

EXPANDED STATEMENT OF REASONS FOR APPEAL TO THE ZONING AND PLANNING COMMITTEE

The East Calhoun Community Organization (ECCO) appeals all final actions taken by the Planning Commission, in regard to Land Use Applications submitted for the proposed Sons of Norway project, Plan 5752, at its meeting on January 22, 2018. The intensity and density of the current Sons of Norway proposal require a Rezoning, as well as a CUP, PUD, Variance, and Alley Vacation to be built.

There is no way to address the land use applications adopted by the Planning Commission as part of the ECCO Appeal without also addressing their recommendation to approve the rezoning of the properties on 31st St and Holmes Av S from R4 to R6. The proposed site is zoned R4 as part of the implementation of the Uptown Small Areas Plan (USAP) to uphold land use goals and practices consistent with the Minneapolis Plan for Sustainable Growth (from here on referred to as the Comp Plan), and the rezoning conflicts with those goals and practices.

1. REZONING

The Planning Commission **erred** in its recommendation for approval of rezoning the properties located at 3106 Holmes Ave S from the R4 Multiple-family District to the R6 Multiple-family District because the Applicant failed to meet all of the findings of the Minneapolis Zoning Code.

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

The property is located outside of the Uptown Activity Center and the site proposed for rezoning from R4 to R6 is not on a corridor but on 31st Street, which is a neighborhood street. The guidance from the Comp plan (last updated in 2016) is clear and shows that the current proposal does not meet the conditions for approval:

1.10.6 Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors.

Consistent with the Minneapolis Plan for Sustainable Growth (from here on referred to as the Comp Plan), the Uptown Small Area Plan (USAP), adopted in 2008 and codified via the regional Midtown Greenway Zoning Study in 2010, recognizes the importance of appropriate transitions between the ever-changing activity on the corridors and the value of stabilizing the edges of existing residential neighborhoods.

Uptown neighborhoods continue to be desirable because of the Lakes, the pedestrian-oriented neighborhood streets, and the unique architecture. The corridors, on the other hand, have changed significantly. As the region grew and Uptown and the Lakes became established regional attractions, the corridors expanded and intensified. Managing the transition between the stable residential neighborhoods and

the ever-changing corridors is the essence of this Plan. Page 46

Consistent with the Comp Plan, the Uptown Small Area Plan doesn't focus on **Whether** Uptown should grow and change, but **How** and **Where** to create more win-win situations in the section called **Growth**:

An important premise of the Plan is to recognize that in order to maintain the high quality of life in the neighborhood corridors. The growth must be orderly, predictable, and sustainable. It must build upon strengths, eliminate weaknesses, and be incremental... As important as it is for Uptown to grow, it cannot do so in a sustainable manner without simultaneously stabilizing the edges of existing neighborhoods and creating new and improving existing public spaces. The area's public spaces and neighborhoods are, after all, the foundation for Uptown's quality of life and desirability. This Plan proposes specific patterns of new growth that can achieve the goals of providing development capacity while simultaneously stabilizing the neighborhoods and improving open spaces and streets. Page 46

The USAP applies this principle by guiding more dense and intense development away from established residential neighborhoods and instead focusing it on Commercial Corridors in the designated Core of Uptown-- with an emphasis on appropriate transitions from Commercial Corridors to residential neighborhoods in the section called **Development Intensity**:

This section of the Plan describes how private development (buildings) will contribute to and reinforce the public realm in Uptown. The section provides guidance for intensity of use, building heights, building types, and how buildings should be designed at the street level.

