



Prospect Park Association Land Use Committee MINUTES - APPROVED

September 8, 2022, 7:00 pm Regular monthly meeting (Zoom)

Community Members Present:

- | | |
|----------------------|----------------------------|
| 1. Aloida Zaragoza | 12. Karen Murdock |
| 2. David Frank | 13. Kari Simonson |
| 3. Diane Dunker | 14. Laura Preus |
| 4. Dick Gilyard | 15. Lydia McAnerney |
| 5. Donna Schneider | 16. Lynn VonKorff |
| 6. Eric Amel (Chair) | 17. Ron McCoy |
| 7. Florence Littman | 18. Spencer Ung (U Garden) |
| 8. Jane Stockman | 19. Vera Marshall |
| 9. Jeff Barnhart | |
| 10. Joe Ring | |
| 11. Julie Wallace | |

Guests Present:

1. Dan Kalmon (MWMO)

1. Call to order.

2. **Minutes approval.** August 11, 2022, Land Use Committee regular meeting minutes with some grammatical corrections to the draft were approved by acclamation and are forwarded to the PPA board of directors for ratification.

3. **2725 University Avenue SE redevelopment.** Prior to the meeting, *Mauricio Ochoa*, DJR Architects, provided this update:

"It seems that after some further discussion, the City decided there wasn't much appetite from Staff to support the variance for minimum height down from 10 stories to 7 stories. Our goal is to present a 7-story option to the Committee of the Whole (COW) of the Planning Commission to get a sense of if the Planning Commission would approve a 7-story building. We are currently working on some updates to our massing based on neighborhood feedback, but don't have any new images to present. Our current target is to present to the Committee of the Whole on October 6th.

I'm still working on coordinating some times between the developer and DJR to meet with the task force. The developer is out for the rest of the week, so I won't be able to send some times until next week."

Committee members interested to serve on the task force for this project will be consulted when the developer is available to meet: *Aloida Zaragoza, Dick Gilyard, Donna Schneider, Eric Amel, and Spencer Ung.*

4. **3400-3408 University Avenue SE update.** *Eric Amel* reported the Schneider Drug site sold on April 18, 2022 from Rick Bergman to 3400 University Mpls LLC for \$1,398,500. Permits are pulled for commercial construction inspection for demo, partitions, and finishes with a value of \$20,000. No direct contact has been established with the owner, but the value of the permit would suggest that renovations are modest to the seven (7) or so existing dwelling units and the building and site will largely remain as is for the near term. Secondhand account tells that the new owner is looking for retail lessees of the storefront space. Land Use committee outreach will continue to the owner.

5. **Towerside District Systems - Malcolm Yard.** *Dick Gilyard* introduced the topic by recapping past initiatives for district-wide systems such as stormwater management, energy, green space, and traffic management in and around the Wall Companies “Malcolm Yard” properties north of Fourth St. SE. Advanced study with MnDOT regarding Granary Crossing has been done. The University of Minnesota is willing to move the Transitway if someone else pays for it. *Dick* introduced *Dan Kolmon*, Planning Principal with the Mississippi Watershed Management Organization (MWMO).

Mr. Kolmon presented a prepared slidedeck for a district stormwater system and public realm plan citing project partners Towerside Innovation District, Minneapolis Parks & Recreation Board (MPRB), MWMO, Wall Companies, Metropolitan Council, and the City of Minneapolis. Essential element of Malcolm Yards area plan would connect district systems:

1. Bridal Veil Regional Trail and trailhead kiosk,
2. MPRB service area program/use areas,
3. Green infrastructure (both functional and aesthetic),
4. Connected surface storm water elements,
5. Natural landscapes and habitat restoration,
6. Integrated public and private spaces,
7. Street envelope (bldg face to bldg face planning),
8. Stacked function surface parking areas, and,
9. Vertical mixed-use, green roof buildings.

Outcomes and assurances identified in the planning are:

- A. Secure land for regional trail alignment and proposed public amenities/use areas (purchase, rights-of-way, easements, and/or setbacks);
- B. Secure land for stormwater management system components (purchase, rights-of-way, easements, and/or setbacks);
- C. Balance area for surface water features with need for useable public/private green space;
- D. Improve parks/trail system and improve existing stormwater management conditions;
- E. Explore ownership/maintenance/cost models for street envelope (including trail, walkways, drive lanes, parking, utilities, stormwater management system and other elements);
- F. Explore cost/benefit models that evaluate relationship of building height to building footprint (site coverage);
- G. Community input helps inform the Final Concept Plan.

