

REPORT TO THE CITY COUNCIL FROM  
**ZONING & PLANNING COMMITTEE**  
February 6, 2020

A regular meeting of the committee was convened at 10:02 am on this date.

Members Present: Council Members Jeremy Schroeder (Chair), Kevin Reich (Vice-Chair), Cam Gordon, Jeremiah Ellison, Lisa Goodman, and Lisa Bender (Quorum - 4)

Matters listed below are hereby submitted with the following recommendations; to-wit:

1. Variances and site plan review appeal: Ryan Sadowy, 407 15th Ave SE, 1412 and 1428 5th St SE, and 1413 and 1417 4th St SE ([2020-00043](#))

Considering an appeal submitted by Ryan Sadowy regarding the following decisions of the City Planning Commission (PLAN10096) to construct a new mixed-use building with 329 dwelling units and 23,000 square feet of commercial space for the properties located at 407 15th Ave SE, 1412 and 1428 5th St SE, and 1413 and 1417 4th St SE:

1. Denying a variance to increase the maximum floor area ratio from 3.78 to 6.04.
2. Denying a variance to reduce the minimum loading requirement from 3 small spaces to 1 small space.
3. Denying a site plan review.

2. Conditional use permit and variance appeal: Cordelia Pierson, 407 15th Ave SE, 1412 and 1428 5th St SE, and 1413 and 1417 4th St SE ([2020-00044](#))

Considering an appeal submitted by Cordelia Pierson regarding the following decisions of the City Planning Commission (PLAN10096) to construct a new mixed-use building with 329 dwelling units and 23,000 square feet of commercial space for the properties located at 407 15th Ave SE, 1412 and 1428 5th St SE, and 1413 and 1417 4th St SE:

1. Approving a conditional use permit to increase the maximum allowed height in the C3A District from 4 stories or 56 feet to 10 stories or 119 feet.
2. Approving a variance to reduce the minimum parking requirement from 310 spaces to 207 spaces.

Staff presentation regarding items 1 and 2 by Lindsey Silas and Kimberly Holien, Community Planning & Economic Development Department. Revised plans were shared with the Committee that included the elimination of the loading variance in item 1.2.

The hearing regarding items 1 and 2 was opened, and the following persons spoke:

1. Cordelia Pierson, appellant, 512 7th St SE
2. Neil Reardon, on behalf of applicant, ESG Architecture & Design
3. Ryan Sadowy, on behalf of applicant
4. Alyssa Jagdfeld, on behalf of applicant, ESG Architecture & Design
5. Unidentified speaker, on behalf of applicant
6. Eric Wunderlich, 413 5th St SE
7. David Moseman, 619 8th St SE
8. DJ Challa, India Kitchen
9. Chris Meyer, 601 6th St SE
10. Kristen Eide-Tollefson, Book House, Preserve Historic Dinkytown

11. Barbara Camm, 423 7th St SE, Marcy-Holmes Neighborhood Association (MHNA)
12. Larry Crawford, 1055 14th Ave SE
13. Ted Tucker, 319 5th St SE
14. Lynn Nyman, 324 14th Ave SE, Loring Bar & Restaurant
15. Chris Coyne, 419 5th St SE

The hearing was closed.

The Chair afforded the courtesy of the floor to Council Member Fletcher, who thanked those who testified and spoke in support of delaying action on item 1.

Bender moved to continue item 1 to Feb 20, 2020, and to deny item 2. On voice vote, the motion failed.

Goodman moved to deny item 1. On voice vote, the motion passed.

Goodman moved to deny item 2. On voice vote, the motion passed.

3. Certificate of nonconforming use appeal: Ugur Kocak, on behalf of Burger King Corporation, 3342 Nicollet Ave ([2020-00183](#))

Considering an appeal submitted by Ugur Kocak, on behalf of Burger King Corporation, regarding the decision of the Zoning Board of Adjustment denying a certificate of nonconforming use (PLAN10085) for a fast-food restaurant with a drive-through facility at 3342 Nicollet Ave.