In general, the Plan concentrates the most intense development in the Core of Uptown (The Activity Center and the Urban Village South Sub-Area): The area generally bound by Lake Street, Hennepin Avenue, the Greenway, and Bryant Avenue. It is in these areas that the most square footage of development is encouraged, where the tallest buildings are suggested and where the most active and regional uses should be located. Specifically, the Plan proposes a building envelope in the Core that ranges from 35 feet on the south edges of the Greenway, to 84 feet in the middle of the blocks Plan Elements between the Greenway and Lake Street. The Plan also pays particular attention to the low-scale surrounding neighborhoods by recommending that buildings transition in height down to the neighborhoods. Page 81

The USAP growth strategy includes:

- Focusing the most intense development in the Core of Uptown.***
- Defining the edges of new growth, and shaping the edges of new growth such that transitions to the neighborhoods are clear and predictable.***
- Shaping growth near the Lakes. [To meet the height requirements of the Shoreland Overlay District)***

In Summary, the guidance from the Comprehensive plan and the rationale for the R4 Zoning on the 31st St and Humboldt Av S site as part of specific implementation steps adopted by the City Council in the USAP are very clear.

Defining the Edges of New Growth: The Plan carefully manages the edges of new growth such that transitions to the neighborhoods are predictable. Areas north of the Greenway and south of Lake Street will be carefully designed to preserve the valuable residential qualities of the adjacent neighborhoods.

The predominant zoning for the adjacent residential neighborhood is R2B. The reason the proposed site is zoned R4 as part of the implementation of the USAP is to uphold land use goals and practices consistent with the Comp Plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Focus density and intensity on the corridors while providing appropriate transitions to residential neighborhoods starting with adjacent properties.

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

Buffering the impact of higher intensity and density on corridors via transitional zoning (R4) to the existing context of the adjacent residential neighborhood (predominantly R2B).

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.

Allowing the 31st/Holmes site to be up-zoned to R6 would set a precedent of density and intensity for treating 31st St like a de facto corridor rather than what it is now: a residential street. Because the proposed site is not within the Activity Center nor the designated Core of Uptown, rezoning this site to R6 would send the clear message that the Comp Plan, USAP and existing zoning can all simply be disregarded—leading to development patterns that are unpredictable, piecemeal, disorderly and incompatible with the existing adjacent residential properties and neighborhood character thereby facilitating instability in the neighborhood.

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

The rezoning for the proposed development for the Sons of Norway is to allow for much

more density than would be allowed under a PUD and/or a CUP alone. The rezoning will allow for a total of 145 units of housing on the 31st and Homes site. ***The developer told attendees at a public meeting that the price point for units within this proposed development will start at \$1200. The smallest units in this development are 375 square feet on the North building site (based in stats provided in the elevations/floor plans) thus, the price for the smallest units would be \$3.20 per square foot (not including a parking fee if applicable).*** These units make up 40 of the proposed 184 rental units proposed for the North building. Nine of the units in the North building proposal are approximately 550 square feet.

The smallest units in the South building are approximately 500 square feet, based on the stats provided by the developer in the elevations/floor plans, and make up 50 of the proposed 145 rental units (approximately one third). We can only assume the rents would be higher than the \$1200 base rent for the 40 units that are 375 square feet. So almost a third of the total units in this proposal will be 550 Square feet or less—40 units will be much less.

For comparison: the current average price point for a two-bedroom rental unit in ECCO is approximately \$1800. At an average of 1000 square feet the rental price per square foot would be \$1.80 and allow for a roommate to split the costs if necessary.

In Summary: This kind of high priced density appears to benefit the property owner and would lead to a higher beginning price point for rental units in ECCO, Uptown and Minneapolis generally—which is not in the public interest.

Finally, the land use permits go with the project. The zoning goes with the property. If the developer would decide not to build for some reason after being awarded the rezoning then the property would revert back to the owner and the value of the property would immediately increase exponentially despite no improvements having been made to the property by the land owner.

If the rezoning is granted and nothing is built for whatever reason, the property could be sold for a much higher price with fewer controls over what kind of development happens on the South site. This higher price would in turn drive the speculative real estate market and the higher price paid for the land would trickle down to higher priced rents.

An exuberant speculative real estate market is not good for renters and not in the public interest regarding affordable housing and stable neighborhoods.

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.

This property for the proposed up-zoning is not on a corridor nor is it in the Uptown Activity Center. Awarding a rezoning would make this development incompatible with the existing zoning of properties directly adjacent to this site on Humboldt Av S and the predominant zoning of the surrounding neighborhood residential properties on 31st St.

outside of the Activity Center (R2B).