Concept alternatives for district character and identity were illustrated in plan diagrams accompanied by mood pictures and illustrations, including:

1. Natural resource-based
2. Recreation-based
3. A linear Urban Promenade
4. A Cultural Mosaic

Site section studies compare public realm and systems development at both 60-foot and 80-foot spacing from building face to building face. Additional plan and section drawings illustrated the Recreation Focus and Habitat Focus schemes.

The Committee greeted the planning initiative with encouragement on this first showing. No action was taken on the planning at this time. Questions and comments can be directed to *Daniel Kalmon* at (612) 746-4977 or via www.mwmo.org.

6. **Vacated W. Territorial Rd.** A chain of email communications from St. Paul's St. Anthony Park neighborhood regarding the fencing off of the Hubbard Broadcasting vacated street property was shared with the chair prior to the meeting. In brief, it discussed the street vacation of Territorial Rd. from the St. Paul perspective and conjectured on possible responses by lawyers and both municipalities. The emails are attached to these minutes for reference.

PPA status remains that writing a letter to KSTP in coordination with Ward 2 Councilperson *Robin Wonsley Worlobah* is in the court of PPA Transportation and Safety Committee. The Land Use Committee will keep this item on agenda until resolved, will inquire further with *Evan Roberts*, Chair, PPA Transportation and Safety Committee, and will communicate its willingness to help with the letter if necessary. *Aloida Zaragoza* offers to help with the letter.

7. **Land Use Committee Equitable Engagement Plan.** The City of Minneapolis requirement of an annual Equitable Engagement Plan to receive some quantity of funding has to date not been engaged by the Land Use Committee (response to the engagement plan requirement has been made primarily by the Community Building Committee on behalf of the Association). A draft is due October 15th to get comments back from the City. Accordingly, there is not enough process time for Land Use to contribute actions and goals this cycle, yet it would be good to begin developing this conversation now toward next year.

The committee discussed ways to start a land use-based engagement process. Attentiveness to who is not at the table is the starting point. Mentioned were families that are renters and kids in affordable housing. Making land use decisions with these populations involved will look different than past processes. Listening and engagement are necessary. The structure and form of meeting may look different. The methodology for reaching new stakeholders will involve engaging the management of multi-family buildings.

There was no specific action beyond the discussion. This planning item will return to the agenda at future meetings to build an engagement strategy.

8. **Other business: 150 26th Ave SE.** Maxwell Development is apparently making a land use application to modify a previously approved Planned Unit Development per a cryptic email notification from the project architect, Kaas Wilson. Details are not clear. *Eric Amel* will find out more about this issue for the next meeting.
9. **Adjournment.** Next month's regular meeting is scheduled for Thursday, October 13, 2022, 7pm.

Respectfully submitted:

A handwritten signature in black ink, appearing to be 'EA' with a stylized flourish.

Eric Amel, AIA
Prospect Park Association President / Interim Land Use Committee Chair

MINUTES APPROVED by the Land Use Committee, October 13, 2022.

Towerside District Systems Malcolm Yards

The Partners:

