since 1987 and seen many changes. However, the proposed building on the Famous Dave's site is not a change I would support. Please work to honor the Small Are Plan developed by the residents of Linden Hills and stop this development. Surely someone is willing to invest and develop there in a way that does not change the character of the neighborhood. So far, the proposed buildings would make the business area of Linden Hills, which has a charming individuality, blend into the uniformity of suburbs designed for the wealthy.
Thank you,
Stephanie Avalon
4241 Beard Ave. South

BATTERED WOMEN'S JUSTICE PROJECT

Stephanie M. Avalon
Resource Specialist, Battered Women's Justice Project
1801 Nicollet Avenue South, Suite 102, Minneapolis, MN 55403
800.903.0111 prompt 1, x102, 612.824.8768 x102
612.824.8965 fax
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Smith, Mei-Ling C.

From: mikehuck@tcq.net
Sent: Monday, June 01, 2015 7:07 AM
To: Palmisano, Linea
Subject: New building proposal in Linden HIlls

Good Morning Linea,

I am writing to express my opposition to the new proposed building on the Famous Dave's site.

It is too tall and does not comply with the C1 zoning and the building facades are incompatible with the current ambience of the neighborhood.

Please oppose this proposal.

Thankyou,

Mike Huck
4112 Sheridan Ave. S.
Minneapolis, MN
612-926-2839

Smith, Mei-Ling C.

From: Kristi SK <smith_knutson@hotmail.com>
Sent: Monday, June 01, 2015 8:44 AM
To: Palmisano, Linea
Subject: honoring the Small Area Plan

Dear Council Member Palmisano,
It was with sadness and a great deal of frustration that I read of the most recent proposal to the Famous Dave's site in Linden Hills. The Small Area Plan exists for a reason -- to protect and preserve the integrity of our neighborhood -- and here comes another developer assuming that he/she can sweep right in and get whatever exemptions they request.

As our Council Member, please work to honor the work, time, commitment and community values and vision set forth in the Small Area Plan. We are counting on you.

Sincerely,
Kristi Smith Knutson
4130 Upton Ave S

Smith, Mei-Ling C.

From: Andrew Michaelson <anmichaelson@gmail.com>
Sent: Monday, June 01, 2015 9:05 AM
To: Palmisano, Linea
Subject: Please Support Linden Hills Development

Councilwoman Palmisano,

I'm writing to you to encourage your support of the redevelopment of the Famous Dave's site into mixed-use housing and commercial uses.
It is similar in size, scale, and scope to many of the existing buildings on that corner and would complement the vitality that already exists.
I know that there are vocal opponents to development at this site, but I encourage you to consider the good of the entire neighborhood, not just those who speak loudest.

Thank you very much,

Andrew Michaelson
4940 Upton Ave. S.

Smith, Mei-Ling C.

From: Margaret Childs <mchilds@digitalriver.com>
Sent: Monday, June 01, 2015 9:11 AM
To: Palmisano, Linea
Subject: Linden Hills needs your support on new development

Hello Linea,

I would like to count on your support as a resident of Linden Hills for 33 years to uphold our wishes to keep the Small Area at the old site of Famous Dave to limit the height of the new building to be only 3 stories/42'.

Thank you for your support.

Margaret Childs
4509 Xerxes Avenue South
Minneapolis, MN 55410

Margaret Childs | Digital River | AR Accountant
p: 952-225-3683 | mchilds@digitalriver.com | digitalriver.com
10380 Bren Road West, Minnetonka, MN /55343, U.S.A

Smith, Mei-Ling C.

From: L A CAMERON <l.a.cam@msn.com>
Sent: Monday, June 01, 2015 9:12 AM
To: Palmisano, Linea
Subject: FW: PROPOSED DEVELOPMENT ALERT - PUBLIC MEETING TUESDAY 7 PM

Hi Linea -
I received the following email today about a new proposal for the Famous Dave's location in the Linden Hills business district, and am writing to ask you to help defeat any project that doesn't comply with the Linden Hills Small Area Plan. We really are suffering from overdevelopment in our neighborhoods these days, with small house after small house being destroyed in favor of large, characterless houses, and now our charming and much-loved business district is under attack by greedy developers (ad the just as greedy City of Minneapolis) who are capitalizing at the expense of the character and quality of life of our neighborhood. Please insist that any developer coming into Linden Hills **MUST** comply with the wishes of the residents as outlined in the Small Area Plan.

Thank you for your consideration and support.
Sincerely,
Linda A. Cameron
4605 Beard Ave. S.
Minneapolis, MN 55410

Date: Mon, 1 Jun 2015 07:53:07 -0400
From: nolindencorner@gmail.com
To: l.a.cam@msn.com
Subject: PROPOSED DEVELOPMENT ALERT - PUBLIC MEETING TUESDAY 7 PM
CC:

Smith, Mei-Ling C.

From: Stricherz, Melisa K <MSTRICH1@Fairview.org>
Sent: Monday, June 01, 2015 9:14 AM
To: Palmisano, Linea
Subject: Linden Hills Development.

Hello Linea,

I want to pass along my concerns for the proposed plan in Linden Hills. **Another C-2 building is being proposed for the C-1 former Famous Dave's site.** A 4-story mixed-use building 56' tall including parapet is being proposed for the C1-zoned corner at 43rd & Upton. The C-1 height limit for a mixed-use building is 3 stories/42'.

C-1 zoning for Downtown Linden Hills (see Zoning map below) guards and preserves the mix of human-scale buildings essential to the Downtown's character, scale, and charm. This proposed building is out-of-scale at its proposed height: it would drastically change the character of Downtown Linden Hills.

No, the Small Area Plan does not support this proposal!

The Linden Hills neighborhood invested $60,000 and 18 months of community engagement on the part of hundreds of residents to write the "Linden Hills Small Area Plan (LHSAP)." (Link to LHSAP)

The Plan the residents wrote affirmed C-1 height limits for all Downtown C-1 parcels. But at the very end of process in December 2013, the City removed the neighborhood Plan's stated C-1 height limits without residents' knowledge or consent. Even with the City's changes the approved Plan *DOES NOT* support C-2 height at 43rd & Upton. In addition to height, the proposed building also does not follow the LHSAP guidance for setbacks, transitions, character, or scale.

Thank you for taking the consideration of those who live and love

Melisa K. Stricherz, PharmD, BCOP
Clinical Pediatric Pharmacist
Hematopoietic Cell Transplant /Hematology/Oncology
University of Minnesota Masonic Children's Hospital
mstrich1@fairview.org

HEALTH
University of Minnesota
Children's Hospital

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Smith, Mei-Ling C.

From: Roland Angvall <rangvall@yahoo.com>
Sent: Monday, June 01, 2015 9:27 AM
To: Palmisano, Linea
Subject: Proposed mega-building

Ms. Palmisano,

Please vote against approval of the proposed 56-foot tall building in Linden Hills.

While we all know that greater density can be advantageous for a community , and realize that the city lusts after developments offering a greater tax base, we do not see the need to build mini-sky scrapers in our neighborhood. There are other places where this sort of building is more appropriate.

Please support the neighborhood's desire to have rational limits to the size of proposed new apartment buildings.

Why must there always be a battle against developers and city planners who want to build over-sized monstrosities in the little corner of Minneapolis? Can't the city planners be happy with the knowledge that Linden Hills residents are being taxed to death to support the rest of the city?

Regards,

Roland Angvall
4628 Ewing Avenue South
Linden Hills resident.

Smith, Mei-Ling C.

From: Tim Galligan <tgalligan1@gmail.com>
Sent: Monday, June 01, 2015 9:31 AM
To: Palmisano, Linea
Subject: Linden Corners

Councilwoman Palmisano,

I am sending this email to oppose the height of the new building for Linden Corners. I would also appreciate a call as I have a problem with the issuance of variances. I have 4 new homes being built on two sides of me. On one of the lots, the planning commission denied all 3 reasons for variances and yet the board of adjustments granted them. On the other lot, the board of adjustments granted the variances and the plans have changed considerably from what we saw at the meeting. There was a home that was to remain and the lot split in half. Now the house has been torn down. It seems that when a developer is involved, politics plays a bigger role. I do not see density as a condition for getting a variance but it seems to be a hidden agenda.

Thank you,
Tim Galligan
3932 Thomas Ave S.
Mpls MN 55410
612-396-0631

Smith, Mei-Ling C.

From: kmcs93@comcast.net
Sent: Monday, June 01, 2015 9:35 AM
To: Palmisano, Linea
Subject: Proposed building at Linden Hills Famous Dave's location

Dear Linea Palmisano,

Please support Linden Hills residents and the LH Small area plan in regards to the propose building at the old Famous Dave's site in down town Linden Hills. Such a long, hard, and expensive fight was fought in the last round, I would hate to see that happen again. Most residents donated much time and money to this effort to keep the building height down. It's what the community wants. My hope is that you'll consider this.

Thank you for your time,
Mary Schwender

Smith, Mei-Ling C.

From: Tom G <tomndee92@gmail.com>
Sent: Monday, June 01, 2015 9:46 AM
To: Palmisano, Linea
Subject: Small area plan

Please stick to the small area plan. Thanks for your support.

Thomas Galvin 4316 Zenith Ave. S.

Sent from my iPhone

Smith, Mei-Ling C.

From: Donacnesser <donacnesser@aol.com>
Sent: Monday, June 01, 2015 11:27 AM
To: Palmisano, Linea
Subject: new bldg proposal

I support your work in making sure our community's wishes and goals are upheld. I will be at the mtg if I can but have a s,w, grad. that night. Donna Nesser 4505 Abbott So.

Smith, Mei-Ling C.

From: Lori Evert <lorievert@me.com>
Sent: Monday, June 01, 2015 12:24 PM
To: Palmisano, Linea
Subject: Please support Linden Hills Small Area Plan

This is very important to us as residents, taxpayers, and voters.

Thank you
Lori Evert

612-875-5883

http://www.lorievert.com

Smith, Mei-Ling C.

From: Coleen Murphy <coleen.murphy1@gmail.com>
Sent: Monday, June 01, 2015 12:45 PM
To: Palmisano, Linea
Subject: Linden Hills Proposed Rebuild...Old Famous Daves' Site

I am absolutely against the new proposal for the 4 story building, being set before the City Council!!! It doesn't meet the Codes in place, but the design is totally contrary to the quaint feeling in the Linden Hills Neighborhood.
Please, Please help block this really horrible building project!!!
Thank You,
Coleen Murphy
5106 Washburn Ave. S.
Mpls, Mn. 55410

Sent from my iPhone

Smith, Mei-Ling C.

From: Nate.Caskey <Nate.Caskey@target.com>
Sent: Monday, June 01, 2015 1:13 PM
To: Palmisano, Linea
Subject: New Proposal for the old Famous Dave's site in Linden Hills

Hi Linea,

I live at 2627 W. 44th St. and contrary to popular believe not all of us are against this development. My wife and I and all of our immediate neighbors are actually very excited about this development. I'll venture to guess that you are getting plenty of emails against this development so I wanted to let you know that not everyone in the neighborhood is against it and frankly the NIMBY group in Linden Hills is going to slowly suffocate the community. We're either growing or we're dying. Thanks,

Nate Caskey | Group Manager | Finance Systems Integration | ⊙Target | 33 S 6th Street, CC-6571 | Minneapolis, MN 55402 | 612.304.1275 (ph)

Smith, Mei-Ling C.

From: Carol Clemens <clem3@visi.com>
Sent: Monday, June 01, 2015 1:30 PM
To: Palmisano, Linea
Subject: C2 Building

Please say no C2 buildings in Linden Hills, support the Small Area Plan. Thank you.

Carol Clemens
CMS Marketing Services
612-922-8715

Smith, Mei-Ling C.

From: Mark Johnson <mark_ithinc@icloud.com>
Sent: Monday, June 01, 2015 1:42 PM
To: Palmisano, Linea
Subject: Revise the height of the proposed building going into Linden Hills. - Thank you!

Linea,

I'm writing you regarding the proposed building for the 43rd and Upton site. Here are my issues and concerns.

1. I feel the City of Minneapolis disregards the wishes of the Linden Hills Residents for their own self serving reasons. After the Linden Hills residents fought passionately to retain the integrity of the village with endless hours and personal dollars the city of Minneapolis simply, covertly, choose to permit a building that was out of scale based on past agreed standards.

2. We are now faced with the same dilemma again. Please support us in reducing the size of this newly proposed building. Please walks the streets of Linden Hills and imagine a building so out of scale to the neighborhood it belongs on Excelsior Boulevard not Linden Hills.

Sorry for the rant but I believe in this neighborhood and it's potential for the future.

Look forward to meeting you Tuesday evening.

Thank you for your time.

Mark Johnson
4301 Linden Hills Boulevard

Smith, Mei-Ling C.

From: Louann Bosmans <louannbosmans@icloud.com>
Sent: Monday, June 01, 2015 3:23 PM
To: Palmisano, Linea
Subject: Keep Linden Hill quaint!!!

Do NOT let them develop a 56" building at famous Dave's old site in Linden Hills. Keep Linden Hills quaint!!! The charm is what makes it special!!! Louann Bosmans

Smith, Mei-Ling C.

From: Paul Knutson <paul_knutson@hotmail.com>
Sent: Monday, June 01, 2015 3:51 PM
To: Palmisano, Linea
Subject: Famous Dave's Development

Linea, as a resident of Linden Hills and politically active voter I am opposed to the current variance-laden proposal for the development of the former Famous Dave's corner.

I'm in full favor of developing the corner, but only to existing C-1 guidelines and in accordance with the Linden Hills Small Area Plan.

The proposed variances run contrary to the character of the neighborhood and the wishes of most people. Look only to the recent 18-3 'nay' vote to get a sense for how most people feel about this proposal.

Please represent us, your constituents, by objecting to and blocking the current proposal. We have an opportunity for a better outcome this time but we need our elected leaders to lead that process.

Thank you.

Regards, Paul Knutson
4130 Upton Ave S

Sent via iPhone
415-819-7622

Smith, Mei-Ling C.

From: Magnuson, Jeffry <Jeffry.Magnuson@opus-group.com>
Sent: Monday, June 01, 2015 5:14 PM
To: Palmisano, Linea
Cc: Ziring, Emily
Subject: 43rd and Upton Proposal Comments - Magnuson
Attachments: Summary Magnuson Comments to Upton Proposal.docx

Honorable Minneapolis Council Person Palmisano;

This is now the fourth go-around with a building proposal at this site, and I must say this is the worst, both for total massing and scale of the building, and material selection. My comments to the zoning committee review are enclosed for your information.

- I urge you to deny the CUP for height
- I urge you, at a minimum, **to add as a condition for approval of the CUP for height and the fourth floor**, that the developer:
    1. **Be required to set back the complete fourth floor plan a minimum of 12 feet on all four sides** (not just two sides as currently proposed)
        - This was a condition for approval of the last Dwyer submittal and this developer should be held to the same standard to provide some relief to the single-family home that backs up to the site along Vincent (and every time that residents approach the business district from the west)
    2. **Delete the horizontal high roof element to reduce the apparent height and massing of the building as viewed from the adjacent R-1 district**

Thank you for your consideration;
Jeffry Magnuson
3010 West 43rd st

This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the reader of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.
If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the listed email address. Thank You.

Summary – 43rd and Upton Zoning Vote - Magnuson

5/27/15

- **Oppose** CUP to increase the allowed height from 3 stories / 42' to 4 stories / 54'

  The Process of re-zoning the site from a C-1 to a C-2 with a simple CUP vote

  Building Massing (lack of setbacks at the fourth floor on the north and west)

  Architectural expression / harmony with existing buildings

- **Not Oppose** Setback variances along south property line at existing coffee shop

CUP Process and Height

- The site is currently zoned C-1, Neighborhood Commercial District - the lowest density commercial district in the City. The site is immediately bounded to the west by an R-1 district
- The height limit within the C-1 district for a mixed-use residential building with bonus for hidden parking is 3 stories / 42'
- The proposed height of 4-stories / 54' would be allowed by zoning only within a more dense district such as a C-2 (4 stories / 56')
  - By a simple CUP vote, the city is effectively Rezoning the site to a higher density
  - There is a different process for rezoning that should be followed
- The proposed building height of 54' is too high to be immediately adjacent to the R-1 district
  - This building would tower over the residences, and would be very imposing to that resident trying to enjoy his or her back yard (4251 Vincent would be affected immediately)
  - If this CUP is granted, a precedent is set to allow future developers the right to increase the height across all the remaining C-1 district, altering the 1-2 story scale of the C1 Neighborhood Commercial District, which is meant to be a..."convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses." (Minneapolis Zoning Ordinance Title 20, Chapter 548, definition)

Massing and Height

- Two of the previous 4-story developments at this site had CUPs for height approved by the city. However, both schemes were based upon the fourth floor of the building completely set back from the building perimeter on all four sides by a distance of 12 feet
  - This setback was designed to reduce the apparent scale and bulk of the building, and was endorsed by the city as one of the main reasons to grant the CUP for height
- The setback at the top floor of the current proposal is accommodated only at the street elevations along Sheridan and West 43rd St to the east and the south.
  - The continuous setback is missing at the fourth floor plan on the west elevation toward the R-1 neighborhood, as well as the north elevation
  - The developer has claimed an attempt at a setback using recessed balconies, but on the west and north elevations there are numerous wall elements extending up from grade or level two straight up through the horizontal roof. These wall elements visually unify the wall planes in spite of the recessed balconies – in effect there are no setbacks, and there is no relief to the 4-story height.

    - A thick, light-colored horizontal roof element, 54 feet above the ground, unfortunately also emphasizes the height of the building. The previous two proposals all deleted the roof over the 4th floor as another way of softening the height. This developer should consider deleting this horizontal roof element.
- **As a condition for approval of the CUP for height and the fourth floor, the developer should be required to set back the fourth floor plan a minimum of 12 feet on all sides and delete the horizontal high roof element to reduce the apparent height and massing of the building as viewed from the adjacent R-1 district**

Architectural Expression

- Per the developer, the material pallet of Kasota stone and dark metal has been chosen to make this an Iconic building. This building would look great and be compatible with other iconic buildings at Lake Calhoun or Washington Ave South near the Guthrie where these buildings do not look out of place. At those locations, the architect does not have a neighborhood pallet of materials to be compatible with and can create their own look.
    - Linden Hills is a unique small business zone with a predominantly brick building material vocabulary. Any large-scale development should incorporate local materials, details, and finishes in their design, and should respect building massing and scale.
    - If given the ability to comment, I think that a majority of Linden Hills residents would also question this choice of materials and reject this design
    - The proposed building is very urban in design, monolithic, monumental in scale, with no color, awnings, or fun
    - The developer's material pallet will completely alter the look and feel of the business district
- The developer should be encouraged to revisit their choice of exterior materials and chose materials more compatible with the existing business district, similar to the last Dwyer proposal

Smith, Mei-Ling C.

From: stuart cone <stuartcone@hotmail.com>
Sent: Monday, June 01, 2015 6:19 PM
To: Palmisano, Linea
Subject: Linden Hills corner proposal

Dear Linea,
As a long time homeowner in Linden Hills, I urge you to reject any development exceeding the C-1 height 3 story/42' height limit at the former Famous Dave site. Any building should strictly follow the LHSAP guidelines.

Thanks,
Stuart Cone
4418 Lk Harriet Py
240-744-3276

Smith, Mei-Ling C.

From: Deb Cutkomp <debcutkomp@gmail.com>
Sent: Monday, June 01, 2015 7:49 PM
To: Palmisano, Linea
Subject: Linden Hills Corner

Please support the neighbors wishes to not allow the exception for the building being proposed at Linden Hills Corner.
We and many neighbors wish the small area plan be honored. We want it to remain a C1 project as the law states.
Thank you for your support,
Deb and Kent Cutkomp

Smith, Mei-Ling C.

From:	Constance Pepin <cpepin@bitstream.net>
Sent:	Monday, June 01, 2015 8:29 PM
To:	Jamie Long; Elin Hansen; Diana Neidecker; Jim Miller; Chad Reichwald; Sara Jaehne; Bell, Edwin M; Eric Hansen; Matt Mohning; Ruby Hogen-Chin; Kevin Dillon; K. Elizabeth McDonald; John Rozman
Cc:	Christy Prediger; Palmisano, Linea; Ziring, Emily
Subject:	43rd & Upton project's noncompliance with the Linden Hills Small Area Plan
Attachments:	PepinSummary43&UptonR.pdf

Dear Members of the LHiNC Board,
I'm not sure if the attached document was sent to you as part of the information supplied by the Zoning Committee related to the the new proposal for 43rd & Upton, so I am submitting it to you as a Linden Hills resident/constituent who is concerned about what I perceive as the misuse of the Linden Hills Small Area Plan to support the project.

Specifically, the Good Faith Notification for the new proposal for 43rd & Upton was inaccurate in claiming that *"The conditional use permit to increase height is to allow a 4-story mixed-use building, which is consistent with the height guidance in the Linden Hills Small Area Plan for the 43rd and Upton commercial node."*

This statement in Clark Gassen's letter to the City dated May 22, 2015, is also inaccurate: *"The guidelines allow mixed use buildings of 4 stories in the commercial nodes, but encourage them to be less than 56' tall. The Project height is consistent with this guidance."*

LHiNC allocated $60,000 in 2012 to fund an 18-month small area planning process that aligned with our then Council Member's expectations. When the the Linden Hills Small Area (LHSAP) was approved by the City Council in December of 2013, an email from then Council Member Betsy Hodges to her constituents stated that *"The plan was approved with the allowance for three- to four-story buildings, **which will be required to meet the zoning requirements for maximum height.**"* Thus, the Plan allows 3- to 4-story buildings in the **respective commercial C1 and C2 zones** in Linden Hills, which means **all buildings are still required to meet the current zoning requirements for maximum height**--in this case 42 feet for a mixed-use building in the C1 zone at 43rd & Upton. So in effect the Gassen proposal is for a C2 building in a C1 zone, which is not consistent with the LHSAP guidelines.

Even though many people are eager to fill the void at the pocket park corner in our business district, and even though the City is eager to approve a project, the Linden Hill Small Area Plan does not support a 4-story 56' building at the corner of 43rd & Upton. Please don't believe the accusations of NIMBY when concerned residents like me just want to protect our neighborhood's huge investment in time, money and commitment in our small area plan by setting the record straight. The LHSAP actually says (page 25): ***"The majority of project participants expressed that it is important for new development or building additions in these areas to be of similar height (1 to 3-stories) to retain the scale and character of these nodes."***

Thank you,
Constance Pepin
Linden Hills Resident
Zoning Committee member
Former LHiNC member
Former LHiNC liaison to LHSAP Steering Committee
612.922.1253

43rd & Upton Proposal
Constance Pepin Comments Summary 05.27.15

Link to the Linden Hills Small Area Plan (LHSAP):
http://www.ci.minneapolis.mn.us/www/groups/public/@cped/documents/webcontent/wcms1p-126733.pdf

A conditional use permit to increase height to allow a 4-story mixed-use building is inconsistent with the guidance in the Linden Hills Small Area Plan for the 43rd and Upton commercial node.

Vision & Goals (attached)

The proposed building is not consistent with the neighborhood's vision and goals as stated in the Linden Hills Small Area Plan. The vision for the neighborhood includes this statement: *"Renovation and new development support and enhance the existing scale and character of the neighborhood."* The proposed 4-story building does not support or enhance the existing scale and character of this C1 zone. In fact, 20 of the 22 buildings in this node are one or two stories in height, less than half the height of the proposed building.

In support of this vision, two of the five goals established in the LHSAP are:
1. Keep and enhance what makes the Linden Hills commercial district unique.
2. Ensure appropriately-scaled development.
The proposed 4-story building would not keep or enhance what makes this C1 node unique; in fact, the developer seeks to build an "iconic" building that is not an appropriately-scaled development for this node.

Building Height (attached)

References to building height in the LHSAP include this statement (on page 10): *"Due to the existing character and development patterns at 43rd & Upton, 44th & Beard, 44th & France, and along the 44th Street and France Community Corridors allowing 3 or 4-story buildings while encouraging shorter overall building heights, as expressed in feet, is considered the most respectful of existing character."*

The Plan also states:

- *"The majority of project participants expressed that it is important for new development or building additions in these areas to be of similar height (1 to 3-stories) to retain the scale and character of these nodes."* (page 25)
- *"Encouraging a lower maximum height in feet encourages new developments to have shorter floor to floor heights and a lower overall building height than allowed under the current Zoning Code, which will ensure more compatible new development that is in scale with the surrounding development patterns."* (page 11)

The proposed 53' 8' building is nearly 12 feet taller than the maximum building height allowed in a C1 zone. Although references to 4-story buildings in the LHSAP have been misconstrued to suggest that the Plan allows a four-story building in the C1 node, a memo from then Council Member Betsy Hodges (attached) states: *"The plan was approved with the allowance for three to four-story buildings, which will be required to meet the zoning requirements for maximum height."* Thus, the Plan allows three- to four-story buildings in the respective commercial C1 and C2 zones in Linden Hills, and all buildings are still required to meet the current zoning code requirements for maximum height—in this case 42 feet for a mixed-use building in the C1 zone at 43rd & Upton. In effect, the proposal is for a C2 building in a C1 zone, which is not consistent with the LHSAP.

The memo also states: *"Any future rezoning of the commercial nodes in Linden Hills will require public hearings and a thorough process to examine the area and the suitable zoning adjustments...The allowance for four stories does not guarantee rezoning to the C2 district."*

Even without the memo from Mayor Hodges, it would be inaccurate to say that the neighborhood's small area plan supports a 4-story building at 43rd & Upton. The Plan approved by the City Council contained last-minute changes related to building height imposed by the Community Planning & Economic Development (CPED) department without the neighborhood's knowledge or consent. Content in the public comment version of the Plan that was changed by CPED show that the neighborhood actually sought a 3-story height limit based on extensive community input during the 18-month small area planning process. (http://www.ci.minneapolis.mn.us/www/groups/public/@cped/documents/webcontent/wcms1p-113925.pdf)

Transition Areas (attached)

The proposed building does not follow guidance on transition areas (attached) and setbacks in the Plan. For example:

- *"The plan calls for additional setbacks for the top floor of 3 or 4-story buildings that are adjacent to low-scale residential properties. It further recommends additional building and site design element to reduce the visual impacts of medium and high density development."* (page 11)
- *When a new three or four story building is adjacent to single- or two-family structures, the top floor shall be setback an additional 10 feet from the required rear and side yards of the property."* (page 50)
- *"In addition, the plan recommends stepping back the fourth story of any building along the street to further reduce the visibility of a fourth story from the street and the overall visual impacts of four story buildings.* (page 11)

The building design of the current proposal makes no attempt to reduce the visibility of the fourth story and actually highlights the building's height. External walls extend from the ground floor to the building roof, and no attempt is made to reduce the visual impact from any direction.

Density (attached)

A primary goal of the City is to increase density in all Minneapolis neighborhoods, and the Linden Hills Small Area Plan directly addresses the topic of density. For example, *"many of the densest residential properties in Linden Hills are modest scale residential and mixed use commercial properties— properties that the community has identified as defining the essential character of Linden Hills. Many of the larger scale properties in the area (covering full blocks, of a consistent style, mass and height) are actually less dense. New development needn't be substantially taller or larger than other buildings in the area to provide the levels of density called for in the City's Comprehensive Plan and encouraged within this Small Area Plan."* (page 35)

During the small area planning process, residents learned that Linden Hills already contributes more density than all but one of the other Southwest neighborhoods. The Plan's Specific Implementation Recommendations section for land use development and intensity (p. 39) identifies areas in the neighborhood where higher density is encouraged, as guidance on where Linden Hills can provide increased density toward the City's goal.

Vision

Linden Hills is a thriving pedestrian-friendly and sustainable urban village that offers varied housing, commercial, open space, and transportation choices to meet residents' and business owners' needs. Renovation and new development support and enhance the existing scale and character of the neighborhood.

Neighborhood scale and character are in part defined by:

- A walkable, pedestrian friendly public realm
- An eclectic mix of human-scale buildings
- Vibrant, independent, neighborhood-serving businesses

To fulfill this vision five goals have been established:

1. **Keep and enhance what makes the Linden Hills commercial districts unique.**
2. **Ensure appropriately-scaled development.**
3. **Encourage complementary uses, activities, and public realm enhancements.**
4. **Promote public infrastructure and private development that reinforces an ecologically healthy neighborhood.**
5. **Support the development of a broad spectrum of life-cycle housing options.**

Using the Plan

The Plan applies this Vision and Goals through the development of individual Policies for each element of the plan. This policy frameworks is then applied to distinct issues and locations within Linden Hills in the Specific Implementation Recommendations of the plan.

Linden Hills Small Area Plan
References to Building Height

Page 10
Building & Site Design

Building height and length contribute to the character of the three commercial nodes and the community corridors within Linden Hills. Together these elements establish a distinct visual character, human-scale, discernible rhythm, and strong sense of place, which should serve as the reference point or basis of design for new developments, substantial building revisions, or additions.

Building height was explored in stories and in feet during the planning process. The Plan's recommendations are based on considerable exploration of building height impacts and preferences with the community. Due to the existing character and development patterns at 43rd & Upton, 44th & Beard, 44th & France, and along the 44th Street and France Community Corridors allowing 3 or 4-story buildings while encouraging shorter overall building heights, as expressed in feet, is considered the most respectful of existing character.

Page 11
The intent is to allow the for the desired densities called for in City policies while encouraging compatible design through lower maximum building heights than allowed in the current Zoning Code. (Currently the Zoning Code defines four story developments as having a maximum height of 56 feet.) Encouraging a lower maximum height in feet encourages new developments to have shorter floor to floor heights and a lower overall building height than allowed under the current Zoning Code, which will ensure more compatible new development that is in scale with the surrounding development patterns. In addition, the plan recommends stepping back the fourth story of any building along the street to further reduce the visibility of a fourth story from the street and the overall visual impacts of four story buildings.

Page 25
Description of Themes 1 and 2

Building height and length (building face fronting the public street) are two elements that significantly contribute to the existing storefront rhythm (other key features include building material and facades, windows to the street, and consistency of buildings at the sidewalk line.) In the 43rd & Upton node, building heights range from 1 to 3-stories. In the nodes of 44th & Beard and 44th & France, building heights range from 1 to 2-stories. The majority of project participants expressed that it is important for new development or building additions in these areas to be of similar height (1 to 3-stories) to retain the scale and character of these nodes.

Page 46
BUILDING AND SITE DESIGN

Specific Implementation Recommendations

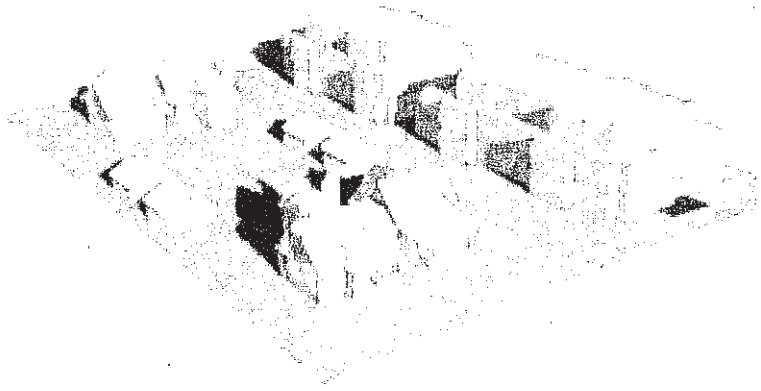
Building Height & Length

- A maximum height of three or four stories is allowed for multifamily residential & mixed use buildings within the three neighborhood commercial nodes and along the community corridors of 44th Street West ((from Upton to France Avenues) and France Avenue (Glendale to 46th Street W where the future land use is identified as medium or high density.
- Encourage overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage buildings that are shorter than the current Zoning Code maximums for 3 and 4 story buildings (42 feet and 56 feet respectively).
- The fourth story of any building in the three neighborhood commercial nodes and along the community corridors shall be stepped back from the street facing facade(s) of the building by at least 10 feet.

Transition Areas

- When a new three or four story building is adjacent to single- or two-family structures, the top floor shall be setback an additional 10 feet from the required rear and side yards of the property. Adjacent structures are defined as properties that share a side or rear property line or an alley with the subject property.
- Encourage building designs that articulate or enliven the rear façade.
- Encourage site designs that use vegetative buffers to reduce the visual impacts of higher density development on adjacent lower density development.

While the three Neighborhood Commercial Nodes and the community corridors of France Avenue & 44th Street have their distinct commercial character they are surrounded by low-scale, one to two-family residential areas that have their own distinct character and rhythm. In many locations, larger more dense commercial, mixed use, and multi-family residential structures share an alley or side and rear lot lines with these lower scale uses. This was a topic of concern for the community. Transition issues include: negatively affecting the overall character of the block, shading of back yards caused by taller adjacent buildings, disruption and degradation of views, loss of privacy, and increases in noise and traffic. These concerns and issues are reflected within City policies that encourage transitions between higher density and lower density development.



Stepping back upper stories and articulating the rear façade can reduce the overall mass and scale of new development. This is especially important in transition areas.

Cross section illustrating the transitional zone between the back side of 3-story development and existing single family residential featuring vegetative buffers, a drive aisle and no alley.

The City's Comprehensive Plan classifies density as follows:

- **Low Density:** Under 20 units per acre
- **Medium Density:** 20-50 units per acre
- **High Density:** 50-120 units per acre
- **Very High Density:** More than 120 units per acre

Within these classifications Linden Hills has a range of densities in a variety of building types. Building types include single family detached homes, duplexes, townhouses, row houses, condominiums and apartments. Within multiple-family structures located in Linden Hills, density (dwellings per acre) varies as identified by the following examples:

Low Density

3824 44th Street W - 11 dwelling units per acre, 5 units

Medium Density

4408 Chowen Avenue - 32 dwelling units per acre, 66 units

4444 Lake Harriet Parkway- 35 dwelling units per acre, 10 units

4314 Upton Ave S - 35.8 dwelling units per acre, 7 units

High Density

2716 44th Street W- 67 dwelling units per acre, 15 units

4269 Sheridan Ave S- 60 dwelling units per acre, 35 units

4300 Upton Ave S- 53 dwelling units per acre, 7 units

Density versus Large Scale Development

The terms "high density" and "large or out-of-scale development" are often used interchangeably. This is inaccurate as they are not interchangeable and their use as synonymous is misleading. Density describes the number of housing units per unit of land; it is expressed as units per acre. It does not describe the height, massing, or size of a building. As illustrated in the photographs, many of the densest residential properties in Linden Hills are modest scale residential and mixed use commercial properties—properties that the community has identified as defining the essential character of Linden Hills. Many of the larger scale properties in the area (covering full blocks, of a consistent style, mass and height) are actually less dense. New development needn't be substantially taller or larger than other buildings in the area to provide the levels of density called for in the City's Comprehensive Plan and encouraged within this Small Area Plan.

High density housing: 53 dwelling units per acre. 4300 Upton Avenue.

From: Hodges, Betsy A. <Betsy.Hodges@minneapolismn.gov>
Subject: Linden Hills Small Area Plan
Date: December 9, 2013 4:33:26 PM CST
To: Hodges, Betsy A. <Betsy.Hodges@minneapolismn.gov>
Cc: Swanson, Jennifer A. <Jennifer.Swanson@minneapolismn.gov>, Farley, Zack <Zachary.Farley@minneapolismn.gov>

Thank you for writing about the Linden Hills Small Area Plan. My expectation for the Small Area Plan process was for it to be as wide open as possible and that input from all parties was respected and included. The neighborhood did just that. The Steering Committee held public meetings, conducted surveys, and solicited comments on draft plans in order to ensure that the final Linden Hills Small Area Plan represented the neighborhood's diverse interests.

The Steering Committee and Linden Hills Neighborhood Council board both voted in support of the final plan that was submitted to the City. Last Monday, the City Planning Commission amended the plan to remove references to maximum height in feet.

I understand the concerns of the community related to building height. I also understand that a specific height limitation in a Small Area Plan is unenforceable. We have been advised by the City Attorney's office that since it is not enforceable, it is not legal and cannot be included in the plan. The plan was approved with the allowance for three to four-story buildings, which will be required to meet the zoning requirements for maximum height.

I know there is fear in the community regarding rezoning of the commercial districts as a result of this Small Area Plan. There are not any automatic conclusions regarding rezoning related to building height allowances. Any future rezoning of the commercial nodes in Linden Hills will require public hearings and a thorough process to examine the area and the suitable zoning adjustments.

When a rezoning study is commenced, the characteristics of the existing area, the vision and guidance in the plan and the characteristics of the zoning districts will be considered to determine if any changes in the current zoning district classifications should be made.

The allowance for four stories does not guarantee rezoning to the C2 district. Settergren's and the 44th and France neighborhood commercial node are currently zoned C2. The differences between the C1 & C2 zoning districts are not just their allowed height and include allowing larger maximum lot sizes, larger businesses, and allowing a broader range of automotive uses. These are characteristics that not consistent with the existing traditional urban form at 43rd and Upton and 44th and Beard. The vision, goals and recommendations of the plan recognize the traditional urban form of Linden Hills as character defining features that should be supported and enhanced in the future.

I am a supporter of density in urban areas. I have been for a long time. It is the best and most efficient use of resources, a great way to build a community, and an important way to live in community. I also understand the need to ensure growth is done well – focused in our community corridors and transit corridors.

In light of the input by the entire community and the many months of work by the steering committee, I requested that my colleague, Council Member Lisa Goodman move a staff direction at the Zoning and Planning meeting this morning. The motion passed to direct staff to:
Encourage overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage buildings that are shorter than the current Zoning Code maximums for 3 and 4 story buildings (42 feet and 56 feet respectively) in the Linden Hills Small Area Plan.

Although the encouragement of lower building heights is already in the plan, I felt it a staff direction was an important step to ensure awareness of this priority for any future development projects.

Thank you,
Betsy
Council Member Betsy Hodges
Ward 13
612-673-2213

Smith, Mei-Ling C.

From: Eric J Hansen <eric@ejhansen.com>
Sent: Monday, June 01, 2015 10:50 PM
Cc: Jamie Long; Elin Hansen; Diana Neidecker; Jim Miller; Chad Reichwald; Sara Jaehne; Bell, Edwin M; Matt Mohning; Ruby Hogen-Chin; Kevin Dillon; K. Elizabeth McDonald; John Rozman; Christy Prediger; Palmisano, Linea; Ziring, Emily
Subject: Re: 43rd & Upton Proposed Project
Attachments: PepinSummary43&Upton.pdf; ATT00001.htm; LHiNC Zoning Committee Minutes 5-18-15.pdf; ATT00002.htm; Magnuson vote summary.pdf; ATT00003.htm

Greetings,

I have been trying to get all Zoning Committee Members to arrive at a consensus of what we wanted to share with the LHiNC Board from the May 18 Zoning Committee Meeting in which the proposed development was presented to us and the public for the first time. Since I received only a few narratives from Zoning Committee Members and Constance Pepin has decided to share her opinions of things with all of you prior to that I felt we should also attach our Zoning Meeting notes (as collected by Christy during the meeting) and Jeff Magnuson's excellent summary as well.