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.

The proposed density and intensity for this property is not in keeping with the policies expressed in the Comp Plan or the USAP and are excessive for this site. This desirable site has attracted a lot of interest. There are reasonable uses of this property permitted and supported by the existing zoning and current land use regulations. The city does not owe this developer a rezoning to allow this current proposal to be built.

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.

This property is not on a corridor and not in an Activity Center. There has been no substantive change on 31st St outside of the Activity Center that would indicate that an up-zoning is appropriate. **Any changes on the Lake St or Hennepin Ave corridors are being addressed by the R4 zoning with the goal of stabilizing the edges of the residential neighborhood by managing “the transition between the stable residential neighborhoods and the ever-changing corridors” as articulated in the USAP.**

The current zoning approved in 2010 is a tool to realize this goal.

An up-zoning of this site would not address a change in the character of 31st St. **It would create and support a significant change in character**—inconsistent with the stated goals of the Comp Plan and the USAP.

2. CONDITIONAL USE PERMIT

a. The Planning Commission **erred** in its approval of a Conditional Use Permit for a Planned Unit Development to construct a new 319 unit mixed-use project with 23,000 square feet of commercial uses because the Applicant failed to meet all the required findings for the CUP.

Land Use Policies including but not limited to Policies 1.10, 1.1.5, 1.5.2, 1.8, and 1.10.6 of the Minneapolis Plan for Sustainable Growth as well as the Uptown Small Area Plan adopted by the City Council.

The Planning Commission **erred** in finding that this Conditional Use Permit for the Sons of Norway Planned Unit Development meets the required findings for a CUP.

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

The proposed density and intensity of this PUD proposal, as expressed in the impact of car trips to and from this development would have a quantifiable impact on public health, safety, comfort and general welfare. The proposed density and intensity of this proposal creates conflicts between pedestrians and vehicular traffic. According to the TDMP, the car idling due to the number of combined car trips to and from this planned unit development would extend longer than 300 feet on intersections like Humboldt and Lagoon. This does not include the cumulative traffic from other current and new developments under construction on Holmes Av South—a residential street ending in a T intersection with a stop sign at Lake St.

The Quantifiable Human Cost of excessive density and intensity on the current site bordered by Lake St, Holmes Ave S, 31st St, and Humboldt Ave S: 2017 PEDESTRIAN CRASH STUDY

https://lims.minneapolismn.gov/Download/RCA/2877/Minneapolis-Pedestrian-Crash-Study_2017.pdf

KEY FINDINGS:

HENNEPIN AND LAKE RANKED #4 IN INTERSECTIONS WITH THE HIGHEST PEDESTRIAN CRASH RATE IN MINNEAPOLIS over 10 years city-wide. This ranking was the result of Hennepin and Lake providing the highest number of pedestrian crashes per the 26,300 vehicles that travel through this intersection as of the date of this study in 2017. Page 41.

The additional car trips and pedestrian traffic from 319 housing units and customers to and from the proposed 23,000 square feet of commercial space will only add more cars and more pedestrians to this intersection--potentially leading to more conflicts in terms of crashes between pedestrians and cars.

Motorists making a Left hand turn-second highest source of pedestrian crashes.
Page 50.

The automobile exit from this development goes directly onto Holmes Avenue S. There are limited choices for traffic going points North. One is to cut across several lanes of traffic from a stop sign at the T intersection on Lake Street to make a Left hand turn onto Hennepin, making this high traffic area of Lake St more dangerous with cars darting across the street at irregular and unpredictable intervals-- when they feel it is safe enough to do so.

