

SAPCC Land Use Committee meeting – August 1, 2019

Committee members present: Amanda Longley, Walker Johnston, Karen Nelson, Carol Herman, Ray Bryant, Roger Purdy, Sherman Eagles, Bob Straughn, Nate Tracy.

Chair of meeting: Sherman Eagles

Minute taker: Amanda Longley

No guests present

Introductions and preamble

Minutes of June meeting presented to members

Agenda – Equity Committee requested Land Use use a similar metric to their Equity scorecard.

Westside Community Organization put the scorecard together. Will discuss if have time. Stephen

Mastey also may make it to the meeting, if so he has a presentation. – two items added

Agenda: 10-yr plan first, then park discussion, then equity scorecard if have time, then presentation by Stephen Mastey if he makes it.

Motion and second to approve the agenda as amended and the minutes of the June meeting as presented. All in favor by voice vote.

10-year plan city comment resolutions – Sherm leads discussion

Sherm: Comments were provided to committee members by email. Do not intend on reviewing all the comments together. Bob Straughn emailed comments/amendments to wording in several places. Sherm would like to discuss two of Bob's comments but suggest approving the rest of his comments.

EDB3.1 – ‘Research’ v. ‘provide’ wording, suggested by Bob. Discussion:

Sherm: When discussed with the city, the city indicated they did lots of research on mixed-use traditional neighborhood zones. City suggests ‘research’ as they aren't comfortable creating a mixed-use industry-housing zone, aka residential/industrial zone, without significantly more research. In an industrial zone you can't have housing in a basement or 80% of the 1st floor. However, Sherm notes that a ‘transitional industrial’ zone currently occurs along University Avenue just east of Raymond Station, for about two blocks, and perhaps nowhere else. So there are some principles available for that sort of zoning (parking behind the building, for example). So it has happened before.

Karen: But we are suggesting on a much larger scale.

Bob: This is a 10-year plan, and if you're only researching for 10 years that's not good. So he suggests phrase as ‘work with the city to provide.’

Sherm: Maybe suggest they extend the transitional-industrial zone to be farther along the green line.

Karen: Give several suggestions to the city. This allows them more flexibility.

Bob: It should also be the entire CEZ, but that's not a decision we need to make now. He suggests phrasing as ‘provide tools’, and mention that an example of such would be zoning.

Roger: So, leave as ‘provide.’

Karen: It's a 10-year plan, we can incrementally work on it throughout the period.

Sherm: So we have determined it's best to leave as ‘provide’ instead of ‘research,’ also say ‘may be an overlay’ instead of ‘is an overlay.’

HP1.1 – Add ‘and potential’ after ‘designated,’ wording suggested by Bob. Discussion:

Sherm: He agrees, except suggests ‘potential identified’ sites, not just ‘potential.’ Difficulty is that people have been using historical preservation to stop things from happening. So we’d like to make sure it’s an actual site, not just something people want to save. There is somewhere else in the plan where we suggest supporting a survey to find/identify historic sites. So if we say ‘potential’ we also want to say this applies to locations that have been identified as such. Also, owners have to agree for locations to be designated as ‘historic,’ at least nationally, and for a historic district a certain percentage of property owners in the district have to agree.

Karen: Owners have some incentives for that, tax credits for instance.

Sherm: Yes, but it also limits other uses, so sometimes owners don’t want it.

Roger: Zvago, how’d that work?

Sherman: Not well, that was an actual identified potential site, developer had to do historic survey, came back and said it was a potential historic area, met criteria for religious institutions. The Seminary had no interest in maintaining the buildings though. It would’ve delayed and potentially blocked the HUD mortgage for the area.

Bob: Suggests use phrasing ‘**incorporate preservation of sites and districts which have been designated or identified for heritage preservation.**’ But this leaves the question of who identifies the sites/districts.

Sherm: We could ask for a survey to identify and evaluate resources for potential historic preservation.

Carol: Suggests ‘future’ instead of ‘potential’?