I think it should also be pointed out that Ms. Pepin's Summary is based on her own opinions and the additional information / notes etc. of the prior SAP and Ms. Hodges narratives within Ms. Pepin's Summary should be construed as her opinion and we should really look to the adopted and Final SAP as approved by the city to base our decisions. Each Board Member should review the SAP on their own again if possible. If you need to get a link or copy of the current Sap ask Christy to send you a link to it. I would also like to point out that we should perhaps review the prior CPED Staff report for Linden Crossings since the prior report addresses the SAP issues on page 15 in great
detail. http://www.ci.minneapolis.mn.us/www/groups/public/@clerk/documents/webcontent/wcms1p-129088.pdf

Many items where talked about with the developers and we don't know to what extent they have incorporated any of the public and zoning members comments.

I just wanted to make sure you all understood as to what we are looking at for current information and not speculate on what may or may not have happened in the past.

Happy reading!

Eric

LINDEN HILLS NEIGHBORHOOD COUNCIL ZONING COMMITTEE

Minutes of the regular meeting, May 18, 2015

Committee members present: Eric Hansen (Chair), Dawn Chapman, Constance Pepin, Jeffry Magnuson, Walter Pitt, Dan Swanson

Agenda:

- Upton & 43rd project summary

Guests:

Clark Gassen, partner, 43UP LLC
Jake Schaefer, partner, 43UP LLC
Jesse Hamer, architect, Momentum Design Group
Patrick Sarver, civil engineer & landscape architect, Civil Site Group (also Zoning Committee member who has recused himself for this subject)

The development team of the site at 43rd and Upton presented project details and renderings to the committee and members of the public. As currently planned, the development is a modern-looking, four-story, mixed-use building, with retail on the ground floor, and 29 apartment units on the upper three floors. The building features a dark stucco façade, with prominent balconies on the upper floors on the east and south sides in a contrasting limestone material.

The site is owned by 43UP, LLC, an equal partnership between Clark Gassen, Jake Schaffer, and a silent investor.

The land use applications to the City of Minneapolis include:

- Conditional use permit to increase the allowed height from 3 stories/42' to 4 stories/54.'
- Variances:
    - to reduce the setback at floors 2, 3, 4 along west side of property adjacent to neighboring commercial building (Naviya's) from 11' to 6'
    - to reduce the setback at floors 2, 3, 4 along the north side of the neighboring commercial building (Dunn Bros / Naviya's).
- Site plan review.

The development will feature one underground level of 39 parking spaces for residents of the building. The ground level will accommodate 6,000 square feet of commercial / retail space. 14 enclosed paid public parking spots will be located on the ground level, available 24 hrs/day.

The project plans include a larger, enhanced pocket park area on the corner of 43rd & Upton, with an additional 4 to 6 feet of space, with a wider landscape buffer around the curb and a small retailing wall to separate it from the traffic at the corner. It is envisioned that three large trees will be spaded into the park. The park will include a mix of old and new benches. A public engagement process will be included in any pocket park redesign.

The building will be constructed so that it may at some point in the future be transitioned from apartments to condos. The developer has no interest in this building including condos at this time.

Construction is targeted for February 2016 with completion in fall 2016.

The development will require one curb cut on Upton, which is where parking will be accessed, and deliveries and garbage pickup will be centered.

The committee members and members of the public asked questions and made comments. Summary of questions/comments:

- The building design is too modern for a historic district.
- The Small Area Plan wasn't properly considered – it calls for a maximum of 3 stories/42'.
- Construction materials? 1st floor is concrete construction, floors 2 – 4 are wood/stick construction.
- What would be the projected rental rates? Market rate.
- 4th story accent emphasizes rather than subdues the height of the building.
- Pocket park should be made more open and inviting so visitors to the area know it is a public space.
- Developers should consider a more traditional style that blends in with surroundings.
- The 4th story should be setback 12' like the last Linden Crossing proposal.
- Ceiling height of floors? 1st floor built at 16', upper 3 levels average 9 ½ '.
- The new buildings at 50th & France blend in better with the older buildings.
- Will there be a remediation process? Yes, some soil testing has been performed. A plan will likely be available in the fall.
- The small, human scale of Linden Hills is what makes it special. A project like this one will completely change the character of the village.
- Residential neighbors on Vincent will be deprived of light and privacy as a result of the height of the building. Clark Gassen indicated a shadow study might be performed.
- Upton Ave where it meets Sheridan is busy and dangerous – this development will add traffic. Traffic calming measures should be pursued.

The members of the Zoning Committee each spoke and gave their impressions of the project.

Constance Pepin: Is encouraged that the development team is listening to the community's comments. Main objection to the project is that it doesn't adhere to the Small Area Plan, which in its vision statement encourages keeping and enhancing what makes the commercial districts unique and ensuring appropriately-scaled development. Betsy Hodges also requested in 2013 that the SAP include the directive to, "Encourage overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage buildings that are shorter than the current Zoning Code maximums for 3 and 4 story buildings (42 feet and 56 feet respectively) in the Linden Hills Small Area Plan."

Dawn Chapman: Concerned with the massing of the building. Feels 4th floor should be set back. The Small Area Plan also calls for more building articulation. The rendering of the limestone façade elements projects a flat surface rather than the perforated element being described. Exterior should be reworked.

Jeffry Magnuson: Supports the comments of Constance and Dawn. Also objects to using a conditional use permit to rezone the parcel. Objects to the lack of 4th floor setbacks. Believes the 4th floor roof accent should be eliminated to reduce the appearance of scale. The residential neighbors on Vincent Ave need a buffer between them and the 52' wall. Appreciates the building's design, but it is not appropriate in this context – monolithic in appearance.

Dan Swanson: Likes the building and the project.

Walter Pitt: The zoning for the parcel is C1, which means 3 stories maximum height. Believes approving the CUP for height in this instance will set a dangerous precedent for the node. The "fabric "of Linden Hills consists of 2 story buildings. Also troubling is the confusion about the bond for the pocket park (Clark Gassen commented that he would likely not need a bond for the pocket park, as Mark Dwyer did).

Eric Hansen: Would like to see the pocket park outreach dates determined and shared with the neighborhood. Encouraged the development team to look at a feature of a development in St Paul for ideas for the wall between the development and the neighborhood commercial building. Would like to see a physical model at the June 2 meeting to give more context, a streetscape view, birdseye view.

A motion was presented to oppose the project as presented, including the conditional use permit to increase the height from 3 stories/42' to 4 stories/54.' Committee members and members of the public were invited to vote on the motion.

The result: 18 voted in favor of the motion (4 committee members), 3 voted against the motion (2 committee members). Not all members of the audience voted.

The development team will present the project as well as any updates to the June 2 LHiNC board meeting.

The meeting was adjourned.

Submitted by Christy Prediger

_____ _____

Eric Hansen, Chair Date

Smith, Mei-Ling C.

From: Rozman, John M <John.Rozman@allina.com>
Sent: Tuesday, June 02, 2015 8:17 AM
To: Eric J Hansen
Cc: Jamie Long; Elin Hansen; Diana Neidecker; Jim Miller; Chad Reichwald; Sara Jaehne; Bell, Edwin M; Matt Mohning; Ruby Hogen-Chin; Kevin Dillon; K. Elizabeth McDonald; Christy Prediger; Palmisano, Linea; Ziring, Emily
Subject: RE: 43rd & Upton Proposed Project

I apologize for chiming in late, but here are my 2 cents:

I agree with the below comments. I was unable to attend the zoning committee meeting, so what would help me (and I believe the other board members) the most is the 1) overall summary of needed variances and WHY; 2) what are some of the possible impacts to the surrounding area; 3) what were the comments (summary) from the other committee members; and 4) upcoming steps/city council meetings that are scheduled for additional comment.

This seems to be summarized well below, along with "Jeff Magnuson's excellent summary" ☺. I agree that when we discuss our SAP it should be limited to the latest approved version. Any comments about previous plans should be welcomed as additional opinion, with clear understanding of its origin, so as to not get confused with the current SAP.

Looking forward to seeing you all there.

John

From: Eric J Hansen [mailto:eric@ejhansen.com]
Sent: Monday, June 01, 2015 10:50 PM
Cc: Jamie Long; Elin Hansen; Diana Neidecker; Jim Miller; Chad Reichwald; Sara Jaehne; Bell, Edwin M; Matt Mohning; Ruby Hogen-Chin; Kevin Dillon; K. Elizabeth McDonald; Rozman, John M; Christy Prediger; Linea Palmisano; Emily Ziring
Subject: Re: 43rd & Upton Proposed Project

Greetings,

I have been trying to get all Zoning Committee Members to arrive at a consensus of what we wanted to share with the LHiNC Board from the May 18 Zoning Committee Meeting in which the proposed development was presented to us and the public for the first time. Since I received only a few narratives from Zoning Committee Members and Constance Pepin has decided to share her opinions of things with all of you prior to that I felt we should also attach our Zoning Meeting notes (as collected by Christy during the meeting) and Jeff Magnuson's excellent summary as well.

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Smith, Mei-Ling C.

From: Leah Robshaw <leah_robshaw@yahoo.com>
Sent: Tuesday, June 02, 2015 9:30 AM
To: Palmisano, Linea
Subject: 42rd and Upton

Hi Linea,

First, thank you so much for your work on airport noise and appropriate-scale home tear down & rebuilds in Linden Hills. I chatted with a crew leader for the new house being built by the Turtle Bread parking lot the other day. He was taking the height limitations seriously, had to have his guys dig down an extra inch by hand because the excavator didn't make the foundation hole deep enough. He said an extra 1/2 inch of height doesn't matter anywhere except Minneapolis. We both agreed, though, that it made sense to keep new buildings in scale with the homes around them.

That's why I am writing today. I hear the proposed development at the 43rd & Upton lot is four stories tall with limited set backs. Not at all what our expensive neighborhood small area plan states. What is the point asking a neighborhood to spend thousands of dollars clearly defining what we want our neighborhood to be, only to ignore this document when a developer comes along with only $$$ on their mind. Taller means more profit for them, not a better community for us. It's disrespectful for the developer to even propose something out of line with what we, as a neighborhood want. But it will be even more disrespectful if City Council approves the variance.

Please do not allow the proposed development to be built until it fits our small area plan. The developers will still make a killing on this property, especially if they think long term. Preserving the character of downtown Linden Hills means the value of their property will stay high do to its unique location.

Thank you, Linea, for representing the people who live in and love Linden Hills for its community, not developers who love Linden Hills because it's a cash cow for their personal greed.

Leah Robinson
3210 west 44th street

Smith, Mei-Ling C.

From: Mary Hanvik <mary.hanvik@gmail.com>
Sent: Tuesday, June 02, 2015 8:27 AM
To: Palmisano, Linea
Subject: Linden hills plan

Please support the small business plan regarding Linden Corner.

Mary Hanvik

Smith, Mei-Ling C.

From: m cajacob <mlcajacob@yahoo.com>
Sent: Tuesday, June 02, 2015 12:45 PM
To: Palmisano, Linea
Subject: Famous Dave's site development

Dear Lisa,
Please work to keep the development at the Famous Dave's site within in the mandated scale of maximum 3 stories and 42-foot height with proper setback and design elements as stipulated in the small area plan originally developed for our neighborhood by Linden Hills residents. This is even more important now with other buildings going up and restaurants opening in the vicinity, which will also be adding to traffic, parking and congestion in Linden Hills. We are 30-year homeowners in Linden Hills who are not opposed to wise development, but we strongly believe it is crucial to do it right. Please do the right thing and oppose the current 4-story, oversize plan that is proposed for the Famous Dave's site.
Thank you,
Mary Cajacob & Peter Eisenberg
4521 Washburn Ave S
Mpls MN 55410

Smith, Mei-Ling C.

From:	Matthew Mohning <msmohning@yahoo.com>
Sent:	Tuesday, June 02, 2015 2:31 PM
To:	Rozman, John M; Eric J Hansen
Cc:	Jamie Long; Elin Hansen; Diana Neidecker; Jim Miller; Chad Reichwald; Sara Jaehne; Bell, Edwin M; Ruby Hogen-Chin; Kevin Dillon; K. Elizabeth McDonald; Christy Prediger; Palmisano, Linea; Ziring, Emily
Subject:	Re: 43rd & Upton Proposed Project
Attachments:	43rd and Upton.docx; Land Use and Zoning Overview.pdf

Hello all -

John asked some good questions and I will try to answer them. I attached a summary document of the 43rd and Upton project and the land use applications I put together using Zoning meeting minutes and City of Minneapolis Land Use and Zoning Overview document (also attached and a good 12-page summary on zoning issues). The developers are requesting a conditional use permit, two variances, and site plan review. The summary document lists each application along with a description and the required findings for each to be approved. Meeting or not meeting the findings for each application is how the City determines whether or not to approve or deny each application.

The City Planning Commission is the body responsible for approving or denying the land use applications in this case. The first step is for the developer to appear at the Planning Commission Committee of the Whole which is a more informal discussion on the project and does not include public comment. This is scheduled for Thursday, June 4th. The Planning Commission will then have a public hearing on the applications. I do not know if that has been scheduled. The Planning Commission then votes to approve or deny the application. Finally, the decision can be appealed to the City Council. This happened with the Linden Crossing project.

I think it is important to point out that the Planning Commission will focus on the required findings for each application. The City Planning and Economic Development (CPED) staff prepares a recommendation on the findings for the Planning Commission. Eric included a link to the CPED staff report for the Linden Crossing project that was previously approved for this site (mainly the first 16 pages). It provides insight into how the findings are applied.
http://www.ci.minneapolis.mn.us/www/groups/public/@clerk/documents/webcontent/wcms1p-129088.pdf.

The minutes from the Zoning Committee have a good summary of the comments from that meeting. They were part of Eric's email earlier in this chain.

Hope this helps with some of the questions.

See you all tonight.

Matt

On Tuesday, June 2, 2015 8:17 AM, "Rozman, John M" <John.Rozman@allina.com> wrote:

Linden Hills Neighborhood Council
Zoning: 43rd and Upton Project
June 2, 2015

Project Description
The development team 43UP, LLC is proposing a four-story, mixed-use building, with retail on the ground floor, and 29 apartment units on the upper three floors at at 43rd and Upton. . The building features a dark stucco façade, with prominent balconies on the upper floors on the east and south sides in a contrasting limestone material.

The development will feature one underground level of 39 parking spaces for residents of the building. The ground level will accommodate 6,000 square feet of commercial / retail space. Fourteen enclosed paid public parking spots will be located on the ground level, available 24-hours a day. The development will require one curb cut on Upton, which is where parking will be accessed, and deliveries and garbage pickup will be centered.

The project plans include a larger, enhanced pocket park area on the corner of 43rd & Upton, with an additional 4 to 6 feet of space, with a wider landscape buffer around the curb and a small retailing wall to separate it from the traffic at the corner. It is envisioned that three large trees will be spaded into the park. The park will include a mix of old and new benches. A public engagement process will be included in any pocket park redesign.

The building will be constructed so that it may at some point in the future be transitioned from apartments to condos. The developer has no interest in this building including condos at this time. Construction is targeted for February 2016 with completion in fall 2016.

Land use applications to the City of Minneapolis include:

1. Conditional use permit to increase the allowed height from 3 stories/42' to 4 stories/54'

Zoning Code description - In each zoning district particular uses are prohibited, permitted, or conditional. While a permitted use is allowed, a conditional use requires a public hearing before the City Planning Commission. This allows the City to review uses, which because of their unique characteristics, are not permitted as of right in a particular zoning district. A conditional use may be allowed if the City Planning Commission determines that the use will comply with all of the conditions and standards of the zoning ordinance. The zoning code requires that the City Planning Commission make findings before granting a conditional use permit.

Findings as required by the Minneapolis Zoning Code:

- Will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.
- Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.
- Adequate measures have been or will be provided to minimize traffic congestion in the public streets.
- Is consistent with the applicable policies of the comprehensive plan.
- And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

Additional standards to increase maximum height

- Access to light and air of surrounding properties
- Shadowing of residential properties, significant public spaces, or existing solar energy systems
- The scale and character of surrounding uses
- Preservation of views of landmark buildings, significant open spaces

2. Two Variances

- to reduce the setback at floors 2,3.4 along west side of property adjacent to neighboring commercial buildings (Naviya's) from 11' to 6'
- to reduce the setback at floors 2,3,4 along the north side of the neighboring commercial building (Dunn Bros/Naviya's).

Zoning Code description - Variances are intended to provide a means of departure from the literal provisions of the zoning ordinance where practical difficulties exist because of conditions or circumstances unique to an individual property. Variances usually go before the Board of Adjustment; however, when they are a part of an application with other land use applications (e.g. a conditional use permit) they are then heard before the City Planning Commission. The Board of Adjustment and City Planning Commission must make all three findings to approve a variance.

Findings as required by the Minneapolis Zoning Code

- Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.
- The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.
- The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

3. Site Plan Review

Zoning Code description - Site Plan Review is a process where the City Planning Commission reviews the physical design of a property for compliance with applicable standards of the City's Zoning Code, Comprehensive Plan, or other plans adopted by the City Council. Site plan review does not determine if a use is a permitted use. However, it does cover elements of site design including parking lot layout, landscaping, lighting, signage, exterior appearance of buildings, and various others items. The intent is to promote development that is compatible with nearby properties, neighborhood character, natural features, and adopted city plans; to minimize pedestrian and vehicular conflicts; to reinforce public spaces; to promote public safety; and to visually enhance development.
See Appendix B for the specific findings for site plan review.

Findings as required by the Minneapolis Zoning Code:

- The site plan conforms to all applicable standards of Chapter 530, Site Plan Review.
- The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan.
- The site plan is consistent with applicable development plans or development objectives adopted by the city council.

City of Minneapolis
Community Planning & Economic Development
Planning Division
250 South 4th Street, Room 300
Minneapolis MN 55415-1316
612-673-3000

LAND USE AND ZONING OVERVIEW

Overview of Planning Policies

The Minneapolis Plan for Sustainable Growth and Other Adopted Plans

The Minneapolis Plan for Sustainable Growth is the city's comprehensive plan and the primary policy document for the City of Minneapolis. The comprehensive plan is adopted by the City Council and is used by policy and decision makers to help guide the physical development of the city. The plan includes a series of policy statements that are used to help guide city actions. In addition, implementation steps help make the policies reality.

The comprehensive plan provides guidance for the entire city. Neighborhood organizations throughout the city have worked with consultants and/or the Department of Community Planning and Economic Development – Planning Division to prepare and write small area plans for specific neighborhoods or groups of neighborhoods. These small area plans are used in conjunction with the comprehensive plan to give detailed direction to policy and decision makers about specific areas.

The Minneapolis Zoning Code

Zoning is the city's primary tool for regulating land uses and implementing the policies of the comprehensive plan. The zoning code divides the city into different districts: residential, office-residential, commercial, industrial and downtown. There are also overlay zoning districts within the city that either provide more flexibility or impose additional restrictions to the underlying zoning district.

Within each zoning district, the zoning code imposes land use controls that regulate what can be built on individual parcels of land. Such controls include: specifying the allowed uses of land in each zoning district, setbacks, height, bulk, density, parking requirements, lot coverage, etc. In each zoning district particular uses are prohibited, permitted, or conditional. For example, the R1 Single-family Residence District allows single-family homes while the I3 General Industrial District allows certain heavy industrial uses. While a permitted use is allowed, a conditional use requires a public hearing before the City Planning Commission. When the City changes the zoning district of an area, some uses may no longer be permitted under the new zoning district. However, if they were legally established before the change, then in general they can continue to exist as long as they are not abandoned. They become legal nonconforming uses.

Proposed developments, from new buildings to small home additions, are required to meet the requirements of the zoning ordinance. In some cases a proposal meets all of the zoning code requirements and may be permitted without a public hearing. In other instances the project may be a conditional use or a nonconforming use that requires a public hearing to proceed. In these situations there are applications that may be required before the project can continue. The Board of Adjustment, City Planning Commission, Heritage Preservation Commission and/or City Council will look at the project and make findings to determine if the proposal is in conformance with

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the zoning code, the comprehensive plan and other requirements. Each land use application has a different set of findings. The following is a description of the various applications (relevant findings are listed in appendices).

See Appendix A for the specific purpose of the Minneapolis Zoning Ordinance.

Types of Land Use Applications

1. Rezoning

A rezoning is an amendment to the zoning map that changes the zoning designation of a property from one zoning district to another, which in turn changes the range of uses allowed on a parcel. Amendments to the text of the zoning ordinance and the zoning maps are made for the purpose of promoting public health, safety, and general welfare, and in the consideration of changing conditions, conservation of property values, the trend of development, and the current and anticipated uses of property. The code requires that the City Planning Commission and City Council make findings before approving a rezoning.

See Appendix B for the specific findings for a rezoning.

2. Conditional Use Permit

In each zoning district particular uses are prohibited, permitted, or conditional. While a permitted use is allowed, a conditional use requires a public hearing before the City Planning Commission. This allows the City to review uses, which because of their unique characteristics, are not permitted as of right in a particular zoning district. A conditional use may be allowed if the City Planning Commission determines that the use will comply with all of the conditions and standards of the zoning ordinance. The zoning code requires that the City Planning Commission make findings before granting a conditional use permit.

See Appendix B for the specific findings for a conditional use permit.

3. Variance

Variances are intended to provide a means of departure from the literal provisions of the zoning ordinance where practical difficulties exist because of conditions or circumstances unique to an individual property. Variances usually go before the Board of Adjustment; however, when they are a part of an application with other land use applications (e.g. a conditional use permit) they are then heard before the City Planning Commission. The Board of Adjustment and City Planning Commission must make all three findings to approve a variance.

See Appendix B for the specific findings for a variance.

4. Change of Nonconforming Use

The City Planning Commission may allow a change from one nonconforming use to a different nonconforming use if it is compatible with the surrounding area and is less intense than the existing nonconforming use. In general, the City Planning Commission considers the following in making its decision: hours of operation, signage, traffic, parking, the nature of the business, number of employees, building size, aesthetics, lighting, and the generation of noise, heat, glare, and vibration.

See Appendix B for the specific findings for a change of nonconforming use.

5. Expansion of Nonconforming Use

The City Planning Commission may allow the expansion of a nonconforming use if it meets certain findings including but not limited to compatibility with adjacent properties and the intensity of the use.

See Appendix B for the specific findings for an expansion of nonconforming use.

6. Site Plan Review

Site Plan Review is a process where the City Planning Commission reviews the physical design of a property for compliance with applicable standards of the City's Zoning Code, Comprehensive Plan, or other plans adopted by the City Council. Site plan review does not determine if a use is a permitted use. However, it does cover elements of site design including parking lot layout, landscaping, lighting, signage, exterior appearance of buildings, and various others items. The intent is to promote development that is compatible with nearby properties, neighborhood character, natural features, and adopted city plans; to minimize pedestrian and vehicular conflicts; to reinforce public spaces; to promote public safety; and to visually enhance development.

See Appendix B for the specific findings for site plan review.

Roles and Responsibilities

1. Applicant

Those filing a land use application (e.g., site plan review, conditional use permit, etc.) with the City make an appointment for one or more pre-application meetings with City staff to identify necessary applications. The City provides a checklist outlining the information that must be submitted for a complete application. Once an application is filed and deemed complete, it is scheduled for a public hearing before the relevant board or commission.

2. Development Services Staff

When plans are presented for review, Development Services staff members identify whether the project requires a land use application(s) that is subject to a public hearing. For those projects that require a public hearing, Development Services staff prepares a report and recommendation(s) that is submitted to the relevant board or commission, suggesting whether the project should be approved or denied (and if approved, whether the approval should be subject to certain conditions that would mitigate any adverse impact). Development Services staff uses the findings listed in the appendices as the basis for their recommendation.

See Appendix C for the specific duties of Planning Division staff.

3. Zoning Administrator

The Zoning Administrator is charged with interpreting and administering the zoning ordinance as well as keeping records of zoning decisions. Some of the official duties of the Zoning Administrator are performed by City staff acting as his or her representative.

See Appendix C for the specific duties of the Zoning Administrator.

4. Neighborhood Organizations

The Department of Community Planning and Economic Development - Planning Division maintains a list of recognized neighborhood organizations that are to be notified of land use applications that require a public hearing. As part of a complete land use application, the person filing the application must provide the relevant neighborhood organization a letter or e-mail message that includes the following information: a description of the project; the zoning approvals that the applicant is aware are needed for the project; the address of the property for which zoning approval is sought; and the applicant's name, address, telephone number, and e-mail address, if available.

Once an application is deemed complete, the City sends an official notice to the relevant neighborhood organization(s) 21 days prior to the public hearing. (A notice is also sent to all property owners within 350 feet of the property in question 15 days prior to the public hearing.) The neighborhood organization implements their own protocol for review of land use applications, which might include holding a meeting where the applicant and affected residents and/or property owners are present. The neighborhood organization may choose to establish a

position on the land use application and communicate that position to the City. This position, which is advisory, should be communicated to the City staff person who is listed on the official notice.

5. City Planning Commission

The City Planning Commission is charged with long-range planning for the city and is responsible for advising the City Council on matters of development, zoning, and capital improvements. It is a citizen's committee that works with the staff of the Department of Community Planning and Economic Development - Planning Division on the development of plans and the review of land use applications. The City Commission consists of mayoral appointments and representatives from the School Board, Library Board, Park Board, Hennepin County, and the City Council.

See Appendix C for the specific duties of City Planning Commission.

6. Board of Adjustment

The Board of Adjustment is charged with making decision on applications for variances, certificates of nonconforming use, and appeals of decisions of the zoning administrator. Board members are appointed by the City Council from an advisory list of citizens submitted to it by the City Planning Commission.

See Appendix C for the specific duties of the Board of Adjustment.

7. Heritage Preservation Commission

The Heritage Preservation Commission serves as a citizen advisory body to the Minneapolis City Council, preserving historically and architecturally significant buildings and districts while allowing modifications for contemporary use. The HPC administers chapter 599 of the code of ordinances.

See Appendix C for the specific duties of the Heritage Preservation Commission.

8. City Council and Mayor

The City Council automatically hears applications for rezoning applications and applications to vacate public rights of way. The City Council also decides appeals of decisions of the City Planning Commission, Board of Adjustment, and Heritage Preservation Commission. The Mayor may sign or veto decisions of the City Council.

See Appendix C for the specific duties of the City Council related to the administration of the zoning code.

Application Process

When an individual plans a change to their property, the first place they should visit is the Development Services office. The Development Services office is one of several departments located in the Public Service Center as a partner in the *Minneapolis Development Review,* an integrated center for development review.

Once an applicant has a plan or proposal, they may set up an appointment with a Development Services staff member by calling 311 from within Minneapolis or 612-673-3000 from outside the city. If it is determined that a land use application is necessary for the project, the applicant will be given relevant applications to complete. The project will be assigned to a Development Services staff person who will guide the applicant through the Board of Adjustment or City Planning Commission process. When all of the applications are completed, the project will be scheduled for the first available meeting of the Board of Adjustment or City Planning Commission. A 21-day notice is sent to the official neighborhood organization and a 15 day notice is sent to all property owners within 350 feet of the site. Applications cannot be heard before the Board of Adjustment or City Planning Commission without this notice. In some cases where there is a rezoning, or an appeal of the Board of Adjustment or City Planning Commission decision, then the application will be heard before the City Council as well.

Appendix A – The Purpose of the Minneapolis Zoning Ordinance

520.30. Purpose. This zoning ordinance is adopted for the following purposes:

(1) To implement the policies of the comprehensive plan.

(2) To promote and protect the public health, safety, aesthetics, economic viability and general welfare of the city.

(3) To encourage the most appropriate use of land throughout the city.

(4) To protect the character and stability of residential, commercial and industrial areas within the city, and to promote the orderly and beneficial development of those areas.

(5) To provide adequate light, air, privacy and convenience of access to property, and to secure property from fire, flood and other dangers.

(6) To protect and conserve the value of land, buildings and other improvements throughout the city.

(7) To prevent the overcrowding of land and the undue concentration of population.

(8) To provide for the safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic, with particular regard to the avoidance of congestion in the streets and highways.

(9) To preserve and increase the amenities of the city.

(10) To provide for the administration of this title including the powers and duties of officials and bodies charged with such administration, the standards for land use approvals and the procedures for its enforcement.

Appendix B – Findings for specific Land Use Applications

Rezoning

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Conditional Use Permit

Findings as Required by the Minneapolis Zoning Code:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

5. Is consistent with the applicable policies of the comprehensive plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

Variance

Findings as Required by the Minneapolis Zoning Code:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Change of a Nonconforming Use

Findings as Required by the Minneapolis Zoning Code:

1. The proposed use is compatible with adjacent property and the neighborhood.

2. The proposed use is less intense than the existing, nonconforming use.

   (a) Hours of operation.

   (b) Signage.

   (c) Traffic generation and safety.

   (d) Off-street parking and loading.

   (e) Nature of business operations.

   (f) Number of employees.

   (g) Building Bulk.

   (h) Aesthetic impacts on surrounding property.

   (i) Noise, odor, heat, glare and vibration.

   (j) Other.

Expansion of a Nonconforming Use

Findings as Required by the Minneapolis Zoning Code:

1. A rezoning of the property would be inappropriate.

2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.

7. The enlargement, expansion, relocation, structural alteration or intensification is consistent with the policies of the comprehensive plan.

Site Plan Review

Findings as Required by the Minneapolis Zoning Code:

1. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review.

2. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan.

3. The site plan is consistent with applicable development plans or development objectives adopted by the city council.

Appendix C – Roles and Responsibilities

Specific Duties of Planning Division Staff

Jurisdiction and authority. The planning director or his or her authorized representative shall have the following powers and duties in connection with the administration of this zoning ordinance:

1. To interpret and administer the provisions of this zoning ordinance and maintain records of such interpretations.

2. To issue zoning certificates and maintain records thereof.

3. To maintain permanent and current records of this zoning ordinance, including but not limited to all maps, amendments, conditional use permits, variances, appeals, site plan reviews and expansions or changes of nonconforming use, and applications therefor.

4. To provide information relative to all matters arising out of the zoning ordinance.

5. To receive, review, file and forward all complete land use applications to their respective review bodies, as provided in this zoning ordinance.

6. To review and make recommendations on proposed amendments to this zoning ordinance.

7. To issue zoning certificates regulating temporary uses, pursuant to Chapter 535, Regulations of General Applicability.

8. To issue certificates of nonconforming use for structures, pursuant to Chapter 531, Nonconforming Uses and Structures.

9. To maintain all zoning records which are a part of the administration of the zoning codes adopted in 1924 and 1963.

10. To serve as the secretary for the board of adjustment.

11. To establish and administer rules and regulations relating to the administration of this zoning ordinance, including application forms.

12. To consult with the city engineer to determine compliance with standards for uses within the FP Floodplain Overlay District, as specified in Chapter 551, Overlay Districts, and maintain records thereof, and notify the Minnesota Commissioner of Natural Resources when the giving of any notice is required by this zoning ordinance.

13. To perform the administrative review of permitted communication towers, antennas, and base units.

14. To perform administrative site plan review and administrative site plan review of single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units, as specified in Chapter 530, Site Plan Review.

15. To enforce this zoning ordinance by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.

16. To take such other actions as reasonable and necessary for the administration and enforcement of this zoning ordinance.

17. To perform the administrative review of donation collection bins.

Specific Duties of City Planning Commission

Jurisdiction and authority. The city planning commission shall have the following powers and duties in connection with the administration of this zoning ordinance:

1. To initiate amendments to the text of this zoning ordinance and to the zoning map.

2. To hear and make recommendations to the city council on proposed amendments to this zoning ordinance, including rezonings.

3. To initiate amendments to the comprehensive plan.

4. To hear and make recommendations to the city council on proposed amendments to the comprehensive plan.

5. To hear and decide applications for conditional use permit.

6. To hear and decide applications for major site plan review, pursuant to the procedures and standards set forth in Chapter 530, Site Plan Review.

7. To hear and decide applications for expansion of a nonconforming use and change of nonconforming use, pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.

8. To hear and decide applications for land use reviews, including but not limited to variances and certificates of nonconforming use, as part of concurrent review, pursuant to section 525.20.

9. To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, planning director or other official in the administration or the enforcement of this zoning ordinance with respect to minor site plan review, administrative review of permitted communication towers, antennas and base units, travel demand management plans, transfer of development rights and floor area ratio premiums.

10. To recommend to the city council appointments to the board of adjustment.

Specific Duties of the Board of Adjustment

Jurisdiction and authority. The board of adjustment shall have the following powers and duties in connection with the administration of this zoning ordinance:

1. To hear and decide applications for variances from the provisions of this zoning ordinance pursuant to the procedures and standards set forth in this chapter.

2. To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, director of inspections, planning director or other official in the administration or the enforcement of this zoning ordinance.

3. To hear and decide applications for certificates of nonconforming use pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.

Specific Duties of the Heritage Preservation Commission

Jurisdiction and authority. The commission shall have the following powers and duties in connection with the administration of this chapter:

1. To interpret and administer the provisions of this chapter.

2. To adopt and administer rules and regulations relating to the administration of this chapter.

3. To direct the commencement of designation studies, as authorized by this chapter.

4. To hear and make recommendations to the city council on the proposed designation of landmarks and historic districts.

5. To hear and decide applications for certificate of appropriateness.

6. To hear and decide applications for demolition of historic resources.

7. To hear and decide appeals from decisions of the planning director, director of inspections or other official, as authorized by this chapter.

8. To hear and make recommendations to the city council on proposed historic variances.

9. To hear and make recommendations to the city council on proposed transfers of development rights.

10. To adopt design guidelines for landmarks and historic districts, and to revise design guidelines as necessary.

11. To review and make recommendations to the city council on proposed amendments to the zoning code.

12. To make recommendations to the city council on proposed amendments to this chapter.

13. To inform and educate the citizens of Minneapolis concerning the historical, cultural, architectural, archaeological or engineering heritage of the city.

14. To seek and identify incentives to encourage both public and private investments in preserving the city's landmarks, historic districts and historic resources.

15. To make recommendations to the city council that designated properties or historic resources be acquired by purchase, gift or by eminent domain.

16. To take such other actions as are reasonable and necessary for the administration and enforcement of this chapter.

Specific Duties of the City Council Related to the Administration of the Zoning Code

The city council shall have the following powers and duties in connection with the administration of this zoning ordinance:

1. To initiate amendments to this zoning ordinance.

2. To adopt amendments to this zoning ordinance.

3. To adopt and amend a comprehensive plan for the city or portions thereof.

4. To hear and decide appeals from decisions of the city planning commission and board of adjustment, as authorized by this zoning ordinance.

5. To adopt and amend interim ordinances, and to hear and decide applications for waivers from such ordinances.

6. To approve interim uses.

7. To grant variances from the provisions of this zoning ordinance to historic properties as provided in Chapter 34 of the Minneapolis Code of Ordinances, Heritage Preservation Commission.

8. To take such other actions not delegated to other bodies which may be desirable and necessary to implement the provisions of this zoning ordinance.

Smith, Mei-Ling C.

From: Rozman, John M <John.Rozman@allina.com>
Sent: Tuesday, June 02, 2015 5:57 PM
To: Matthew Mohning; Eric J Hansen
Cc: Jamie Long; Elin Hansen; Diana Neidecker; Jim Miller; Chad Reichwald; Sara Jaehne; Bell, Edwin M; Ruby Hogen-Chin; Kevin Dillon; K. Elizabeth McDonald; Christy Prediger; Palmisano, Linea; Ziring, Emily
Subject: Re: 43rd & Upton Proposed Project

This is great. Thanks Matt. I'm guessing that there will be some community people at the meeting that would appreciate hearing this as well, to better understand the process of approval and how they can continue to comment.

John

From: Matthew Mohning <msmohning@yahoo.com>
Sent: Tuesday, June 2, 2015 2:31 PM
To: Rozman, John M; Eric J Hansen
Cc: Jamie Long; Elin Hansen; Diana Neidecker; Jim Miller; Chad Reichwald; Sara Jaehne; Bell, Edwin M; Ruby Hogen-Chin; Kevin Dillon; K. Elizabeth McDonald; Christy Prediger; Linea Palmisano; Emily Ziring
Subject: Re: 43rd & Upton Proposed Project

Hello all -

John asked some good questions and I will try to answer them. I attached a summary document of the 43rd and Upton project and the land use applications I put together using Zoning meeting minutes and City of Minneapolis Land Use and Zoning Overview document (also attached and a good 12-page summary on zoning issues). The developers are requesting a conditional use permit, two variances, and site plan review. The summary document lists each application along with a description and the required findings for each to be approved. Meeting or not meeting the findings for each application is how the City determines whether or not to approve or deny each application.

The City Planning Commission is the body responsible for approving or denying the land use applications in this case. The first step is for the developer to appear at the Planning Commission Committee of the Whole which is a more informal discussion on the project and does not include public comment. This is scheduled for Thursday, June 4th. The Planning Commission will then have a public hearing on the applications. I do not know if that has been scheduled. The Planning Commission then votes to approve or deny the application. Finally, the decision can be appealed to the City Council. This happened with the Linden Crossing project.

I think it is important to point out that the Planning Commission will focus on the required findings for each application. The City Planning and Economic Development (CPED) staff prepares a recommendation on the findings for the Planning Commission. Eric included a link to the CPED staff report for the Linden Crossing project that was previously approved for this site (mainly the first 16 pages). It provides insight into how the findings are applied.
http://www.ci.minneapolis.mn.us/www/groups/public/@clerk/documents/webcontent/wcms1p-129088.pdf.
<http://www.ci.minneapolis.mn.us/www/groups/public/@clerk/documents/webcontent/wcms1p-129088.pdf>

The minutes from the Zoning Committee have a good summary of the comments from that meeting. They were part of Eric's email earlier in this chain.

Smith, Mei-Ling C.

From: Penny Ainsworth <penny.ainsworth@yahoo.com>
Sent: Tuesday, June 02, 2015 6:06 PM
To: Palmisano, Linea
Subject: "NOT AGAIN?!!!?!"

Linea,

I just received the notice regarding the proposed plan for the former Famous Dave's lot/corner.

I certainly hope you will stand behind the decisions and investments of the residents of Linden Hills and *strongly* enforce the Small Area Plan rules and regulations.

I wish I could attend the meeting evening, look the developer square in the eye and ask, ***"What don't you understand about the words 'zoning', 'rules', 'regulations' and 'limits'?"***

I'll count on you to do this. Feel free to forward his reply~!

Regards,

Penny Ainsworth
3811 Washburn Ave. So.
Minneapolis, MN 55410

Residential Design - Material Selections - Project Management

Smith, Mei-Ling C.

From: wiard-bauer <wiard-bauer@usiwireless.com>
Sent: Wednesday, June 03, 2015 8:06 AM
To: Palmisano, Linea
Subject: Linden Hills Proposed 56' Building on Famous Dave's site

Dear Ms. Palmisano:

I am writing to express concern that yet another too tall building is being proposed for the Linden Hills Famous Dave's site. The community did not want tall buildings in the neighborhood, as was stated during the recent development of the area development plan.