4. Certificate of nonconforming use appeal: Ugur Kocak, on behalf of Burger King Corporation, 818 W Broadway ([2020-00184](#))

Considering an appeal submitted by Ugur Kocak, on behalf of Burger King Corporation, regarding the decision of the Zoning Board of Adjustment denying a certificate of nonconforming use (PLAN10084) for a fast-food restaurant with a drive-through facility at 818 W Broadway.

Staff presentation regarding items 3 and 4 by Andrew Frenz, Community Planning & Economic Development Department.

The hearing regarding items 3 and 4 was opened, and the following persons spoke:

1. Carol Lansing, on behalf of appellant, Faegre Drinker Biddle & Reath
2. Paul Battista, on behalf of appellant, Genovese Joblove & Battista
3. Katerina Glyptis, on behalf of appellant, Burger King Corporation

The hearing was closed.

Ellison moved to grant items 3 and 4. On voice vote, the motion passed.

5. Rezoning and alley vacation: Timothy Baylor with Pinnacle Management LLC, 817, 819, 821, and 825 W Broadway Ave; and 1828, 1830, 1832, 1836, and 1838 Bryant Ave N ([2019-01294](#))
  1. Approving an application submitted by Timothy Baylor with Pinnacle Management LLC to vacate (PLAN9426) the public alley in the southeast quadrant of W Broadway Ave and Bryant Ave N.
  2. Passage of Resolution vacating the public alley in the southeast quadrant of W Broadway Ave and Bryant Ave N, dedicated in the Highland Park and Sherburne and Beebe's Addition plat to Minneapolis (Vac-1682).

Schroeder moved to continue to meeting of Mar 19, 2020. On voice vote, the motion passed.

[Bender absent]

6. City Planning Commission appointments ([2020-00190](#))
  1. Setting a public hearing for Feb 20, 2020, to consider the Council appointment of Raya Esmaeili, Seat 4, Ward 10, for a two-year term beginning Feb 1, 2020, and ending Jan 31, 2022.
  2. Setting a public hearing for Feb 20, 2020, to consider the following Mayoral appointments for two-year terms beginning Feb 1, 2020, and ending Jan 31, 2022: Adam Duinick, Seat 7, Ward 12; and Aneesha Marwah, Seat 2, Ward 3.

Schroeder moved to set public hearing for Feb 20, 2020. On voice vote, the motion passed.

[Bender absent]

7. Parkland dedication ordinance ([2019-01202](#))

Passage of Ordinance amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations, amending Article V, Parkland Dedication, to modify the definition of "affordable housing units" to address inclusionary zoning units and projects using income averaging.

Staff presentation by Brad Carter, Community Planning & Economic Development Department.

Goodman moved to approve. On voice vote, the motion passed.

8. Rezoning: CA Ventures, 407 15th Ave SE, 1412 and 1428 5th St SE, and 1413 and 1417 4th St SE ([2020-00041](#))
  1. Approving an application submitted by CA Ventures to rezone (PLAN10096) the properties located at 407 15th Ave SE, 1428 5th St SE, and 1413 and 1417 4th St SE from the C1 Neighborhood Commercial District to the C3A Community Activity Center District to construct a new mixed-use building with 329 dwelling units and 23,000 square feet of commercial space.
  2. Approving an application submitted by CA Ventures to rezone (PLAN10096) the property located at 1412 5th St SE from the C2 Neighborhood Corridor Commercial District to the C3A Community Activity Center District to construct a new mixed-use building with 329 dwelling units and 23,000 square feet of commercial space.
  3. Passage of Ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.  
  
Staff presentation by Kimberly Holien, Community Planning & Economic Development Department.  
  
Schroeder moved to deny the applications and return the ordinance to author. On voice vote, the motion passed.

9. Regulation of existing off-premise advertising signs and billboards near regional sports facilities ordinance ([2018-00941](#))  
  
Passage of Ordinance amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards, amending regulations for existing off-premise advertising signs and billboards near regional sports facilities.  
  
Reich moved to approve, including several amendments to Section 544.90. On voice vote, the motion passed.

With no further business to transact, the meeting adjourned at 12:56 pm.

Reported by Ken Dahler, Council Committee Coordinator