Cars could also go East from this proposed development onto 31st Street to make a Left hand turn at Hennepin; Or go West on 31st St and turn Right on Humboldt Av to make a Left hand turn at Lagoon Av (where the approximately 300 feet of idling cars were predicted at Lake St and also Lagoon by the TDMP. This did not include summer lakes traffic because the study was done off-season in October);

The other options are West down 31st St to either the East Calhoun Parkway (another area for idling cars—especially in the summer months); or one of the other residential streets, like James or Irving. **The use of any of these side streets or the Parkway for increased levels of traffic from a development of this level of density and intensity could result in more potential conflicts with residents on foot or bike, or with regional patrons accessing the regional Chain of Lakes' walking and biking trails, sailing school, boat/bike rental, and restaurant at the Refectory on Lake St and East Calhoun Parkway.**

Pedestrians crossing with the light is number one location for pedestrian crashes.

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More pedestrians trying to cross with the light as an increased level of traffic is trying to get through an already congested traffic intersection would only seem to exacerbate an already unsafe situation.

Streets with more transit infrastructure and attractions like theaters and libraries have more pedestrian crashes. Page 34

This may seem counterintuitive with current thinking on correlations between transit and pedestrian friendly streets. But this study found that more attractions inviting more pedestrian access while adding more automobile congestion creates more conflicts between pedestrians and cars according to this report. Making it more dangerous for pedestrians.

THE HENNEPIN AND LAKE INTERSECTION HAS A HISTORY OF UNACCEPTABLE LEVELS OF AIR POLLUTION FROM IDLING CARS.

"This monitor was installed in October 1987. Until 1990, this site replaced Saint Paul's Snelling and University Avenue intersection as the regions "CO hotspot". During 1991, the eight hour standard was not exceeded. In 1990, the city of Minneapolis completed a one-way pair with lake and lagoon streets and other transportation management strategies to address the exceedances. The maximum eight hour value in 1991 was 5.6 ppm, a signification decreased from 8.3 ppm in 1990. The second highest in 1991 was 5.1 ppm, a decrease from 8.0 ppm in 1990."

Excerpt from Page 3 of report entitled 1992 REPORT OF REASONABLE FURTHER PROGRESS TOWARD MEETING AIR QUALITY STANDARDS IN THE TWIN CITIES METROPOLITAN AREA FOR CALENDAR YEAR 1991, published December 1992 for the US Environmental Protection Agency by the Metropolitan Council.

The culprit at the time of the report making Hennepin and Lake the most polluted intersection in the region was determined to be the excessive number of idling cars. Given the history of air pollution issues at Hennepin and Lake only being officially resolved by creating the one way paired streets of Lake and Lagoon to decrease car idling, what impact could the significant levels additional traffic congestion predicted to result

from this development have on the public health of pedestrians and cyclists?

CITY OF MINNEAPOLIS PASSES AN ANTI-IDLING ORDINANCE DUE TO THE PUBLIC HEALTH DANGERS OF IDLING CAR EMISSIONS

The current understanding of the dangers of emissions from combustion engines is much more comprehensive than in the 1990's. As the City of Minneapolis' own website states: *"Exhaust from an idling car carries a higher load of pollutants than a moving car, so reducing unnecessary idling is one easy way we can all do something to improve air quality. Vehicle motors release into the air:*

Particulate matter, Dirt, Nitrous oxides, Hydrocarbons, Carbon monoxide, Carbon dioxide

These chemicals are linked to increased rates of cancer, heart and lung disease and asthma and are the major source of human-caused global warming."

For this reason the City of Minneapolis passed an Anti-Idling Ordinance:

"The anti-idling ordinance restricts idling of cars and other gas or diesel powered vehicles to no more than three minutes in a one hour period. Another portion of the ordinance limits idling of buses, trucks and other diesel engine-powered vehicles to no than five minutes in a one hour period."

http://www.ci.minneapolis.mn.us/environment/air/airquality_antiidling_home

Given the traffic congestion predicted for some streets due to the density and intensity of this development, despite the study being done in October (outside of the busiest summer season), it may become difficult for cars NOT to violate letter and/or the spirit of this 3 minute max anti-idling ordinance.