Towerside, MPRB, MWMO, Wall Companies
Met Council/Minneapolis

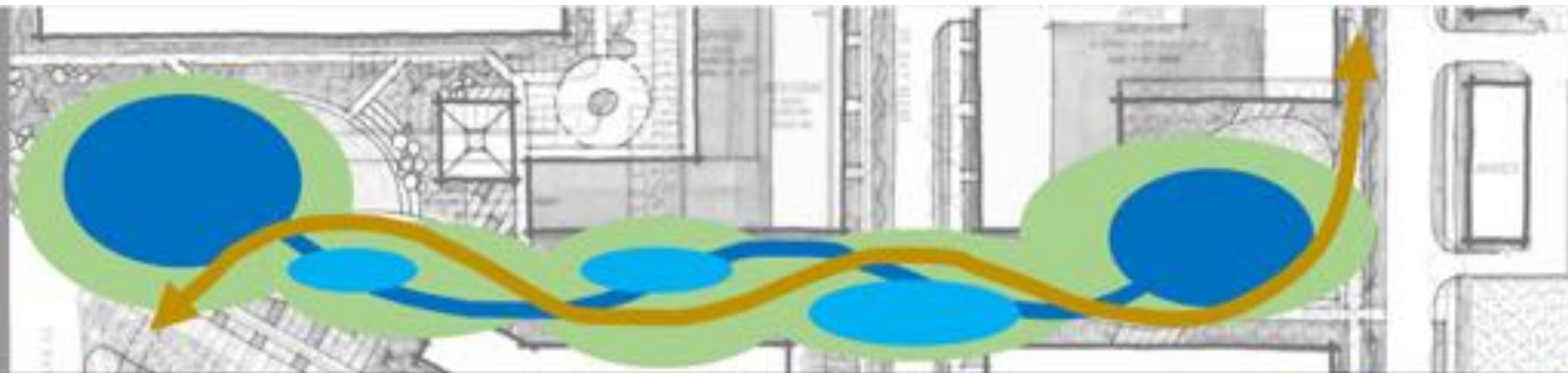


ESSENTIAL ELEMENTS

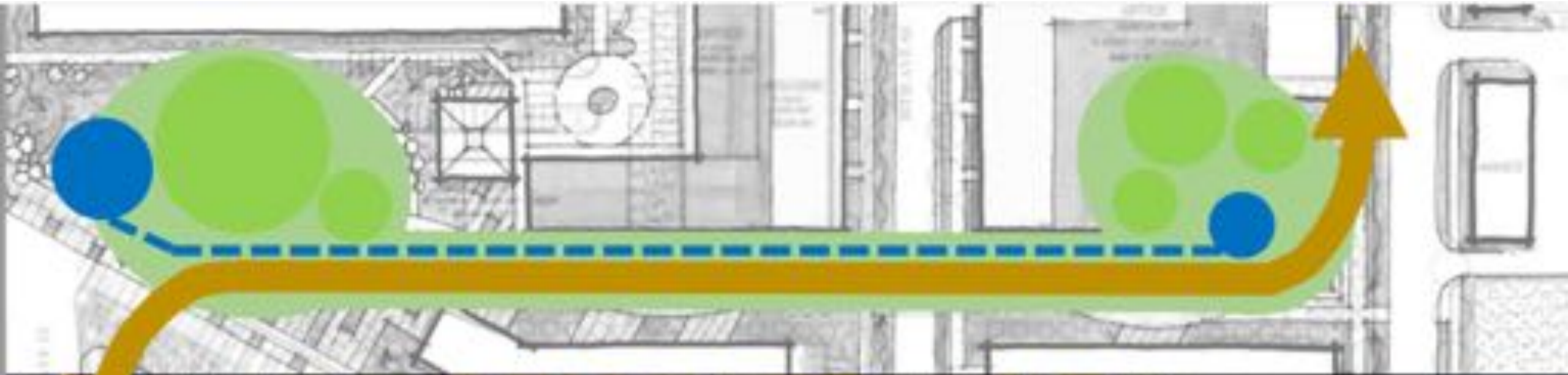
- 1 – Bridal Veil Regional Trail + Trailhead Kiosk**
- 2 – MPRB Service Area program/use areas**
- 3 – Green infrastructure (function + aesthetic)**
- 4 – Connected surface storm water elements**
- 5 – Natural landscapes + habitat restoration**
- 6 – Integrated public + private spaces**
- 7 – Street envelope (bldg face to bldg face)**
- 8 – Stacked function surface parking areas**
- 9 – Vertical mixed-use, green roof buildings**

OUTCOMES + ASSURANCES

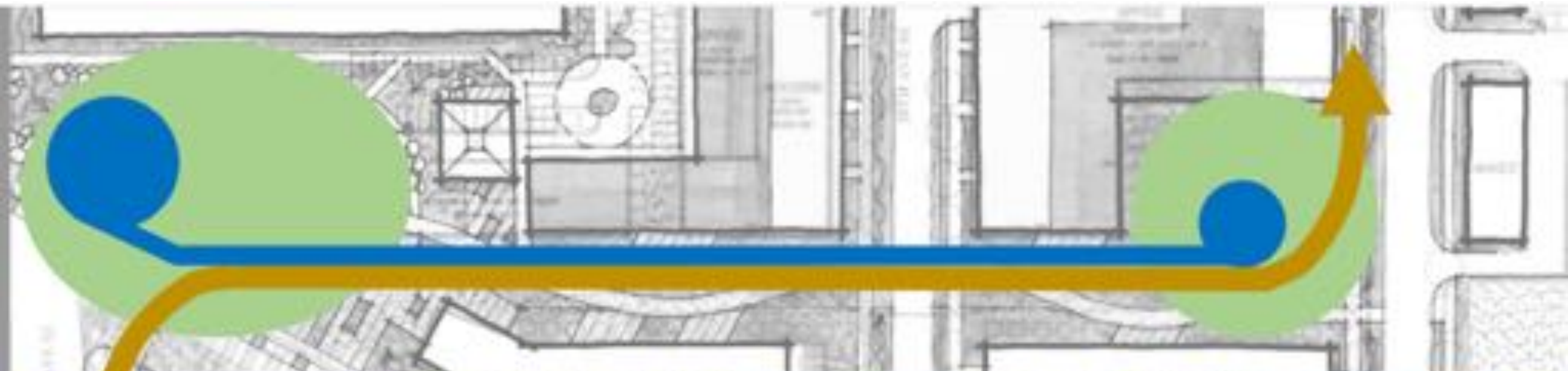
- A – Secure land for regional trail alignment + proposed public amenities/use areas (purchase, rights-of-way, easements, and/or setbacks);**
- B – Secure land for stormwater management system components (purchase, rights-of-way, easements, and/or setbacks);**
- C – Balance area for surface water features with need for useable public/private green space;**
- D – Improve parks/trail system + improve existing stormwater management conditions;**
- E – Explore ownership/maintenance/cost models for street envelope (including trail, walkways, drive lanes, parking, utilities, stormwater management system and other elements);**
- F – Explore cost/benefit models that evaluate relationship of building height to building footprint (site coverage);**
- G – Community input helps inform Final Concept Plan**