Please help! Stop this monster from getting waivers that are NOT the intent of our neighborhood!

Finally, the one propsed building's picture that I have seen is not consistent with the style of buildings in our business area. I would hope you could encourage a building that is more to the style of the neighborhood as well as fits the height limits already established.

Thank you!

Roger K. Wiard-Bauer
4046 Linden Hills Blvd.
email: wiard-bauer@usiwireless.com

Smith, Mei-Ling C.

From: mary jones <nfdmpls@yahoo.com>
Sent: Wednesday, June 03, 2015 11:16 AM
To: Palmisano, Linea
Subject: Linden Hill Development

Hi Linea,

Just want to add my voice to the "why would they build a hideous monster like that" debate.

Come on...it's like the new Vikings stadium. Up for voters to decide. They say "no" again and again, and finally it's rammed through anyway.

What happened to the last developer? I thought this had been settled, although sneakily, already. Then nothing happens. Now this!

That building is too tall, we need the green space requirements, the neighborhood respected.

Tara Evans
Fulton Resident who loves Linden Hills

Smith, Mei-Ling C.

From: Steve Honigman <s.honigman@att.net>
Sent: Wednesday, June 03, 2015 4:23 PM
To: Palmisano, Linea
Subject: Fwd: Design for new apartment building at 43rd & Upton in Linden Hills

See message below
Sent from my Verizon Wireless 4G LTE DROID

-------- Original Message --------
Subject: Re: Summer Living in the 13th Ward
From: Steve Honigman <s.honigman@att.net>
To: minneapolis@public.govdelivery.com
CC:

What is the status of the design for the new building at 43rd & Upton in Linden Hills? Preliminary design is not appropriate for this neighborhood area.
Thank you
Steve Honigman
4520 Upton Ave. S
612-590-1765
Thank You

Sent from my Verizon Wireless 4G LTE DROID

Smith, Mei-Ling C.

From: davealampi@gmail.com on behalf of Dave Alampi <davealampi@gmail.com>
Sent: Sunday, June 07, 2015 7:38 AM
To: Palmisano, Linea
Subject: Fwd: PROPOSED DEVELOPMENT ALERT - PUBLIC MEETING TUESDAY 7 PM

Hi Linea,

I just wanted to express that both my wife and I are in favor of the proposed 4 story mixed purpose building. I know there is a vocal group that is very much against both the previous and current proposals, but I also have talked to many less vocal people who are in fact in favor of such a building. While not everyone shares the exact same reasons why they are in favor of the building, here are some of the reasons I have been hearing:

- The building itself will look nice and add a fresh and modern feel to the Linden Hills business district.
- The building will be far better looking than many of the buildings currently located in Linden Hills (e.g., the apartment building at the top of the hill) and, quite frankly, will be more aesthetically pleasing than Famous Dave's.
- The businesses within the building will create additional jobs in Linden Hills.
- It might actually help existing businesses in Linden Hills by attracting more patrons to the area.

I hope others who are less vocal are reaching out to you as well.

Dave Alampi (Linden Hills resident since 1991)

---------- Forwarded message ----------
From: **Linden Hills Residents For Responsible Development** <nolindencorner@gmail.com>
Date: Sun, May 31, 2015 at 3:42 PM
Subject: PROPOSED DEVELOPMENT ALERT - PUBLIC MEETING TUESDAY 7 PM
To: davealampi@gmail.com

Anderson, Mei-Ling C.

From: Walter Pitt <walterpittcompany@earthlink.net>
Sent: Monday, June 08, 2015 4:11 PM
To: Anderson, Mei-Ling C.
Cc: Palmisano, Linea; Ziring, Emily; Dahler, Ken
Subject: LHSAP and CUP Questions

Mei-Ling,

Last Thursday, I was at the meeting of the Planning Commission COW (June 4, 2015) where you said the height of the new development at 43rd and Upton (a C-1 Zone) was consistent with guidance from the Linden Hills Small Area Plan.

We in the neighborhood lean on the LHSAP for its guidance in matters such as this.

1) First, could you please provide me with the text from the Linden Hills Small Area Plan which states that the LHSAP recommends, encourages or guides C-2 Heights of 4 stories 56 feet into the C-1 Zone found in the Neighborhood Commercial Node at 43rd and Upton?

(I saw the language you quoted about the set backs for the 4th story of a building, but it does not state any guidance in terms of placement.)

2) Second, in regard to the developer's application of a Conditional Use Permit for an increase in height, could you please inform me as to: What is the unique characteristic of the building's "proposed use" which cannot be permitted as of right in the C-1 zoning district?

I look forward to your information.

Best,
Walter Pitt
Minneapolis Resident/ LHiNC Board Member

Anderson, Mei-Ling C.

From: CenturyLink Customer <mbadgerheels@q.com>
Sent: Monday, June 15, 2015 10:59 AM
To: Anderson, Mei-Ling C.
Subject: 43rd and Upton

Ms. Mei Ling Anderson,

I would like to comment on the proposed building for 43rd and Upton, Mpls. Why would anyone want to put a building of that architectural style on this site. What a disastrous effect this would have. Shame on anyone who would allow this monstrosity to be built. Thank you, Mary Ollerich, Linden Hills resident

Anderson, Mei-Ling C.

From: Maxine Davis <maxinedavis@me.com>
Sent: Monday, June 15, 2015 11:48 AM
To: Anderson, Mei-Ling C.
Subject: RE: Linden Hills Corner

Dear Mei-Ling Anderson:

My husband and I have lived in Linden hills 30 years. We, as many, enjoy the neighborhood and ambiance of the entire lakes area.

We object to the new 4-story plan for the new building planned for the Linden Hills "Downtown."
4-stories is too high for this small neighborhood corner.

We fought the previous plan for 4-stories, hired legal representation with neighbors, signed letters, and attended meetings. We met at neighborhood planning meetings and a plan was made as to how the neighborhood should grow.

We are not against growth nor the update of our neighborhood as we move into the 21st Century.
We are against allowing builders to ask for permission to bypass height restrictions and regulations we in the neighborhood worked hard to agree upon.

We feel strongly that no 4-story building should be built at the Linden Hills "Downtown"
Corner.

Sincerely yours,
Maxine Davis
Gregory Tetrault
2925 West 40th Street
Mpls, MN 55410
612-805-0146

Smith, Mei-Ling C.

From: Chrissie Dunlap <chrissiedunlap@gmail.com>
Sent: Thursday, June 18, 2015 11:15 AM
To: Smith, Mei-Ling C.
Subject: 43rd and Upton project

Please please please--I beg you to NOT allow developers to exceed the height limit for this corner! PLEASE! The building is way too BIG and will dwarf the rest of our quaint village.The building is UGLY and will destroy the charm wherein lies the value and ambiance of Linden Hills. Do not let GREED win. The neighborhood does NOT WANT A HUGE BUILDING IN OUR DOWNTOWN!! Think of the past--Preserve quality. Think of the future--Ugly does not go away. Think of the present--a nice grocery store in a two or three story building designed with integrity is what we want.

Thank you for listening

Chrissie Dunlap

Forty year resident of Linden Hills
4006 Washburn Avenue

Anderson, Mei-Ling C.

From: eric hanson <erichansonillustration@gmail.com> on behalf of Eric Hanson <erichanson@er-h.com>
Sent: Thursday, June 18, 2015 12:34 PM
To: Smith, Mei-Ling C.
Cc: Palmisano, Linea; Hodges, Betsy A.
Subject: Comment on the proposed building at 43rd and Upton Ave S

Importance: High

Having seen another building planned for 43rd and Upton (handsomely designed by Tom Ellison, who's worked just up the street for decades) blocked by neighbors I can't imagine this bit of Soviet Brutalism has much of a chance.

It resembles another building going up on Lake just east of Calhoun, but that building is much less brutal. More Kasota and less black, but the same general idea.

The point is this building might look all right on a suburban campus, well softened by landscaping and lawn, or in a suburban office industrial park, or in the North Loop among those great old brick warehouses.

In our little village it is an insult to the rest of the existing architecture. It's frankly brutal. (I chose my comparison to the Soviet style carefully.)

Architects sometimes view the residents of a neighborhood like the flight crew of a WWII B17 or like the criminal Harry Lime from the top of the Vienna ferris wheel. We are little abstractions; ants. We are part of an equation, if that. And to some architects and developers this landscape of streets and houses and brick and wood

we live in amounts to a game board. This project appears like it's been played with like a toy. The architect obviously has talent and skill and he or she had fun designing it. They will proudly show this in their portfolio. It's BOLD! It's BRASH! ("I'm MODERN!") It's all ego and no relevance. It's like someone wearing a very loud extravagant costume to the wrong party.

The architect can be proud of designing something clever and move on but if it's built we will have to live with this carbuncle for decades. Like all of the developers who are tearing down historic smaller houses in Linden Hills and building oversized and totally inappropriate suburban garage-fronted McMansions, they are destroying the fabric and coherence of a historic neighborhood. Fabric and coherence may be abstractions too, but they matter to the people who live here. Large failures damage the neighborhood and the residents feel that failure. They live with it or they move sadly away.

This building has some obvious intelligence but it has no place in the context it pretends to have been designed for. Which means the architect's intelligence was very badly misdirected and poorly supervised. And this misdirection should be flagged quickly and emphatically as a failure. Sometimes over supervision delivers something timid. Sometimes too much citizen input delivers something incoherent, because democracy can have muddled taste. We should be guided away from that too. But a good architect ought to be able to deliver something that is both excellent and fits well. Look downtown at the Wells Fargo tower and the old F&M Bank building and the the Young Quinlan building (a larger cousin of the building housing Great Harvest and other medium sized commercial buildings around the city.)

There are examples of buildings which fit into the context. Some at least try, as the various new buildings at 50th and France do. (Some of those are overlarge, or try and fail to match the brick, but they at least try.)

There are exemplary larger buildings at 43rd and Upton. The building housing Great Harvest is the finest of them. The Wild Rumpus building is another. The fire station was carefully preserved. Even the squat redbrick apartments east on 43rd have an interesting postwar English Metroland feel to them. There is a varied fabric here, but each building has managed to age into the fabric to some extent. The modern exterior of this "will it ever open" restaurant in the old Bayer's building is somewhat iconoclastic but is modest in size and discreet in materials, like some of the interesting uses of corrugated sheeting and other metals you see in the North Loop. It fits. (Just.) This new building for the NW corner of 43rd and Upton does not fit AT ALL.

Our little village is narrow, small, crowded, busy, assertively small townish. Which doesn't necessarily call for something egregiously mock New England. The Great Harvest building has an almost Beidermaier or Viennese feel to it, but it is also deeply 1900-1925 American midwest.

Let me finish with this: SEND THIS DEVELOPER A VERY FIRM NOTE THAT HE OR SHE HAS FAILED.

I realize developers have a lot of money and power in this city. The last design was rejected despite being considerably nicer and far less insulting than this piece of Soviet Brutalism. We didn't expect the last rejection to result in something far far worse.

(I should also add that I have serious concerns about the proposed building for the Sebastian Joe's parking lot. The presentation is vague enough to pretend to fit some historic design conventions. But in visible respects it violates other conventions and only pretends to "fit in." The overlarge multiple non-opening windows without traditional stone or brick sills and without individual framing. The overlarge foyer. The materials seem to vaguely match the Wild Rumpus building, but will they? Or will they introduce cheap brown stucco sheeting to the upper stories? Also, this new tall neighbor will seriously shut out the historic sight lines which won national historic designation for the domed church across the street. But this is a side issue right now, other than that it underlines how aggressively Linden Hills is besieged by development pressure and obvious haste to build.)

Eric Hanson, writer and artist, resident in Linden Hills for 27 years, having done business in Linden Hills (and at this corner) since the early 1970s. (I published greeting cards which I sold at Greenwich Antiques and 3 Rooms Up and Unicorn Books located in the Great Harvest building, and was a member of the Reindeer House cooperative retail space where Turtle Bread is today.) I know and love this neighborhood.

Anderson, Mei-Ling C.

From: Sally Rye <sally@sallyrye.com>
Sent: Tuesday, June 16, 2015 12:58 PM
To: Anderson, Mei-Ling C.
Subject: development at 43rd and Upton Ave S

Dear Mei-Ling Anderson,

I am writing regarding the conditional use permit request for the development project at 43rd and Upton Ave S.

The creation of successful city environments requires collaboration and cooperation, because a well-funded developer's ideas and goals may not include the long-term civic usability of the area in which the current project is being built. In Minneapolis, City of Lakes, and indeed parks, we benefit form the wisdom Thomas Lowry and others, who chose to keep civic space and urban planning in mind as the city was developing 100 years ago. I want developers to respect the current zoning requirements, and I do not approve of this request to change rules for private economic gain.

On the West side of Lake Harriet, acres of prime real estate are unusable --those acres comprise Beards Plaisance. This result of effective urban planning has benefited tens of thousands of Minneapolitans for over a century: the properties near this park are more valuable and taxed accordingly, and this beautiful space benefits those who use the park.

The City's zoning regulations are designed to promote livable civic spaces. These rules are not intended to annoy prospective developers. I am insulted that the developers for the 43rd and Upton project insist that private profit potential trump the current zoning regulations. The regulations that are currently in place *created* this space. Without the zoning laws in place that created this space, it would not be possible to consider this lucrative development project. 43rd and Upton would already be ugly, with tall buildings casting shadows and creating an impersonal environment.

I applaud the City of Minneapolis for creating zoning regulations that promote sensible urban development and urban livability. Maintaining these standards will continue this city's prosperity and sensible growth and development. The proposal of a 3-story mixed-use building at 43rd and Upton is exciting and delightful, and an amazing, community-promoting improvement over the gas station or restaurant that were on that spot during my 40 years in this neighborhood. A 3-story zoning rule is in place because that height makes sense for that area of the city. Taller projects can occur downtown, or Uptown. A request for a zoning variance for private profit at the expense of this livable business node is ridiculous and an insult to the civic-minded zoning regulations.

Thank you for your time and for considering the opinion of a lifelong Minneapolis resident.

Sincerely,
Sally Rye

Anderson, Mei-Ling C.

From: Monica STUART <monicastuart@me.com>
Sent: Thursday, June 18, 2015 2:47 PM
To: Smith, Mei-Ling C.
Cc: Palmisano, Linea
Subject: I do not support the CUP for the 43rd and Upton Project

I do not support the developers request to build the 43rd and Upton project outside of the neighborhood code.

Monica Stuart
monicastuart@me.com
4116 Zenith Ave S
612 922 1364

Anderson, Mei-Ling C.

From: william geddes <geddes.bill@gmail.com>
Sent: Thursday, June 18, 2015 3:08 PM
To: Smith, Mei-Ling C.; Palmisano, Linea
Subject: 43rd and Upton project

The developer of this project has (based on what I've read in articles and postings on the topic) bent over backwards trying to accomodate neighborhood requests. The variance would not have an appreciable negative impact to the neighborhood, and the project itself will add to the retail offerings in the neighborhood (improving the walkability of the neighborhood) and the building itself appears to be attractive enough that it will improve the look of the neighborhood. It is time to allow this project to move forward in a manner that will allow the developer to meet financial hurdles they need to meet to make a profit, while also having this positive impact on the neighborhood.
v/r
William L. Geddes
3818 Waveland Terrace
Minneapolis, MN 55410
612-805-3544 Cell
geddes.bill@gmail.com

Anderson, Mei-Ling C.

From: Donna Mayotte <draemayo@yahoo.com>
Sent: Thursday, June 18, 2015 3:16 PM
To: Smith, Mei-Ling C.
Subject: 43rd & Upton

Is it so very difficult for the developer to honor the wishes of the neighborhood council to limit its expansion to the recommended specs? It would seem their desire to maximize their profit is cavalierly pushed at the expense of the people who live and work here. Your support for the neighborhood wishes would be much appreciated.
Thank you
Donna Mayotte

Anderson, Mei-Ling C.

From: Joyce, Daniel (MN10) <Daniel.Joyce@Honeywell.com>
Sent: Thursday, June 18, 2015 3:29 PM
To: Smith, Mei-Ling C.; Palmisano, Linea; info@lindenhills.org
Subject: Ref 43rd & Upton Development Proposal

Community Leaders,

I am sharing my full endorsement and support of the proposal at 43rd and Upton.

I attend the live LHiNC meeting a number of weeks ago where plans were originally presented and reviewed by the architect and developer. And I reviewed the information provided at the Linden Hills Neighborhood Council website.

I am a 15 year resident of Linden Hill, with a home at 39th and Xerxes. We are a family of five, including three children 10 and under.

I am in full support of our neighborhood evolving and growing as a thriving community. I am hopeful to (finally) see development at the Famous Dave's lot. Discussion about the development of the site have dragged on too long over the years, driven discourse, and ultimately harmed the community. The current development is within perimeters to achieve a condition al use permit. It is time to move ahead to the future, vs being stuck in the past. I am in full support of moving the project ahead and moving our community ahead. The building design and use is exciting and makes me look forward to many more years of residency in our great community of Linden Hills.

Thanks for taking in my voice -

Sincerely,

Dan Joyce
3906 Xerxes Ave S

Anderson, Mei-Ling C.

From: Tom Traxler <clubtrax@qwestoffice.net>
Sent: Thursday, June 18, 2015 3:57 PM
To: Smith, Mei-Ling C.
Subject: 43 and Upton

Mei Ling-

My family is a lifelong resident of Linden Hills. 4145 Upton Ave South. Our home has been was built in 1912. 42 ft is 42 ft.....not 54! Sounds like a repeat of the now defunct Mark Dwyer project. We have laws for a specific reason. Please put the reins on this. That it is even being considered is folly. I'm sure the city council is licking its chops at the prospective tax revenue. I'm only trying to protect the quality of life and the property taxes I pay to the tune of $700/month.

Looking forward to the hearings.

Thanks for listening.

Regards,

Tom Traxler

Tom Traxler & Associates LLC
18178 Minnetonka Blvd Ste 9
Deephaven, MN 55391
Cell 612-867-2128
Office 952-470-9077
Fax 952-470-9775

Smith, Mei-Ling C.

From: Dottie Dolezal <dolezald@hotmail.com>
Sent: Thursday, June 18, 2015 4:59 PM
To: Smith, Mei-Ling C.
Subject: Famous Dave site project in Linden Hills

Dear Ms. Anderson,
I am a resident of Linden Hills (28 years) and I am opposed to the latest development plan for the Famous Dave site.

The proposed architecture does not fit the neighborhood. It looks too big and heavy with large flat wall spaces. We have smaller buildings with brick structure, not this massive, heavy feeling materials. How strange to have a 4 story building next to a one story coffee shop. The precedence is frightening.

It is also too tall. At least the last proposal had significant setback on the fourth floor. This is too tall to be immediately next door to R1 housing.

The developers claim to be following the Linden Hills Small Area Plan, but honestly, their proposal certainly does not follow the details of the Plan nor does it express the essence of what the community is hoping to preserve.

Please oppose this project.

Thank you

Dorothy and James Dolezal
3005 West 43rd St
Mpls, MN 55410
612-927-9447

Smith, Mei-Ling C.

From: Zarracina, Matthew (US - Minneapolis) <mzarracina@deloitte.com>
Sent: Thursday, June 18, 2015 6:21 PM
To: Palmisano, Linea; Smith, Mei-Ling C.; info@lindenhills.org
Subject: 43rd & Upton proposal

Neighborhood leadership,

I support this proposal and the variances.

Best,
Matt

Matthew Zarracina
Strategy and Operations
Deloitte Consulting LLP
Direct: +1 612 692 7009 | Fax: +1 612 454 3251 | Mobile (Preferred): +1 315 378 5528
mzarracina@deloitte.com | www.deloitte.com

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v.E.1

Smith, Mei-Ling C.

From: clare foley <clare@clarefoleyassociates.com>
Sent: Friday, June 19, 2015 11:55 AM
To: Smith, Mei-Ling C.
Subject: New Development at 43rd and Upton South

Dear Mei-ling,

I am a long term resident of Linden Hills and have felt incredibly grateful to be part of that community. That being said, I am not opposed to change and I believe that there have been some good changes in the neighborhood over the years.

That being said, I am opposed to the proposal for the new building. I feel that a four story building is simply too high. I have gone around this city and other cities and looked at similar buildings. Some fit their locations and some do not. Those that do not definitely negatively affect the look and feel of the particular location. After this informal research I think that a four story building with reduced setback is not a wise thing for that corner.

I hope that you will take my humble opinion into consideration. I think an appropriate option can be found.

Thank you for all of your hard work.

Sincerely,

Clare Foley
--

Clare Foley
CLARE FOLEY & ASSOCIATES, INC.

612.834.0630
clare@clarefoleyassociates.com
www.clarefoleyassociates.com

Smith, Mei-Ling C.

From: Brad McLemore <brad@lhhouseofmusic.com>
Sent: Friday, June 19, 2015 1:59 PM
To: Palmisano, Linea
Cc: Smith, Mei-Ling C.
Subject: Re: Pls review and comment on the 43rd & Upton proposal

Ohhhh…my bad. Was the last approved height and setbacks the same as this new one? I would still say the same either way on being consistent with what is approved or not no matter which side I'm on.

The "look" is another issue that I'm not sure how it can be addressed other than it not fitting the nature of the neighborhood. I guess you can't regulate taste?

Either way…I hope there is a swift, yet well considered decision so that corner can move on.

One other question…do either of you know if tese plans would involve the property just north of the Famous Dave's lot which is also owned by Mark Dwyer (as far as I know).

Thanks to both of you for your public work and quick response.

Brad McLemore

Linden Hills House of Music
Lake Harriet House of Music
612.929.2291 school
612.296.5532 cell
www.LHhouseofmusic.com

On Jun 18, 2015, at 3:57 PM, Palmisano, Linea <Linea.Palmisano@minneapolismn.gov> wrote:

Hi there Brad,

I just need to be clear- the last design submitted by Mr. Dwyer was indeed approved.

As Mei-Ling says- yes, your comments are now part of the public record.

See you around soon,
Linea

Council Member Linea Palmisano | 13th Ward | City of Minneapolis

350 South 5th Street – Room 307 | Minneapolis, MN 55415
612.673.2213 | linea.palmisano@minneapolismn.gov

-----Original Message-----

From: Smith, Mei-Ling C.
Sent: Thursday, June 18, 2015 12:14 PM
To: Brad McLemore; Palmisano, Linea
Subject: RE: Pls review and comment on the 43rd & Upton proposal

Dear Mr. McLemore,

Thank you for your comments. They will be entered into the public record.

Sincerely,

Mei-Ling

Mei-Ling C. Smith 1 City Planner – Land Use, Design, and Preservation City of Minneapolis – Community Planning & Economic Development 1 612-673-5342 1 mei-ling.smith@minneapolismn.gov

-----Original Message-----
From: Brad McLemore [mailto:brad@lhhouseofmusic.com]
Sent: Thursday, June 18, 2015 11:54 AM
To: Palmisano, Linea; Smith, Mei-Ling C.
Subject: Fwd: Pls review and comment on the 43rd & Upton proposal

Dear Mei-Ling Anderson and Linea Palmisano,

My comment on this new proposal is that if the previous design submitted by Mark Dwyer could not be approved, I would not understand how this could possibly get approval as the neighborhood made it clear they don't want a 4 story building and the anything over 42'.

I would also say this design is much less appealing than the Dwyer design, less the feel of the neighborhood and would be a detriment to the look of this cherished corner.

I hope the elected officials will remain consistent in their decisions and swiftly reject this so developers can move on to more fitting design.

Thank you for you attention.

Brad McLemore

Linden Hills House of Music
Lake Harriet House of Music
612.929.2291 school
612.296.5532 cell
www.LHhouseofmusic.com

Begin forwarded message:

From: Nextdoor Linden Hills <reply@rs.email.nextdoor.com>
Subject: Pls review and comment on the 43rd & Upton proposal
Date: June 18, 2015 at 11:01:00 AM CDT
To: brad@lhhouseofmusic.com
Reply-To:
reply+GI4DAMRYHEZV64DSN5SHKY3UNFXW4X2QJ5JVIXZRGI3DGNJQGA4A====@lindenhillsmn.nextdoor.com

Christy Prediger, Linden Hills
LHiNC is encouraging Linden Hills residents to review the proposal for the new development at 43rd & Upton, and submit comments to the City.
Plans call for a 4-story, mixed-use building, with ground level retail, one level of underground parking, and 29 rental apartment units on the upper floors. he project is seeking a conditional use permit to increase the maximum building height from 42′ to 54′, and variances to reduce the required setback on the sides where the project meets the Dunn Bros/Naviya's building.
Comments, either for or against the plans, should be sent to the City Planner, Mei-Ling Anderson, at mei-ling.anderson@minneapolismn.gov and to our Ward 13 Council Member Linea Palmisano, at linea.palmisano@minneapolismn.gov.
A City Planning Commission meeting with public hearing will be scheduled in July. Date TBD.
More information is available at http://lindenhills.org/43rd-upton-develo...

43rd & Upton Development Proposal - Linden Hills Neighborhoo...
Plans call for a 4-story, mixed-use building, with ground level retail, one leve...
LINDENHILLS.ORG
Jun 18 in General to your neighborhood

View or reply

Thank · Private message
You can also reply to this email or use Nextdoor for iPhone or Android
This message is intended for brad@lhhouseofmusic.com.
Unsubscribe or adjust your email settings Nextdoor, Inc. 760 Market St., Suite 300, San Francisco, CA 94102

Smith, Mei-Ling C.

From: bayman@physics.umn.edu
Sent: Friday, June 19, 2015 3:23 PM
To: Palmisano, Linea
Subject: Proposed building at 43 and Upton

Hello Linea, here are my concerns about the proposed building at the Upton & 43. I have been to the meetings and listened to concerns.

IN FAVOR-I like that it's rental and will probably bring in an active, younger population. This rather than expensive condos further making the area a ghetto for the well heeled.VARIETY IS INDEED THE SPICE OF LIFE.
Mixed use is fine and I'm OK with four stories-like the idea that the fourth story is recessed from street view.

NOT IN FAVOR-disappointed to find there will be no lower priced rental units for seniors who already live in the area, want to remain here, but will not be able to afford the rents. Perhaps the city could expect new habitations to include such units. It's a civilized thing to do and perhaps tax breaks could be an added sweetner to the builder. The currently proposed building is not visually attractive. Surely builders can come up with a building that is visually attractive. The prior proposal did offer a far better looking prospect. Couldn't that be modified and made less luxurious?

Thanks for working so hard for us - as a classroom teacher and now an old lady I must say you are the person for this job. You are growing into it.
Be well and enjoy your family. Aroti Bayman.

Smith, Mei-Ling C.

From: steve ulrich <sulrich@botwerks.org>
Sent: Friday, June 19, 2015 4:20 PM
To: Palmisano, Linea; Smith, Mei-Ling C.
Cc: info@lindenhills.org
Subject: 43rd & upton development - linden hills

CM palmisano and ms. anderson -

i thought i'd follow the suggestion of the linden hills neighborhood council (http://www.lindenhills.org) and drop you a quick note to express my formal ambivalence towards the aesthetics of the proposed development at the aforementioned location and reserved support for the development as currently described in ms. anderson's project summary.

unfortunately (as it pertains to this matter), i travel quite a bit for my work and i'm unable to attend to the neighborhood meetings; where i'm confident a range of opinions and information on this project have been expressed. but as the most recent meeting notes from the linden hills board meeting have not been posted to the web site (as of 19-jun, 2015) i don't really know what the current state of the proposed project is beyond what's been documented on the city's web site and the relevant forums (facebook, etc.). unfortunately, while there's a wide range of opinions expressed in these fora, there is little useful data to form a considered position on this matter. that said, i'll take a swag...

- i don't have an issue per se with the height of the building and frankly find the location noted to be unremarkable in most aspects, except as a wasted parcel of land in a district with for the limited number of practically useful businesses in this particular commercial zone. i have high hopes that whatever development takes place at these parcels can inject some vitality into the moribund linden hills commercial area.

- based on the research i've been able to do (thank you for having zoning info online and kudos to streets.mn) i'm of the moderately considered opinion that this particular parcel is likely a reasonable candidate for up zoning, but i'm sensitive to the processes that this triggers and as such have no specific aversion to the granting of a CUP in the hopes of encouraging development in the area.

fwiw, i'm generally supportive of improvements in the density and livability of the linden hills area and would like to see more constructive dialog taking place between developers in the area and the community. we seem to have an absence of this in our neighborhood and are, deservedly in my opinion, likely perceived as the neighborhood of no.

to that end, it would be nice if there were some reasonable and open dialog taking place between the developers and the neighborhood council. while this may be going on, there is little if any apparent evidence of it and it leaves those of us without the ability to engage directly in the processes with little useful information to understand the relative merits of the various proposals and options associated with this proposal. anything that could be done to facilitate more considered dialog between the neighborhood and developers would be most appreciated by those of us who are interested in the livability of the neighborhood and open to fresh development.

thank you.

--

steve ulrich (sulrich@botwerks.*) - 4536 zenith ave s - +1 612 812 1876

Smith, Mei-Ling C.

From: Hannah Pepin <hannah.pepin@gmail.com>
Sent: Saturday, June 20, 2015 11:20 AM
To: Smith, Mei-Ling C.; Palmisano, Linea
Subject: Oppose 43rd & Uptown CUPs

As a resident of Linden Hills for my entire life, I treasure the sights, sounds, and energy of the small business district at 43rd & Uptown. The proposed development is too big for the location, and would destroy the rare and much-loved atmosphere of downtown Linden Hills. I strongly oppose granting the developer any conditional use permits that would increase the size of the building beyond what is allowed and recommended for that lot.

I urge you to think beyond the demand for bigger and bigger and seek a development plan that preserves the neighborhood, respects the zoning codes, and adds something fitting to Linden Hills. There IS a plan out there that will add density and business space without completely destroying this wonderful area of our city. Please insist on finding or creating that plan!

Sincerely,
Hannah Pepin

Smith, Mei-Ling C.

From: Cinda Yager <ph0hunter@yahoo.com>
Sent: Saturday, June 20, 2015 4:49 PM
To: Smith, Mei-Ling C.
Subject: Linden Crossing

Dear Mei-Ling:

I have lived in Linden Hills since January 1978. One of the reasons I have stayed so long is the village character of the neighborhood. Contributing to that character is the C1 zoning here which prevents the building of structures higher than 42 feet or 3 stories.

The developer of the Linden Crossing development received approval of a 3-story 42-foot structure called Linden Corner at the corner of West 43rd and Upton South in 2013. Now he's changed the name of the development, requested a CUP for a four-story 54-foot structure along with variances to reduce the required setback on the sides where the project meets the Dunn Bros/Naviya's building. In my opinion, he did an end run around the neighborhood in order to get what he originally wanted and the Linden Hills neighborhood demonstrated vigorously that it didn't.

I am opposed to the Linden Crossing development because it does not follow the zoning requirements for our neighborhood. It is a building totally out of proportion and overwhelming at the corner of West 43rd and Upton South. We have been here before and nothing really has changed, only the tactics of the developer.

We are not against development. If the developer had proceeded with the 3-story structure, that would have been just fine. I am against the Linden Crossing development.

Thank you for your time and attention.

Sincerely,
Cinda Yager
2629 West 43rd Street
Minneapolis, MN 55410-1672

Eyes on Life Blog: http://eyesonlife-ginahunter.blogspot.com
Anatomy of Perceval blog: http://ccyager.wordpress.com

Smith, Mei-Ling C.

From: Barbara Cummard <bcummard@gmail.com>
Sent: Monday, June 22, 2015 1:31 AM
To: Palmisano, Linea

Dear Linea,
I am writing as a resident of Linden Hills. I hope you will honor and uphold our communities wishes as expressed in the Small Area Plan regarding the development at the site of the Famous Daves Restaurant in the heart of Linden hills.

Barbara Cummard,
3817 Thomas Avenue South.....

Smith, Mei-Ling C.

From: Nancy Bottorff <nkbottorff@comcast.net>
Sent: Monday, June 22, 2015 10:31 AM
To: Smith, Mei-Ling C.
Cc: Palmisano, Linea
Subject: Linden Hills development at 43rd and Upton

Dear Ms Anderson,
I would like to comment on the proposed development at 43rd and Upton. To begin, I am pro-development for our neighborhood and am pleased with much of the development that has recently occurred. The proposed plan for this corner however, is worrisome. First, the design is unattractive in any setting with that oversized grid projecting from the front of the building, but also is incongruous and with the rest of the LH downtown aesthetic. In addition to the challenges of the design, the conditional use permits requested respect neither the scale of the neighborhood nor the size of the building parcel. I would ask that you do not approve this submitted design and send it back to the developer for changes that reflect the neighborhood scale and aesthetic. I also request that you do not approve the CUPs requested as they are in place to protect the neighborhood and not to be discarded when convenient. Thank you for your hard work for our community and I hope you will take my feedback into account.
Respectfully yours,
Nancy Bottorff

Smith, Mei-Ling C.

From: Dick Bottorff <dick.bottorff@gmail.com>
Sent: Monday, June 22, 2015 11:30 AM
To: Smith, Mei-Ling C.
Subject: Mixed use development 43rd and Upton

Hello,

I am in favor of the project itself and have no issue with granting the variances. However, it's quite modern looking, and I don't like it that much. Maybe that is a choice for someone trained in architectural design. This one looks like modern architecture run amok to me. I do like more traditional designs that are designed to connect with the community. Why can't we have something more traditional that fits in better with the existing buildings? Like this development in Virginia, for example:

http://www.archdesigngroup.com/Index858.aspx

Or a taller version of this town-center project:

http://www.builderonline.com/design/awards/mount-rainier-mixed-use-town-center-development-plan-mount-rainier-md-1_o

With a good design, you could even eliminate the pocket park in my opinion and get some sidewalk cafe's going.

None-the-less we need investment and more density in this area, which will be good for the city. We only have one shot at extending the town center of Linden Hills, so let's do it right.

Regards,

Richard Bottorff
4128 Sheridan Ave S
Minneapolis, MN 55410

Smith, Mei-Ling C.

From: Ziring, Emily on behalf of Palmisano, Linea
Sent: Tuesday, June 23, 2015 2:55 PM
To: info@lindenhills.org; Smith, Mei-Ling C.
Subject: FW: Mixed use development 43rd and Upton

From: Dick Bottorff [mailto:dick.bottorff@gmail.com]
Sent: Monday, June 22, 2015 11:32 AM
To: Palmisano, Linea
Subject: Mixed use development 43rd and Upton

Hello Linea,

I hope you are well.

I am in favor of the project itself and have no issue with granting the variances. However, it's quite modern looking, and I don't like it that much. Maybe that is a choice for someone trained in architectural design. This one looks like modern architecture run amok to me. I do like more traditional designs that are designed to connect with the community. Why can't we have something more traditional that fits in better with the existing buildings? Like this development in Virginia, for example:

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Regards,

Richard Bottorff
4128 Sheridan Ave S
Minneapolis, MN 55410

Smith, Mei-Ling C.

From: Wes and Dawn <wedachapman@gmail.com>
Sent: Friday, June 26, 2015 10:40 AM
To: Smith, Mei-Ling C.
Subject: 43rd and Upton

I believe the builder should stay within the zone height limits currently in place.

We/you spend an extraordinary amount of time dealing with conditional use permits. This is a perfect example of where we should follow the rules that are currently in place. I believe the city knew what they were doing when these height limits were set years ago and that also satisfies what the neighborhood wants. Changing from this stirs up problems for all.

Please stay within the guidelines of the current rules, don't change them.

Thanks- Wes Chapman
Linden Hills Resident

Sent from my iPhone

Smith, Mei-Ling C.

From: Michael Foley <mfpfoley@hotmail.com>
Sent: Monday, June 29, 2015 3:27 PM
To: Smith, Mei-Ling C.; Palmisano, Linea
Subject: 43rd and Upton

I recently saw several old photos of the 43rd and Upton intersections from earlier times. It was FLOODED under several feet of water. Does this mean that it was once a "bog"? If it was once a bog has there been a reliable study that indicates that the land has the capacity to "support" a building over two stories???

There are several "bogs" in the area. one was so unstable that the garage in the rear ended up splitting from the house by about six inches at the top and one inch at the bottom.

Not normally an urban problem but....

Michael Foley
4126 Upton Ave South

Smith, Mei-Ling C.

From: Ziring, Emily on behalf of Palmisano, Linea
Sent: Tuesday, June 30, 2015 11:58 AM
To: Smith, Mei-Ling C.
Subject: FW: 43rd and Upton

From: Michael Foley [mailto:mfpfoley@hotmail.com]
Sent: Monday, June 29, 2015 11:55 AM
To: Palmisano, Linea; Pruz Catherine; clarefoley@clarefoleyassociates.com
Subject: 43rd and Upton

Councilmember Palmisano

The proposed building on the "Famous Dave's site" was, as I'm sure you know, will be located where a gasoline station was.

At one of the public meetings the developer had no idea what the clean up would cost. So he said.

First, I find that difficult to believe.

Second, if it is true I must doubt everything in the proposed financial package.

Third, if the financial package is not sound will the City be stuck with unexpected debts, additional financing, etc.? [Not impossible.]

Fourth, if it is true, is the developer likely to get into a situation where he can come back to the City and ask for subsidies, etc. to solve the problem? [Yes, it is possible.]

Fifth, if failure to properly cost out he project results in the venture going bust - financial backers realize the developer is incompetent and pull out - what happens to doing something with the site?

Sixth, are the residents on the committee that is looking at this going to be able to object to a less than good cleanup plan? Effectively stop it?

Michael Foley
4126 Upton Ave South

Smith, Mei-Ling C.

From: stenzler@comcast.net
Sent: Sunday, July 12, 2015 8:34 AM
To: Smith, Mei-Ling C.
Cc: Palmisano, Linea; Ziring, Emily
Subject: Upton and 43rd Mixed Use Development – Clark Glassen 43UP, LLC

7/12/2015

To: Mei-Ling Anderson mei-ling.anderson@minneapolismn.gov

From: Yale Stenzler

Re: Upton and 43rd Mixed Use Development – Clark Glassen 43UP, LLC

My wife and I are property owners at 2727 West 43rd Street, Unit # 406, Minneapolis, MN 55410. We have been following the various proposals for the redevelopment of this site for several years. We have provided written comments to you and Ms. Linea Palmisano, our council representative, and all of the other council members on the previous proposals. We also provided both written and oral testimony at the hearing that was held last summer.

We realize that this proposed project (by Glassen) is covering a smaller site than originally proposed (five story - Linden Corner – disapproved 3/8/2012) as well as the revised plan (three story – Linden Crossing – approved 10/2012), and the CUP (four story – Linden Crossing- approved 8/2014) last summer. However, the developer is now requesting a CUP for the same height, on a smaller base, and the variances to reduce the setbacks on two sides.