Roger: How would all this work out? If a developer wanted to tear down Milton Square, say?

Sherm: If there’d been a survey and it’d been identified as a potential site it would have to be considered. In the 10-year plan we’re suggesting a survey anyway, with or without any development plans. That’d be something that’d be done as part of the HPC’s role, not something we’d fund.

Ray: The HPC identified Milton Square at some point, some time ago, he thinks he remembers?

Roger: Yes, that seems familiar, the Milton family has been fighting that.

Sherm: Yes, because it ties their hands.

Roger: Who can make that survey happen, can we require the city to do it in this document?

Sherm: We can suggest to the city, we can’t require anything. There’s been discussions, part of the historic preservation commission, and there have been surveys in other districts. He thinks he remembers there was one in Hamline, maybe Marshall, but he’s not sure what triggers that.

Bob: HP2.1, suggests survey, and in 1.1 you’re incorporating preservation into considerations for development.

Sherm: Even 1.1 only says to take historic preservation into consideration, still doesn’t say can’t develop it. Even a registered historic site, you can develop it, just can’t get public money. City has been trying to get rules improved. Some of the HPC rules say you have to maintain the property, which puts a financial burden on owners. There’s been much debate around those requirements. Currently, if you’re going to tear down a designated historic site, you have to get a demolition permit from the city, and the city may not give it. And to do anything on the outside of a historic location, you have to get permission from HPC.

Sherm, Karen: Example of ‘historic St. Andrews church’ brought up. Tension between culture, priorities, development, etc.

Sherm: So are we ok with Bob’s wording?

Roger: How to make it stronger?

Sherm: We can't demand it, we can work with a partner to achieve it, though not sure who the partner is here.

Roger: Logically the HPC would be a partner, but he's not sure if they could and if they would have funding/plans for our area.

Karen: Say 'work with partner like HPC'?

Carol: Suggests phrase as 'request' instead of 'demand'?

Roger: Feels the wording should be stronger.

Carol: It already says 'necessary', which is strong.

Bob: It says 'taking into consideration', and that we'll incorporate preservation when considering land use.

Karen: Could add 'necessary' around survey, make language there stronger.

Sherm: We're trying to say rights to do whatever people want with property they own are restricted if a site is a designated or potential historic site. This doesn't mean development won't happen, but there's a rationale for why you would object to it.

Bob: It's saying to please think about preservation along with other stuff.

Sherm: We can say we don't support something, even though it's zoned appropriately, because it doesn't protect the historic site.

Ray: We need to decide in our minds what a historic site is and what we want to preserve. Something might not have been historic in the 1970's but might be today. [Reference to Baker school location, for instance.]

Sherm: If a site hasn't been designated or identified as historic, we can't object, if what they're proposing to develop meets the code, zoning requirements, etc.

Roger: Could we require the developer to get a survey?

Ray: We could ask, but if they don't need a conditional use permit, waiver, etc. there's no requirement for the developer to even show us the plan.

Sherm: Or, if they're trying for Opportunity Zone tax credit stuff [perhaps that might be another reason they would need to show us the plan]? Sherm doesn't know enough to know whether use of Opportunity Zone tax deferrals require historic survey.

Carol: Shouldn't the community have a voice?

Sherm: No, not unless it actually meets the criteria. Just because lots of people want to keep x, doesn't mean they can.

Karen: But you'd want to be proactive about trying to get it designated.

Sherm: But must meet criteria, there's an objectivity requirement there.

Ray: Ex: Baker School that didn't meet the criteria in 1970, but may or may not now, don't know.

Roger: In HP1.1, we're saying 'incorporate' [considerations of historic preservation], not saying can't develop.

Nate: Did we accept 'potential'?

Sherm: **Yes, historic or identified potential.** The problem is there hasn't been a survey to identify potential sites.

Roger: Question is also still who? Who does the survey? And can we require the survey before we or the developer act on things?

Bob: Don't think we can.

Sherm: We can say we won't support a development without the survey, it'd be a condition we'd expect them to fulfill, just like engineering, environmental, etc. that have to be done already.