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 subject property bordered by the Lake St Corridor, Holmes Av S, 31st St, and Humboldt Av S. The density and intensity of this proposed CUP would likely be injurious to the use and enjoyment of other properties in the vicinity due to the impacts previously discussed regarding the public health and pedestrian safety related to increases in car traffic conflicting with higher concentrations of pedestrians and cyclists.

The site is located outside of the Uptown Activity Center. 31st St is a residential street with a center boulevard West of Hennepin and traffic calming throated intersections East of Hennepin—all to reinforce and maintain the residential character and enhance the pedestrian safety of the predominantly R2B neighborhood. Even the most recent construction at the corner of 31st and Holmes, within the Activity Center, has only 9 units of residential housing over 1000 square

ft of retail space—hardly a precedent for the kind of density that would be allowed if the rezoning, CUP and PUD were granted for the South building.

This development, as proposed, would create a new precedent for the type of development being built on a residential street like 31st St. If granted, this spot zoning would set a precedent for future disorderly development outside of the Activity Center and the Corridors in residential neighborhoods.

The proposed development would be incompatible with the predominant character of housing on 31st St and be inconsistent with policies guiding development of properties adjacent to properties on corridors. For these reasons this proposal **Fails** to meet this required finding as well as the following policies.

1.10.6 Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

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

The density and intensity of this proposal would negatively impact the use and enjoyment of properties and regional amenities in the surrounding neighborhood.

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.

The addition of the level of density and intensity in this current proposal would destabilize the character of the ECCO neighborhood and the speculative pressure from the proposed price point for rents in this development on the surrounding property values and rents could chase out current renters and commercial lessees rather than retain them. Even a casual observer can see that there are already many commercial space vacancies in Uptown, and even national chain retail like Victoria's Secret leaving. Current long term residential renters worry what the proposed price point of \$1200 for 400 square ft apartments will do to market rate rents in existing ECCO rental units and other apartment buildings in the Uptown region generally.

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

The TDMP, even while being done in the off-season in October, demonstrated that there

would be increased traffic congestion as a result of the proposed level of density and intensity of this proposal. The current T intersection with a stop sign at Holmes and Lake St, a block from Hennepin Av, is inadequate to manage the number of car trips from 319 housing units and the employees and patrons of the proposed 23,000 square feet of commercial space.

For those drivers preferring to access intersections with a traffic light but avoid Hennepin and Lake, according to the TDMP, AM traffic going West at Humboldt and Lagoon would increase 17% with a queue of 280 feet. AM traffic going East at Humboldt and Lake would increase 15% with a queue of 339 feet. There is no study of how roads intersecting Hennepin would be impacted—despite the history of air quality violations and the significant number of Pedestrian Crashes noted at the intersection of Hennepin and Lake St. It is also difficult to assess the impact of the upcoming reconstruction of Hennepin Ave on traffic patterns.

With the current proposal, vehicles exiting the parking area and destined to the West (35% per trip distribution estimate) would need to travel through two additional stop sign intersections (31st and Holmes, or 31st and Humboldt) prior to accessing Lagoon to go West. This results in additional circulation through the neighborhood and increases the likelihood of conflicts with pedestrians and cyclists crossing and using residential streets and parkways. There just isn't a reasonable way to manage the traffic congestion from such a dense and intense mixed use development that doesn't cause more traffic congestion, idling cars, air pollution, and potentially more conflicts with pedestrians and cyclists.

This demonstrates that this proposal **Fails** to meet this required finding and also conflicts with **Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.**

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

As demonstrated previously, this proposed development would be inconsistent with multiple applicable policies of the Comprehensive Plan and the Uptown Small Area Plan and therefore **Fails** to meet this required finding.

3. BULK REGULATIONS, BUILDING HEIGHT

The proposer is requesting an alternative for building height to exceed the maximum height for the north building. The maximum building height in the C3A district is 4 stories, or 56 feet, whichever is greater. The project is proposing a structure that is 7 stories, 117 feet to the top of the cupola. The height to the top of the roof parapet of the 7th story is 87 feet.