The community opposed and the five story plan and the City Council rejected the 58'- 8" height.
The community supported the three story plan and the City Council approved the 42' height.
The community opposed the CUP for the addition of the fourth story and the City Council approved the CUP for the 56' height.

You, the department, and the City Council can make this a win-win for all parties including the developer and the community. I would offer the following proposal, which is, in my opinion, a reasonable compromise.

If the developer was to utilize the floor elevations from the five story building and eliminate the fifth floor to attain a four story building the total height would be 47'- 4". The floor elevations would be base to 2nd floor – 14', 2nd to 3rd floor – 11' (total 25'), to 3rd to 4th floor – 11' (total 36'), and 4th floor to roof - 11' – 4" (total 47'- 4").

This would bring the total height to about 8 and a half feet lower than the proposed building by Glassen and about five and a half feet higher than the three story 42' building, approved in October 2012, which was supported by the community.

This reduction in building height will bring the building into a more reasonable scale for our community and closer to the concept envisioned in the Small Area Plan for the Linden Hills neighborhood. I believe that this would be a compromise that many residents and others interested in preserving the charter of our communities in Minneapolis would support.

The reduction in height between floors (as suggested above) and the overall building height would result in some significant cost savings for the developer. The developer and the design team would be saving on construction costs by reducing, among other elements, the following: less structural steel; less drywall for lower ceilings; reduced interior painting; reduced exterior brickwork and/or other surface finishes; reduced electrical wiring, ductwork and piping for plumbing; smaller mechanical systems equipment (less volume to heat and cool); and smaller widows and sliding doors. There would be lower labor costs and lower mark-ups by contractors (and/or subcontractors) for overhead and profit.

Furthermore, the overall operating costs for energy and annual maintenance would most likely be reduced. Also lower costs would be anticipated as future capital improvements over the life of the building, such as replacement of electrical, mechanical, windows, etc. are required

As you consider this proposal I would ask you and the City Council to consider the impact of this proposed 56' building on the adjacent property owners. Particularly the two single family homes directly to the west (on Vincent) that will be looking at the 56' high building. Another factor to consider is the impact of the 56' high building on the economic value of the property directly to the north.

While the 47'- 4" building compromise is not back to 42', it is lower than the 56' high building proposed, and that in my opinion is what a reasonable compromise is.

I would therefore respectfully request that you and your department seriously review and consider this compromise proposal, discuss it with the developer, and then proceed to present this to the Council members when they are asked to consider the proposed CUP and variances for this project.

Please contact me if you have any questions or if I can provide any additional information by calling me on my cell phone (**410-236-6559**) or by e-mail at **stenzler@comcast.net**.

Respectfully submitted,

Yale Stenzler

Cc: Councilwomen Linea Palmisano

7/12/2015 Revised

To: Mei-Ling Anderson mei-ling.anderson@minneapolismn.gov

From: Yale Stenzler

Re: Upton and 43rd Mixed Use Development – Clark Gassen 43UP, LLC

My wife and I are property owners at 2727 West 43rd Street, Unit # 406, Minneapolis, MN 55410. We have been following the various proposals for the redevelopment of this site for several years. We have provided written comments to you and Ms. Linea Palmisano, our council representative, and all of the other council members on the previous proposals. We also provided both written and oral testimony at the hearing that was held last summer.

We realize that this proposed project (by Gassen) is covering a smaller site than originally proposed (five story - Linden Corner – disapproved 3/8/2012) as well as the revised plan (three story – Linden Crossing – approved 10/2012), and the CUP (four story – Linden Crossing- approved 8/2014) last summer. However, the developer is now requesting a CUP for the same height, on a smaller base, and the variances to reduce the setbacks on two sides.

The community opposed and the five story plan and the City Council rejected the 58'- 8" height.
The community supported the three story plan and the City Council approved the 42' height.
The community opposed the CUP for the addition of the fourth story and the City Council approved the CUP for the 56' height.

You, the department, and the City Council can make this a win-win for all parties including the developer and the community. I would offer the following proposal, which is, in my opinion, a reasonable compromise.

If the developer was to utilize the floor elevations from the five story building and eliminate the fifth floor to attain a four story building the total height would be 47'- 4". The floor elevations would be base to 2nd floor – 14', 2nd to 3rd floor – 11' (total 25'), to 3rd to 4th floor – 11' (total 36'), and 4th floor to roof - 11' – 4" (total 47'- 4").

This would bring the total height to about 8 and a half feet lower than the proposed building by Gassen and about five and a half feet higher than the three story 42' building, approved in October 2012, which was supported by the community.

This reduction in building height will bring the building into a more reasonable scale for our community and closer to the concept envisioned in the Small Area Plan for the Linden Hills neighborhood. I believe that this would be a compromise that many residents and others interested in preserving the charter of our communities in Minneapolis would support.

The reduction in height between floors (as suggested above) and the overall building height would result in some significant cost savings for the developer. The developer and the design

team would be saving on construction costs by reducing, among other elements, the following: less structural steel; less drywall for lower ceilings; reduced interior painting; reduced exterior brickwork and/or other surface finishes; reduced electrical wiring, ductwork and piping for plumbing; smaller mechanical systems equipment (less volume to heat and cool); and smaller widows and sliding doors. There would be lower labor costs and lower mark-ups by contractors (and/or subcontractors) for overhead and profit.

Furthermore, the overall operating costs for energy and annual maintenance would most likely be reduced. Also lower costs would be anticipated as future capital improvements over the life of the building, such as replacement of electrical, mechanical, windows, etc. are required

As you consider this proposal I would ask you and the City Council to consider the impact of this proposed 56' building on the adjacent property owners. Particularly the two single family homes directly to the west (on Vincent) that will be looking at the 56' high building. Another factor to consider is the impact of the 56' high building on the economic value of the property directly to the north.

While the 47'- 4" building compromise is not back to 42', it is lower than the 56' high building proposed, and that in my opinion is what a reasonable compromise is.

I would therefore respectfully request that you and your department seriously review and consider this compromise proposal, discuss it with the developer, and then proceed to present this to the Council members when they are asked to consider the proposed CUP and variances for this project.

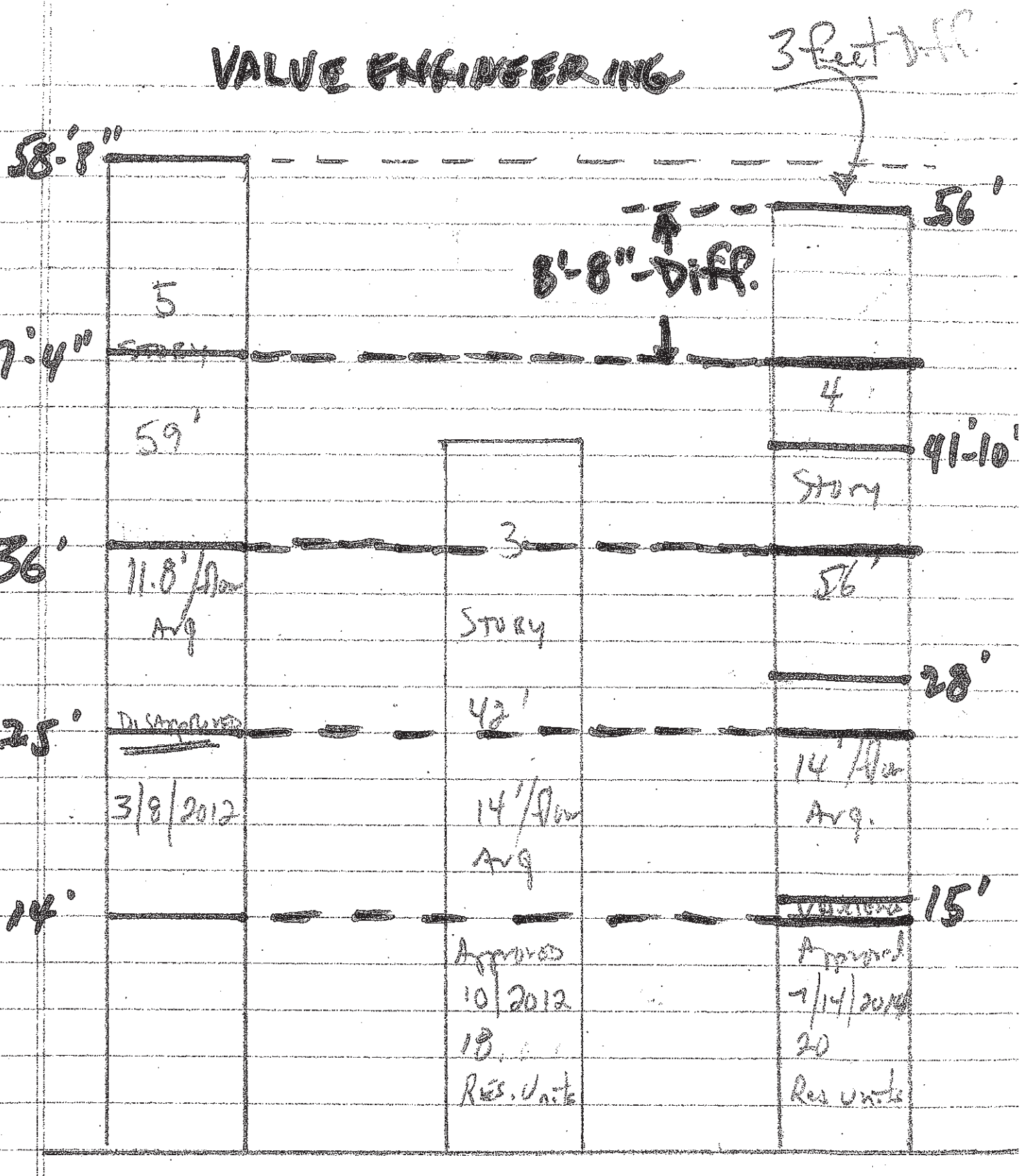
Please contact me if you have any questions or if I can provide any additional information by calling me on my cell phone (**410-236-6559**) or by e-mail at **stenzler@comcast.net**.

Respectfully submitted,

Yale Stenzler

Cc: Councilwomen Linea Palmisano
Emily Ziring

VALUE ENGINEERING



11.8' X 4 = 47.2 feet vs 56 feet

TO SCALE
Y. Steinler 7/21/2014

7/24/2014 REVISED -VE

7/24/2015

Mr. Jesse Hamer
Momentum Design Group
2395 University Avenue West
St. Paul, MN 55114

Dear Mr. Hamer,

I want to thank you for taking the time to meet with me this past Wednesday to discuss the Upton and 43rd Street Mixed-Use Development project that you are working on with Clark Gassen, the developer.

As I mentioned to you and as indicated in the written material I shared with you, I (and many of others residents in the Linden Hills Community) am very concerned about the overall height of the proposed building, its scale and relationship to other buildings in the areas. As I indicated to you the previous three projects for this site (with some reduced areas now), which were undertaken by another developer and architectural firm, had grade to first floor heights of 14 feet and 15 feet. The current plans as submitted to the City and as we discussed, are now showing 19 feet, which is 4 to 5 feet higher than the prior projects. Reductions in the overall building height could be achieved by reducing the grade to first floor level by 4 – 5 feet. You did indicate that there might be some reductions if the first floor area is subdivided and the developer has commercial tenants that would not require the finished heights that a 19 foot height would provide.

I, along with many residents in the Linden Hills Community, would welcome and appreciate any reductions that can be achieved. As we discussed, the reductions in height would benefit the developer by saving him money by reducing the cost of initial construction as well as the operational costs for utilities and maintenance (both annual and long-term for replacement).

We also talked about the parapet wall. Based upon the plans and application submitted to the City it appears that the building would have a total height of 53'- 8" with an additional 2'- 4" for a parapet wall. This would bring the total structure height to 56 feet. I fully understand that a parapet wall can provide a screen to shield mechanical equipment on the roof from view. Perhaps, given the overall height of the building (almost 54 feet without the parapet wall, or even 49 or 50 feet if the 19 foot can be reduced to 14 or 15 feet), the height of the parapet wall could be reduced by a foot or more since it would be hard for pedestrians on either side of Sheriden or Upton to see the equipment. Furthermore, by locating the mechanical equipment back from the edge of the east side of the building by 10 to 15 feet would also reduce the potential to see any of the mechanical equipment on the roof and eliminate the need for this higher parapet wall. These are additional saving for the developer

Thank you again for your time and I hope that you will share this information with Mr. Gassen and see this as an opportunity to improve relationships with the Linden Hills community.

Sincerely,

Yale Stenzler
(410-236-6559 or yesconsulting3@yahoo.com or stenzler@comcast.net)

Smith, Mei-Ling C.

From: Guy Wikman <guyw@pro-inspector.com>
Sent: Saturday, July 18, 2015 5:48 PM
To: Smith, Mei-Ling C.
Subject: 43 & Upton development

This is in support of the project and the variances needed. More people living there would be good for the local businesses.

Guy Wikman
4504 Vincent Ave S
952-250-1291
Sent from my iPhone

Smith, Mei-Ling C.

From: Jeanne Stevens <jrstevens62@gmail.com>
Sent: Sunday, July 19, 2015 8:09 PM
To: Smith, Mei-Ling C.; Palmisano, Linea
Subject: 43rd & Upton Development

Dear Ms. Anderson & Ms. Palmisano,

I am writing to let you know that I believe the project on the corner of 43rd & Upton should be 3 stories and not 4. So, I would be against the conditional use permit that the builder is seeking. Your support in this endeavor would be appreciated.

Thank you,
Jeanne Stevens
4445 Zenith Av So

Smith, Mei-Ling C.

From: Aureliano M. DeSoto <aureliano@comcast.net>
Sent: Tuesday, July 21, 2015 10:37 AM
To: Smith, Mei-Ling C.
Cc: Palmisano, Linea
Subject: RE: 43rd and Upton Project

Dear Ms. Anderson,

I write to communicate to you that, as a resident of Linden Hills (Ward 13), I fully support the 43rd and Upton project currently being considered, and urge the granting of a conditional use permit to increase the maximum building height from 42' to 54', and variances to reduce required setback.

This property has been the subject of a considerable amount of neighborhood attention, however, as it stands now, the lot is occupied by a closed business and the property barred by a chain-link fence, and has been so for over a year. In many ways, this empty lot serves as an eyesore monument to the difficult conversations within the neighborhood over "appropriate" development.

I would prefer to see any development on the site, even if the current project is not, to my mind, the best kind of development (e.g., affordable/mixed income housing and/or needed community resources, like a small supermarket). I find that the arguments against development of the property by some community stakeholders to be limited in their understanding of the needs of the neighborhood and the City of Minneapolis to grow larger and more dense, all of which has contributed to the continued idleness of the property while remaining substantially myopic of the larger and much more fundamental changes to the neighborhood's character (i.e., tear down properties and their related and endless construction inconveniences, overly inflated home prices, and a solidification of the neighborhood's demographic as a white, upper middle-class enclave largely unreceptive, outside of rhetorical stance, to class and racial diversity), which are distinctly more threatening to any putative "Linden Hills Ideal" than minor variances on height and setback in a commercial district that increasingly caters to a limited clientele (e.g., boutique destination restaurants, bourgeois houseware stores, expensive specialty stores and food markets).

I would also hasten to add that opinion in the neighborhood on development at 43rd and Upton is quite mixed. As an effort to reflect this diversity of opinion, I wanted to make you aware of my own sentiments regarding the property.

Thank you for your attention, and your continued work for the residents of the City of Minneapolis.

Sincerely,
Aureliano DeSoto
4453 Abbott Ave S
Minneapolis MN 55410

Smith, Mei-Ling C.

From: Magnuson, Jeffry <Jeffry.Magnuson@opus-group.com>
Sent: Thursday, July 23, 2015 1:09 PM
To: Smith, Mei-Ling C.
Subject: 43rd and Upton Development Comments
Attachments: Summary Magnuson Comments to Upton Proposal_7_22_15.docx

Minneapolis Planner Mei-ling Anderson;

I live at 3010 west 43rd St in Linden Hills. I enclose my comments regarding the proposed development.

I oppose the development, as I did the previous Dwyer proposals. However, I did support the three-story proposal.

Please include my comments in your packet to the Planning Commission members.

Thank you;
Jeffry Magnuson
3010 West 43rd St
Minneapolis

This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the reader of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.
If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the listed email address.
Thank You.

Summary – 43rd and Upton Project - Magnuson

7/23/15

- **Oppose** CUP to increase the allowed height from 3 stories / 42' to 4 stories / 54'

  The Process of re-zoning the site from a C-1 to a C-2 with a simple CUP vote

  Building Massing (lack of setbacks at the fourth floor on the north and west)

  Architectural expression / harmony with existing buildings

- **Not Oppose** Setback variances along south property line at existing coffee shop

CUP Process and Height

- The site is currently zoned C-1, Neighborhood Commercial District - the lowest density commercial district in the City. The site is immediately bounded to the west by an R-1 district
- The height limit within the C-1 district for a mixed-use residential building with bonus for hidden parking is 3 stories / 42'
- The proposed height of 4-stories / 54' would be allowed by zoning only within a more dense district such as a C-2 (4 stories / 56')
  - By a simple CUP vote, the city is effectively Rezoning the site to a higher density
  - There should be a different process for rezoning that should be followed in these cases
- The proposed building height of 54' is too high to be immediately adjacent to the R-1 district
  - This building would tower over the residences, and would be very imposing to that resident trying to enjoy his or her back yard (4251 Vincent would be affected immediately)
  - If this CUP is granted, a precedent is set to allow future developers the right to increase the height across all the remaining Linden Hills C-1 district, altering the 1-2 story scale of the C1 Neighborhood Commercial District. This district is meant to be a..."convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses." (Minneapolis Zoning Ordinance Title 20, Chapter 548, definition)

Massing and Height

- The previous 4-story development at this site had CUPs for height approved by the city. However, the scheme was based upon the fourth floor of the building completely set back from the building perimeter on all four sides by a distance of 12 feet
  - This setback was designed to reduce the apparent scale and bulk of the building, and was endorsed by the city as one of the main reasons to grant the CUP for height

- The setback at the top floor of the current proposal is accommodated only at the street elevations along Sheridan and West 43rd St to the east and the south.
  - The setback actually does not occur at the southwest corner of the site at the main street node intersection of West 43rd Street and Upton Ave. The building height is further accentuated by the high roof element that extends beyond the building wall

- The continuous setback is missing at the fourth floor plan on the west elevation toward the R-1 neighborhood, as well as the north elevation
- The developer has claimed an attempt at a setback using recessed balconies, but on the west and north elevations there are numerous wall elements extending up from grade or level two straight up through the horizontal roof. These wall elements visually unify the wall planes in spite of the recessed balconies – in effect there are no setbacks, and there is no relief to the 4-story height.

- The Linden Hills Small Area Plan, page 50, calls for additional setbacks at the top floor at this site. The plan states that the top floor will be set back by at least 10 feet from the residential properties to ensure a transition area between the parcels:

  - **Transition Areas**

    - When a new three or four story building is adjacent to single- or two-family structures, the top floor shall be setback an additional 10 feet from the required rear and side yards of the property. Adjacent structures are defined as properties that share a side or rear property line or an alley with the subject property. (This project shares a rear property line with the R-1 district at 4251 Vincent.)
    - Encourage building designs that articulate or enliven the rear façade.
    - Encourage site designs that use vegetative buffers to reduce the visual impacts of higher density development on adjacent lower density development

- **As a condition for approval of the CUP for height and the fourth floor, the developer should be required to set back the complete fourth floor plan a minimum of 10 feet on all sides to reduce the apparent height and massing of the building as viewed from the adjacent R-1 district**

Architectural Expression

- Per the developer, the material pallet of stone and dark metal has been chosen to make this an Iconic building.
  - Linden Hills is a unique small business zone with a predominantly brick building material vocabulary. Any large-scale development should incorporate local materials, details, and finishes in their design, and should respect building massing and scale.
  - The proposed building is very urban in design, monolithic, monumental in scale, with no color, awnings, or any material to relate to the business district
- The use of the large-scale window framing elements in stone unfortunately accentuates the large mass and scale of the building
- The developer should be encouraged to revisit their choice of exterior materials and chose materials more compatible with the existing business district, similar to the last Dwyer proposal

Smith, Mei-Ling C.

From: Jeff Rye <rye@sift.net>
Sent: Friday, July 24, 2015 7:51 AM
To: Smith, Mei-Ling C.; Palmisano, Linea
Subject: Proposed Development at 43rd and Upton Ave S

Good morning,

I am writing as a homeowner and resident in Linden Hills to convey my *strong disapproval* of the proposed development and conditional use permit at 43rd St W and Upton Ave S. You can find some project info at:

http://lindenhills.org/43rd-upton-development/

I ask you to *not* support this project in its current form. Please ensure that any development at this site conforms to the existing zoning regulations.

I am especially concerned about the height of this development. The plan wants to build to a height of 54 feet, which is 12 feet higher than the current regulations allow. Moreover, these heights do not include the HVAC/service equipment that will be installed on the roof of the proposed building, further increasing the height.

The existing zoning regulations allow for a project that fits with the neighborhood in general and this location specifically. Allowing the developer to increase the height of the building beyond the current regulations will negatively impact the site and the neighborhood.

If you wish to discuss my opinions further, I would be happy to meet with you in person, talk on the phone, or exchange emails.

Thank you,

Jeff Rye
Homeowner and resident
4408 Vincent Ave S
Minneapolis, MN 55410

--
Jeff Rye
612-382-6286
rye@sift.net

Smith, Mei-Ling C.

From: Kay Quinn <kquinn99@earthlink.net>
Sent: Wednesday, July 29, 2015 10:18 PM
To: Smith, Mei-Ling C.
Subject: Linden Hills Development - 43rd & Upton

Greetings. I am interested in purchase within your planned development in Linden Hills. What will you be the asking price range of the 800SF to 1700SF units. I am more interested in the 1300SF+. Previous developer was wildly overpriced. A small unit with one window was $750,000. This pricing model does not belong in Linden Hills. I hope you agree.

Regards,
Kay Quinn

Sent from my iPhone

Smith, Mei-Ling C.

From: Penny Ainsworth <penny.ainsworth@yahoo.com>
Sent: Friday, July 31, 2015 9:29 AM
To: Smith, Mei-Ling C.
Subject: 43rd & Upton Develoopment

Why does the City have planning, zoning and building codes/'rules' if the rules are allowed to be manipulated and broken?

I don't see a justifiable reason of why the developer cannot make this development work under the rules given to him. This is another example of a developer wanting to bend the rules in order to allow him to further fill his pockets! He has ZERO concern for how the development looks, the impact on the neighborhood or if the community does/doesn't want his proposal to come to fruition.

The developer knew what he was getting into before he decided to overtake this project. -And if not, shame on him.

Therefore, rules are rules. NO MEANS NO. Go back to the drawing board and work within the parameters you were given.

Penny Ainsworth
3811 Washburn Ave. So., Minneapolis
Residential Design - Material Selections - Project Management

August 6, 2015

Members of the Planning Commission:

The Linden Hills Small Area Plan was approved by the City Council in December of 2013 after nearly two years of effort by the Linden Hills Neighborhood Council and community. City staff praised the neighborhood's high level of participation, and a memo from our Council Member commended our success "that the final Linden Hills Small Area Plan represented the neighborhood's diverse interests."

The LHSAP states a vision for our urban village where "Renovation and new development support and enhance the existing scale and character of the neighborhood. The goals established in the Plan include "Keep and enhance what makes the Linden Hills commercial district unique" and "Ensure appropriately-scaled development." At 43rd and Upton "The small scale of buildings, characterized by modest width and height, create a pedestrian friendly, human-scale character that the community wants to preserve and enhance."

Based on the LHSAP, the neighborhood desires a building at the corner of 43rd and Upton that reflects the historical small-scale character of the existing buildings in this C1 zone. Twenty of those 22 buildings are two stories or less. The neighborhood wants a building shorter than the current zoning limit for the C1 zone (42'), with the top story set back around the entire building. On the west side, which faces adjacent single-family homes, the top story should be set back an additional 10 feet from the required rear and side yards of those properties. Additional building and site design elements are expected to further reduce the visual impacts of development.

The LHSAP also specifies shorter floor-to-floor heights and a lower overall building height than allowed under the current Zoning Code, to ensure more compatible new development in scale with the surrounding development patterns.

The LHSAP specifically promotes environmental sustainability through infrastructure and building systems intended to reduce overall resource consumption and to reinforce an ecologically healthy neighborhood.

The current proposal ignores what the neighborhood wants and undermines our goals to support and enhance the existing scale and character of the business district and to ensure appropriately-scaled development.

The current proposal misinterprets and misuses the LHSAP by using a confusing reference to "three or four stories" to justify a 4-story building in this C1 zone, despite assurances from our previous Council Member that all proposals "will be required to meet the zoning requirements for maximum height" (42' in a C1 zone). In fact, the Plan does not allow both three and four stories everywhere; the Plan allows three stories OR four stories in the respective commercial zones in our neighborhood: 3 stories in C1 or 4 stories in C2.

The intent of the LHSAP was undoubtedly to protect the C1 zoning at 43rd & Upton. The neighborhood's wishes are clear: *"The majority of project participants expressed that it is important for new development or building additions in these areas to be of similar height (1 to 3-stories) to retain the scale and character of these nodes."*

The Conditional Use Permit would allow a building that is incompatible with the scale and character of surrounding uses and not consistent with the Linden Hills Small Area Plan. Please deny the CUP.

Thank you,

Constance Pepin • 4031 Zenith Ave S 55410 • 612.922.1253

August 6, 2015

Dear Mayor Hodges and Councilwoman Palmisano,

On August 17th there will be a hearing before the City Council to act upon a proposed CUP for the proposed Upton and 43rd Mixed Use Development project. I know that you are both familiar with this proposed project and the history of the prior proposed projects for this site. You both have the opportunity within the next ten days to make a decision and take action to either preserve or impact for the long-term future, the scale, character, and quality of life in the Linden Hills Community. **You both have the ability to preserve and have a legacy that shows your commitment to this community that you represent or represented by rejecting the CUP requested. If you do not take any action in opposition to this proposed CUP then the record and you legacy will reflect, and history will show, that the negative impact of this specific project rests on your shoulders and your name.**

The overall height of this proposed building is absolutely not in keeping with the scale and character of Linden Hills and particularly the Upton and 43rs Street corner. The proposed building has a height of 56 feet (including the parapet wall). I have taken several photos, which I am enclosing for you review and for you to judge for yourself if the proposed building fits into this neighborhood. In my opinion, if the CUP is approved it will be like putting a tower into the community.

A brief description and explanation for each photo follows, that I would ask you to review each independently and then consider the impact of them when combined:

1. Looking north-west from the south-east corner of 43rd Street and Upton: Taken last year (July 2014) when the pocket park was still available to us. The traffic light is 13 feet high. **Now please envision the proposed building behind this pole that is more than four times that height at 56 feet.**
2. Looking north-west from the east side of Upton near 44th Street: Taken this year (August 2015) which shows the advertising signs above the building on the south-west corner of 43rd and Upton. The top of these signs on this building are approximately 43 feet high, above grade. **Now please envision the proposed building above these signs by another 13 feet to reach a height of 56 feet.**
3. Looking north-east from 43rd Street, near Settergren Hardware Store: Taken this year (August 2015) which shows the building (on the left) that houses Dunn Bros Coffee and Naviya's. This building has a height of approximately 19 feet. **Now please envision a proposed new building next to this building that is almost three times higher at 56 feet.**
4. Looking east from the backyard of 4247 S Vincent Av: Taken last year (July 2014) after placing a 7 foot ladder next to a tree in the backyard. This homeowner and their neighbors (4251 S Vincent Av) will face the east side of the proposed a building with a height 56 feet. **Now please envision the proposed building behind these homes that is eight times higher than the ladder to reach 56 feet.**

Furthermore, this proposed project does not have any setbacks for the fourth floor of residential units as shown and approved for the CUP in (8/15/2014). Why isn't this also required for this proposed project?

In summary, I believe that after reviewing these photos and envisioning the proposed building with an overall height of 56 feet, that you will recognize the need to take action to prevent this project from obtaining a CUP on this site in the Linden Hills neighborhood.

I am available to meet with you here in Linden Hills so that you can see for yourself the potential impact of this proposed project, which the pictures may not fully convey.

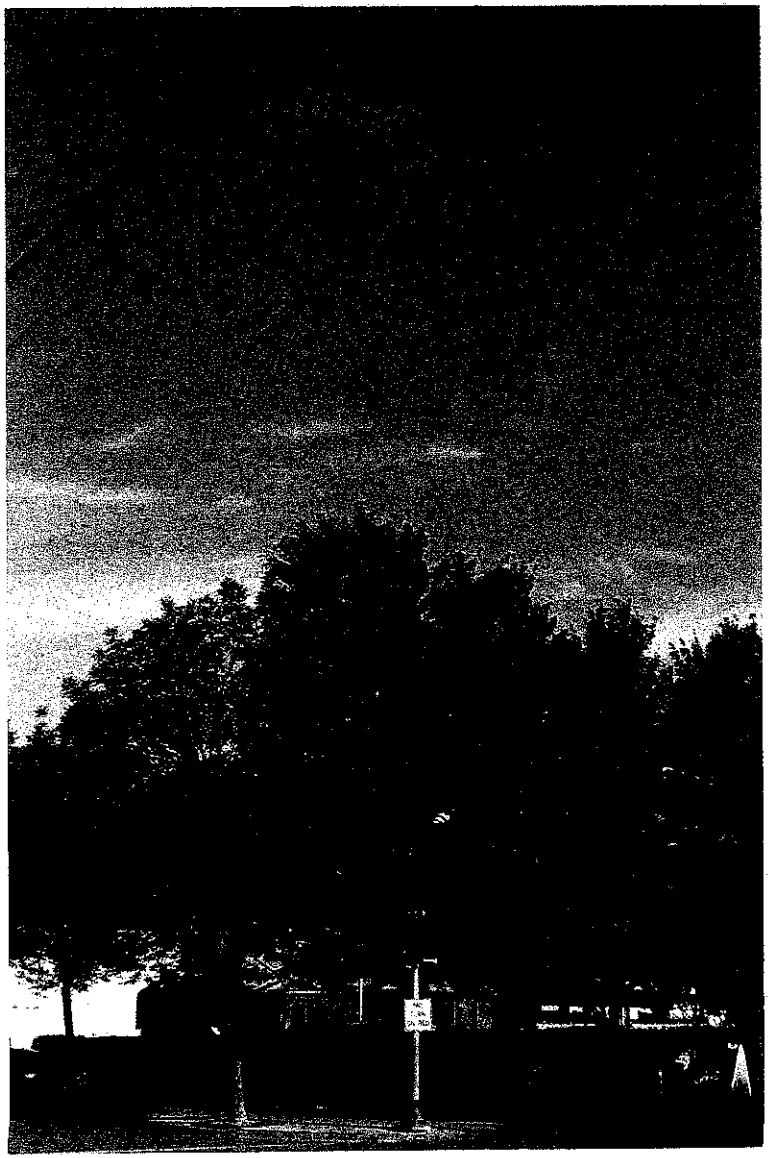
My wife and I are residents at 2727 West 43rd Street, unit # 406, Minneapolis, MN 55410. The best way to reach me is via my cell phone (410-236-6559) or via e-mail at stenzler@comcast.net.

Sincerely,

Yale Stenzler

Enc.

Cc: Emily Ziring w/enc.
Jason Wittenberg w/enc.



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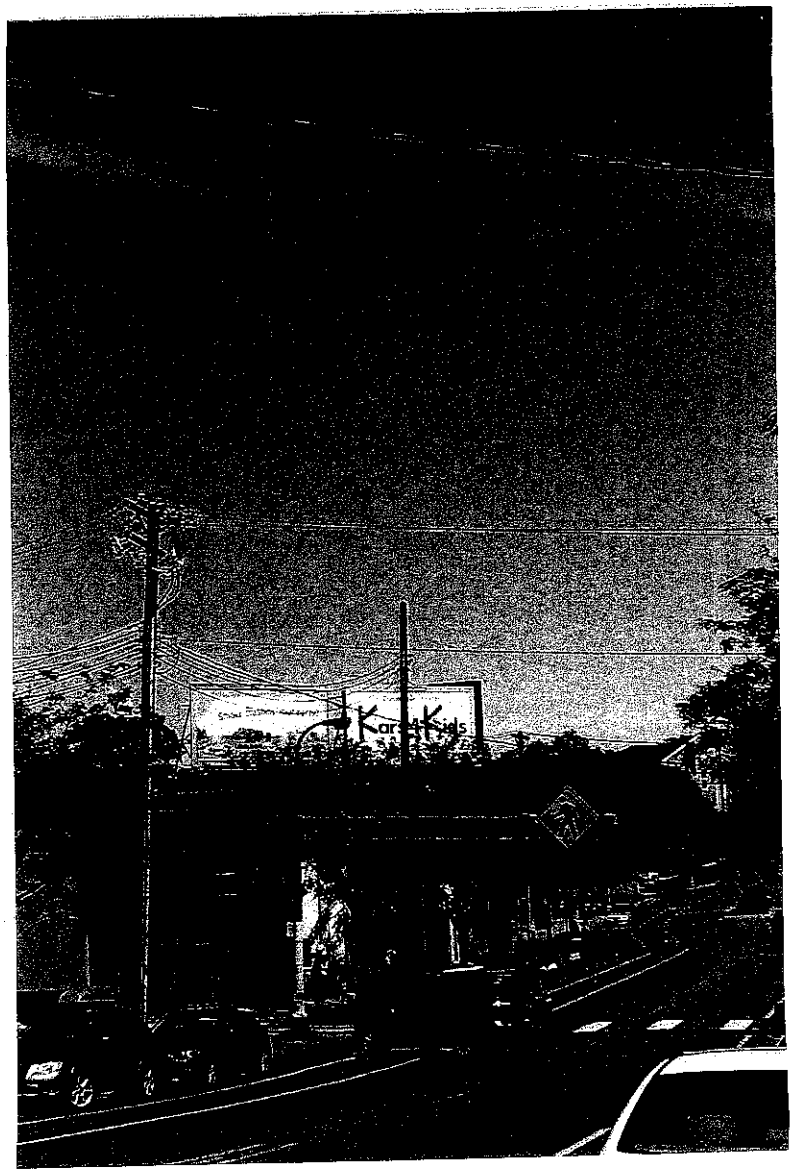

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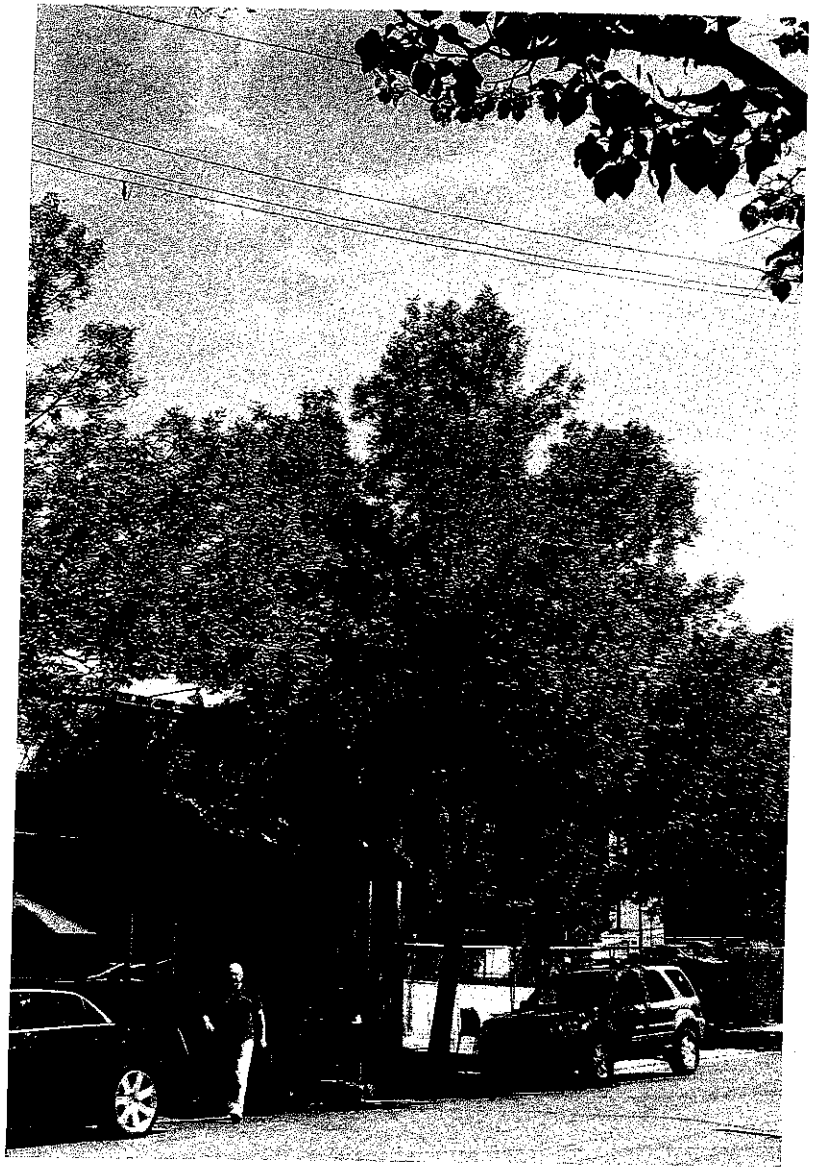

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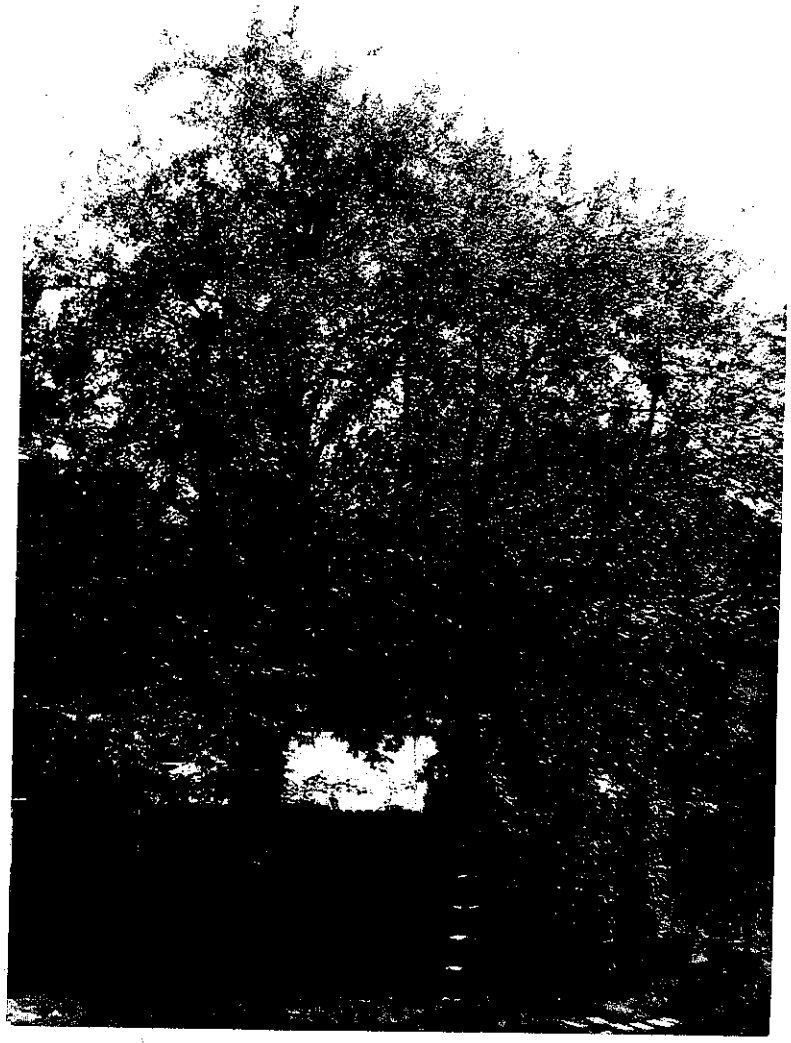

4

Dear Mei-Ling Smith, City Planner,

We are pleased to present you with this petition affirming this statement:

"We, the undersigned, call upon elected and appointed Minneapolis officials to deny a conditional use permit for the proposed development at 43rd & Upton, in order to protect the character and stability of this neighborhood, and to protect the integrity of the small area planning process and promote orderly and beneficial development for all Minneapolis neighborhoods."