Then once a site is identified as potential, that doesn't necessarily mean it won't be developed,

but it means the developer has to mitigate the loss in some way. (Sherm gives examples of putting up signage, taking pictures, etc. – though Sherm doesn't know who approves that, and we don't have standing to.) And maybe at site plan review the city can say to the developers that it was designated historic and thus you must do x. For HUD programs, HUD has a requirement that a developer must do an evaluation, and if it meets criteria, must mitigate whatever's being changed from that historic site. But it's quite a process.

Roger: So leave it with Bob's wording?

Sherm: Yes, and also say if you don't do a survey we won't support you, and also we can argue with the city council to force the developer to do more than just knock the building down and build something. And, how do we change the plan to make it as likely as possible we'll actually get a survey before it's needed?

Bob: He thinks 2.1 is adequate for the ten-year plan, leave as is. If nothing has happened in ten years, that's on us to have not followed up.

Sherm: There are people in the neighborhood who have interest and would maybe help get survey going.

Any other comments? No.

New park at Westgate – Karen presents

There was indeed a last-minute meeting last Wednesday, as planned in previous meetings. Some attendance – about 50 people: homeowners, some people from nearby condos and lofts, people from Towerside, CEZ, other committee members. Emily R. (SAP community organizer) organized collection of feedback. The city had questions they wanted us to get information on – name ideas, question about where the primary entrance should be (Emerald or Berry streets), future amenities and locations of said amenities (not much planned as yet). Some questions came up about general Westgate transportation, which were good to hear. Comments will need to be relayed to city. Stephen, Karen, Carol met with major architect of the project, Ellen, but there's not much money on the project, so not much planning has been done. Some attendees offered to get action going, even donate money. Stephen's idea – maybe don't have the city spend all the money available for development of the park now, leave back some as seed money for future grants. Karen's not sure about logistics of that. No response from Ellen. There is also a difficulty that Dominion wants the park in some sort of finished form soon. Not sure on timeline of that agreement between Dominion and the city.

Purpose of further discussion on new Westgate park at this meeting: Karen would like more strategy. Part of the general vibe was that having blank slate plan for the park now is actually good, as the neighborhood will keep developing. There are three new streets to go in soon – Berry, the new Myrtle, Curfew. The original plan was for a street through Sunrise Bank's parking lot (plan as of Feb. 2019) but now (future October 2019 plans) that street seems to just end. But currently, there's just a fence – neighbors would like at least bicycles, pedestrians, etc. to be able to get through. There's some junk left over in the park and nearby area at the moment also, which needs to be cleaned up. The Transportation Committee walked the site on Monday, three days ago. Karen notes that the space across street to the south from the park is also city-owned, designated as 'park 2.' It is small but big enough for something, bleeds into the green space in Sunrise parking lot – could connect that in some way?

Roger: Does that connect, from the new Berry, to Wabash bridge, road for bikes?

Karen: It's an active question. There're old railroad ties there that need to be picked up, and old railroad ballast and gravel. Karen asks if we can at least get it graded out and more walkable.

Roger: When we met before, at the International Harvester building, the thing most appealing to Roger was the connection, also a suggestion of maybe old-type streetlights, ability to bike there.

Karen: Lost out on that part, the [nicely designed] promenade, it's just a regular street. But there's still lots of potential to do something pretty nice there.

Roger: For the square, newly-created park, were people more interested in an active use or a passive, lay out and picnic type of use?

Carol: Street to where?

Bob: Wabash.

Karen, others: Not sure what'll happen eventually to the street or where it'll connect, city could buy railroad across highway (now the railroad on this side of the highway doesn't connect to anything, railroad would likely be happy to get rid of it), but then the city would have to maintain it, and not sure what'll happen with 94/280, green way, etc.

Karen: What people want for use she's not sure, there was feedback recorded, she hasn't seen the records yet. It seems there was some interest in active use, kids and such.