The Applicant **Failed** to meet all the applicable criteria for a Conditional Use Permit for

increased height, as provided in Section 548.110 of the Minneapolis Zoning Code Ordinance and Section 527.140 Bulk regulations for a Planned Unit Development.

1. Access to light and air of surrounding properties.

Regarding the proposed Bulk and Height, even the Planning staff report states: “**The project would have impacts on adjacent properties due to its height, including increased shadowing effects,**” even though “The taller portions of the project are separated from adjacent residential uses by significant setbacks above the 2nd level as well as an at-grade surface parking lot between the north building and the single family homes to the south, reducing the impact of the height.” This would negatively impact the livability, use and enjoyment of adjacent properties.

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

Due to the proposed Bulk and Height, the Planning staff report states: “**The project would have increased shadowing effects on the public right of way to the north and west of the site, depending on the time of day, at especially during the darker months of the year.**” This includes public spaces and residential properties.

3. The scale and character of surrounding uses.

The Planning staff **erred** in assessing the scale and character of surrounding uses. The properties used for comparison on Holmes are in the Uptown Activity Center. This is not true for the Sons of Norway site, which is outside of the Activity Center.

Staff correctly states: “**Immediately to the west of the project site are several single and two family homes.**” This reflects the predominant R2B zoning of most of the entire ECCO neighborhood, including most of 31st St and the potentially impacted neighboring homes on Humboldt. Even the Graves development on Holmes and 31st St, within the Uptown Activity Center, can’t be used for a precedent of added density on 31st St because it only has 9 residential units.

The Bulk, Scale, and Density of the proposed 5 story, 145 unit development on 31st St cannot be considered a reasonable or an adequate transition to the R2B residential neighborhood from a 7 Story, 184 unit development on a Commercial Corridor.

As stated in Policy 1.10.6: Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors.

4. PLANNED UNIT DEVELOPMENT

The Planning Commission **erred** in determining that the proposed Planned Unit Development met all the Required Findings of the Minneapolis Zoning Ordinance

Section 527.260.

527.260. - Required findings.

In addition to the conditional use permit standards contained in [Chapter 525, Administration and Enforcement](#), before approval of a planned unit development the city planning commission also Erred in finding:

(1) That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a. The character of the uses in the proposed planned unit development, including in the case of residential uses, the variety of housing types and their relationship to other site elements and to surrounding development.

The Density of the South building on 31st St does is not consistent nor does it reflect the predominant character of the surrounding R2B zoning of the ECCO neighborhood and 31st St outside of the Activity Center.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access, bicycle facilities and availability of transit alternatives.

Please see the section beginning on Page 6 for a full discussion of the quantifiable impact of the additional traffic predicted from this proposal on an area already recognized to have a history of air quality problems from idling cars and car crashes with pedestrians.

c. The site amenities of the proposed planned unit development, including the location and functions of open space, the preservation or restoration of the natural environment or historic features, sustainability and urban design.

A “Fjord” with proposed astro-turf is not seen by the community as an amenity that mitigates the impacts of such density and intensity of this development—especially the South building.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.

The appearance and massing of this development is not compatible with the predominantly R2B neighborhood that surrounds this property outside of the Activity Center. The Microclimate effects from shadowing on neighboring residential properties due to the building scale and massing would be significant.

e. An appropriate transition area shall be provided between the planned unit development and adjacent residential uses or residential zoning that considers landscaping, screening, access to light and air, building massing, and applicable policies of the comprehensive plan and adopted small area plans.

The residents of ECCO are particularly concerned over the inadequate “transition area” expressed in the massing of the South building between this proposed North building of the PUD and the R2B residential neighborhood as called for in the Comprehensive Plan, spelled out in the Uptown Small Area Plan, and codified R4 as part of the regional Midtown Land Use Plan Rezoning Study. **R4 expresses the appropriate zoning, density and massing to be an appropriate transition.**

The Planning Commission also **failed** to use all appropriate land use tools available to them, “When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare” by **NOT** modifying this proposal to lower its intensity as spelled out in the Minneapolis Zoning Ordinance Section 527.250 Approval of a Planned Unit Development; and by failing to “impose such conditions on any proposed planned unit development and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and the policies of the comprehensive plan” as stated in Section 527.270 Conditions and Guarantees.