Attached is a list of individuals who have added their names to this petition, as well as additional comments written by the petition signers themselves.

Sincerely,
Concerned Citizens of Minneapolis

Katherine Muehlbauer
Minneapolis, MN 55406
Aug 9, 2015

Mary
Minneapolis, MN 55411
Aug 9, 2015

Larry
Minneapolis, MN 55418
Aug 9, 2015

I think that developers need to be mindful of the community that is already in place and work within that framework.

Shannon Hedren
Edina, MN 55439
Aug 9, 2015

Gunn kirks get
minneapolis, MN 55410
Aug 9, 2015

David Coats
Minneapolis, MN 55414
Aug 9, 2015

A lot of time, effort, and money was put into this thoughtful and respectful plan. Our elected officials need to stop and pay attention to this. How could one developer's desires override an entire community?

Kordie Reinhold
Minneapolis, MN 55410
Aug 9, 2015

I will sign this petition even though thid is an elitist community with very little diversity. And they like it just so. I don;t want to see this quaint community destroyed by the likes of multinational corporations.

GAIL CHRISTINE DODD
MINNEAPOLIS, MN 55454
Aug 9, 2015

Kathy Dunn
Minneapolis, MI 55445
Aug 9, 2015

Anna Norden
Minneapolis, MN 55409-1008
Aug 9, 2015

Elizabeth Dokken (Betty)
Minneapolis, MN 55435-4688
Aug 9, 2015

Jason Garcia
Minneapolis, MN 55407
Aug 9, 2015

Eden Amos
Minneapolis, MN 55410
Aug 9, 2015

Maureen Foley
Minneapolis, MN 55410
Aug 9, 2015

Development in this city has been of poor quality, and done only as the result of huge "subsidy" from present homeowners. It is truly an illegal tax forced on us by developers.

Michael F. Foley
Minneapolis, MN 55410
Aug 9, 2015

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jean johnson
MINNEAPOLIS, MN 55410
Aug 9, 2015

Niel Ritchie
Minneapolis, MN 55410
Aug 9, 2015

Joe Crotty
Minneapolis, MN 55405
Aug 9, 2015

Paul Ryan
Minneapolis, MN 55403
Aug 8, 2015

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naomi thompson
minneapolis, MN 55407
Aug 8, 2015

Toni McNaron
Minneapolis, MN 55408
Aug 8, 2015

No conditional use permit. Those laws are on the books for a very good reason--to protect the integrity of our neighborhood.

Martha Palm
Minneapolis, MN 55410
Aug 8, 2015

Mike Heuchert
Minneapolis, MN 55408
Aug 8, 2015

Clare Foley
Minneapolis, MN 55410
Aug 8, 2015

Catherine Pruszynski
Minneapolis, MN 55410
Aug 8, 2015

Please don't let them ruin the beautiful neighborhood I grew up in!!

Molly Russell
Los Angeles, CA 90004
Aug 8, 2015

Please do not allow a Conditional Use Permit for this corner. Please respect the wishes of the residents. And, can it please NOT be ugly?

Chrissie Dunlap
Minneapolis, MN 55410
Aug 8, 2015

Dawn Chapman
MINNEAPOLIS, MI 55410
Aug 8, 2015

Please listen to, and understand what the tax paying citizens in Linden Hills want for their neighborhood. No buildings bigger than 3 stories in C-1 zones. Ever!

Isabella Cavanaugh
Minneapolis, MN 55410
Aug 8, 2015

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h.c. horwitz
Minneapolis, MN 55408
Aug 8, 2015

thanks but no thanks

laura balfour
minneapolis, MN 55410
Aug 8, 2015

Thank you for listening and acting on our behalf to resprent out interests.

Robert Hansen
Minneapolis, MN 55403
Aug 8, 2015

Grant Hawthorne
Minneapolis, MN 55410
Aug 8, 2015

Residents of Linden Hills intended for the SAP & City to honor the zoning codes in our business district. Please stand with your constituents on this issue and do not allow developers to forever change the character of the community where WE live. It's clear the city wants to make money. Please, choose integrity over greed. No 4+ story development at 43rd & Upton. Thank you.

Jennifer Russell
Minneapolis, MN 55410
Aug 8, 2015

Rich Timmins
Minneapolis, MN 55413
Aug 8, 2015

Ann Laughlin
Minneapolis, MN 55406
Aug 8, 2015

Susan Bode
Minneapolis, MN 55408
Aug 8, 2015

Michelle Valadez
Apple Valley, MN 55125
Aug 8, 2015

Stephen Greenfield
Minneapolis, MN 55408
Aug 8, 2015

Through the Small Area Planning process 75% of Linden Hills residents preferred three story buildings in the Linden Hills village. Why even ask the neighborhood if the City is just going to disregard their wishes? That is not how planning is suppose to work.

Patrick Smith
Minneapolis, MN 55410
Aug 8, 2015

David Scott
Minneapolis, MN 55410
Aug 8, 2015

Julie Goodge
Minneapolis, MN 55410
Aug 8, 2015

Trilby Busch
Minneapolis, MN 55408
Aug 8, 2015

Hannah
Minneapolis, MN 55410
Aug 8, 2015

Arlene Fried
Minneapolis, MN 55405
Aug 8, 2015

Lori Dockendorf
Minneapolis, MN 55410
Aug 8, 2015

This is a critical issue that affects our city well beyond this intersection. Minneapolis citizens are more and more being ignored by our city's elected leaders.

Bob Roscoe
Minneapolis, MN 55414
Aug 8, 2015

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sandra may
Mpls, MN 55408
Aug 8, 2015

Saralyn Romanishan
Minnesota, MN 55405
Aug 8, 2015

Christopher Maddox
Minneapolis, MN 55410
Aug 8, 2015

We are counting on our elected officials to keep their promises.

Constance Pepin
Minneapolis, MN 55410
Aug 8, 2015

Concerned Citizens of Minneapolis
Minneapolis, MN 55410
Aug 8, 2015

July 20, 2015

Council Member Linea Palmisano
350 S. 5th St, Room 307
Minneapolis, MN 55415

Re: 4262 Upton Ave S

Dear Ms. Palmisano,

The Linden Hills Neighborhood Council (LHiNC) has reached out to neighborhood residents to gauge public opinion regarding the proposed mixed-use building at 4262 Upton Ave S. The developer presented building plans at a public Zoning Committee meeting on May 18 and at a LHiNC Board Meeting on June 2. At both meetings, members of the public were given time to speak and ask questions. LHINC also disseminated information concerning the development in enewsletters, on its Facebook page, and on NextDoor, encouraging residents to review the plans and submit comments to you and to Council Member Linea Palmisano.

The following is a collection of comments voiced by members of the public at the May 18 Zoning Committee meeting:

- The building design is too modern for a historic district.
- The Small Area Plan wasn't properly considered – it calls for a maximum of 3 stories/42'.
- Construction materials? 1st floor is concrete construction, floors 2 – 4 are wood/stick construction.
- What would be the projected rental rates? Market rate.
- 4th story accent emphasizes rather than subdues the height of the building.
- Pocket park should be made more open and inviting so visitors to the area know it is a public space.
- Developers should consider a more traditional style that blends in with surroundings.
- The 4th story should be setback 12' like the last Linden Crossing proposal.
- Ceiling height of floors? 1st floor built at 16', upper 3 levels average 9 ½ '.
- The new buildings at 50th & France blend in better with the older buildings.
- Will there be a remediation process? Yes, some soil testing has been performed. A plan will likely be available in the fall.
- The small, human scale of Linden Hills is what makes it special. A project like this one will completely change the character of the village.
- Residential neighbors on Vincent will be deprived of light and privacy as a result of the height of the building. Clark Gassen indicated a shadow study might be performed.

- Upton Ave where it meets Sheridan is busy and dangerous – this development will add traffic. Traffic calming measures should be pursued.

The members of the Zoning Committee each spoke and gave their impressions of the project:

Constance Pepin: Is encouraging that the development team is listening to the community's comments. Main objection to the project is that it doesn't adhere to the Small Area Plan, which in its vision statement encourages keeping and enhancing what makes the commercial districts unique and ensuring appropriately-scaled development. Betsy Hodges also requested in 2013 that the SAP include the directive to, "Encourage overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage buildings that are shorter than the current Zoning Code maximums for 3 and 4 story buildings (42 feet and 56 feet respectively) in the Linden Hills Small Area Plan."

Dawn Chapman: Concerned with the massing of the building. Feels 4th floor should be set back. The Small Area Plan also calls for more building articulation. The rendering of the limestone façade elements projects a flat surface rather than the perforated element being described. Exterior should be reworked.

Jeffry Magnuson: Supports the comments of Constance and Dawn. Also objects to using a conditional use permit to rezone the parcel. Objects to the lack of 4th floor setbacks. Believes the 4th floor roof accent should be eliminated to reduce the appearance of scale. The residential neighbors on Vincent Ave need a buffer between them and the 52' wall. Appreciates the building's design, but it is not appropriate in this context – monolithic in appearance.

Dan Swanson: Likes the building and the project.

Walter Pitt: The zoning for the parcel is C1, which means 3 stories maximum height. Believes approving the CUP for height in this instance will set a dangerous precedent for the node. The "fabric "of Linden Hills consists of 2 story buildings. Also troubling is the confusion about the bond for the pocket park (Clark Gassen commented that he would likely not need a bond for the pocket park, as Mark Dwyer did).

Eric Hansen: Would like to see the pocket park outreach dates determined and shared with the neighborhood. Encouraged the development team to look at a feature of a development in St Paul for ideas for the wall between the development and the neighborhood commercial building. Would like to see a physical model at the June 2 meeting to give more context, a streetscape view, birdseye view.

LHiNC board members and members of the public made the following comments/questions at the June 2 LHiNC Board meeting:

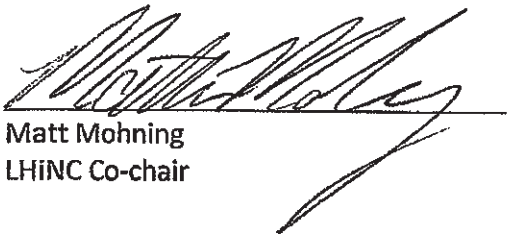
- Upton Ave is too narrow and congested to safely accommodate the traffic and deliveries associated with the building.
- Quality development of the Famous Dave's site will be good for the neighborhood.
- The building design doesn't belong in the heart of Linden Hills (many comments to this effect).

- Contrary to the statements of the development team, the design will not do anything to lend to a lively street presence as there is no street level interaction (examples of street presence include Sebastian Joe's outdoor patio, Dunn Bros, Naviya's sidewalk activity).
- Diversity of building styles is a good thing.
- Design not right – the latest Linden Crossing design was a better fit into the historic district.
- The CUP should be denied for this location per the Small Area Plan.
- The lack of 4th story setbacks is a concern, especially on the west side where the prominent balconies are adjacent to residential dwellings.
- The paid parking situation is not appropriate for the neighborhood. (Developer's response = paid parking will promote turnover of the parking stalls.)
- Will there be affordable housing units offered? (Answer = no)
- At the Zoning Committee meeting on May 18 the vote was 18 to 3 opposed to the Conditional Use Permit for height.

Additional comments and concerns expressed via email are enclosed for your review.

Please feel free to contact us with any questions.

Regards,



Matt Mohning
LHiNC Co-chair

Eric Hansen
LHiNC Co-chair

Enclosures

Cc: Mei-Ling C. Smith, City Planner
Community Planning & Economic Development

From: Donna Mayotte [mailto:draemayo@yahoo.com]
Sent: Thursday, June 18, 2015 3:14 PM
To: Palmisano, Linea
Subject: 43& Upton

Is it so very difficult for the developer to honor the wishes of the neighborhood council to limit its expansion to the recommended specs? It would seem their desire to maximize their profit is cavalierly pushed at the expense of the people who live and work here. Your support for the neighborhood wishes would be much appreciated.
Thank you
Donna Mayotte

From: william geddes [mailto:geddes.bill@gmail.com]
Sent: Thursday, June 18, 2015 3:08 PM
To: Smith, Mei-Ling C.; Palmisano, Linea
Subject: 43rd and Upton project

The developer of this project has (based on what I've read in articles and postings on the topic) bent over backwards trying to accomodate neighborhood requests. The variance would not have an appreciable negative impact to the neighborhood, and the project itself will add to the retail offerings in the neighborhood (improving the walkability of the neighborhood) and the building itself appears to be attractive enough that it will improve the look of the neighborhood. It is time to allow this project to move forward in a manner that will allow the developer to meet financial hurdles they need to meet to make a profit, while also having this positive impact on the neighborhood.
v/r
William L. Geddes
3818 Waveland Terrace
Minneapolis, MN 55410
612-805-3544 Cell
geddes.bill@gmail.com

From: Monica STUART [mailto:monicastuart@me.com]
Sent: Thursday, June 18, 2015 2:47 PM
To: Smith, Mei-Ling C.
Cc: Palmisano, Linea
Subject: I do not support the CUP for the 43rd and Upton Project

I do not support the developers request to build the 43rd and Upton project outside of the neighborhood code.

Monica Stuart
monicastuart@me.com
4116 Zenith Ave S
612 922 1364

From: eric hanson [mailto:erichansonillustration@gmail.com] **On Behalf Of** Eric Hanson
Sent: Thursday, June 18, 2015 12:34 PM
To: Smith, Mei-Ling C.
Cc: Palmisano, Linea; Hodges, Betsy A.
Subject: Comment on the proposed building at 43rd and Upton Ave S
Importance: High

Having seen another building planned for 43rd and Upton (handsomely designed by Tom Ellison, who's worked just up the street for decades) blocked by neighbors I can't imagine this bit of Soviet Brutalism has much of a chance.

It resembles another building going up on Lake just east of Calhoun, but that building is much less brutal. More Kasota and less black, but the same general idea.

The point is this building might look all right on a suburban campus, well softened by landscaping and lawn, or in a suburban office industrial park, or in the North Loop among those great old brick warehouses.

In our little village it is an insult to the rest of the existing architecture. It's frankly brutal. (I chose my comparison to the Soviet style carefully.)

Architects sometimes view the residents of a neighborhood like the flight crew of a WWII B17 or like the criminal Harry Lime from the top of the Vienna ferris wheel. We are little abstractions; ants. We are part of an equation, if that. And to some architects and developers this landscape of streets and houses and brick and wood we live in amounts to a game board. This project appears like it's been played with like a toy. The architect obviously has talent and skill and he or she had fun designing it. They will proudly show this in their portfolio. It's BOLD! It's BRASH! ("I'm MODERN!") It's all ego and no relevance. It's like someone wearing a very loud extravagant costume to the wrong party.

The architect can be proud of designing something clever and move on but if it's built we will have to live with this carbuncle for decades. Like all of the developers who are tearing down historic smaller houses in Linden Hills and building oversized and totally inappropriate suburban garage-fronted McMansions, they are destroying the fabric and coherence of a historic neighborhood. Fabric and coherence may be abstractions too, but they matter to the people who live here. Large failures damage the neighborhood and the residents feel that failure. They live with it or they move sadly away.

This building has some obvious intelligence but it has no place in the context it pretends to have been designed for. Which means the architect's intelligence was very badly misdirected and poorly supervised. And this misdirection should be flagged quickly and emphatically as a failure. Sometimes over supervision delivers something timid. Sometimes too much citizen input delivers something incoherent, because democracy can have muddled taste. We should be guided away from that too. But a good architect ought to be able to deliver something that is both excellent and fits well. Look downtown at the Wells Fargo tower and the old F&M Bank building and the the Young Quinlan building (a larger cousin of the building housing Great Harvest and other medium sized commercial buildings around the city.)

There are examples of buildings which fit into the context. Some at least try, as the various new buildings at 50th and France do. (Some of those are overlarge, or try and fail to match the brick, but they at least try.)

There are exemplary larger buildings at 43rd and Upton. The building housing Great Harvest is the finest of them. The Wild Rumpus building is another. The fire station was carefully preserved. Even the squat redbrick apartments east on 43rd have an interesting postwar English Metroland feel to them. There is a varied fabric here, but each building has managed to age into the fabric to some extent. The modern exterior of this "will it ever open" restaurant in the old Bayer's building is somewhat iconoclastic but is modest in size and discreet in materials, like some of the interesting uses of corrugated sheeting and other metals you see in the North Loop. It fits. (Just.) This new building for the NW corner of 43rd and Upton does not fit AT ALL.

Our little village is narrow, small, crowded, busy, assertively small townish. Which doesn't necessarily call for something egregiously mock New England. The Great Harvest building has an almost Beidermaier or Viennese feel to it, but it is also deeply 1900-1925 American midwest.

Let me finish with this: SEND THIS DEVELOPER A VERY FIRM NOTE THAT HE OR SHE HAS FAILED.

I realize developers have a lot of money and power in this city. The last design was rejected despite being considerably nicer and far less insulting than this piece of Soviet Brutalism. We didn't expect the last rejection to result in something far far worse.

(I should also add that I have serious concerns about the proposed building for the Sebastian Joe's parking lot. The presentation is vague enough to pretend to fit some historic design conventions. But in visible respects it violates other conventions and only pretends to "fit in." The overlarge multiple non-opening windows without traditional stone or brick sills and without individual framing. The overlarge foyer. The materials seem to vaguely match the Wild Rumpus building, but will they? Or will they introduce cheap brown stucco sheeting to the upper stories? Also, this new tall neighbor will seriously shut out the historic sight lines which won national historic designation for the domed church across the street. But this is a side issue right now, other than that it underlines how aggressively Linden Hills is besieged by development pressure and obvious haste to build.)

Eric Hanson, writer and artist, resident in Linden Hills for 27 years, having done business in Linden Hills (and at this corner) since the early 1970s. (I published greeting cards which I sold at Greenwich Antiques and 3 Rooms Up and Unicorn Books located in the Great Harvest building, and was a member of the Reindeer House cooperative retail space where Turtle Bread is today.) I know and love this neighborhood.

From: Brad McLemore [mailto:brad@lhhouseofmusic.com]
Sent: Thursday, June 18, 2015 11:54 AM
To: Palmisano, Linea; Smith, Mei-Ling C.
Subject: Fwd: Pls review and comment on the 43rd & Upton proposal

Dear Mei-Ling Anderson and Linea Palmisano,

My comment on this new proposal is that if the previous design submitted by Mark Dwyer could not be approved, I would not understand how this could possibly get approval as the neighborhood made it clear they don't want a 4 story building and the anything over 42'.

I would also say this design is much less appealing than the Dwyer design, less the feel of the neighborhood and would be a detriment to the look of this cherished corner.

I hope the elected officials will remain consistent in their decisions and swiftly reject this so developers can move on to more fitting design.

Thank you for you attention.

Brad McLemore

Linden Hills House of Music
Lake Harriet House of Music
612.929.2291 school
612.296.5532 cell
www.LHhouseofmusic.com

From: clare foley [mailto:clare@clarefoleyassociates.com]
Sent: Friday, June 19, 2015 11:53 AM
To: Palmisano, Linea
Subject: New development at 43rd and Upton

Dear Linea,

I am a long term resident of Linden Hills and have felt incredibly grateful to be part of that community. That being said, I am not opposed to change and I believe that there have been some good changes in the neighborhood over the years.

That being said, I am opposed to the proposal for the new building. I feel that a four story building is simply too high. I have gone around this city and other cities and looked at similar buildings. Some fit their locations and some do not. Those that do not definitely negatively affect the look and feel of the particular location. After this informal research I think that a four story building with reduced setback is not a wise thing for that corner.

I hope that you will take my humble opinion into consideration. I think an appropriate option can be found.

Thank you for all of your hard work.

Sincerely,
Clare Foley
CLARE FOLEY & ASSOCIATES, INC.
612.834.0630
clare@clarefoleyassociates.com
www.clarefoleyassociates.com

From: Barbara Cummard [mailto:bcummard@gmail.com]
Sent: Monday, June 22, 2015 1:31 AM
To: Palmisano, Linea
Subject:

Dear Linea,
I am writing as a resident of Linden Hills. I hope you will honor and uphold our communities wishes as expressed in the Small Area Plan regarding the development at the site of the Famous Daves Restaurant in the heart of Linden hills.

Barbara Cummard,
3817 Thomas Avenue South.....

From: Nancy Bottorff [mailto:nkbottorff@comcast.net]
Sent: Monday, June 22, 2015 10:31 AM
To: Smith, Mei-Ling C.
Cc: Palmisano, Linea
Subject: Linden Hills development at 43rd and Upton

Dear Ms Anderson,
I would like to comment on the proposed development at 43rd and Upton. To begin, I am pro-development for our neighborhood and am pleased with much of the development that has recently occurred. The proposed plan for this corner however, is worrisome. First, the design is unattractive in any setting with that oversized grid projecting from the front of the building, but also is incongruous and with the rest of the LH downtown aesthetic. In addition to the challenges of the design, the conditional use permits requested respect neither the scale of the neighborhood nor the size of the building parcel. I would ask that you do not approve this submitted design and send it back to the developer for changes that reflect the neighborhood scale and aesthetic. I also request that you do not approve the CUPs requested as they are in place to protect the neighborhood and not to be discarded when convenient. Thank you for your hard work for our community and I hope you will take my feedback into account.
Respectfully yours,
Nancy Bottorff

From: bayman@physics.umn.edu [mailto:bayman@physics.umn.edu]
Sent: Friday, June 19, 2015 3:23 PM
To: Palmisano, Linea
Subject: Proposed building at 43 and Upton

Hello Linea, here are my concerns about the proposed building at the Upton & 43. I have been to the meetings and listened to concerns.

IN FAVOR-I like that it's rental and will probably bring in an active, younger population. This rather than expensive condos further making the area a ghetto for the well heeled. VARIETY IS INDEED THE SPICE OF LIFE.
Mixed use is fine and I'm OK with four stories-like the idea that the fourth story is recessed from street view.

NOT IN FAVOR-disappointed to find there will be no lower priced rental units for seniors who already live in the area, want to remain here, but will not be able to afford the rents. Perhaps the city could expect new habitations to include such units. It's a civilized thing to do and perhaps tax breaks could be an added sweetner to the builder. The currently proposed building is not visually attractive. Surely builders can come up with a building that is visually attractive. The prior proposal did offer a far better looking prospect. Couldn't that be modified and made less luxurious?

Thanks for working so hard for us - as a classroom teacher and now an old lady I must say you are the person for this job. You are growing into it.
Be well and enjoy your family. Aroti Bayman.

From: steve ulrich [mailto:sulrich@botwerks.org]
Sent: Friday, June 19, 2015 4:20 PM
To: Palmisano, Linea; Smith, Mei-Ling C.
Cc: info@lindenhills.org
Subject: 43rd & upton development - linden hills

CM palmisano and ms. anderson -

i thought i'd follow the suggestion of the linden hills neighborhood council (http://www.lindenhills.org) and drop you a quick note to express my formal ambivalence towards the aesthetics of the proposed development at the aforementioned location and reserved support for the development as currently described in ms. anderson's project summary.

unfortunately (as it pertains to this matter), i travel quite a bit for my work and i'm unable to attend to the neighborhood meetings; where i'm confident a range of opinions and information on this project have been expressed. but as the most recent meeting notes from the linden hills board meeting have not been posted to the web site (as of 19-jun, 2015) i don't really know what the current state of the proposed project is beyond what's been documented on the city's web site and the relevant forums (facebook, etc.). unfortunately, while there's a wide range of opinions expressed in these fora, there is little useful data to form a considered position on this matter. that said, i'll take a swag...

- i don't have an issue per se with the height of the building and frankly find the location noted to be unremarkable in most aspects, except as a wasted parcel of land in a district with for the limited number of practically useful businesses in this particular commercial zone. i have high hopes that whatever development takes place at these parcels can inject some vitality into the moribund linden hills commercial area.

- based on the research i've been able to do (thank you for having zoning info online and kudos to streets.mn) i'm of the moderately considered opinion that this particular parcel is likely a reasonable candidate for up zoning, but i'm sensitive to the processes that this triggers and as such have no specific aversion to the granting of a CUP in the hopes of encouraging development in the area.

fwiw, i'm generally supportive of improvements in the density and livability of the linden hills area and would like to see more constructive dialog taking place between developers in the area and the community. we seem to have an absence of this in our neighborhood and are, deservedly in my opinion, likely perceived as the neighborhood of no.

to that end, it would be nice if there were some reasonable and open dialog taking place between the developers and the neighborhood council. while this may be going on, there is little if any apparent evidence of it and it leaves those of us without the ability to engage directly in the processes with little useful information to understand the relative merits of the various proposals and options associated with this proposal. anything that could be done to facilitate more considered dialog between the neighborhood and developers would be most appreciated by those of us who are interested in the livability of the neighborhood and open to fresh development.

thank you.
steve ulrich (sulrich@botwerks.*) - 4536 zenith ave s - +1 612 812 1876

From: Hannah Pepin [mailto:hannah.pepin@gmail.com]
Sent: Saturday, June 20, 2015 11:20 AM
To: Smith, Mei-Ling C.; Palmisano, Linea
Subject: Oppose 43rd & Uptown CUPs

As a resident of Linden Hills for my entire life, I treasure the sights, sounds, and energy of the small business district at 43rd & Uptown. The proposed development is too big for the location, and would destroy the rare and much-loved atmosphere of downtown Linden Hills. I strongly oppose granting the developer any conditional use permits that would increase the size of the building beyond what is allowed and recommended for that lot.

I urge you to think beyond the demand for bigger and bigger and seek a development plan that preserves the neighborhood, respects the zoning codes, and adds something fitting to Linden Hills. There IS a plan out there that will add density and business space without completely destroying this wonderful area of our city. Please insist on finding or creating that plan!

Sincerely,
Hannah Pepin

From: Cinda Yager [mailto:ph0hunter@yahoo.com]
Sent: Saturday, June 20, 2015 4:55 PM
To: Palmisano, Linea
Subject: Linden Crossing

Dear Linea:
I have lived in Linden Hills since January 1978. One of the reasons I have stayed so long is the village character of the neighborhood. Contributing to that character is the C1 zoning here which prevents the building of structures higher than 42 feet or 3 stories.

The developer of the Linden Crossing development received approval of a 3-story 42-foot structure called Linden Corner at the corner of West 43rd and Upton South in 2013. Now he's changed the name of the development, requested a CUP for a four-story 54-foot structure as well as variances to reduce the required setback on the sides where the project meets the Dunn Bros/Naviya's building. In my opinion, he did an end run around the neighborhood in order to get what he originally wanted and Linden Hills demonstrated vigorously that it didn't.

I am opposed to the Linden Crossing development because it does not follow the zoning requirements for our neighborhood. It is a building totally out of proportion and overwhelming at the corner of West 43rd and Upton South. We have been here before and nothing really has changed, only the tactics of the developer.

Please, please support the Linden Hills neighborhood and its Small Area Plan. We are not against development. If the developer had proceeded with the 3-story structure, that would have been just fine. I am against the conditional use permit and the changes the developer has made to the Linden Crossing development.

Thank you for your time and attention -- and your support for the Linden Hills neighborhood!

Sincerely,
Cinda Yager
2629 West 43rd Street
Minneapolis, MN 55410-1672

From: Dick Bottorff [mailto:dick.bottorff@gmail.com]
Sent: Monday, June 22, 2015 11:32 AM
To: Palmisano, Linea
Subject: Mixed use development 43rd and Upton

Hello Linea,

I hope you are well.

I am in favor of the project itself and have no issue with granting the variances. However, it's quite modern looking, and I don't like it that much. Maybe that is a choice for someone trained in architectural design. This one looks like modern architecture run amok to me. I do like more traditional

designs that are designed to connect with the community. Why can't we have something more traditional that fits in better with the existing buildings? Like this development in Virginia, for example:

http://www.archdesigngroup.com/Index858.aspx

Or a taller version of this town-center project:

http://www.builderonline.com/design/awards/mount-rainier-mixed-use-town-center-development-plan-mount-rainier-md-1_o

With a good design, you could even eliminate the pocket park in my opinion and get some sidewalk cafe's going.

None-the-less we need investment and more density in this area, which will be good for the city. We only have one shot at extending the town center of Linden Hills, so let's do it right.

Regards,

Richard Bottorff
4128 Sheridan Ave S
Minneapolis, MN 55410

-----Original Message-----
From: Maxine Davis [mailto:maxinedavis@me.com]
Sent: Monday, June 15, 2015 11:49 AM
To: info@lindenhills.org
Subject: RE: CC of letter to Mei-Ling Anderson

Dear Mei-Ling Anderson:

My husband and I have lived in Linden hills 30 years. We, as many, enjoy the neighborhood and ambiance of the entire lakes area.

We object to the new 4-story plan for the new building planned for the Linden Hills "Downtown." 4-stories is too high for this small neighborhood corner.

We fought the previous plan for 4-stories, hired legal representation with neighbors, signed letters, and attended meetings. We met at neighborhood planning meetings and a plan was made as to how the neighborhood should grow.

We are not against growth nor the update of our neighborhood as we move into the 21st Century. We are against allowing builders to ask for permission to bypass height restrictions and regulations we in the neighborhood worked hard to agree upon.

We feel strongly that no 4-story building should be built at the Linden Hills "Downtown" Corner.

Sincerely yours,
Maxine Davis
Gregory Tetrault
2925 West 40th Street
Mpls, MN 55410
612-805-0146

From: Joyce, Daniel (MN10) [mailto:Daniel.Joyce@Honeywell.com]
Sent: Thursday, June 18, 2015 3:29 PM
To: mei-ling.anderson@minneapolismn.gov; linea.palmisano@minneapolismn.gov; info@lindenhills.org
Subject: Ref 43rd & Upton Development Proposal

Community Leaders,

I am sharing my full endorsement and support of the proposal at 43rd and Upton.

I attend the live LHiNC meeting a number of weeks ago where plans were originally presented and reviewed by the architect and developer. And I reviewed the information provided at the Linden Hills Neighborhood Council website.

I am a 15 year resident of Linden Hill, with a home at 39th and Xerxes. We are a family of five, including three children 10 and under.

I am in full support of our neighborhood evolving and growing as a thriving community. I am hopeful to (finally) see development at the Famous Dave's lot. Discussion about the development of the site have dragged on too long over the years, driven discourse, and ultimately harmed the community. The current development is within perimeters to achieve a condition al use permit. It is time to move ahead to the future, vs being stuck in the past. I am in full support of moving the project ahead and moving our community ahead. The building design and use is exciting and makes me look forward to many more years of residency in our great community of Linden Hills.

Thanks for taking in my voice -

Sincerely,

Dan Joyce

3906 Xerxes Ave S

From: mary Ann miller [mailto:maryann.miller@me.com]
Sent: Thursday, June 18, 2015 3:51 PM
To: info@lindenhills.org
Subject: 43rd and uptown apartments

I know a lot of people think the design is ugly, but I think it has possibilities, if some tweeking were done. What is the function of those oversized frames?
Could they be smaller? Perhaps the in-your-eye ugly lots of people experience comes comes from a sense of fakery--an attempt to give fake subtense to the building, as in those cheap square buildings circa the 70's, which were topped with a one-dimential movie set facade to make it look as if the building had a peaked roof (so dishonest!) Not that some non-fuctional forms couldn't be successful, but for the most part, form does follow function. Here it looks as if those frames must be blocking the view, though perhaps the idea is to frame the view from inside?

As far as the criticism that the building doesn't follow the architectural style of the corner--that is nonsense. What makes any dynamic community interesting is diversity, blending. The old and the new can come together in an aesthetic that makes the heart lift. Let the old and the new speak to each other. Last week I was in NYC and visited the old meat-packing district which now is the home of the most uplifting museum I have ever visited (architect: Renzo Piano). It is sleek and airy on one side and simple and humble on the other, so as you approach it from the north, you cannot tell it from the old warehouses next to it, making it virtually invisible. Though you may spy the clue: An arrangement of a couple of triangles painted on the stucco facade, as murals, etc. are painted on the walls of old silos, factory buildings, etc. At first you are fooled though and think maybe that an abstract mural has been painted on an old building, and you haven't reached the Whitney yet. But you have! Approaching from the south, the building gleams and sparkle and soars--all glass and steel--and draws you to itself with its beauty and its public spaces. So, from the north, you are surprised to find yourself there unexpectedly and from the south, you are drawn in from a distance.

The Whitney's new neighborhood is full of examples of new and old architecture standing harmoniously side-by-side.

Sorry if my language is abrupt--it is just that I don't have time to spend composing it carefully.

Yours,
Mary Ann Miller
4334 Drew Ave South=

From: Zarracina, Matthew (US - Minneapolis) [mailto:mzarracina@deloitte.com]
Sent: Thursday, June 18, 2015 6:21 PM
To: linea.palmisano@minneapolismn.gov; mei-ling.anderson@minneapolismn.gov; info@lindenhills.org
Subject: 43rd & Upton proposal

Neighborhood leadership,

I support this proposal and the variances.

Best,
Matt

Matthew Zarracina
Strategy and Operations
Deloitte Consulting LLP
Direct: +1 612 692 7009 | Fax: +1 612 454 3251 | Mobile (Preferred): +1 315 378 5528
mzarracina@deloitte.com | www.deloitte.com

From: GCAM [mailto:greencorner@goldengate.net]
Sent: Monday, July 06, 2015 9:33 PM
To: ebell@cbburnet.com; Kevjdillon; hansen_elin@yahoo.com; Eric J Hansen; Sara Jaehne; jmlong@law.gwu.edu; kelizabethmcdonald@gmail.com; Jim Miller; Matthew Mohning; diana.pantz@gmail.com; Walter Pitt; chadreichwald@gmail.com; john.rozman@allina.com
Cc: christy@lindenhills.org
Subject: Proposed Famous Dave's site new development

July 6, 2017

Dear LHiNC Board Members,

In 2012-2013 LHiNC spent $60,000 of neighborhood funds to enable residents to write the Linden Hills Small Area Plan. The expenditure was approved by the neighborhood, per city requirement. Following the Linden Corner development controversy, members of the City Council, including CM Hodges, had urged Linden Hills to create a small area plan in large part to avoid similar ensuing new development conflict and disagreement.

A condition set by Council Member Hodges was that the small area plan process be managed by CPED (City of Minneapolis Community Planning & Economic Development (Agency)) in coordination with a steering committee chosen from residents not serving on LHiNC. A $60,000 contract was entered into between LHiNC and CPED. The steering committee and CPED chose a consultant who was paid the neighborhood's $60,000 by CPED. CPED and the consultant shared responsibility for guiding and assisting the neighborhood in the creation of the small area plan.

A primary reason for CPED to be integral to the process was so that the choices and decisions that went into the small area plan would not conflict with the Minneapolis Plan for Sustainable Growth (aka"the Comprehensive Plan" and "the Comp Plan") - it was CPED's essential responsibility to insure that the

options the consultant put forward and that were brought up as possibilities by the community were "legal" and acceptable according to the Comp Plan – a basic requirement of any small area plan, of which there are now approximately 50 in the City.

From the beginning of the 18-month public small area plan planning process:

• The C1 maximum 3-story 42' height limit for downtown Linden Hills was a valid choice approved by CPED.

• The community emphatically stated a choice and preference for a maximum 3-story/42' C1 building height limit for downtown Linden Hills.

• At the very end of the public engagement process, CPED reversed and withdrew its approval of C1 height limits for downtown Linden Hills, so that now in place of what the community wanted the small area plan to clearly say, there is language able to be read in differing ways about recommended height limits for the downtown C1 parcels.

In conclusion:

1. CPED's management of the neighborhood's $60,000 and of the public engagement process about building height was seriously flawed: CPED first said "Yes" to C1 height limits for approx. the first 16 months of public engagement, and then said "No" when the public process was ending. The community ended up being misled on the very matter that was the main reason for writing the small area plan in the first place.

2. The small area plan's some say ambiguous guidance about height limits in C1 downtown Linden Hills should be interpreted by LHiNC in light of the community's clear intent, and the expenditure of $60,000 of neighborhood funds, to state to developers: "3 stories/42' maximum height for the downtown's C1 parcels."

