

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

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**MEMORANDUM**

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DATE: November 10, 2016

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of October 17, 2016

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The following actions were taken by the Planning Commission on October 17, 2016. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

**Committee Clerk**

Lisa Kusz - 612.673.3710

**Commissioners present**

Matthew Brown, President | John Slack, Vice President | Alissa Luepke Pier, Secretary  
Lisa Bender | Rebecca Gagnon | Ryan Kronzer | Nick Magrino | Sam Rockwell | Amy Sweasy | Scott Vreeland

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**8. Theatre Garage Marquee Apartments, 2004, 2008, 2012, 2014 and 2018 Lyndale Ave S, Ward 10**

**Staff report by [Lisa Steiner](#), BZZ-7922**

The City Planning Commission adopted staff findings for the applications by Elizabeth Liebhard.

**A. Rezoning.**

Action: The City Planning Commission recommended that the City Council **approve** the application for a rezoning of the properties located at 2008, 2012, 2014, and 2018 Lyndale Ave S from the C1 District to the C2 District.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**B. Conditional use permit.**

Action: **Approved** the application for an increase in maximum height from 4 stories or 56 feet to 6 stories or 69 feet, subject to the following conditions:

- I. 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

**Not Approved by the Commission**

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.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**C. Variance to increase the maximum floor area ratio.**

Action: **Approved** the application for a variance of the maximum floor area ratio from 2.38 to 3.00.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**D. Variance to reduce the required rear yard setback.**

Action: **Approved** the application for a variance of the required rear yard from 15 feet to 3 feet, subject to the following conditions:

1. The parking garage walls shall be screened with year-round landscaping, as shown on the submitted plans.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**E. Variance to reduce the required south interior side yard setback.**

Action: **Approved** the application for a variance of the required side yard from 15 feet to 3 feet.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**F. Site plan review.**

Action: **Approved** the application for a six-story, mixed-use building with 113 dwelling units and approximately 8,000 sq. ft. of commercial space, subject to the following conditions:

1. All site improvements shall be completed by November 18, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED staff shall review and approve the final site, elevation, landscaping, and lighting plans before building permits may be issued.
3. The metal mesh for growing vines shall be installed as shown on the south and west elevations. The proposed shrubs shall be incorporated in final plans to ensure that the west elevation is adequately screened year-round.
4. Non-residential ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.
5. All new signs are required to meet the requirements of Chapter 543 of the zoning code and separate approvals shall be obtained from CPED.
6. The proposed chain link fence in the southwest corner of the site shall be vinyl-coated. A decorative fence is encouraged.
7. The applicant shall work with staff to incorporate street trees for all trees within the public realm.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

Staff Steiner presented the staff report.

**Not Approved by the Commission**

President Brown opened the public hearing.

**Elizabeth Liebhard:** We submitted an application for this site in 2014 with a little different design and we withdrew our application due to some land title issues. Since then we've resolved those and took the past two years to look at some redesigning of some aspects of the building. Based on some comments and feedback we got last time, with our redesigned building we presented at the Lowry Hill East Neighborhood Association in August and we received positive feedback about the changes that we made. There were some questions about the mechanical system in the garage. When we applied for our land use we didn't have that placed yet, but I've been working with our mechanical engineer and our general contractor and I believe we are looking at placing the exhaust of the garage ventilation to face north on to Franklin Ave.

**Commissioner Kronzer:** The space along Franklin between this proposed building and the building to the west, is that going to be sealed with a fence of some sort? What's the condition walking along the sidewalk on Franklin going west?

**Elizabeth Liebhard:** Just west of the garage entrance? That will be open. I believe we're just under four feet off the property line.

**Commissioner Kronzer:** Does the proposed building require pile driving for the foundation?

**Elizabeth Liebhard:** They will be using geopiers.

**Commissioner Kronzer:** Can you describe the lighting you're proposing along Franklin and Lyndale? We talked about it at CoW and I was satisfied, I just want to make sure the plan is still the same.

**Annie Ryan:** Besides the public lighting we are planning on some soffet lighting at the restaurant on Franklin. On Lyndale where we have the residences we'll have some sconces.

**Commissioner Kronzer:** You said public lighting, is the proposal to add lights along Franklin? It doesn't appear that way in the drawings.

**Annie Ryan:** I don't know that we're proposing additional street lighting.

**Commissioner Slack:** The six lilac trees that are shown, the images have previously shown raised planters. I think based on the site plan now, they're not raised planters, correct?

**Elizabeth Liebhard:** That's correct.

**Commissioner Slack:** I'd prefer to see street trees than lilac trees. If they were in raised planters and up off the ground that would be one way to look at it, but they are more ornamental in nature and smaller in stature.