Carol: Problem is not much money, hard to ask for support for a park that's not much now. Possibility seemed there, but hard to show without plans. People seemed ok with a basic square with grass and trees, if we can raise money, see how it evolves.

Roger: He thinks there's not enough money to do what's on the plan now.

Karen: She thinks most of the current plan is in the budget - trees, gravel, few lights, etc. She mentions as an example Gold Medal Park on the Washington Ave. side has a similar plan/set-up and has a nice effect. It will just take time for trees to grow. Trees should mostly mix well with Dominion's, the city Forestry is working to increase diversity of trees overall in the city, including in that area.

Carol: Also suggests we try to work with forestry dept. She's heard good things about the importance of increasing diversity in trees, recent presentation by the forestry dept. at garden club.

Karen: She mentioned Stephen said previously that there is a relevant student design thing (project?) with the U of M, he said he would contact his contact there, and approach Ellen Steward at the city about it - if we have a vision for the park, it'll be easier to organize around. Also, Karen suggested we/others could do sort of pop-up events and see how the park gets used, that's a popular design process now. It's also a potential community garden area, even if maybe just temporary. (Mention that the community garden in a neighboring area recently will now go back to being a park.) Some of this is beyond us, area of Parks people.

Roger: Next steps?

Karen: See formalized feedback from meeting. She and Stephen would like ongoing task group with friends of the park, SAPCC, Minneapolis people - for now, more strategy, ideas on organizing.

Bob: Comments that Kathryn did an excellent job organizing the meeting.

Carol: SAP people aren't going to be that interested in the Westgate park, need to get Prospect Park people to do the majority of the meeting.

Karen: There are a lot of people in SAP in that area actually, soon to be more (300 units), but yes, we should involve Prospect Park.

Carol: But people in SAP there aren't as organized.

Karen: Towerside was asked about pitching in money, as park will raise property taxes for them so they will benefit. They didn't say no, but not now. Towerside people are very organized, could be very helpful.

Sherm: Could reach out formally to Prospect Park, ask them to make a co-task force.

Roger: Name of the park?

Karen: Have a set of rules, process, city just wants ideas. Meeting took ideas as feedback, also people can suggest on website, or email to Ellen, or Kathryn or Emily R.

Bob: Ideas were suggested at the meeting, Indian trail used to go near there, to Gibbs' farm, Kathryn Reed Day suggested naming both that and another new park sort-of after it. Not sure if she'll follow up on it.

Carol: Suggested (partly in cheek) name it Weyerhaeuser, if they'd give money to it. Grant opportunity.

Karen: Others suggested 'neighbor park', 'westgate', etc.

Sherm: Mention that some of those names might make it seem like a business park, not an actual green park.

Roger: Do we as a group want to approach Towerside, or have a task force, etc?

Sherm: Do we have people who'd be on it?

Karen: She would, Stephen Mastey might.

Roger: I would.

Sherm: Suggests we next just put out that we're making a task force-like group, ask who's interested, ask Kathryn Murray to informally ask Prospect Park if they're interested, then if there's enough interest, make a task force.

Karen: Good to go through neighborhood orgs, but also make sure to invite people outside.

Sherm: Also, be careful what we call it, 'task force' has specific meanings, he suggests maybe call it a 'working group'.

Sherm: So, explore setting up some kind of a group to work on following the development of the park.

Karen: She'll ask Kathryn and Emily about feedback, make sure it gets to the city and to the Land Use Committee for our reference.

Equity Scorecard

Do we want to discuss this now? Sherm has the scorecard, but as he got it this afternoon, he didn't have time to send it out, so committee members don't have it.

Roger: Suggest move it to the next meeting.

Announcements and other items:

Langford Park Bandstand

Carol: Question – have we received any follow-up on the Langford Park bandstand situation?

Sherm: They were going to try to meet, he hasn't gotten any feedback, no idea if they've met.

It's in their court if they want to take steps. Seems reasonable they might ask the SAPCC to be involved as a neutral party. But unless we want to follow up, no idea. He hasn't heard anything.