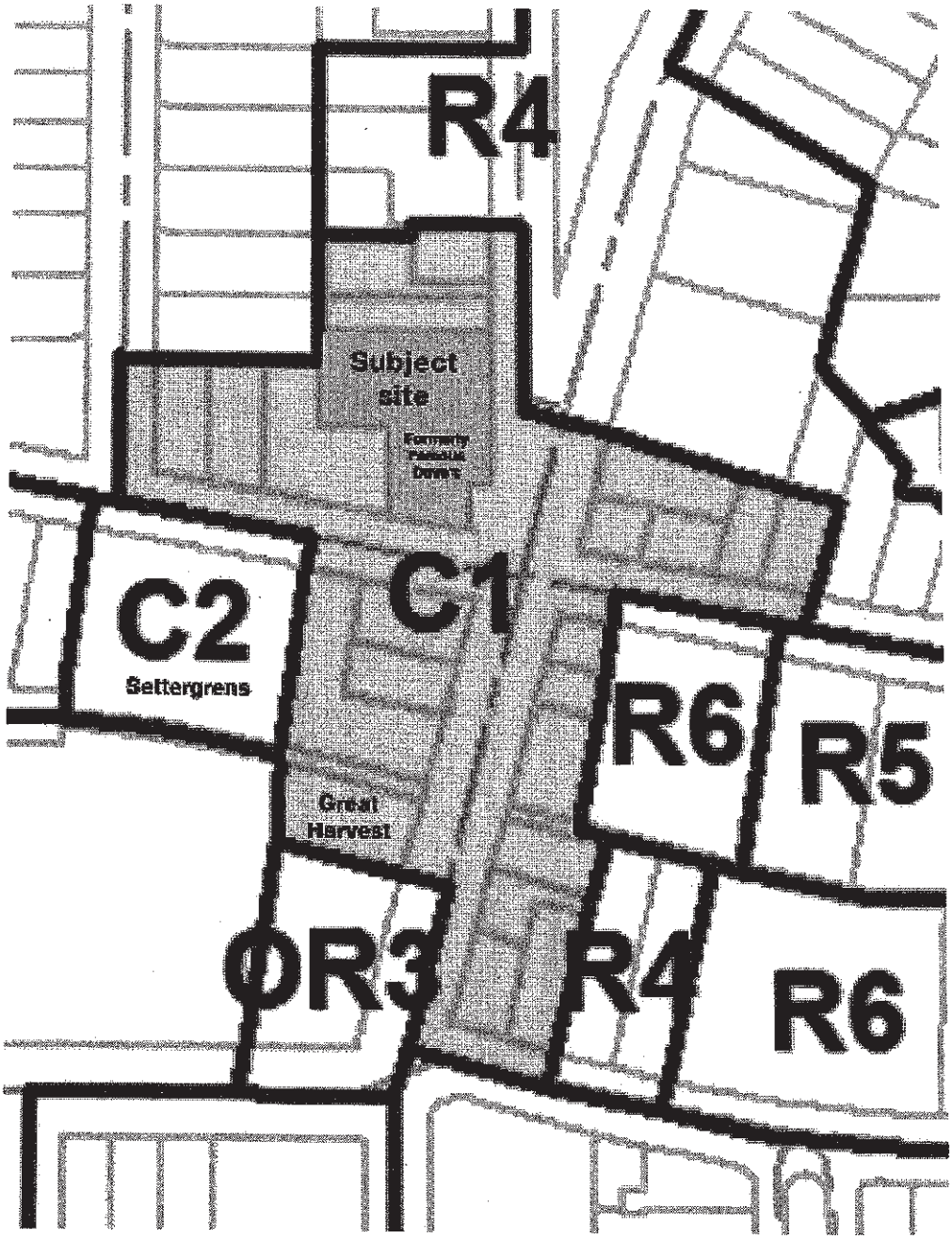
3. The illustration below shows the subject site in the midst of the downtown's C1 parcels. If a conditional use permit is granted for the construction of the proposed C2 4-story building on the subject site, what will prevent the next developer's from claiming their right to the same C1 height exemption for the rest of the downtown? This is most definitely not what the small area plan envisions and recommends.

Recommendation:

1. That LHiNC vote to maintain the neighborhood's small area plan intended 3 story/42' C1 height limits (now in place) which were clearly stated by residents with CPED's endorsement to be the small area plan's height limits for downtown Linden Hills, that is, until CPED turned on the community's choice at the very end of the planning process and the plan's clarity on this matter was compromised.

Thank you.

Grant Hawthorne
Former LHiNC Board Member and Co-chair
4230 Abbott Avenue South


R4
Subject site
Formerly Pancake Diner
C2
Settergrens
C1
R6
R5
Great Harvest
R3
R4
R6

June 1, 2015

Dear LHINC Board Members:

As you know, Linden Hills spent $60,000 and 18 months asking for public input and developing a small area plan so the community and developers wouldn't be fighting and wasting time that occurred with Linden Corner. Through the small area planning process the community was unequivocally clear that the 43rd and Upton area should stay at 3 stories (C1 Zoning). The final plan even states that the majority of the project participants favored building heights between 1-3 stories at 43rd & Upton and 44th & Beard so that new development would fit the existing context (p. 25).

What you may not know is that the initial draft of the Small Area Plan took the neighborhood's desire into account and recommended a maximum building height of three stories in the 43rd and Upton Ave nodo. It was only after the City's Planning Commission insistence that the building heights in the village be increased to meet some obscure goal of the City's Comprehensive Plan, that then-Councilwomen Betsy Hodges recommended the compromising language of "Encourage overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage buildings that are shorter than the current Zoning Code maximums for 3 and 4 story buildings (42 feet and 56 feet respectively) in the Linden Hills Small Area Plan." The current zoning of Linden Crossings is C1. We need to stick to the maximum height of 42 feet in the C1 zoning districts.

If the City truly believes that the City will not meet its density goals without allowing 55-foot high buildings in C1 zoning districts, then why not just upzone all C1 zoning districts to allow 55-foot high buildings? Because these are the lowest density commercially zoned districts that are supposed to provide a buffer/transition to adjacent single-family neighborhoods. A 55-foot high building, twice the height of adjacent single-family homes, does not provide an appropriate transition. Every other neighborhood would object to such an upzoning.

The strength of the downtown Linden Hills is that it's charming and cozy, "Main Street" American. People are attracted to Linden Hills because of its small town feeling. Small towns in Minnesota have two-story, and occasionally three-story, buildings. Small towns do not have four-story buildings in the hearts of their downtowns. Planning 101 prescribes that communities should build on their strengths, not weaken them. The proposed four-story building runs contrary to the historic "Main Street" small-town appeal of Linden Hills.

Twenty of the 22 commercial buildings in the Linden Hills village are one or two stories in height. The proposed building would be the only building over three stories that would be built without a setback and the only commercial "Main Street" building over three stories. This definitely is not in keeping with the character of the area.

LHINC should support the SAP that the neighborhood advocated: a maximum building height of three stories in the C1 zoning districts.

Sincerely,

Pat Smith

-----Original Message-----
From: greenfire@usfamily.net [mailto:greenfire@usfamily.net]
Sent: Thursday, July 23, 2015 12:20 PM
To: info@lindenhills.org
Subject: 43rd and Upton Development

A 4 story building is totally unacceptable.

As it is, the building is completely out of character with the neighborhood.

Not to mention that it is hideous and an eye sore.

I have lived in the Linden Hills area for more than 50 years.

-----Original Message-----
From: Jeff Rye [mailto:rye@sift.net]
Sent: Friday, July 24, 2015 7:51 AM
To: Smith, Mei-Ling C.; Palmisano, Linea
Subject: Proposed Development at 43rd and Upton Ave S

Good morning,

I am writing as a homeowner and resident in Linden Hills to convey my *strong disapproval* of the proposed development and conditional use permit at 43rd St W and Upton Ave S. You can find some project info at:

http://lindenhills.org/43rd-upton-development/

I ask you to *not* support this project in its current form. Please ensure that any development at this site conforms to the existing zoning regulations.

I am especially concerned about the height of this development. The plan wants to build to a height of 54 feet, which is 12 feet higher than the current regulations allow. Moreover, these heights do not include the HVAC/service equipment that will be installed on the roof of the proposed building, further increasing the height.

The existing zoning regulations allow for a project that fits with the neighborhood in general and this location specifically. Allowing the developer to increase the height of the building beyond the current regulations will negatively impact the site and the neighborhood.

If you wish to discuss my opinions further, I would be happy to meet with you in person, talk on the phone, or exchange emails.

Thank you,

Jeff Rye
Homeowner and resident
4408 Vincent Ave S
Minneapolis, MN 55410

--
Jeff Rye
612-382-6286
rye@sift.net

Smith, Mei-Ling C. CPC #5

From: Magnuson, Jeffry <Jeffry.Magnuson@opus-group.com>
Sent: Wednesday, August 12, 2015 2:59 PM
To: Smith, Mei-Ling C.
Subject: RE: 43rd and Upton Development Zoning Sub-Committee vote

Minneapolis Planner Mei-ling C. Smith;

I am a member of the Zoning Sub-Committee of the Linden Hills Neighborhood Council. On May 18th, 2015, the zoning sub-committee discussed the proposed development at 43rd and Upton.

After discussion by the zoning sub-committee members as well as the public in attendance, I made a motion to oppose the proposed CUP to increase the allowed height for the building from 3 stories / 42 feet to 4 stories / 54 feet, but not oppose the setback variances.

A vote was taken. Participating in the vote was the zoning sub-committee as well as the public in attendance. The vote was 18-3 in favor of my motion to oppose the CUP for height.

Please include the information regarding this vote in your packet to the Planning Commission members.

Thankyou;
Jeffry Magnuson

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If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the listed email address. Thank You.

June 1, 2015

Dear Planning Commissions:

The proposed 43rd & Upton proposal should be denied for the following reasons:

1. The project does not meet the CUP requirements
2. Does not meet the goals of the Linden Hills Small Area Plan
3. The precedent it will set for other C1 zoning districts

The project does not meet the Conditional Use Permit requirements to increase the height of the building from 3 stories/42 feet to 4 stories/54 feet

The height of mixed-use buildings in the C1 Zoning district may be increased with a Conditional Use Permit if the development meets all of the conditions and standards listed in 548.110 and 525.340. If the project fails to meet ANY one of these conditions, the Conditional Use Permit should legally not be approved. The proposed development fails to meet several of these conditions and standards:

1. The scale and character of the surrounding uses (548.110).

Scale: The proposed development is out of scale to the surrounding uses. The buildings that establish the context for the proposed development are one, two and two and half stories in height. The proposed building will be five times the height of the adjacent commercial building to the west and twice the height of the condominium building to the north. That is not in scale with the surrounding buildings.

Character: The one common theme of all compelling places to visit is harmony from Lanesboro's historic downtown to the great Italian piazzas. The proposed building is nothing like the surrounding buildings and is thus out of character and actually creates disharmony, which is why so many Linden Hills residents oppose it. With two exceptions the building is twice as tall as EVERY commercial building in Linden Hills. Twenty of the 22 commercial buildings are one or two stories in height. With its floating walls and six different building materials (metal, brick, wood paneling, tile and TWO types of stucco), the building is designed to be at the U of M campus, not Linden Hills. The buildings in Linden Hills are simple in design and constructed of one material. The City should deny the CUP for not meeting this requirement alone.

2. Shadowing of residential properties (548.110).

The four-story development will definitely have the negative effect of shadowing the adjacent single-family residences to the west and the Upton Manor condominium building to the north. The 4-story building is less than 10 feet (3 large steps) from the single family properties to the west. The building will eliminate all morning sun to these properties.

3. The conditional use will be injurious to the use and enjoyment of other property in the vicinity (525.340).

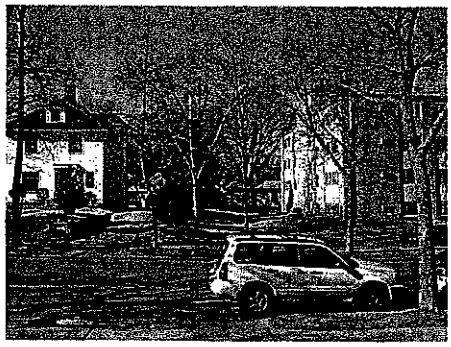
Front yards are supposed to be the public spaces while backyards are supposed to be private spaces. Three single-family homes backup to the proposed development. Right now these homes have functional, private backyards. With condominium units four-stories high, only 9 ½ feet away, looking down into these adjacent backyards, the proposed development would severely diminish the private function of the backyards of these three single-family homes.

4. The conditional use is inconsistent with the applicable policies of the comprehensive plan (525.340).

The City's Comprehensive Plan designates Downtown Linden Hills as a "Neighborhood Commercial Node." Regarding Neighborhood Commercial Nodes, the Comprehensive Plan states that the City will:

- "Ensure appropriate transitions between uses with different size, scale and intensity." (1.2)

  Comment: Only six buildings in the area are greater than three stories tall. Of these six, only one abuts a single-family property. However, that building is 3-1/2 stories tall and is the same height as the adjacent single family structure.



  The other five buildings over three stories have appropriate buffers from single-family residences. The proposed 5-story building, on the other hand, is 20 feet from three single-family lots and is twice as tall as those single-family residences. This is not an appropriate transition.

- "Encourage the development of medium- to high-density housing where appropriate within the boundaries of Neighborhood Commercial Nodes, preferably in mixed-use buildings with commercial uses on the ground floor." (1.11.5)

  Comment: A mixed-use development is a logical development pattern for this corner; however, a four-story building is NOT appropriate for this location with one, two, and two and half story buildings surrounding it.

- "Engage in dialogue with communities about appropriate locations for housing density, and ways to make new development compatible with existing structures and uses." (3.2.2)

  Comment: The Linden Hills residents have been formally asked twice what type of development should occur in the Linden Hills village – 1) the "Linden Hills Neighborhood Design Framework: A Plan for the Commercial Districts," where participants expressed their desire for "Main Street" type development of 2 – 3 stories, and 2) the Linden Hills Small Area Plan where the community was unequivocally clear that the 43rd and Upton area should stay at 3 stories (C1 Zoning). The final plan even states that the majority of the project participants favored building heights between 1-3 stories at 43rd & Upton and 44th & Beard so that new development would fit the existing context (p. 25).

- "Infill development shall reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings." (10.8.1)

  Comment: The City's Comprehensive Plan uses a picture of a 2 ½ story house next to a 1 story house as poor urban design because the 2 ½ story house is out of context with its surroundings (p 10-11). The proposed four-story building will likewise be poor urban design, being twice as high as the surrounding one, two and two and half-story buildings, and as previously mentioned, does not reflect the pattern, materials height and scale of surrounding buildings.

Setting a Precedent throughout Minneapolis

Almost all developers will find existing buildings to support their proposed development as an example that precedence has been set for them to build what they want to build. The developer for 46th & Upton is using such an argument. Many C1 zoning districts throughout Minneapolis are made of "small scale retail sales and commercial services that are compatible with adjacent residential uses" which is the purpose of the C1 zoning district. How many 54-foot buildings are built in any other C1 zoning district in Minneapolis? It would be a shame if future developers used 46th & Upton as an example for a precedent being set for other four-story buildings in other C1 zoning districts (those closest to single-family neighborhoods) throughout Minneapolis.

Does Not Meet the Goals of the Linden Hills Small Area Plan

One of the main goals of the Linden Hills Small Area is for "Renovation and new development support and enhance the existing scale and character of the neighborhood." Being twice as high as 91% of the commercial buildings and adjacent single-family homes is not supporting and enhancing the scale of the neighborhood. Designing a building that is out of character in materials, proportions, composition and design (complexity vs. simple) is not supporting and enhancing the character of the neighborhood.

Another goal of the Plan is to "Keep and enhance what makes the Linden Hills commercial district unique" and "Ensure appropriately scaled development." At 43rd and Upton "The small scale of buildings, characterized by modest width and height, create a pedestrian friendly, human-scale

character that the community wants to preserve and enhance." Fifty-four-foot buildings are not pedestrian friendly or human-scale.

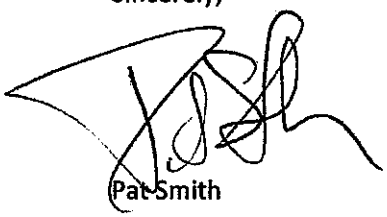
In Conclusion

Most residents are not opposed to development at this corner, nor are we afraid of change. On the contrary, we would like to see this corner developed, bringing more business and more variety of housing to our neighborhood. However, we don't believe the neighborhood or the City has to settle for a development that doesn't meet the City's Comprehensive Plan policies, the zoning ordinance regulations, or the desires of the neighborhood as expressed in the Linden Hills Small Area Plan.

Citizens become distrustful of government officials when citizens are asked what type of community they want, and Comprehensive Plans and Zoning Ordinances are drafted to achieve the citizens' visions, only then to have city officials approve a development that doesn't meet the policies and goals of the Comprehensive Plan or the regulations of the Zoning Ordinance.

The Planning Commission should support the SAP that the Linden Hills neighborhood advocated: a maximum building height of three stories in the C1 zoning districts.

Sincerely,



Pat Smith

Smith, Mei-Ling C.

From: rghawthorne <rghawthorne@goldengate.net>
Sent: Friday, August 14, 2015 9:13 AM
To: Smith, Mei-Ling C.
Cc: Palmisano, Linea; Hodges, Betsy A.; Rebecca Gagnon
Subject: Fwd: CPED coerced the content of the Linden Hills Small Area Plan
Attachments: summary for leadership Linden Hills Small Area Plan Briefing 131219.pdf; ATT00001.htm

Dear Ms. Anderson and Members of the Minneapolis Planning Commission:

For the first 16 of 18 months of the small area planning process supervised by CPED, CPED condoned and approved the small area plan option of maintaining the existing 3-story 42' C-1 building height limits in the downtown Linden Hills commercial node. Then, despite the attached pdf document proving that CPED continued to believe these same C-1 limits to be TMP-compliant, CPED coerced the LHSAP Steering Committee, after the small area public planning process had closed, to remove the hard C-1 limits 75% of the resident participants had chosen over 16 months of engagement to be in the Plan.

LHiNC paid CPED $60,000 to supervise the small area planning process on its behalf. CPED's duplicity in this matter was unethical and was a breach of fiduciary trust: the main purpose of the small area plan was for the neighborhood to express its mind about building height maximums, as this need was made evident by the "Linden Corner" development controversy. The neighborhood was intentionally thwarted and deprived by CPED to its right of due process and good faith dealing.

Sincerely,

Richard Grant Hawthorne
4230 Abbott Avenue South
Minneapolis, MN 55410
612.508.1937

Linden Hills Small Area Plan: Briefing on Key Content Issues

December 19, 2013
Prepared by Brian Schaffer

Policy Context: Adopted City Policy Regarding Density
The Minneapolis Plan for Sustainable Growth (TMP) establishes a framework for growth and density based on established land use features. Growth Centers such as Downtown, Basset Creek Valley and the University of Minnesota are areas we expect to see the most growth, development intensity and housing density. Activity Centers such as Uptown, Lyn-Lake and East Hennepin are the next intensive in development, followed by Commercial Corridors such as Nicollet and Hennepin Avenues. Neighborhood Commercial Nodes and Community Corridors represent the next level of development intensity- policy in the TMP calls for smaller-scale development for these land use features

Linden Hills consists of three neighborhood commercial nodes and two community corridors.

Policy Context: Adopted City Policy Regarding Building Height
The Minneapolis Plan for Sustainable Growth (TMP) does not set a recommended height or maximum height for new buildings within the City of Minneapolis. The height, massing, length and transitions of a new building are based on the interpretation of the policies of the TMP. Most specifically guidance around these issues sits at the crux of three major topics of policy in TMP: Housing, Land Use and Urban Design. The TMP does not weight one policy or topic of policy over the others. Together these policies need to be interpreted to shape the location, intensity and design of development in locations throughout the City.

The guidance in the Linden Hills Small Area Plan (LHSAP) was developed within the policy framework of the TMP. The applicable policies of the TMP are included in the Plan for reference and can be found in the TMP. The following is a summary of these three areas of policy.

The TMP calls for medium and high density housing in appropriate locations across the City to grow the housing supply and the population of the City. The TMP further refines appropriate locations for medium and high density housing within Linden Hills through the land use features of neighborhood commercial nodes and community corridors. Neighborhood Commercial Nodes are guided for medium and high density, with medium density adjacent to the nodes to serve as a buffer to lower scale residential area. Community corridors are guided for a range of low to high density[1] development and higher densities are promoted near neighborhood commercial nodes. The policies about appropriate locations for density are accompanied by Urban Design policies that promote building orientation, scale, form, massing, buffering and setbacks that are appropriate with the context of the surrounding area. The TMP specifically states "smaller-scale,
multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes"

The Land Use & Intensity and Building & Site Design sections of the LHSAP provide a thorough analysis of the past and current development patterns and building and site

[1] The narrative of the TMP states a range from low to high density housing, however the specific policy language only states low and medium density housing. This one of a few locations in the TMP, our adopted policy that we are legally required to base our decisions on, that there is inconsistent guidance.

characteristics to define the context that TMP polices call for new development to be "compatible" or "appropriate" with.

Regulatory and Recent Project Based Context Regarding Building Height:
The regulatory framework and the recent building examples indicate that desired levels of density are achievable at three stories.

The Zoning Code sets a maximum height of 2.5 stories or 35 feet for the C1 Neighborhood Commercial District. The height of a mixed use building can be increased to 3 story and 42 feet. To have a taller building requires a Conditional Use Permit (CUP) and is not allowed as of right. Allowable base FAR is 1.7 and through two bonuses could climb to 2.38.

Several built examples of contemporary three story mixed use buildings exist in Minneapolis indicating that it is feasible to develop three story buildings at desired densities for neighborhood commercial nodes (medium density [20-50 du/acre] and high density [50 - 120 du/acre]).

4954 Xerxes Avenue S: 3 story mixed use- Medium density (36 Dwelling Units per Acre)

2803 38th Street E: 3 story mixed use- High density (70 Dwelling Units per Acre)

It should be noted the Zoning Ordinance was amended this fall removing the minimum lot area (MLA) requirements several of the zoning districts. This could now allow for more units to occupy a similar building bulk, thus allowing more density.

LHSAP Context: Getting to the Plan's Final Direction on Building Height
Throughout the process of developing the LHSAP CPED staff attempted to illustrate to the steering committee and the public that compatible and appropriate building designs do not necessarily mean three story developments.

In fact, the two building examples above were discussed in with both the public and the steering committee. In both groups there were concerns that these buildings lacked good design and were basically boxes that did not respond well to the context. Using the Development Advisory Group (panel of Don Gerberding of Master Development, Colleen Carey of Cornerstone Group, and Mary Bujold of Maxfield) we discussed that while three stories is technically feasible from a development perspective that allowing additional height would allow for additional project revenue that could allow for the more contextual designs that the steering committee and community desired.

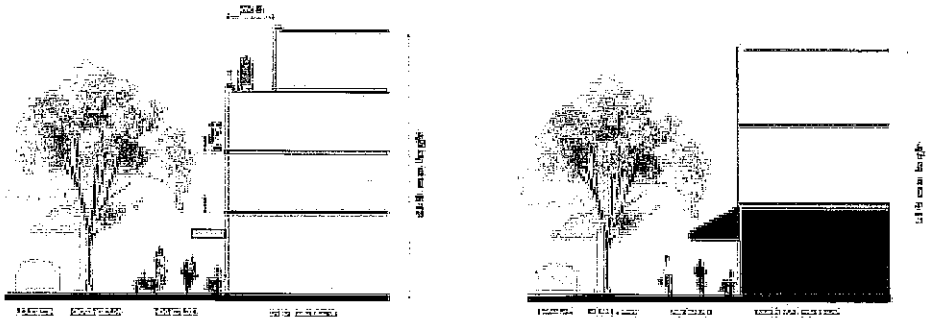
The steering committee and the community recognized that the three neighborhood commercial nodes were not all the same. The 44th & France node did not possess traditional urban fabric from the streetcar era and was more representative of the auto-centric development patterns of the mid-century. The community was deeply connected to the traditional urban fabric of the 43rd & Upton and 44th & Beard nodes. This traditional urban fabric created a sense of place and created the physical character that was highly valued in the community. The variations in built form between the nodes created a framework for to provide different guidance regarding height and massing in the 44th & France node compared with the rest of the study area. The 44th & France node also possess the most redevelopment potential.

Ultimately, the concerns over building height outweighed the design considerations with the steering committee and they recommended three stories for the 43rd & Upton and 44th & Beard nodes in the 45-day public comment draft document and allowed for 4 stories in the 44th & France node.

The CPED project manager had concerns over the building height in this draft of the plan, but ultimately the recommendation was consistent with the policies of the TMP, albeit not fully consistent with CPEDs interpretation of those policies.

Comments made by various departments of CPED, the Southwest Sector Team and the City Planning Commission (CPC) also expressed concerns over this and other elements of the plan. CPED's Project Manager provided the steering committee with these concerns and introduced a proposal to achieve a fourth story while keeping buildings squatted. CPED proposed a height of 50 feet for a four story building instead of just stating four stories and sticking with the current zoning code definition of 4 stories being 56 feet. This was done as it became clear that the overall building height and not necessarily the number of stories was point of most concern.

It is important to note that the CPED proposal signified the point where the recommendations in the LHSAP became more prescriptive. This was an attempt to integrate building design concerns into the consideration of height. The CPED project manager with consultation of LRP Staff, the LUDP Liaison and the Consultant team felt that this was appropriate to alleviate concerns about deficiencies in the Zoning Code in accomplishing the goals of the LHSAP and the TMP listed in the first section of this document. The maximum height of 56 feet was extremely problematic with the steering committee as even the tallest three and four story buildings in Linden Hills were considerably less in height - approximately 40 feet. It was discussed that a three and four story building can have very similar heights.



Images from page 47 of Linden Hills Small Area Plan illustrating using the same height in feet to accomplish 3 and 4 story buildings.

The steering committee did not accept the CPED suggestion of a 50 foot height for four story buildings and looked to find the minimum height of a four story building to accomplish the expressed desire for a fourth story to achieve more density. This resulted in the 44 foot height in the final draft of the plan that was taken to the City Planning Commission.

The CPED staff report walked the CPC through the TMP policy language and identified specific concerns about the measurement of height, achievability of four story mixed use buildings with the 44 foot height requirement, and presented the CPC with guidance on directing changes to the plan if they had concerns with the height listed in the plan.

The language introduced by CM Goodman in the Z&P Committee meeting on December 9th was provided by the CPED project manager to CM Hodges's office on Saturday December 7th in response to a conversation with the Ward 13 policy aide on Friday December 6th. This language was developed to address the intent of the original height guidance in the plan- to encourage building heights that are less than what are defined in the Zoning Code for three and four story buildings.

Past Context for Specifically Addressing Building Height in Small Area Plans
Addressing building height specifically in a plan is not common, but it has been done twice in the past 12 years.

- Historic Mills District Master Plan and Update: (2001)Describes height in feet. Page 14 of plan has a height maximum in feet does not correspond to Zoning Code's 14ft tall story height. It states 4 or 5 stories at 63 feet. In the Zoning Code four stories equals 56 ft and five stories equals 70 ft. 63 feet equals 4.5 stories
- Uptown Small Area Plan: (2008) Describes height using feet purposefully over stories, but foot recommendations equate to Zoning Code Definitions of stories. Demonstrates 4 and 5 stories are possible within 56 feet and discusses the fact that the foot height of buildings of the same number of stories can be different. See pages 74 and 78 of the plan.

"4 stories, neighbors be damned"

BOB KOST the Consultant chosen by the neighborhood under pressure from "the City", bails on the neighborhood and does not attend the final Two Steering Committee Meetings, CPED goes from manager to author the plan.

From: Bob Kost [mailto:bkost@sehinc.com]
Sent: Wednesday, October 16, 2013 4:37 PM
To: Schaffer, Brian C.
Cc: Ana L Nelson
Subject: Re: LHSAP: Chat about potential revisions

Hi Brian, happy to chat on Friday. In all honesty, we haven't got the budget to do new graphics or develop a lot of new content, that said, we can hopefully refine or revise some things we've already done to graphically address some of these issues.

I dont want to get caiught in between the City's desire for height and density and the steering committiee's direction (as described in the plan) so let's have a strategy for dealing with that.

Assume if the City says thingsneed to stay 4 stories, neighbors be damned, SEH is

---

going to have to revise the plan. If this is what comes to pass, we will definely do what we're told, but we'll also be asking for +$ to do so, as it would be a substantive change from the SC's desires and directives. Hope that makes sense?

THE UNMAKING OF
THE LINDEN HILLLS SMALL AREA PLAN

THE CORRUPTION AND MISUSE OF A NEIGHBORHOOD'S GOOD FAITH - SOCIAL CONTRACT, WITH THE CITY OF MINNEAPOLIS.

3 STORIES IN C-1 ZONES, COMMUNITY PREFERRED VISION, TMP COMPLAINT, ACHIEVABLE DENSITIES.

WHAT WENT SO TERRIBLY WRONG AND WHY DOES IT CONTINUE TO THIS DAY?

WALTER PITT
Minneapolis Resident
August 13, 2015

TO THE PLANNING COMMISSIONERS:

I love my neighborhood. Our neighborhood. When developers, with political backing, came to bust the protections of our C-1 zone. The neighborhood rallied together and protected the heart of Linden Hills, its Neighborhood Commercial Node at 43rd and Upton.

In order to ensure that it would happen again, full of faith in a city managed process, we set out to create our community's vision for the future.

I love that we all joined together to make a Small Area Plan to protect our neighborhood from over reaching land speculators. Collaboration led to community vision, and vision led to the plan, and we were happy.

But soon enough we realized something was wrong. After submitting our plan to the city, full of its Consultant approved language and road tested CPED managed content, our plan was suddenly in limbo, rejected at City Hall by the Planning Commission and CPED.

A three story encouraged height limit was not going to cut it they said, 3 stories was not consistent with The Minneapolis Plan for Sustainable Growth guidance of achievable densities our CPED manager informed us.

The Consultant we chose who was to work with our Steering Committee went AWOL, so did our City Council Memebr and her staff.

But to make a long story short, CPED now managing and authoring their plan offered a deal in exchange for including a 4 story heigh limit. 44 feet they said ,only two feet higher then the 3 story height limit of 42 feet we wanted, so we took the bait, and they made the switch, dropping the 44 feet height limit but keeping the 4 in our plan, well their plan. Well they put their heads together, the CPED manager and our City Council Representaive's office and wrote a soon to be

very ignored and maligned staff directive, and called it a day with a rushed vote by the City Council itself.

All in all a dirty deed, but not done dirt cheap. Sixty thousand dollars of neighborhood funds traded hands, from us to them us to them, form here to there, but not back again.

Soon enough, with the next development asking for Conditional Use Permits for heights of 4 stories/56 feet and Variances for decreasing set backs, we knew we had been had when CPED used our Linden Hills Small Area Plan against us. They said it actually supported this idea of 4 stories 56 feet, that it was our vision as stated in, well, their plan.

Well that land speculator dropped out because he couldn't finance his development, but as soon as he fell away a new development team has now apparently purchased the lot which was on the tax rolls for Six hundred thousand dollar, for a whopping 1.68 million dollars, based on the assurance of the first developers lawyer, who is now working for the second developer, to get the same Conditional Use Permits for height and Variance to decrease set back, but for a new and vey modern building. I get tired just thinking about it.

I have to say, I am greatly saddened by the continuing attempts by CPED to push a 4 story 56 foot building into a C-1 Zone (3 story 42 feet) at the South West corner of 43rd and Upton in Linden Hills. A building of this height IS NOT consistent with either the Linden Hills Small Area Plan or the current allowed zoning code maximums for the site.

The clear direction of the Linden Hills Small Area Plan, as adopted, recommends 3 stories 42 feet, (not 4), at this C-1 site in the 43rd an Upton Node and, low an behold, is consistent with guidance of The Minneapolis Plan For Sustainable Growth (TMP). Hallelujah!

And how do we know that? The very same manager, who put the kibosh on our original three stories by telling us it wasn't consistent with The Minneapolis Plan for Sustainable Growth's guidance for

density, turned around and wrote a internal document to his bosses where in he changed course and stated that the neighborhood's recommendation for 3 stories is in fact consistent with The Minneapolis Plan for Sustainable Growth (TMP).

Alls well, that ends well, you would think right? No wrong. There has been no redress of past sins by CPED, no setting the record straight, just more of the same CPED push for precedent setting heights in one of the most "small town" looking commercial neighborhood node in the city.

Somebody should know about this, you mights say. Well, some people know and more should. Especially those who blindly trust our City department to do the right thing or our elected officials to come to our rescue.

If C-2 heights in C-1 zones are indeed what "the City" wants, they should not be trying to create a precedent by nefariously back dooring a 4 story 56 foot tall building into a commercial node of low rise buildings (21 of 24 are 1-2 stories and the 3 remaining 3 story buildings have heights of @ 32, 39, and one less then 48)

But, instead they should be using the existing rezoning process in accordance with assurances given by Betsy Hodges our Mayor.

CPED staff support of this application for a CUP to exceed the allowed zoning code height C-1 maximum, reduce the Variances for prescribed setbacks, and increase first floor heights which are not consistent with adjacent properties, fly directly in the face of everything the neighborhood (Minneapolis Residents) tried to accomplish by engaging in and completing their Linden Hills Small Area Plan and should not be approved.

It takes a village they say. So maybe you will help, decide to turn right around too, once you know the truth.

WALTER PITT Minneapolis Resident/Linden Hills Neighbor

ON WHAT ARE THE LINDEN HILLS SMALL AREA PLAN'S RECOMMENDATIONS BASED?

Building Site and Design (P. 10 LHSAP)

Building height was explored in stories and in feet during the planning process. The Plan's recommendations are based on considerable exploration of building height impacts and preferences with the community. Due to the existing character and development patterns at

The Linden Hills Small Area Plan identifies both the C-1 and the C-2 zones, which exist, as context for the neighborhood and specifically the 43rd and Upton Node.

The plan continually refers to 1-3 stories, modest height and low rise buildings in the 43rd and Upton Node and the preference of the community to keep that height for its C-1 zone.

The preferences of the community for three stories can be seen in reviewing the public data of the vote taken on TMP consistent options, provided by the LHSAP Consultant, to determine community preferred building design, at which a height maximum of 3 stories was supported by the majority of attendees and 4 stories was not.

Subsequently, the LHSAP as written, never states any specification to encourage or direct 4 story buildings into C-1 zones, which would be inconsistent with zoning, at this 43rd and Upton C-1 site.

Instead, the LHSAP as adopted, recommends 3 stories for this 43rd an Upton site and conveys that the height of 3 stories 42 feet is consistent with the guidance in the TMP.

HOW IS THE COMMUNITY'S PREFERENCE FOR 3 STORIES 42 FEET IN THEIR C-1, CONSISTENT WITH THE MINNEAPOLIS PALN FOR SUSTAINABLE GROWTH?

In the beginning, the base line for the development of recommendations for LHSAP was that they had to be consistent with the TMP.

THE INTENT of the LHSAP is clear: to allow for desired densities called for in The Minneapolis Plan for Sustainable Growth (TMP)

Building and Site Design (P.11 LHSAP)

> The intent is to allow the for the desired densities called for in City policies while encouraging compatible design though lower maximum building heights than allowed in the current zoning code.

The neighborhood's preference and recommendation of 3 stories for the 43rd and Upton Node and its compliance with the The Minneapolis Plan for Sustainable Growth (TMP), *"ultimately the recommendation was consistent with the policies of the TMP"*, is confirmed by an internal CPED document Planning Commissioners probably have not ever seen, but was apparently exclusively provided to CPED leadership by the LHSAP Project Manager:

The Linden Hills Small Area Plan: Briefing on Key Content Issues. Brian Schaffer. December 19th, 2013. In a folder called Summary for Leadship that also contained a document relating Ward 13 involvement .

Ultimately, the concerns over building height outweighed the design considerations with the steering committee and they recommended three stories for the 43rd & Upton and 44th & Beard nodes in the 45-day public comment draft document and allowed for 4 stories in the 44th & France node.

The CPED project manager had concerns over the building height in this draft of the plan, but ultimately the recommendation was consistent with the policies of the TMP, albeit not fully consistent with CPEDs interpretation of those policies.

This same document also confirms that in regard to:

The Land Use & Intensity and Building & Site Design sections of the LHSAP provide a thorough analysis of the past and current development patterns and building and site

[1] The narrative of the TMP states a range from low to high density housing, however the specific policy language only states low and medium density housing. This one of a few locations in the TMP, our adopted policy that we are legally required to base our decisions on, that there is inconsistent guidance.

characteristics to define the context that TMP polices call for new development to be "compatible" or "appropriate" with.

Regulatory and Recent Project Based Context Regarding Building Height:
The regulatory framework and the recent building examples indicate that desired levels of density are achievable at three stories.[1]

Regulatory and Recent Project Based Context Regarding Building Height: "The regulatory framework and the recent building examples indicate that desired levels of density are achievable at three stories."

SINCE THE COMMUNITY PREFERENCE AND RECOMMENDATION FOR 3 STORIES WAS, IN FACT, CONSISTENT WITH THE TMP, BUT WAS EXCLUDED, WHAT HAPPENS NOW?

WHAT IS THE PLANNING COMMISSIONS'S RESPONSIBILITY TO THE PROCESS?

Commissioners must have some duty to follow the Policy of the TMP and the adopted LHSAP.

JACK BYERS CPED, in comments to Brian Schaffer regarding what the CPC (Planning Commissioners) should be told in writing: The Linden Hills SAP needs to comply with the currently adopted com plan and not the one they wish they had or even the next com plan.

Department of Community Planning and Economic Development
Small Area Plan/Comprehensive Plan Amendment
Date: December 2, 2013
Project Name: Linden Hills Small Area Plan
CPED Staff and Phone: Brian Schaffer, Principal Planner

Jack Byers EMAIL CONTINUED...

Something else that is quite important that the CPC should be told in writing and that is this: The Linden Hills SAP needs to comply with the currently adopted comp plan, not the comp plan they wish we had or even the next comp plan. They need to be told very plainly that they cannot have a policy expectation about carrying capacity and fair share of growth when our current comp. plan does not couch things in those terms and does not specific a build-to requirement.

JACK BYERS/CPED

The LHSAP identifies the context and community preference to protect the 43rd and Upton Node, for its existing context, its historic value, and the neighborhoods desire to keep its C-1's at 3 stories, which is compliant with the The Minneapolis Plan for Sustainable Growth's (TMP) density goals for Minneapolis.

Apparently, regardless of the initial stated intent of the LHSAP put forth by our now Mayor Betsy Hodges, "the City" intended all along to produce a LHSAP which provided for C-2 height maximums of 56 feet, in C-1 zones (height maximum of 4 feet) zones. The tools to accomplish this were: the coercion of the neighborhood's chosen Consultant and supplying a duplicity of information regarding what was, or was not, compliant with the TMP to the neighborhood and the Planning Commission, while providing accurate assessments internally only to CPED leadership.

If C-2 heights in C-1 zones are indeed what "the City" wants, they should not be trying to create a precedent by nefariously back dooring a 4 story 56 foot tall building into a commercial node of low rise buildings (21 of 24 are 1-2 stories and the 3 remaining 3 story buildings have heights of @ 32, 39, and one less then 48)
But, instead they should be using the existing rezoning process in accordance with assurances given by Betsy Hodges our Mayor.

CPED staff support of this application for a CUP to exceed the allowed zoning code height C-1 maximum, reduce the Variances for prescribed setbacks, and increase first floor heights which are not consistent with adjacent properties, fly directly in the face of everything the neighborhood (Minneapolis Residents) tried to accomplish by engaging in and completing their Linden Hills Small Area Plan and should not be approved.

CPED'S staff report which came out today continues this practice of mis information to the Planning Commission .

Non factual information in CPED staff reports has become such the norm, the city attorney simply says the information supplied as objective and subjective.

A six story residential building on a community corridor, which is not adjacent to the site in question, in the same zoning district, or even in the Neighborhood commercial Node, is called 7 stories and used as precedent to support yet another precedent setting height of 56 feet.

Neighboring "homes" are identified as 70 feet from shared property lines when the requirement of the cup is to not to be injurious to the use and enjoyment of other property, which last time i checked start at the property line.

A perfect example of this type of nefarious intent in practice is clearly evident in this section or requirements form the CPED Staff Report

- Encourage overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage buildings that are shorter than the current Zoning Code maximums for 3 and 4 story buildings (42 feet and 56 feet respectively).
- The fourth story of any building in the three neighborhood commercial nodes and along the community corridors shall be stepped back from the street facing façade(s) of the building by at least 10 feet.