**Terri Burks (2115 Aldrich Ave):** I'm here on my behalf and also on behalf of Pearl Baker who lives at 2019 Aldrich Ave S. She's elderly and couldn't make it here today. She is directly impacted by the project. She opposes the plan for two main reasons, six stories are too high and don't follow the neighborhood guidelines. She'll lose significant light on her property because the building is so large and so close to her property. The western setback is too close as proposed. This is where it was going from 15 feet to three feet. Behind her is a parking lot. It's not all enclosed for the entire project, there are sections of it that are open and exposed. She says it will put her property at risk in case of fire and

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creates an unsafe dark space for vagrant activities. She's concerned about that three feet of space not being a manageable space and it's a long track of space between the residential properties. I live at 2115 Aldrich Ave S and also feel that six stories would look out of place. We have a community area plan that the neighborhood has approved and discussed with CM Bender at a recent meeting. This is in conflict with that. Our neighborhood is impacted greatly by increasing from four stories to six stories. I think there's a safety and security issue on the 15 foot setback being changed to three feet. We do not have alleyways behind our houses the other way other blocks in our community have. We really request that the city consider following the community area plan as it was designed with modest variances. I get that the project needs to have variances, but not six stories. Thanks for your time.

**Kathleen Hokanson (604 Ridgewood Ave):** We own 600, 604 and 606 Ridgewood Ave. We love the property owner and what he's doing here, but we don't like that he wants to build it bigger than the code allows. We can't afford anymore people in the area. He doesn't live there, we do. To add more people to that congested corner is an issue, the height is an issue. We're on the hill, we look out over that, it's a problem. We're not the greenway, we're the gateway. This isn't the place for a six story building. We don't need more cars on this congested corner.

President Brown closed the public hearing.

**Commissioner Kronzer:** I will move staff recommendation for item A (Vreeland seconded).

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Commissioner Kronzer:** I will move staff recommendation for item B (Slack seconded).

**Commissioner Bender:** Just because a lot of the testimony was specific to the height issue, I wanted to note that this is a conditional use permit which means this height is allowed with conditions as long as the applicant has met those conditions, which is different than a variance. That gets confusing, but generally speaking this height is allowed here as long as the applicant has met the conditions in the conditional use permit. I also just wanted to clarify this question about is there a plan that says four stories are preferred over six stories in this area...there is a LynLake Small Area Plan and an Uptown Small Area Plan, both of which give general guidance for this area but I don't think either those plans have the specific heights for this site.

**Staff Steiner:** Correct, the conditional use permit to increase maximum height, the height is permitted provided that they meet the conditions and the findings of the conditional use permit, which the analysis of that is in the staff report and staff did find that the proposed height met all those findings. The LynLake Small Area Plan does not specify that the maximum height here is four stories. Maximum height for the zoning code is four stories that's why the conditional use permit to increase maximum height is required. I do believe that I saw in one of the public comment letters that perhaps the Lowry Hill East Neighborhood Association has adopted recommendations that the properties in this area would be four stories, but that's not a City Council adopted plan.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Commissioner Kronzer:** I will move staff recommendation for item B (Slack seconded).

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Not Approved by the Commission**

**Commissioner Kronzer:** I will move staff recommendation for item C (Vreeland seconded).

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Commissioner Kronzer:** I will move staff recommendation for items D and E (Vreeland seconded).

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Commissioner Bender:** The unresolved question I've heard is the issue about this garage enclosure and where that landed and I wonder if staff or the applicant can talk through the ventilation and if it's open or closed and how that back wall is treated.

**Elizabeth Liebhard:** The parking garage is fully enclosed. The proposed ventilation system we've been working on with our mechanical engineers would be to have the intake on the lid of the parking structure on the second level would be vertical and carry down through all levels of the parking garage and the exhaust of the parking garage would exit north on to Franklin Ave.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**Commissioner Kronzer:** I will move staff recommendation for item F (Vreeland seconded). I'd add a proposed seventh condition to work with staff to plant street trees and all trees within the public realm.

**Commissioner Vreeland:** It's really hard to replant trees. The addition of canopy trees is better for the environment and the Park Board which will be maintaining those trees. I appreciate the amendment.

**Commissioner Bender:** This is adding a lot of people and I think it is important for people to have space to enjoy, but there are some concerns from the neighbors in the back how that would impact living behind. Can you speak about the outdoor space on top of the parking garage on the west side of the building?

**Elizabeth Liebhard:** The proposed roof deck is for the exclusive use of the residents only. At the neighborhood meeting there were concerns about whether or not there'd be use for the restaurant in that space and there will not be. We're looking at different landscaping options to mitigate the sound issues. It will have residential unit spacing out towards the roof deck as well.

**President Brown:** Are there any concerns with adding that condition related to trees?

**Elizabeth Liebhard:** That's fine.

**Commissioner Magrino:** I want to add a condition to vent the exhaust from the garage out on to the Franklin Ave side.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland

**President Brown:** Giving the applicant a chance to respond again, are there any concerns with adding that condition? Seeing that there are no concerns, any further discussion?

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**Commissioner Kronzer:** I want to call out what this project is doing for the pedestrian environment and the feel of the street right now. This is maybe one of the worst environments for pedestrians in the city. This project is cutting the crossing distance across Lyndale, the sidewalks on Franklin and Lyndale are being improved with developer costs, street furniture by the developer. The height of the building itself is going to calm the street. There are studies showing that the taller the buildings the more vertical elements closer to moving cars the slower the cars go. While we might be bringing a few more cars to the site, I believe the end result for the neighborhood is going to be a better pedestrian environment and a better car environment because the cars will be going slower too.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Slack and Vreeland