He could get in touch with Josh and see if they've gone anywhere, but not sure it's our place.

Carol: Need to meet with both sides, if we meet with anyone.

Sherm: Not up to us what happens next, they need to figure out what they want to do. Unless the community council wants to propose something there is no role for us until someone comes to us and wants to have us take a role. If nothing ends up happening, there's no need to communicate with anyone, as default is nothing happening.

Roger: Thinks we could offer to Josh that if he has a good bit of support and wants to come to Land Use and ask for support, we could then lead a discussion, but Roger didn't sense that that's where things were last time.

Sherm: Not much support at last meeting.

Bob: But the only people who were there lived nearby the park, others weren't aware of the discussion at the meeting.

Sherm: Yes, and he's heard that at the first meeting that happened at the park itself there was more even division and more support. The community council is a place to get more feedback/discussion, but it's not up to us to solicit them to come, there must be initiative.

Luther Seminary development outreach meeting

Karen: Thought the Luther Seminary meeting went really well, though she had to leave early. Lots of upset people, but the seminary has done way better than the average in getting good developers, and community organizing.

Roger: Yes, it's gone very well.

Karen: Much of what people were concerned about with Breck woods has been addressed. Also good that neighboring owners are willing to help with district planning and streets, minimize traffic impact.

Sherman: Developers have heard the major issues, have tried to alleviate as much as possible, leaving the major issue as sheer size. We'll see how bad the impact of that is. The traffic demand study will help. The developers will be presenting to Lauderdale City Council on August 13th. The developers haven't been to Lauderdale since February – it'll be the first presentation to Lauderdale since then.

Karen: How did the working group go? Was it impactful?

Sherm: Think it helped. Even from the very first meeting, before the developers were formally chosen by the seminary, they've listened and have even done more than expected – example of the permeable road, for emergency vehicle access, as how they've listened to feedback and not closed off the site for pedestrians and bicycles.

Other local developments and possibilities

Ray: Update on 842 Raymond and Bradford, the financial institution involved has sent the developers back to get more environmental testing. So it is held up right now waiting for that study.

Sherm: Anything about the Baker school site?

Ray: Seems they're trying to approach other properties nearby to get a larger area in total to do a larger development, and that they're trying to buy the Baker school site.

Sherm: He heard rumors of a potential sale. Expected to be a residential development, and it'll be big.

Ray: Building at corner of Raymond and Territorial (one-story building), on the south side, which lost the upholsterer - building also may be losing more small businesses, may be redeveloped, yet to be determined what.

Sherm: Mentions the whole south side of Territorial is a prime target for a large development, not just redoing. Lots of money in Qualified Opportunity Zones as well it seems.

Roger, Sherm: Some discussion of what areas in and around SAP are actually part of the Raymond-University historic preservation district, there is a map online which Sherm

mentioned. Sherm indicates only things that go from University all the way up to Territorial are in the historic district, so about half of the things there on the south side of Territorial.

Sherm: Wycliff, the old Fisher Nut building, which is 300,000 sq ft – the owner/developer calls it ‘creative industrial.’ Owner plans to section the building into small pieces, plans to market to entrepreneurial-industrial businesses.

Karen: Asks if there is any model the owner is using, anywhere else this has been done?

Sherm: No not that he mentions, just his ideas.

Roger: California building, Casket Arts building – those are successes.

Karen: There’s a company called Free Market, in Denver and somewhere else. They deal with almost pop-up retailers, act as an incubator for food and retail. Subleases are a cut of revenue, not any rent as such, and apparently it’s working. The developer makes more money than if the businesses just rented locations from them.

Sherm: The owner offered to come and speak with us, but Sherm thinks it would be more beneficial to tour the building. He’ll try to arrange a time for the committee members and other interested parties to take a tour. Sherm knows that the owner is touring with prospective tenants regularly, but not sure if he would have availability good for evenings or weekends (which works better for committee members).

Motion to adjourn, so moved.