The proposed development's building height of 55 feet, 11 inches would be consistent with the overall height guidance provided by the small area plan, as the proposed height would be slightly shorter than the 56-foot maximum for four-story buildings referenced in the small area plan. The small area plan calls for floor-to-floor heights that are shorter than the zoning code maximums of 20 feet for the first story, and 14 feet for every floor above the first. The first floor of the proposed development would be 19 feet in height. The second, third, and fourth floors would be between 11

True: The encouragement is for overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage billings that are shorter than the current Zoning Code maximums for 3 or 4 story buildings (42 feet and 56 feet respectively).

BUT...What the Staff says is: "The proposed developments building height of 55 feet 11 inches would be consistent with the overall height guidance

provided by the small area plan, as the proposed height would be slightly shorter then the 56 foot maximum for four story buildings referenced in the small area plan."

So a reasonable person on the Planning Commission or our City Council is supposed to believe that as an accurate representation of the intent of the LHSAP ?

Seriously... Believe that 1 inch shorter then 56 feet is consistent with overall height guidance intended by the small area plan?

And you supposed to ignore the FACT: that the site in question is actually C-1 zone and that height maximum is stated right there as 3 stories 42 feet, no where near 56 feet.

Are you supposed to ignore the FACT: that there are no "adjacent" buildings or architectural context of heights of 56 feet high. Or the FACT that: there are no buildings in the entire 43rd and Upton Node that reflect or are consistent with a height of 56 feet. None. not one This would be the tallest. Precedent setting, in the Node at 43rd and Upton and all the C-1's in Linden Hills.

Transition Areas

- When a new three or four story building is adjacent to single- or two-family structures, the top floor shall be setback an additional 10 feet from the required rear and side yards of the property. Adjacent structures are defined as properties that share a side or rear property line or an alley with the subject property.

Are you also supposed to ignore the FACT: that the first floor height of 19 feet is not consistent with the first floor heights of the architectural context of adjacent buildings.

CPED ELIMINATES ALL REFERENCES TO 3 STORY COMPLIANCE AND FEATURES OF 3 STORY WITH SETBACKS.

CPED STAFF jumps right to talking about the Small Area Plan's encouragement of the 4th floor being set back, (as if 4 story is recommended for this C-1 site), but it is not anywhere in the the LHSAP. It is a developers fiction created by the lawyer who who has represented every project on this site which asked for a CUP. It is on this advice with the backing of CPED that developer's bought a site in a C-1 zone, with a tax estimated value of 600,000 dollars, for a reported 1.68 million dollars. This granting of any CUP, under this falsehood that the LHSAP supports 4 stories in C-1, will certainly and profoundly alter the orderly development of the Nodes and Corridors, by increasing their underlying land values by @ 166 %. One lie, one number, and every 1 and 2 story buildings in the Node of which there are 21 of 24, are worth astronomically more torn down and replaced with 4 story buildings at heights of 56 feet. Every one of them.

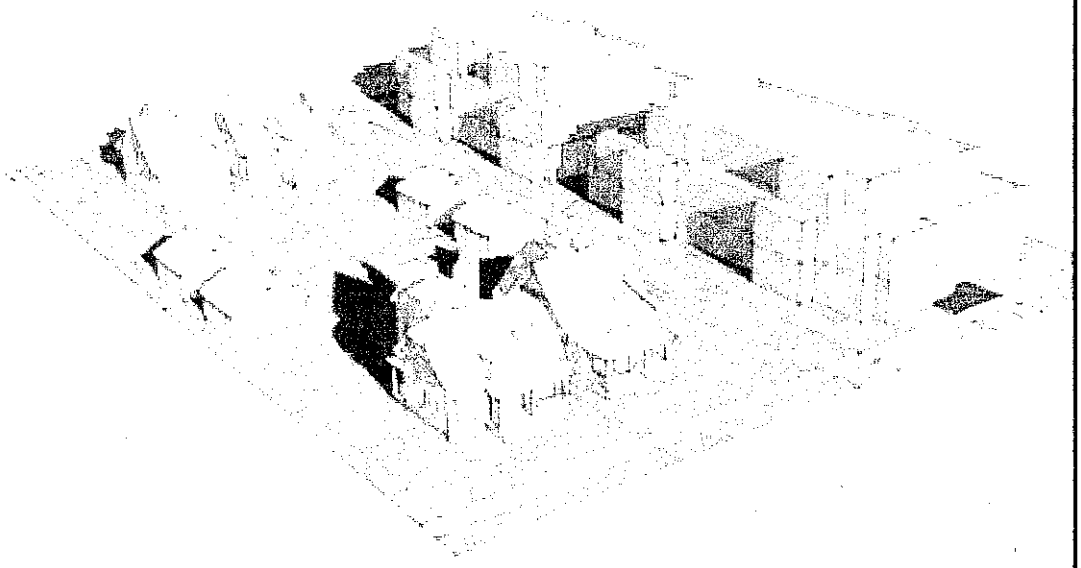
To create this falsehood, (of the LHSAP encouraging 4 stories in Linden Hills C-1 zones), CPED staff has had to willfully omit that in actuality: the LHSAP calls for set backs of the top floor of a three story building of 3 story buildings:

> of views, loss of privacy, and increases in noise and traffic. These concerns and issues relate to City policies that address the need for transitions between higher density and lower density development. The plan calls for additional setbacks for the top floor of 3 or 4-story buildings that are adjacent to low-scale residential properties. It

Where could these 3 story buildings the plan references possibly be? Why in the C-1 of course, where they zoned. But if you work for CPED and want people to believe the falsehood that the LHSAP encourages 4 stories in the C-1, you have to eliminate any mention to 3 story buildings and there set backs included in the LHSAP.

And they do. Along with eliminating the above information about 3rd story setbacks in the LHSAP, CPED has chosen to also exclude the diagrams of:

3 Story TMP compliant buildings, which illustrate their 3rd story, setbacks next to residential R-1's. The case presented here is similar to the C-1 site next to R-1 at the corner of 43rd and Upton.



Stepping back upper stories and articulating the rear facade can reduce the overall mass and scale of new development. This is especially important in transition areas.

And...Here, yet another excluded diagram from the small area plan also illustrating a three story building with its 3rd story set back from single family residential.

Cross section illustrating the transitional zone between the back side of 3-story development and existing single family residential featuring vegetative buffers, a drive aisle and an alley

EXCERPTS FROM THE LINDEN HILLS SMALL AREA PLAN WHICH SUPPORT TMP COMPLIANT - 3 STORIES.

MR. TED TUCKER this ones for you. When you graciously spent time with our Linden Hills Zoning Committee, you said we should base our points on what the LHSAP actually says, I will now include additional recommendations from the Linden Hills Small Area Plan concerning 43rd and Upton that CPED staff has decided to not include.

EXISTING CONDITIONS, CITY POLICY (TMP), COMMUNITY INPUT. (P.7 LHSAP)

This community work was initiated in 2012 by the Linden Hills Neighborhood Council (LHiNC). **The City of Minneapolis managed the creation of the Plan, guided by a LHiNC-appointed Steering Committee. Existing conditions, City of Minneapolis policy, past planning efforts, and input from the community shaped the proposed policies and recommendations described in this Plan.**

No 56 foot tall buildings exist in the 43rd and Upton Node.

DEVELOPMENT PATTERNS 43rd & UPTON. (P.9 LHSAP)

that was oriented toward pedestrians. The pattern is evident in the location and size of commercial lots at 43rd & Upton and 44th & Beard. **The small scale of buildings, characterized by modest width and height, create a pedestrian friendly, human-scale character that the community wants to preserve and enhance.**

The community wants to preserve small scale buildings with modest height.

LAND USE AND INTENSITY (P.9 LHSAP)

Land Use & Intensity

The recommendations in the Land Use & Intensity and the Building & Site Design sections work together to shape development in Linden Hills. The community highly values the small, neighborhood-serving businesses located in the Neighborhood Commercial Nodes. Access to a neighborhood grocery store, restaurants, hardware stores, and other

The community highly values small neighborhood serving businesses in Neighborhood Commercial Nodes (43rd and Upton is a Neighborhood Commercial Node).

WHERE DOES THE LHSAP RECOMMEND CHANGES IN LAND USE AND INTENSITY?

44TH & FRANCE (P.10 LHSAP)

This Plan is recommending changes to the land use and intensity of two areas along 44th Street and one area along France Avenue. In each of these areas the Plan recommends allowing medium density multi-family residential at a scale and design consistent with the guidance in the Building & Site section of the plan. This recommendation is responsive to The Minneapolis Comprehensive Plan for increasing density, to existing development patterns in the area, and provides the opportunity for additional housing options in Linden Hills.

*****The LHSAP does not recommend changes in Land Use or Intensity for 43rd and Upton.****

(The site at 43rd and Upton is in a C-1 zone. Across the street there is already C-2 Zone available to develop at 4 stories 56 feet.)

BUILDING SITE AND DESIGN (P.11 LHSAP)

a maximum height of 56 feet.) Encouraging a lower maximum height in feet encourages new development to have shorter floor to floor heights and a lower overall building height than allowed under the current Zoning Code, which will ensure more compatible new development that is in scale with the surrounding development patterns. In addition, the

Encourages lower than maximum height allowed currently to ensure more compatible new development in scale with surrounding development patterns. There are no 56 foot tall buildings that have been built in the 43rd and Upton Node.

TRANSITIONS. SET BACKS TOPIC OF CONCERN, RECOMMEND FOR 3 STORY OR 4 (P. 11 LHSAP)

Describes set backs to both 3 or 4 story of buildings but does not imply encourage 3 story zones to become become 4.

Locations within the study area that allow medium or high density, commercial, and multi-family buildings are often adjacent to low-scale, 1 to 2-family residential properties that have their own distinct character and rhythm. At many of these sites, larger commercial, mixed use, and multi-family residential structures share an alley, side, or rear lot line with smaller-scale buildings and uses. In other cases they are across the street from each other. This was

- Promote contextually sensitive building designs that retain or enhance the character of the area.
- Encourage building rehabilitation and retrofitting practices to ensure existing buildings meet modern commercial and housing needs and desires.
- Encourage and foster the small independent businesses that are a vital component of neighborhood character.

The plan calls for additional setbacks for the top floor of 3 or 4-story buildings that are adjacent to low-scale residential properties. It further recommends additional building and site design element to reduce the visual impacts of medium and high density development

SUSTAINABILITY AND ENVIRONMENT (P.12 LHSAP)

A 4 story 56 foot tall building is NOT contextually sensitive, DOES NOT retain character, OR encourage building rehabilitation in the 43rd and Upton Node.

place to live, maintain a business, and visit. Due to the neighborhood's desirability it has attracted development attention, leading to discourse about how to make development work best within the context of the community. As a result, it was deemed a priority for the City and the neighborhood to clearly establish a vision and policy plan for guiding future development of the neighborhood. Issues to be addressed include land use,

SUMMARY OVERVIEW (P.14 LHSAP)

The resulting Small Area Plan outlines a collaborative vision for growth within the Linden Hills neighborhood. It achieves this vision by building on The Minneapolis Plan for Sustainable Growth, the City's Comprehensive Plan, while incorporating neighborhood members' ideas and preferences for shaping change within the community. This input, from residents, business owners, and visitors to Linden Hills, creates the foundation of the Small Area Plan's vision, goals, and policies.

A clearly established vision. 4 story buildings in C-1 zones is not clearly established in the LHSAP. Actually, it is never mentioned.

******3 stories in C-1 zones is consistent with The Minneapolis Plan for Sustainable Growth, the City's Comprehensive Plan. It is the input of citizens (no mention of the City administration or CPED) that is stated as creating the foundation of the LHSAP's vision goals and policies.*****

PURPOSE OF THE PLAN (P.15 LHSAP)
This frame work is to assist residents in evaluating and influencing development proposals.

> An aim of this Plan is to provide a contextually and environmentally sensitive framework for guiding developers or business owners wishing to propose expansion, renovations, or new development. This
>
> 4. **Creates a framework for residents to influence neighborhood improvement or development projects.**

PROJECT AREA DESCRIPTION (P.16 LHSAP)

> assets that should be retained and enhanced. The main attributes of these corridors and commercial districts include a number of successful and independent business operations, a mix of retail and service establishments, a collection of low-rise buildings, narrow storefronts along tree-lined streets, and close proximity to Lake Harriet and the Grand Rounds parkway.

EXISTING CONTEXT 43RD & UPTON: A collection of "low rise buildings."

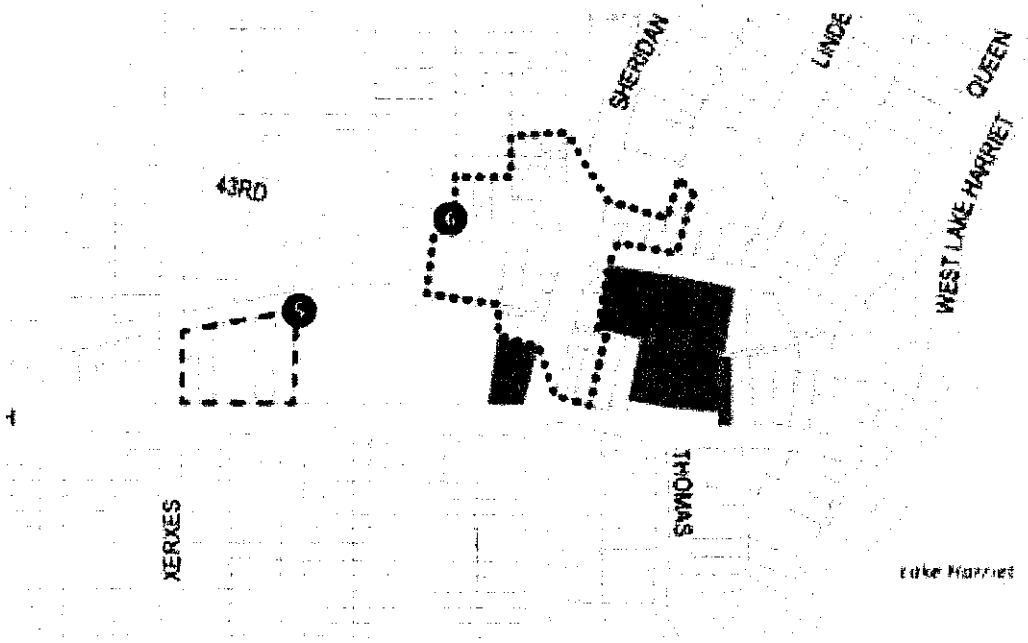
PROJECT AREA DESCRIPTION (CONT'D.) INVENTORY OF BUILDINGS.
There are also 2 residential homes that have been turned into business and two single story buildings along 43rd street West of Upton.

THIS MAP (P. 10 LHSAP) shows the 43rd and Upton Node in Pink. The C-1 site in question is on the NW corner of 43rd and Upton and at the center of the node.

43RD UPTON NODE 3/16/2015 LINDEN HILLS

LINDEN HILLS NEIGHBORHOOD COMMERCIAL NODE AT 43RD & UPTON

THIS IS A MAP OF THE LINDEN HILLS NEIGHBORHOOD COMMERCIAL NODE AT 43RD AND UPTON FROM THE LINDEN HILLS SMALL AREA PLAN.



THE NODE BOUNDARY AND THE PROPERTIES IN THE NODE ARE CLEARLY DEFINED.

IMPORTANT TO NOTE: IN CPED STAFF REPORT THE CONTEXT OF THE SURROUNDING PROPERTIES MENTIONED BY STAFF AS EXAMPLES OF HEIGHT ARE OUTSIDE OF THE BOUNDARY OF THE 43RD & UPTON NEIGHBORHOOD COMMERCIAL NODE, NOT ADJACENT TO THE PROPOSED DEVELOPMENT SITE, AND OFTEN INCORRECT AS TO FLOOR HEIGHT.

INVENTORY OF BUILDINGS IN THE NODE PHOTOGRAPHED BY WALTER PITT

TYPES OF BUILDINGS & PROPERTIES IN THE LINDEN HILLS NEIGHBORHOOD COMMERCIAL NODE AT 43RD & UPTON

All In C-1 Zone except where noted.

9 - 1 Story Business #'s 3,4(C2),6,10,15,17,18, 20, 21
2 - 2 Story House Business #'s 1,2,
1 - 2 Story House (Duplex) # 27
9 - 2 Story Business #'s 5, 7, 11,12, 16, 19, 22, 24, 25
1- 2 Story with partial 3rd story #13 (39 feet tall)
1- 3 Story Business #23 (@32 feet tall)
1- 3 Story with CUP to partial 4th Story #14 (less the 48 feet tall)

3 - Parking Lots 8 & 9, 26

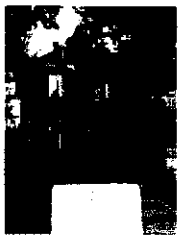
DATA BASED ON PHYSICAL PROPERTY AND PROPERTY TAX RECORDS

CONCLUSION: There are no **"buildings"** plural in the Node consistent with 56 feet.

There is **ONLY ONE BUILDING** In the Node over 40 feet.
(and it's a maximum height is less than 48 feet tall by CUP according to the City of Minneapolis Zoning records).

43RD UPTON NODE 3/16/2015 LINDEN HILLS

1) 2828 West 43rd
(2-story-house/C-1)
Owner: Luger Yiannias LLC



3) 2832 West 43rd
(2-story-house/C-1)
Owner: 2822Ventures LLC

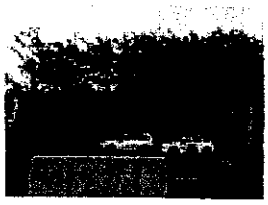
3) 2814-12 West 43rd
(1-story-business/C-1)
Owner: Luger Yiannias LLC

43RD UPTON NODE 3/16/2015 LINDEN HILLS

7) 4240 Upton Ave. S. (2-story-business/C-1)
Owner: mCin INC. C/O Mark Dwyer

8 & 9) 4246 1/2 & 4248 Upton Ave. S. (Total)
Owner: [illegible]

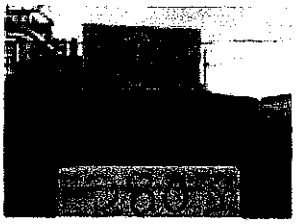
10) 4279 Sheridan Av. S. (1-story-business/C-1)



43RD UPTON NODE 3/16/2015 LINDEN HILLS

4) 2813 West 43rd
(1-story-business/C-2)
Owner: Mes & Mrs LLC

5) 2803 West 43rd
(2-story-business/C-1)

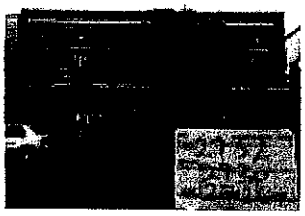


6) 4264 Upton Ave S
(1-story-business/C-1)
Owner: Linden Land Holdings LLC

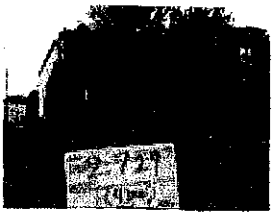
43RD UPTON NODE 3/16/2015 LINDEN HILLS

11) 4269 Sheridan
(2-story-business/C-1)

12) 2726 West 43rd
(2-story-business/C-1)

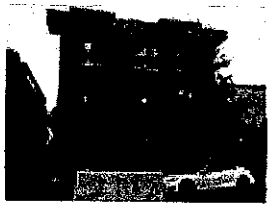


13) 2724 West 43rd
(2-story-business w/
3rd-story partial addition/39-feet tall/C-1)



43RD UPTON NODE 3/16/2015 LINDEN HILLS

14.) 2718 West 43rd
(3-story business/residential/C-1B, R-4-Split Zone/with Partial 4th Story-CUP-addition-Less than-48-feet-tall)



15.) 4301 Upton Ave South
(1-story business/C-1)

16.) 4300/02 Upton Ave South
(2-story business/ C-1)
Note: Billboards 43 feet high

43RD UPTON NODE 3/16/2015 LINDEN HILLS

17.) 4303 Upton Ave South
(1-story-business/ C-1)

18.) 4305 Upton Ave South
(1-story business/C-1)

19.) 4306 Upton Ave South
(2-story-business/C-1)

43RD UPTON NODE 3/16/2015 LINDEN HILLS

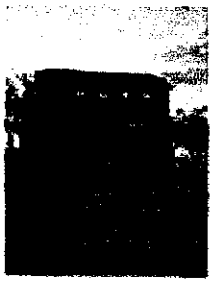
20.) 4307/09 Upton Ave South
(1-story business/C-1)

21.) 4312 Upton Ave South
(1-story-business/C-1)

22.) 4313 Upton Ave South
(2-story business/C-1)

43RD UPTON NODE 3/16/2015 LINDEN HILLS

23.) 4314/16/18 Upton Ave
(3-story business/C-1)
est. height 32 feet



24.) 4315 Upton Ave South
(2-story-business/C-1)

25.) 4321 Upton Ave South
(2-story-business/C-1)

26.) 4353 Upton South
(parking lot #3-1)

27.) 2722-20 West 44th
(2-story house duplex)

END PHOTOS OF 43RD AND UPTON NODE

BACKGROUND PLANS (P.20 LHSAP)

City's Comprehensive Plan (The Minneapolis Plan for Sustainable Growth)

The Minneapolis Plan for Sustainable Growth is significant to the Linden Hills Small Area Plan because it provides policy direction based on the recognition of land use features, such as Neighborhood Commercial Nodes and Community Corridors, and land use classifications, such as Urban Neighborhood and Mixed Use. The Minneapolis Plan uses these features and land use classifications to guide land use and development intensity. The Minneapolis Plan was updated in 2008 to provide a current policy framework in response to changes occurring in the City and region, and to direct the logical and coordinated physical development of the City's future growth. The Comprehensive Plan looks forward, anticipates change, and provides guidance for prospective legislative and administrative actions.

THE COMPREHENSIVE PLAN IS THE BASIC GUIDING DOCUMENT FOR "SUSTAINABLE GROWTH" IN MINNEAPOLIS. THE RECOMMENDATIONS IN THE LHSAP ARE JUDGED AGAINST IT. BRIAN SCHAFFER IN HIS INTERNAL CPED SUMMARY FOR LEADERSHIP STATES 3 STORIES IS CONSISTENT WITH THE TMP.

PARTICIPATION PROGRAM AND PROCESS (P.22 LHSAP)

Steering Committee

A project Steering Committee was selected in July of 2012 and represented a wide range of constituents from the Linden Hills neighborhood. Responsibilities of committee members included:

- Communicate and collaborate with project consultants
- Advise on the planning process
- Help engage neighborhood members
- Advise on content of the Small Area Plan
- Balance various values and make recommendations to the Linden Hills Neighborhood Council Board

Steering Committee members met with City staff and consultants eight times during the Small Area Plan preparation process in addition to participating in neighborhood workshops, open houses and conducting several informal organization and document review sessions.

After the hired Consultant's "4 stories, neighbors be damned" email. He failed to appear at the final two Steering Committee meetings.

PARTICIPATION AND PROCESS (P.23 & 24 LHSAP)

Neighborhood Survey and Issues and Opportunities Workshops

An online neighborhood survey comprised of eight questions was developed to obtain opinions and ideas from as broad a spectrum of the public as possible. Questions ranged from asking what people like most and least about the neighborhood, to what their most common mode of travel is during different seasons. More than 300 survey responses were received over a three-week period. While the online survey was being conducted, approximately 80 people participated in two neighborhood workshops to share their likes, dislikes, concerns, and ideas for future neighborhood growth, preservation, and improvement with consultants and City staff. Survey and workshop input were tabulated and summarized to help inform the Steering Committee and consultant in developing the vision and goal statements for the Small Area Plan.

Online and Neighborhood Open Houses

After developing the detailed planning options, a set of evaluation questions were prepared. These formed the basis of the online open house survey. The 45 question virtual open house survey ran on the project web site for several weeks and received 73 completed responses. Meanwhile the neighborhood open house, conducted on June 5th, drew approximately 50 visitors. Participants shared their opinions with consultants and Steering Committee members by voting for or against options using red and green stickers. These votes were incorporated with online survey responses to provide direction on further plan development and refinement.

The Survey and Vote of the Neighborhood were for 3 stories and did not support 4 stories at all.

KEY THEMES (P.25 LHSAP)

2.2 Key Themes

Key themes expressed during workshops and online survey responses were used to guide the development and evaluation of planning options.

Outline of Themes

1. **Retain the existing scale, character, and charm of the Neighborhood Commercial Nodes**
   - Walkable, pedestrian friendly public realm
   - Eclectic mix of human-scale buildings
   - Vibrant, small, independent, neighborhood-serving businesses
2. **New buildings should exhibit similar height, massing, and human-scale as those that surround them**

The proposed development at 43rd and Upton, does satisfy the Key Themes of the LHSAP. At 56 feet high it DOES NOT retain the existing scale, character or charm of the 43rd and Upton Neighborhood Commercial Node. It also does not exhibit similar height and massing as those that surround it. It is far taller, very modern, and its 19 foot first floor is not human scale.

DESCRIPTION OF THEMES 1 & 2 (P.25 LHSAP)

Building height and length (building face fronting the public street) are two elements that significantly contribute to the existing storefront rhythm (other key features include building material and facades, windows to the street, and consistency of buildings at the sidewalk line.) **In the 43rd & Upton node, building heights range from 1 to 3-stories. In the nodes of 44th & Beard and 44th & France, building heights range from 1 to 2-stories. The majority of project participants expressed that it is important for new development or building additions in these areas to be of similar height (1 to 3-stories) to retain the scale and character of these nodes.**

At 43rd & Upton the majority of project participants expressed that it was important new development be of similar height 1-3 stories to retain the scale and character of the Nodes.

4 stories 56 feet was not supported as retaining scale and character.

LAND USE AND DEVELOPMENT INTENSITY (P.34 LHSAP)

City Policies

The City of Minneapolis' Comprehensive Plan, The Minneapolis Plan for Sustainable Growth uses identified land use features to guide future land use policy (residential, office, commercial, etc.) and land use intensity (size and density of residential properties, size and type of commercial uses). These features follow existing development patterns in Minneapolis. **Two types of land use features: Neighborhood Commercial Nodes and Community Corridors have been designated within Linden Hills.**

The City's Comprehensive Plan recognizes two Neighborhood Commercial Nodes within the neighborhood: the area surrounding 43rd & Upton and the area surrounding 44th & France. Neighborhood Commercial Nodes are defines as:

- They maintain a building typology and pedestrian orientation that is appropriate for the surrounding residential neighborhoods.
- The node's businesses provide retail or other services on at least three corners of an intersection.
- The businesses serve the surrounding neighborhood as well as the larger community and region.
- Residential densities are intended to be medium density to high density **where appropriate within the node** and then transitioning down to medium density in surrounding areas.

A third mixed use commercial area occurs between the two designated nodes along 44th Street from Beard to Zenith Avenues (44th & Beard) and is not designated as a Neighborhood Commercial Node in the City's Comprehensive Plan. There is less specific guidance offered in the Minneapolis Plan for Sustainable Growth for these types of undesignated commercial areas.

The City's Comprehensive Plan designates 44th Street between Upton and France Avenues and France Avenue from Glendale Terrace to 51st Street as Community Corridors:

- The corridors are comprised of primarily residential land use with intermittent commercial uses clustered at intersections in nodes.
- Commercial uses are generally small-scale retail sales and services that support the immediate neighborhood.
- Design and development along Community Corridors is oriented toward the pedestrian experience.
- **The narrative of The Minneapolis Plan states that Community Corridors support new residential development from low- to high-density in specified areas,** as well as increased housing diversity in neighborhoods. Specific implementation steps in The Minneapolis Plan for Sustainable Growth calls for more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations **where it is compatible with existing character.**
- The Minneapolis Plan's implementation steps further encourage medium density housing immediately adjacent to Neighborhood Commercial Nodes to serve as a transition to surrounding low density residential areas.

LAND USE AND DENSITY are regulated by The Minneapolis Plan for Sustainable Growth.

3 Stories is consistent with the TMP guidance. Density in this section is determined by "where appropriate in the node" appropriate would be guided by zoning districts C-1 3 story 42 feet mixed use and C-2 4 story 56 feet mixed use.

The present building application is not appropriate for the C-1 zone where the zoning maximum height is 42 feet for mixed use. By the guidance of this section the project would be appropriate in the C-2 zone which allows for the 4 story 56 foot tall height it desires. It is as if the developers paid for a lot in a C-1 zone, but desire the advantages of a C-2 lot which might have cost more to secure. The new application is also not compatible with existing character for height or design.

LAND USE AND DENSITY (P35. LHSAP)

Density versus Large Scale Development

The terms "high density" and "large or out-of-scale development" are often used interchangeably. This is inaccurate as they are not interchangeable and their use as synonymous is misleading. Density describes the number of housing units per unit of land; it is expressed as units per acre. It does not describe the height, massing, or size of a building. As illustrated in the photographs, many of the densest residential properties in Linden Hills are modest scale residential and mixed use commercial properties—properties that the community has identified as defining the essential character of Linden Hills. Many of the larger scale properties in the area (covering full blocks, of a consistent style, mass and height) are actually less dense. New development needn't be substantially taller or larger than other buildings in the area to provide the levels of density called for in the City's Comprehensive Plan and encouraged within this Small Area Plan.

High density housing: 53 dwelling units per acre. 4300 Upton Avenue.

This 2 story building across the street from the proposed development meets the objectives of high density at two stories. *"Many of the densest residential properties in Linden Hills are modest scale residential and mixed use commercial properties— properties the community has identified as defining the essential character of Linden Hills."*

Once again modest scale, density and height is supported by 3 stories 42 feet. 56 feet is any thing but modest when it is the tallest building in any node in Linden Hills and does not fit this LHSAP definition of essential character. FYI the billboard on top of this building reach @ 42 feet, the proposed development would tower another 14 -16 (with its parapet wall) above the top of these signs. Not exactly 'modest' scale.

Medium density housing: 35 dwelling units per acre 4444 Lake Harriet Parkway

Low density housing: 11 dwelling Units per acre 3524 44th Street

One important thing to notice is these examples are of low, medium, and high density deemed consistent with City's Comprehensive Plan (TMP), but the buildings are 2 and 3 stories, (no examples of 4 stories even shown) and the LHSAP narrative specifically states density does not mean height (see 2 story example at 43rd and Upton.)

ONCE AGAIN THE TMP (P. 36 LHSAP)

Applicable General Policies Guiding Land Use, and Commercial and Residential Intensity *from the City's Comprehensive Plan*

The City's Comprehensive Plan provides a number of policies regarding land use, and commercial/residential development intensity that are applicable to this Plan. Examples of these include:

Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.
1.2.1: Promote quality design in new development, as well as building orientation, scale, massing buffering, and setbacks that are appropriate with the context of the surrounding area.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.
1.5.3: Promote the preservation of traditional commercial storefronts wherever feasible.

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.
1.8.1: Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.
1.9.5: Encourage the development of low- to medium-density housing on Community Corridors to serve as a transition to surrounding low-density residential areas.
1.9.6: Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.
1.11.2: Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.
1.11.4: Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.
1.11.5: Encourage the development of medium- to high-density housing where appropriate within the boundaries of Neighborhood Commercial Nodes, preferably in mixed use buildings

Scale massing, setbacks appropriate with context of surrounding buildings. There are no 56 foot tall building in the 43rd and Upton node. Promote small scale businesses. and encoruage a height of at least two stories for new buildings in neighborhood commercial nodes, in keeping with neighborhood character.

THE LHSAP (P.37 LHSAP) IDENTIFIES "EXISTING ZONING" as reflecting land use policies implemented form theTMP. Differentiates between the

allowed C-1 and C-@ zone, and references them as being sometimes in the same node and sometimes in different nodes. It also gives the height for an allowed 4 story 56 foot building and specifies it as allowed in the C-2.

> Existing zoning within the mixed use nodes closely corresponds to the functional nature of each area and reflects implementation of land use policies from the City's Comprehensive Plan. The 43rd & Upton node is predominantly zoned C1—Neighborhood Commercial District—with the exception of the former grocery store site (currently Settergren's Hardware) which is zoned C2—Neighborhood Corridor Commercial District to accommodate the former grocery store use. The 44th & Beard commercial area is zoned C1—Neighborhood Commercial District. The 44th & France mixed use commercial node is zoned C2—Neighborhood Corridor Commercial District—reflecting the auto-oriented pattern of development (grocery store, gas station, strip mall center, etc.). Because the majority of commercial buildings are 1 to 2-stories, the height limit of the C1 zoning district has been mostly untested as to its adequacy in transitioning between the commercial and adjacent residential structures. While the 4-story, 56-foot, maximum height permitted in the C2 zoning district of the 44th & France node also hasn't been built, its potential impact on adjacent homes was the subject of considerable discussion and evaluation during the preparation of this Plan.

The main argument of city staff and, developers and their lawyers in an attempt to move the goal post for developers, is that a CUP for 4 stories 56 feet in a C-2 Zone is supported by the LHSAP when it says "3 or 4 stories are allowed". But it is clearly stated here that: "Existing zoning within the mixed use nodes closely corresponds to the functional nature of each area and reflects the implementation of the land use policies form the City's comprehensive plan. "

This show the LHSAP recognizes different zoning requirements i.e. C-1 and C-2 within the nodes and that these zones correspond to the functional nature of each area, again acknowledging that the requirements of one zone may be different from another based on the "functional nature of each area". It also states that these zones reflect the implementation of the TMP. For 43rd and Upton it differentiates the predominantly zoned C-1's from the established C-2 .

This is clearly not an encouragement to promote a one size fits all, 4 stories everywhere approach, which CPED and development lawyers keep promoting. Case closed.

It even goes further to identify the heights designated for the C-2 and in what node they are encouraged: "While the 4-story 56 foot maximum height permitted in the C-2 zoning district of 44th and France node has not been built..."

Once again, here in the LHSAP, heights of 56 feet are associated with C-2 zones, not C-1.

The LHSAP never specifies or encourages C-2 heights in C-1 zones. Yet it consistently identifies heights of 56 feet only in C-2 zones.

Here, the LHSAP clearly states its support for the existing zoning districts for the nodes and ties them directly to implementation of the TMP policies. It goes on to clearly identify these different zones as C-1 and C-2 and goes on to discusses their unique permitted heights (C-2 / 4 stories 56 feet). and in what zone 4 stories is permitted (the C-2) and where does the LHSAP for the second time in the plan encourage a 4 story buildings, at 44th and France, which earlier was identified as the area for increasing the land use intensity.

No 56 foot heights for C-1's are mentioned implied, No 4 stories encouraged in the C-1 at 43rd & Upton. No changes in zoning or land use are specified for any of 43rd & Upton zones with C-1 or C-2.

Once again, and finally, this fraudulent statement that the LHSAP encourages 4 stories everywhere, or that the LHSAP encourages 56 feet in the C-1's anywhere in Linden Hills is simply hogwash, and totally unsupported.

LAND USE AND INTENSITY (P. 38 LHSAP)

Goal 1. Keep and enhance what makes Linden Hills' commercial districts special.

Policies:

1.1 Encourage the retention, reuse, and renovation of existing buildings, especially those with historic value to the neighborhood and to the regional community.

Artificially increasing the value of land in the commercial nodes through the automatic approval of overreaching Conditional Use Permits and Variances by the City will not in any way encourage the retention, reuse and renovation of existing building. The same thing will happen tour commercial districts that are happening to our residential neighborhood. When the value of the land ellipses the value of the building, the building is torn down. So much for supporting this goal or normal development This is simply selling blocks to developers to do as they will and change what they want, without consideration or benefit to the people who live there and worked hard to make their neighborhood the desirable place it is.

BUILDING AND SITE DESIGN (P. 42 LHSAP)

3.2 BUILDING AND SITE DESIGN

As described in section 3.1 Land Use and Intensity, the character and scale of the commercial nodes and corridor of Linden Hills has been shaped by historic development patterns. Building height and street length are two elements that significantly contribute to the physical character of the three commercial nodes and the community corridors within Linden Hills. Together they establish a distinct visual character, human scale, discernible rhythm, and strong sense of place which should serve as the basis of the design for new developments, substantial building renovations or additions.

In the commercial nodes of 43rd & Upton and 44th & Beard, the buildings and storefronts are approximately 50-feet wide or less. Buildings are built up to the sidewalk with little or no setback, and range from 1 to 3-stories in height.

In the 44th & France commercial node, property sites and buildings vary significantly in the location of parking, size and setbacks. Properties adjacent to Sunnyside Avenue and the intersection of 44th Street & France Avenue are smaller and exhibit a more compact rhythm similar to those along the western frontage of France Avenue in Edina. Properties between 45th, 44th, and Drew are considerably larger with surface parking lots and variable building placements that reflective of this area's auto-oriented development pattern. Building heights throughout this node are between 1 to 2-stories.

43rd and Upton shaped by historical development 1 to 3 stories in height. Building height significantly contributes to physical character.

BUILDING AND SITE DESIGN (P. 43 LHSAP)

from the street.

The Minneapolis Plan for Sustainable Growth states that smaller-scale, multi-family residential development is more appropriate along Community Corridors and Neighborhood Commercial Nodes. It further calls for new development that is compatible with the existing development in the area and provides transitions in building and site design to improve compatibility. The guidance on building design and compatibility is accompanied in the Supporting and enhancing the character of Linden Hills' Community Corridors and Neighborhood Commercial Nodes through new development while respecting the scale and character of the surrounding residential properties is essential to fulfilling the vision, goals, and policies established by the neighborhood through this Small Area Plan.

TMP states smaller scale is more appropriate. Respecting the scale and character of surrounding properties is essential to fulfilling the vision

established by the neighborhood though this plan. FYI This does not say: the vision established by "the City", CPED, Developers and their lawyers, the Mayor or the City Council, it says "neighborhood".

MORE TMP POLICIES (P. 44 LHSAP)

Applicable General Policies Guiding Land Use, Commercial and Residential Intensity from the City's Comprehensive Plan

The City's Comprehensive Plan provides a number of policies regarding building and site design that are applicable to this Plan. These include:

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood serving retail, and community uses.
1.11.2: Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.
1.11.4: Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.

Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.
10.4.1: Maintain and strengthen the architectural character of the City's various residential neighborhoods.
10.4.2: Promote the development of new housing that is compatible with existing development in the area and the best of the City's existing housing stock.

Policy 10.5: Support the development of multi-family residential dwellings of appropriate form and scale.
10.5.1: Smaller-scale, multi-family residential development is most appropriate along Community Corridors and Neighborhood Commercial Nodes.

Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian-scale design features at the street level.
10.6.1: Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.
10.6.5: Provide appropriate physical transition and separation using green space, setbacks or articulation, stepped down height, or ornamental fencing to improve the compatibility between higher density and lower density residential uses.