5. VARIANCE

The Planning Commission **erred** in its approval of a Variance to increase the maximum lot coverage for the property located at 3016 Holmes Ave S from 70% to 80% for an R6 zoned site. The site is currently and appropriately zoned R4, in compliance with Land Use Policies including but not limited to the following policies in the Comp Plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

1.2 Ensure appropriate transitions between uses with different size, scale, and intensity.

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

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.

1.10.6 Encourage the development of medium-density housing on properties adjacent to properties on Commercial Corridors.

The Planning Commission also **erred** in determining that the application for this Variance met all of the required findings listed in Chapter 525.500.

(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 developer proposes to increase the lot coverage from 70-80% (as well as a rezoning to R6) to allow for 145 rental units on a site purposely and appropriately zoned R4 to codify the Comp Plan and Uptown Small Area Plan.

There are plenty of uses for this property that would add a reasonable amount of density and intensity in a way that is more compatible with the predominantly R2B residential neighborhood and with less impact on the health, safety and livability of current residents of ECCO and users of Uptown and Lake/Park regional amenities. This Variance, which also requires the R6 up-zoning, has nothing to do with any circumstances unique to the property. It appears simply to be an integral part of the business model for this development.

(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.

The developer proposes an intensity and density of land use that can only be accomplished with a CUP, PUD, Rezoning, Variance, and partial Alley Vacation. These amount to multiple exceptions to the zoning and an unreasonable use of the property. It makes it appear that the developer is attempting to push the limits of the Comprehensive Plan, the Uptown Small Area Plan and the Zoning Code to maximize utilization of this site. The city should not reward this proposed unreasonable use of this property with a Variance and a Rezoning.

(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.

In this Expanded Appeal Statement, we have tried to quantify the specifics of how the unreasonable and excessive density and intensity of this development proposal would significantly alter the essential character of 31st Street—treating it more as a de facto corridor rather than what it is: a residential street. The massing and density would negatively impact homes directly across 31st St as well as homes on Humboldt.

The density and associated car traffic generated from residents and visitors of 145 residential units in this building, only possible with the Variance, CUP, Rezoning and PUD, plus the impact of the North building on this site at 174 rental units and 26,000 square feet of commercial space, would be extremely injurious to the use and enjoyment of other properties in the vicinity. They would also impact the health, safety and welfare of the many users of nearby regional attractions including the Lake amenities and the Uptown business district as pedestrians and cyclists.

4. SITE PLAN REVIEW

The Planning Commission **erred** in its approval of the Site Plan for a new 7-story, 319 unit mixed-use project with 23,000 square feet of commercial uses. The Applicant's Site Plan fails to meet all the required findings for site plan review and to conform to all applicable regulations of the zoning ordinance.

It fails to conform to the applicable standards of **Chapter 530, Site Plan Review**, in particular but not limited to **530.10**: that this development proposal "is compatible with nearby properties, neighborhood character, natural features and plans adopted by the city council, to minimize pedestrian and vehicular conflict, to reinforce public spaces, to promote public safety, and to visually enhance development".

Please see discussion beginning on page 6 for a full exploration of the significant impacts of the site plan for this PUD on pedestrian safety and vehicular conflict. Please see discussion beginning on page 1 for a full exploration of the lack of compatibility of this proposal with neighborhood character and the lack of an adequate transition from a Commercial Corridor to the adjacent residential property/neighborhood as expressed in the Comprehensive Plan, the Uptown Small Area Plan and the current zoning.

5. PRELIMINARY AND FINAL PLAT

The Planning Commission **erred** in finding that the Applicant met all the required findings for Subdivision applications in Section 598.270

(1) The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

(2) The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The Appellants reserve the right to submit a more detailed analysis and raise additional issues on appeal.

Lara Norkus-Crampton for ECCO

Date