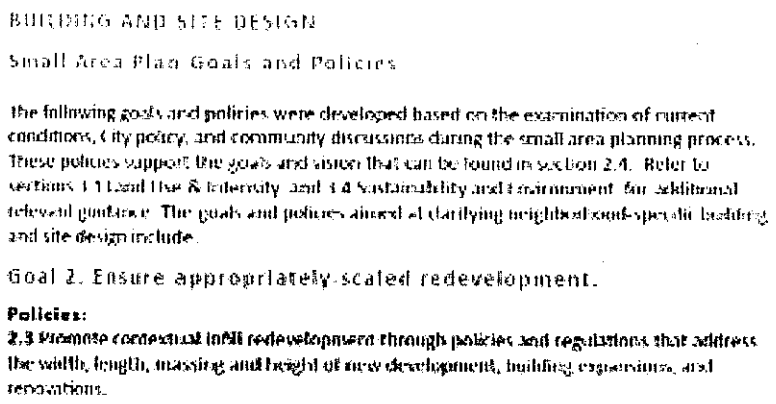
Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.
10.10.1: Enhance the City's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.
10.10.2: Identify commercial areas in the City that reflect, or used to reflect, traditional urban form and develop appropriate standards and preservation or restoration objectives for these areas.

Policy 10.11: Seek new commercial development that is attractive, functional and adds value to the physical environment.
10 11.1 Require the location of new commercial development (office, research and development, and related light manufacturing) to take advantage of locational amenities and coexist with neighbors in mixed-use environments.
10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

Two stories, in keeping with neighborhood character. Smaller scale multi-family residential appropriate for nodes, identify traditional urban form and develop standards of preservation and restoration, provide appropriate transitions using setbacks (The TMP doesn't mention rubber stamp

approvals of Conditional Use Permits to increase heights and facilitate up zoning, or grant Variances to decrease setbacks.)

BUILDING AND SITE DESIGN (P. 45 LHSAP)



BUILDING AND SITE DESIGN

Small Area Plan Goals and Policies

The following goals and policies were developed based on the examination of current conditions, City policy, and community discussions during the small area planning process. These policies support the goals and vision that can be found in section 2.4. Refer to sections 4.1 Land Use & Intensity and 4.4 Sustainability and Environment for additional relevant guidance. The goals and policies aimed at clarifying neighborhood-specific building and site design include:

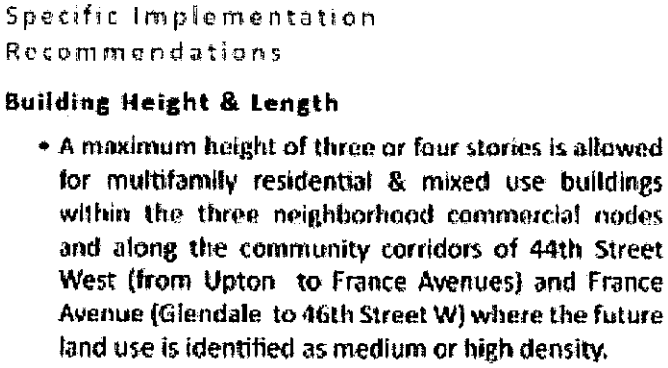
Goal 2. Ensure appropriately-scaled redevelopment.

Policies:

2.3 Promote contextual infill redevelopment through policies and regulations that address the width, length, massing and height of new development, building expansions, and renovations.

Promote contextual infill redevelopment though policy and regulation that addresses height of new development. Height regulation was the most conflicted part of the development of the LHSAP and still is a the problem today. Thanks in part or whole to the City's "4 stories, neighbors be damned" approach to Small Area Plan Development.

BUILDING AND SITE DESIGN (P. 46 LHSAP)



Specific Implementation Recommendations

Building Height & Length

- **A maximum height of three or four stories is allowed for multifamily residential & mixed use buildings within the three neighborhood commercial nodes and along the community corridors of 44th Street West (from Upton to France Avenues) and France Avenue (Glendale to 46th Street W) where the future land use is identified as medium or high density.**

This is the general statement :"A maximum height of 3 or 4 stories is allowed for multi family residential and mixed use buildings with in the three neighborhood commercial nodes and along the community corridors of 44th street West (from Upton to France Avenues) and

France Ave (Glendale to 46th Street W) where the future land use is identified as medium or high density".

It simply includes every location covered by the Small Area Plan and states "three or four stories are allowed", because they are "allowed", 3 stories in C-1 zones and 4 stories in C-2 zones though out all the locations mentioned.

Some people, (developers and sometimes Cped staff) say that this general statement (on page 46) means the LHSAP encourages 4 stories every where, and also 4 stories in a C-1, but this is more wishful thinking than rational analysis of the text.

The LHSAP is always talking about existing context, and existing Zoning districts inform this context by regulating building requirements in order to modulate building form from one zone to another zone for the purposes such as transitions. As we have already seen, on page 37 the LHSAP goes deeper in 1) the recognition of pre-existing zones, 2) the difference between them as informed by their functional nature, and 3) how the different zones reflect implementation of the land use polices of the TMP.

> Existing zoning within the mixed use nodes closely corresponds to the functional nature of each area and reflects implementation of land use policies from the City's Comprehensive Plan. The 43rd & Upton node is predominantly zoned C1—Neighborhood Commercial District—with the exception of the former grocery store site (currently Settergren's Hardware) which is zoned C2—Neighborhood Corridor Commercial District to accommodate the former grocery store use. The 44th & Beard commercial area is zoned C1—Neighborhood Commercial District. The 44th & France mixed use commercial node is zoned C2—Neighborhood Corridor

Also on page 37, the two nodes, 43rd and Upton (described as predominantly C-1) and 44th and France (described as to the specific height allowed in its C-2) are examined and differentiated as to their zones, location and what heights are allowed to build per zone:

"While the 4-story, 56 foot, maximum height permitted in the C2 zoning district of the 44th and France node hasn't been built..."

adjacent residential structures. While the 4-story, 56-foot, maximum height permitted in the C2 zoning district of the 44th & France node also hasn't been built, its potential impact on adjacent homes was the subject of considerable discussion and evaluation during the preparation of this Plan.

If the Linden Hills Small Are Plan had wanted to specify an allowance for 4 stories every where regardless o zone, it would have just come out and simply stated it: "a maximum height of 4 stories is allowed every where". But it obviously did not.

MORE SPECIFIC IMPLEMENTATION RECOMMENDATIONS (P. 46 LHSAP)

- Encourage overall building heights and floor-to-floor heights that reflect the adjacent architectural context and encourage buildings that are shorter than the current Zoning Code maximums for 3 and 4 story buildings (42 feet and 56 feet respectively).

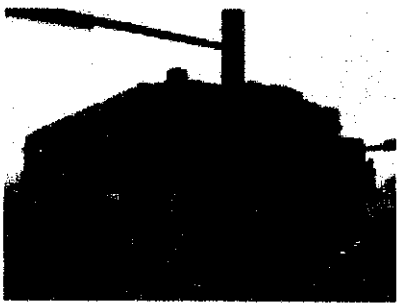
A 4 story/ 56 foot building in a C-1 Zone does not encourage overall building heights that reflect the adjacent context or comply with the encouragement for buildings that are shorter that the current zoning code maxims in a C-1 zone, which would allow a 3 story building.

Building height is one of the contributing elements to the character of the area and it affects the area's human scale and pedestrian friendliness. Building height was subject of significant community discussion. The height

considered the most respectful of existing character. The intent is to allow the for the achievable densities called for in City policies while encouraging compatible design through lower maximum foot height of building heights than allowed in the current Zoning Code. (Currently the

Once again 3 stories comes into play because it is consistent with the policies of the TMP and its densities are achievable based on three story buildings recently built in Minneapolis.

Several built examples of contemporary three story mixed use buildings exist in Minneapolis indicating that it is feasible to develop three story buildings at desired densities for neighborhood commercial nodes (medium density [20-50 du/acre] and high density [50 - 120 du/acre]).



4954 Xerxes Avenue S: 3 story mixed use- Medium density (36 Dwelling Units per Acre)

2803 38th Street E: 3 story mixed use- High density (70 Dwelling Units per Acre)

It should be noted the Zoning Ordinance was amended this fall removing the minimum lot area (MLA) requirements several of the zoning districts. This could now allow for more units to occupy a similar building bulk, thus allowing more density.

IN REGARD TO THE NEW DEVELOPMENT'S CONTEMPORARY DESIGN, WALL ARTICULATION AND MATERIALS... (P.47 LHSAP)

> up into separate buildings. In contemporary designs, building articulation to break up a building's massing is common place. However, this articulation is often made through shallow changes in the plane of the building wall and through material changes that rarely result in the development reflecting the character of the surrounding context and as a result does not meet the intent of the guidance in this plan. To ensure the context sensitive development desired in Linden Hills, the massing of new development should reflect the character established by the massing of the existing development within the Neighborhood Commercial Node or along the Communtiy Corridor.

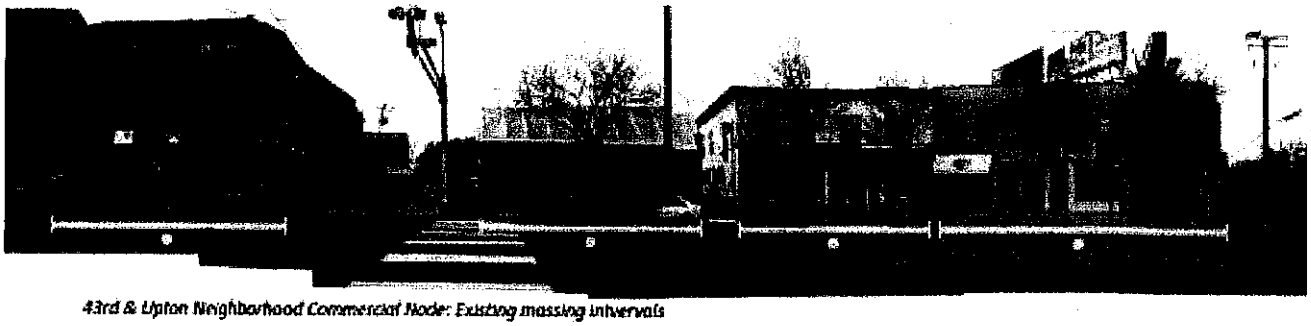
...rarely result in the development reflecting the character of the surrounding context and as a result does not meet the intent of the guidance of this plan. to ensure the context sensitive development desired in Linden Hills, the massing of new development should reflect the

character established by massing of existing development within the Neighborhood commercial node.

Does this building with its 4th story 56 food height, reduced set backs and 19 foot first floor"reflect the character established with in the neighborhood Commercial node?

LINDEN HILLS 43 AND UPTON PROPOSAL: MASSING AND CHARACTER

LINDEN HILLS 43RD AND UPTON NODE AS IT EXISTS: MASSING AND CHARACTER.



43rd & Upton Neighborhood Commercial Node: Existing massing intervals

The Neighborhood Commercial Nodes and Community Corridors are valued for their eclectic diversity of buildings and their scale. These graphics illustrate the massing intervals created by the existing development. The massing of new development should reflect the character of the area.

43rd & Upton Neighborhood Commercial Node: Existing massing intervals

43rd & Upton Neighborhood Commercial Node: Existing massing intervals

PRESERVATION AND CONSERVATION / FUTURE RECCOMENDATIONS FOR 43RD AND UPTON NODE (P. 78 LHSAP)

8. 43rd & Upton Business District:* (Cultural resource associated with social patterns of development)

*As part of its preservation planning, Minneapolis has already had "Context Studies" prepared for Commercial Districts and Street Railways within the City. Both the trolley line as it passes through Linden Hills and the 43rd & Upton business district, are included in those studies. The context studies could form the basis for those areas' consideration as future historic districts.

POTENTIAL CONSERVATION DISTRICTS (P. 79)

- Focused on conserving visual character, as opposed to preserving history, like the HPC regulations, or good urban design, like the Zoning Code.

END

Dear Mei-Ling Smith, City Planner,

We are pleased to present you with this petition affirming this statement:

"We, the undersigned, call upon elected and appointed Minneapolis officials to deny a conditional use permit for the proposed development at 43rd & Upton, in order to protect the character and stability of this neighborhood, and to protect the integrity of the small area planning process and promote orderly and beneficial development for all Minneapolis neighborhoods."

Attached is a list of individuals who have added their names to this petition, as well as additional comments written by the petition signers themselves.

Sincerely,
Concerned Citizens of Minneapolis

Andrew Smoley
Minneapolis, MN 55410
Aug 15, 2015

Support the LHSAP.

Beth Murphy
Mpls, MN 55410
Aug 12, 2015

McMansions belong in the suburbs.

Saoncy Neville
Minneapolis, MN 55417
Aug 12, 2015

Steve heikens
Mpls, MN 55402
Aug 12, 2015

Anthony Jones
Minneapolis, MN 55410
Aug 12, 2015

Terry S
Linden Hills, MN 55410
Aug 12, 2015

Debra Evon
Minneapolis, MN 55403
Aug 12, 2015

Tell the developer to scale back their plans in accordance with the agreed upon wishes of the neighborhood. Why do the wealthy get to bypass the plan for sustainable growth just to line their own pockets?

Janice Kalin
Minneapolis, MN 55416
Aug 12, 2015

Adam Clark
Minneapolis, MN 55410
Aug 11, 2015

Leslie Schiff
Minneapolis, MN 55410
Aug 11, 2015

cheryl L robinson
minneapolis, MN 55410
Aug 11, 2015

Andrew Reineman
Minneapolis, MN 55410
Aug 11, 2015

Wren Wells
Minneapolis, MN 55410
Aug 11, 2015

Dona Clark
Minneapolis, MN 55410
Aug 11, 2015

Michelle Schwartz
Minneapolis, MN 55410
Aug 11, 2015

Kathy Jo Peterson
Minneapolis, MN 55408
Aug 11, 2015

Sylvia J Stokes
Minneapolis, MN 55405
Aug 11, 2015

Ann Fritz
minneapolis, MN 55401
Aug 11, 2015

Jeff Johnson
Minneapolis, MN 55410
Aug 11, 2015

Matt Johnson
Minneapolis, MN 55408
Aug 11, 2015

Ken Stone
Minneapolis, MN 55410
Aug 11, 2015

Jerucia Mikulay
Minneapolis, MN 55406
Aug 11, 2015

Part of our coitus charm&beauty&how it history & charm becamep lease leave original how it developed if our history of how we became a one of a kind place the Twin iC we will lose our revenue from several areas therefore a LOSS IN PROFIT FOR MPLS TYSVM

Sheri Schmidt
Columbia Heights, MN 55421
Aug 10, 2015

Ibrahim Ali
Minneapolis, MN 55406
Aug 10, 2015

Kristen Smith Knutson
Minneapolis, MN 55410
Aug 10, 2015

Susan L. Scott
St. Louis Park, MN 55416
Aug 10, 2015

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3 stories only - respect the plan.

Paul Knutson
Minneapolis, MN 55410
Aug 10, 2015

I grew up in Linden Hills, on 41st and Sheridan. I would have a hard time going back if the proposed development were built. Linden Hills was a progressive neighborhood when I was a kid growing up there. I hope it can be again.

Matthew Palmer
Minneapolis, MN 55407-3211
Aug 10, 2015

Celina Blandford
Mnneapolis, MN 55410
Aug 10, 2015

Gigi Schroder
Minneapolis, MN 55410
Aug 10, 2015

Please do not ignore the original intent of the LInden Hills Small Area Plan. Changing a critical part of the plan to get it passed without the neighborhood approval is fraud. The hijackers of our plan should have to reimburse LHiNC!

Lucy Voltz
Minneapolis, MN 55410

Aug 10, 2015

Ginny Redgrave
Minneapolis, MN 55407
Aug 10, 2015

Andrew chapman
Milwaukee, WI 53211
Aug 10, 2015

Nan Kalke
Minneapolis, MN 55405
Aug 10, 2015

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it is of only local interest, but our city tries to do what local residents want (sometimes). I live elsewhere - but would not want a huge building on a corner among the small shops in that area. The Developer should not be allowed a much larger building. Variances are for minor changes - not maximum without neighbors support! Why bother with neighborhood opinion

Maurine Stenwick
Minneapolis, MN 55407
Aug 10, 2015

Luke Stultz
Minneapolis, MN 55408
Aug 10, 2015

Paula Fischer
Minneapolis, MN 55406
Aug 10, 2015

Kenneth Wachowiak
Plymouth, MN 55442
Aug 10, 2015

David Piehl
Minneapolis, MN 55408
Aug 10, 2015

Kristin Tombers
Minneapolis, MN 55410
Aug 10, 2015

Mary Jane Steinhagen
Minneapolis, MN 55423
Aug 10, 2015

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rebecca dentz
minneapolis, MN 55411

Aug 10, 2015

This is one of the most charming neighborhoods in Mpls, catering to younger families with children and small local businesses. this proposed development would seriously disrupt the character of the neighborhood.

Tricia D.Ells
Minneapolis, MN 55419
Aug 10, 2015

Craig Brown
Minneapolis, MN 55431
Aug 10, 2015

Nancy Tremewan
COON RAPIDS, MN 55448
Aug 10, 2015

Within the past 15 years the city of Minneapolis believes that it's salvation is in multi-storied, multi-unit rentals and condos. Rather that view the alternative uses for existing buildings and neighborhood themes that make a neighborhood an extended home, it becomes easier to bulldoze and start with some plan from persons that have no attachment to a neighborhood, other that a job. What makes San Francisco, Portland, Seattle, George Town desirable, diversity in similarity.

Allen Rapatz
Minneapolis, MN 55413-1132
Aug 10, 2015

Bob Frey
Minneapolis, MN 55410
Aug 10, 2015

Thomas Traxler
Minneapolis, MN 55410
Aug 10, 2015

Daniel J Glenn
Richfield, MN 55423
Aug 10, 2015

Matthew S. Smith
Minneapolis, MN 55405
Aug 10, 2015

The Linden Hills area of 43rd & Upton needs a building that is scaled down to be more proportionately consistent with the area and which takes into consideration the unique character of the location and nearby neighborhoods. Please stay within the C1 zoning.

Laura Ferster
Minneapolis, MN 55410

Aug 10, 2015

I am both a home owner and business owner in Linden Hills. Infact our business is directly across the street from the development so it directly impacts us as the building/business owner. I simply don't understand why the Small Area Plan is not being looked at by these decision makers. Many people put a lot of Time, effort, and money into it. It should be the final decision. Why even have Zoning and height restrictions if all one has to do is ask for a Variance and get it? It does not make reasonable sense. Look to the future. If 4 stories are approved, what's next? Perhaps I should put an additional two stories onto my building? Then how about the Zumbro building, Twiggs building, Bibleot building etc... You open a big can if wormy precedents. Please keep this project to 3 stories. The developer knew it may be that when they bought it. Also, as for parking, with 29 apts, and retail, there could be potentially many cars without parking spaces. Even if there are assigned spaces for tenants and clients, many apt renters will have two or more cars. I am all in favor of change and look forward to the new development, but please keep it to 3 stories. Respectfully, Peter Hinke Linden Hills Dentistry

Peter Hinke
Minneapolis, MN 55410
Aug 10, 2015

The corruption of the Linden Hills Small Area Plan is horrific.

walter pitt
Minneapolis, MN 55410
Aug 10, 2015

I have spent much time in Linden Hills, the church on the hill, the bakery, the coop. Miss the hdwe store.

Linda Huhn
Minneapolis, MN 55405
Aug 10, 2015

Megan DeGroot
Minneapolis, MN 55410
Aug 10, 2015

Carol Crane
MSP., MN 55410
Aug 10, 2015

I think it is a very reasonable request as a resident.

Peter Kim
minneapolis, MN 55405
Aug 10, 2015

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lou burg
Minneapolis, MN 55410
Aug 10, 2015

Please stay within C1 zoning.

Wes Chapman
minneapolis, MN 55410
Aug 10, 2015

We need to preserve the integrity of our neighborhoods and honor the planning process already in place. Note to City officials - tax money from unrestricted development is not he most important thing.

james boyle
Minneapolis, MN 55408
Aug 10, 2015

We held up on our end of the bargain - time for the City uphold the Small Area Plan.

Schwei
Minneapolis, MN 55410
Aug 10, 2015

You guided the community to spend money and work together to create the SAP. I'm asking you to respect the wishes of the community you represent. Thank you.

Robyn Traxler
Minneapolis, MN 55410
Aug 9, 2015

This is poster child for why development gets a bad name. Please support those who have spent their lives building a well respected and unique neighborhood. Please honor the work you requested and uphold the intentions of our SAP. Thank you.

Sara Schumacher
Minneapolis, MN 55410
Aug 9, 2015

Small neighborhoods and communities have BIG value to the people who live there and the city of Minneapolis. Please stand up to big business and stand up with the people. Thank you.

Margaret Kielty
Richfield, MN 55423
Aug 9, 2015

Mikaela Robertson
Minneapolis, MN 55406
Aug 9, 2015

Jon de Vaal
Minneapolis, MN 55407
Aug 9, 2015

Beatrice Fanning from Minneapolis, MN signed this petition on Aug 17, 2015.

This building is smaller than the previously planned Linden Crossings Corner and Crossings, but it is still too large and looks like a suburban building. It does not fit with the character of the neighborhood at all! And it's ugly!

27. **Lucy Rahn** from Minneapolis, MN signed this petition on Aug 17, 2015.

This building needs to be approved by the neighborhood as well as the city– the voice of the construction company/developers is the least significant in the scheme of things.

26. **Anna Peterson** from Mols, MN signed this petition on Aug 16, 2015.

25. **Mary Hirsch** from Minneapolis, MN signed this petition on Aug 16, 2015.

I lived in Linden Hills area for most of my life and still shop and dine there. This is a terrible design for that area.

24. **Jeffrey Cannata** from Minneapolis, MN signed this petition on Aug 16, 2015.

23. **Betsy** from St Louis Park, MN signed this petition on Aug 15, 2015.

22. **Joel Brand** from Minneapolis, MN signed this petition on Aug 15, 2015.

This development is out of place for the area, and will destroy the character of the neighborhood.

21. **Lea Wilcox** from Minneapolis, MN signed this petition on Aug 15, 2015.

20. **monica stuart** from Minneapolis, MN signed this petition on Aug 15, 2015.

19. **Cheme DeGroot** from Minneapolis, MN signed this petition on Aug 15, 2015.

The building proposed for the 43rd and Upton corner is not what this community wants and doesn't fit the area at all.

Smith, Mei-Ling C.

From: Walter Pitt <walterpittcompany@earthlink.net>
Sent: Monday, August 24, 2015 5:06 PM
To: Smith, Mei-Ling C.
Subject: Re: RE the shadow study for the 43 UPTON LLC proposal

Mei Ling one of the big issues I face with CPED is the lack of data and misinformation from developers that you present as findings of fact.

The primary problem that I mention, you do not address:
The graphics for the shadow study do not show the length of the shadows or document them in text. How can that be an appropriate shadow study? It is not.

If you think its good enough to have graphics of truncated shadows that don't show or identify their length, then I guess the standard which I hold CPED professionalism to, is also higher than it should be.;-)

Since you say this meets CPED's "requirements", could you please forward me these requirements for shadow studies that the staff requests for CUP requests.

It just doesn't make any sense, require a shadow study but don't require the study to include the total estimated length of the shadows in text of graphics. Certainly a new way of doing business.

FYI, I believe i read in your staff reports states the building is 55' 11' plus an 8"-10" parapet wall, which is not be included in official height,
but its height certainly would be included as a shadow study height.

Please include my comments for the Planning Commission, I would hope that the PC insists on all the plans and diagrams they use to vet their decisions.
are complete and accurate, which these are indisputably not.

Thanks.
Walt

On Aug 24, 2015, at 4:12 PM, Smith, Mei-Ling C. <Mei-Ling.Smith@minneapolismn.gov> wrote:

Hi Walt,

The shadow study provided by the applicant fulfills the requirements for a shadow study that staff requests for these types of projects (CUP requests). I have confirmed with the architect that this study was completed using the most recent version of the building, which is the one being presented to the Planning Commission. The 3-story building depicted in the

study would be 42'. The proposed building would be 55'-11" at its tallest point, although the majority of the building has a roof line of 53'-8" plus parapet.

I'm happy to include your email as formal comments for the City Planning Commission – let me know. You are also welcome to state these concerns at the Monday, Sept 8, Planning Commission meeting.

Thank you,

Mei-Ling

From: Walter Pitt [mailto:walterpittcompany@earthlink.net]
Sent: Monday, August 24, 2015 3:51 PM
To: Smith, Mei-Ling C.
Subject: Re: RE the shadow study for the 43 UPTON LLC proposal

Mei Ling
There is something wrong with the graphic on: shadow study winter solstice in relationship to shadow study winter solstice 3 story,

The pictures do not show the entirety of the shadow and how far they reach.
If the point of a shadow study is to discuss how far the shadows reach, and their actual impact the pictures should at least not cut off the shadows. How can these graphics be used as a vetted "shadow study",
if the shadows extend to some unspecified point out side the frame, but you do not show it?

Graphics for a shadow study which provide only graphics and no text for actual length based on height, should at least provide the entire picture of the shadow.

1) Please provide them or ask the applicant to, other wise this "shadow study" can not be used because it is not accurate in supplying complete data for the shadows being presented as "studied" in these time frames for the application.

2) also the shape of the 4 story building seems to be graphically incorrect, some light is being let in on the left, which
does not even appear at 3 stories (what height?)which shadows all the way to... well again, out of the frame.

Also What is the hight of the walls for the shadow study? The building was 54 when it was first presented but went up after that
to @ 56 without parapet later so when the shadow study was actually done is important for which building height was inputed.
<image002.jpg><image004.jpg>

Walt Pitt

On Aug 24, 2015, at 1:03 PM, Smith, Mei-Ling C. <Mei-Ling.Smith@minneapolismn.gov> wrote:

Hello,

The attached shadow study is also in the staff report attachments. It looks at the shadowing effects of the proposed project at 9 a.m. and 4 p.m. for three different times of year. Please let me know if you have any questions.

Mei-Ling

-----Original Message-----
From: Walter Pitt [mailto:walterpittcompany@earthlink.net]
Sent: Monday, August 24, 2015 12:10 PM
To: Smith, Mei-Ling C.
Subject: Re: RE the shadow study for the 43 UPTON LLC proposal

Mei Ling, Can I see the actual shadow study that was completed on that date?

Walt

On Aug 24, 2015, at 9:49 AM, Smith, Mei-Ling C. <Mei-Ling.Smith@minneapolismn.gov> wrote:

Good morning, Mr. Pitt,

The shadow study for the 43rd & Upton proposal was completed on July 1, 2015, by the applicant's architect, Momentum Design Group.

Thank you,

Mei-Ling

Mei-Ling Smith, AICP
City Planner - Land Use, Design, and Preservation

City of Minneapolis - Community Planning and Economic Development
250 S. 4th Street, Room 300 | Minneapolis, MN 55415
612.673.5342 | mei-ling.smith@minneapolismn.gov
www.minneapolismn.gov/cped

-----Original Message-----
From: Walter Pitt [mailto:walterpittcompany@earthlink.net]
Sent: Sunday, August 23, 2015 6:16 PM
To: Smith, Mei-Ling C.
Subject: RE the shadow study for the 43 UPTON LLC proposal

Mei Ling,

What actual firm did the shadow study you are including and basing you staff report on, and when (what date is documented) was this shadow study done for this new building's architectural design?

Thank you.
Walt Pitt

<shadow.pdf>

From:	Walter Pitt
To:	Smith, Mei-Ling C.
Cc:	Palmisano, Linea
Subject:	SHADOW STUDY DOES NOT FOLLOW CPED CRITERIA: RE the shadow study for the 43 UPTON LLC proposal
Date:	Friday, August 28, 2015 4:18:32 PM
Attachments:	Screen Shot 2015-08-25 at 6.27.51 PM.png Screen Shot 2015-08-28 at 3.17.34 PM.png Screen Shot 2015-08-28 at 2.53.42 PM.png Screen Shot 2015-08-28 at 3.04.46 PM.png

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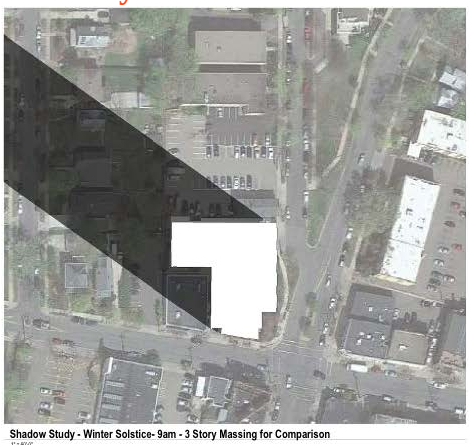
Mei Ling
Neither you or the developers are following 2 out of 3 of the criteria suggested by CPED. The criteria are very simple and allow for a pictorial representation of limits of the arc of the shadows.

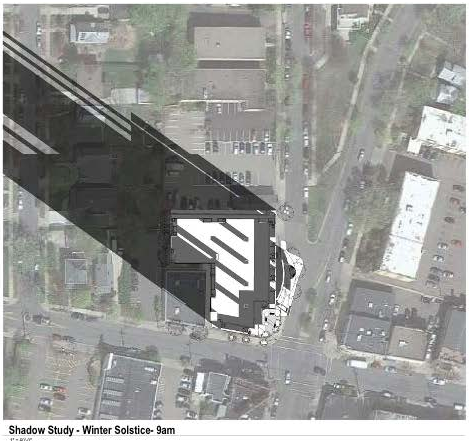
The developer is not representing pictorially or numerically the complete length of the shadows and
you are basing your staff report on this lack of data and making conclusions on the impact of this non quantified shadow length and width.

This study does not follow 2 out of three of CPED criteria for Shadow Studies for Large Projects.
The shadow study does not meet the CPED suggestions and criteria which are very basic and easily followed or not.

1) The study should include the area affected by cast shadows of the proposed building

Failure 1: TWO OF THE FRAMES do not meet criteria and do not:"include the area affected by cast shadows".





3) On the above noted days it should show the shadowing at an hour after sunrise, noon, and an hour before sunset.

Failure 2: NONE OF THE FRAMES SHOW shadowing at the criteria suggested: an hour after sunrise, noon, and an hour before sunset.
These hours are obviously suggested as criteria, so that the full extent of the shadowing can be seen.

THE PROBLEM WITH AN INACCURATE SHADOW STUDY AND BIASED RESULT:
By allowing developers to present arbitrary times 9 am and 4pm at which to to show the shadowing, the developer is
not showing the true impact of the shadows, but instead, by moving the clock both LATER IN THE AM AND EARLIER IN THE PM,
the shadows are manipulated to appear even shorter.

LAX PROFESSIONAL STANDARDS and FAIRNESS TO ALL
CPED should not under these circumstances, vet data that is inaccurate or not verifiable.
I would suggest if CPED, when it has a standard, its employees, to be fair, should follow it with all applicants,
not pick an choose who will and who won't have to.

CONCLUSION:
Obviously, this shadow study does not meet any acceptable standard, not even CPED's: two out of three CPED criteria are not even met yet it passes muster!

Mei Ling your attempt to "move the goal posts", for developer's at this site, time and time again, through misinformation and and omission is is quite apparent:

For example:
1) For CONTEXT of the surrounding and adjacent properties you omit , which is what the TMP demands and the Planning Commission
is bound to vote on, you fail to include that 21- of 25 buildings are 1-2 stories. They ARE the surrounding area.
You might not be mentioning them, because you do not have data on the heights of buildings in the node.

2) You say the standard for PROPERTY IMPACT is the location of the house, which is not the standard of property use (outbuildings, food gardens, solar powered lighting,
decks and out door dining areas all constitute use and thus included in usage up to the property line which are the owner's property rights, that you should not purposefully diminish or impinge upon, when you already know or can be legally advised on this matter of what is the standard for impact in regards to the property line and existing structures and developed usage on the property

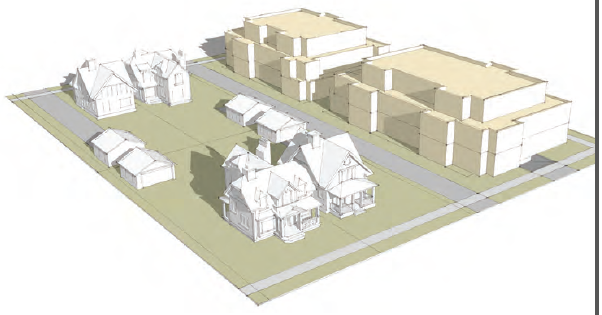
3) You point out that that the LHSAP says 4th story set back and it does, but you fail to mention and not mentioning that the actual LHSAP standard is:
TOP FLOOR OF 3 or 4 STORIES SET BACK. The LHSAP also has dimensional pictures of these 3 story top floor set back buildings drawn in context of the surrounding single family homes.

of views, loss of privacy, and increases in noise and traffic. These concerns and issues relate to City policies that address the need for transitions between higher density and lower density development. The plan calls for additional setbacks for the top floor of 3 or 4-story buildings that are adjacent to low-scale residential properties. It

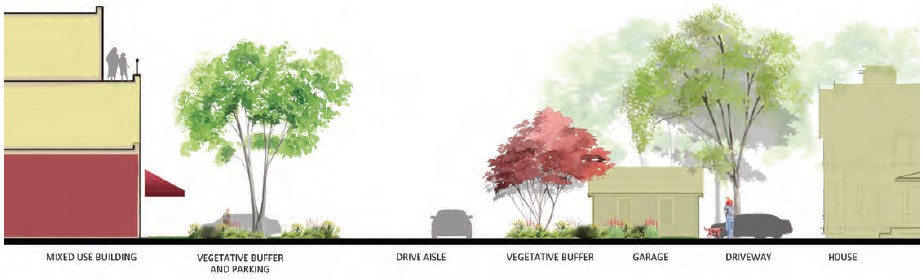
Transition Areas

- When a new three or four story building is adjacent to single- or two-family structures, the top floor shall be setback an additional 10 feet from the required rear and side yards of the property. Adjacent structures are defined as properties that share a side or rear property line or an alley with the subject property.
- Encourage building designs that articulate or enliven the rear façade.
- Encourage site designs that use vegetative buffers to reduce the visual impacts of higher density development on adjacent lower density development.

While the three Neighborhood Commercial Nodes and the community corridors of France Avenue & 44th Street have their distinct commercial character they are surrounded by low-scale, one to two-family residential areas that have their own distinct character and rhythm. In many locations, larger more dense commercial, mixed use, and multi-family residential structures share an alley or side and rear lot lines with these lower scale uses. This was a topic of concern for the community. Transition issues include: negatively affecting the overall character of the block, shading of back yards caused by taller adjacent buildings, disruption and degradation of views, loss of privacy, and increases in noise and traffic. These concerns and issues are reflected within City policies that encourage transitions between higher density and lower density development.



Stepping back upper stories and articulating the rear facade can reduce the overall mass and scale of new development. This is especially important in transition areas.



Cross section illustrating the transitional zone between the back side of 3-story development and existing single family residential featuring vegetative buffers, a drive aisle and no alley.

4) You say the LHSAP plan calls for 3 or 4 stories in the nodes and corridors, but you fail to include that the LHSAP actually
states that the EXISTING ZONING in the nodes reflects land use policy of the TMP that **43rd and Upton is predominantly zoned is C-1,**
relates the context as 1-2 stories, and identifies the **C-2 zoning district as permitting 4 story, 56 foot** maximum is the height .

Existing zoning within the mixed use nodes closely corresponds to the functional nature of each area and reflects implementation of land use policies from the City's Comprehensive Plan. The 43rd & Upton node is predominantly zoned C1—Neighborhood Commercial District—with the exception of the former grocery store site (currently Settergren's Hardware) which is zoned C2—Neighborhood Corridor Commercial District to accommodate the former grocery store use. The 44th & Beard commercial area is zoned C1—Neighborhood Commercial District. The 44th & France mixed use commercial node is zoned C2—Neighborhood Corridor Commercial District—reflecting the auto-oriented pattern of development (grocery store, gas station, strip mall center, etc.). Because the majority of commercial buildings are 1 to 2-stories, the height limit of the C1 zoning district has been mostly untested as to its adequacy in transitioning between the commercial and adjacent residential structures. While the 4-story, 56-foot, maximum height permitted in the C2 zoning district of the 44th & France node also hasn't been built, its potential impact on adjacent homes was the subject of considerable discussion and evaluation during the preparation of this Plan.

At every turn, in your role as a CPED representative, you apparently choose to misstate the written record of the adopted LHSA , exclude pertinent facts regarding Context and Existing Zoning, and bury the fact that 3 stories actually complies with the TMP and its density goals.

In the future, I hope and encourage you to accurately and truthfully state standards of adjudication, specified directives of the LHSAP, and TMP policy regarding its direction for density compliant 3 stories in C-1 zones. This whole business of the LHSAP, The TMP directing 4 stories into C-1 zones is just not true. It may be CPED's desire to achieve 4 stories in C-1 zones, but that is not the TMP we have. It is no wonder you have to be so sketchy with what is criteria, or requirement and what has or has to be followed. Quite sad from a public service point of view. Circumvention of the truth is not a business any one should want to be in, especially when the accumulation of large sums of money is pressuring the outcome.

Walter Pitt
Thanks for sending me the requirements/ criteria, its good to know we have some, i encourage you to not to follow them and receive their benefit in regard to accurately
reflect what shadowing exists on the ground.

PLEASE INCLUDE MY REMARKS IN THE PUBLIC RECORD FOR COMMITTEE REVIEW.

On Aug 25, 2015, at 11:52 AM, Smith, Mei-Ling C. <Mei-Ling.Smith@minneapolismn.gov> wrote:

> Walt,
>
> The requirement for a complete land use application is "Shadow and context studies for large scale projects. Consult with CPED-Planning staff to determine whether this requirement is applicable to your application."
>
> Staff sometimes refers to these general suggestions and criteria for shadow studies, but these are not requirements:
>
> 1) The study should include the area affected by cast shadows of the proposed building and should show streets, buildings, and public spaces. If possible, include projects approved within the last 12 months.
> 2) It should show the building shadowing three times a year on March or September 20, June 21, and December 22 (the approximate dates of the longest, shortest, and equal days of the year)
> 3) On the above noted days it should show the shadowing at an hour after sunrise, noon, and an hour before sunset.
>
> If, upon receiving their materials, I thought that their shadow study was insufficient or misleading, I would ask for more detail. I do not find that to be the case. In fact, as the submitted shadow study does, indeed, show that there will be shadowing effects on adjacent properties for the proposed building, as well as for a 42' tall building.
>
> You are correct that the dimensions shown in the elevations, renderings – and analyzed in the staff report – would match the dimensions of the building that is depicted in the shadow study.
>
> I will include your comments in the public record.
>
> Thank you,
>
> Mei-Ling
>
> ---
>
> **From:** Walter Pitt [mailto:walterpittcompany@earthlink.net]
> **Sent:** Monday, August 24, 2015 5:06 PM
> **To:** Smith, Mei-Ling C.
> **Subject:** Re: RE the shadow study for the 43 UPTON LLC proposal
>
> Mei Ling one of the big issues I face with CPED is the lack of data and misinformation