District Character + Identity – Natural Resource Based
Towerside Innovation District - Malcolm Yards Development
District Stormwater System (Phase II) + Public Realm



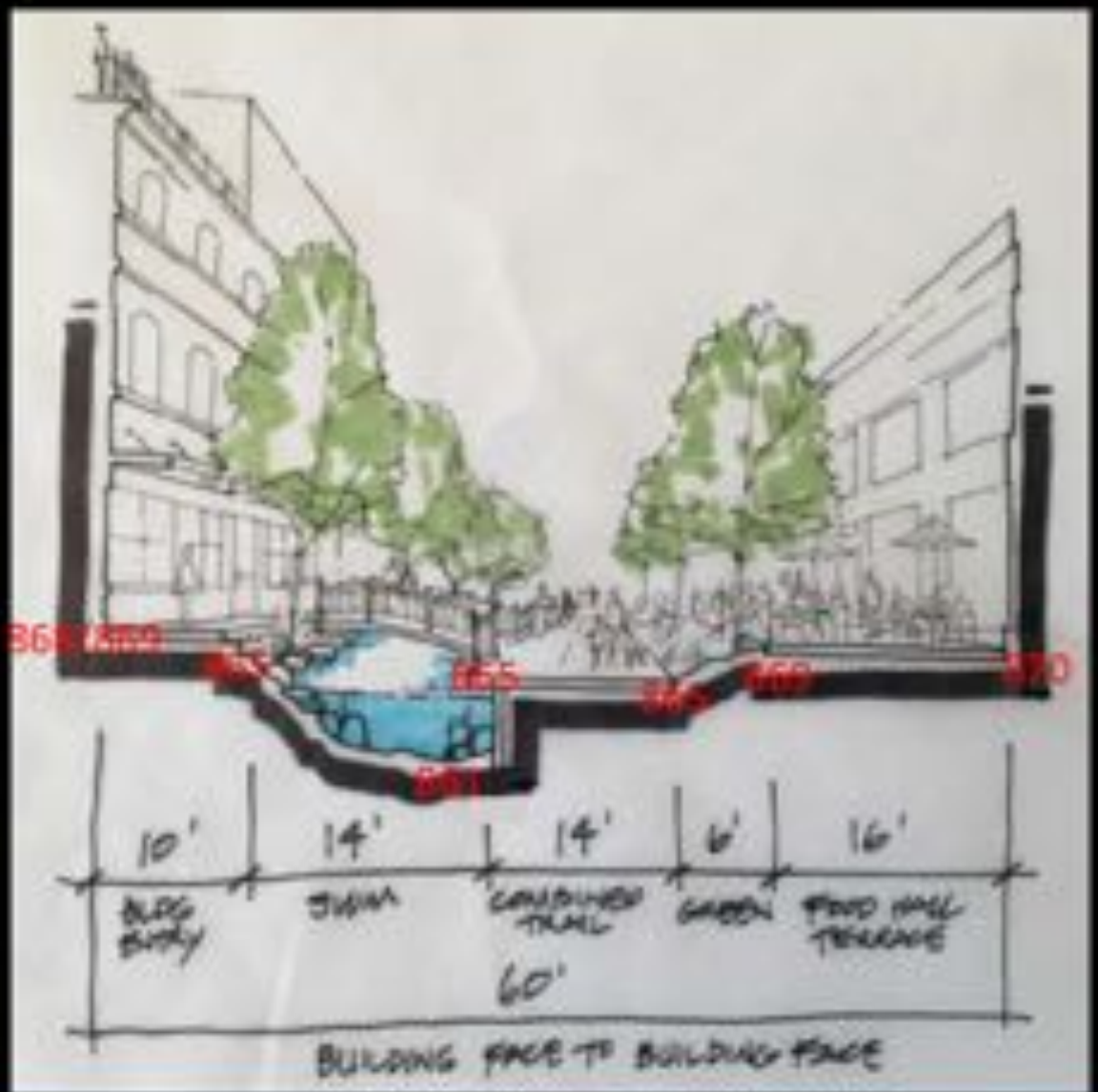
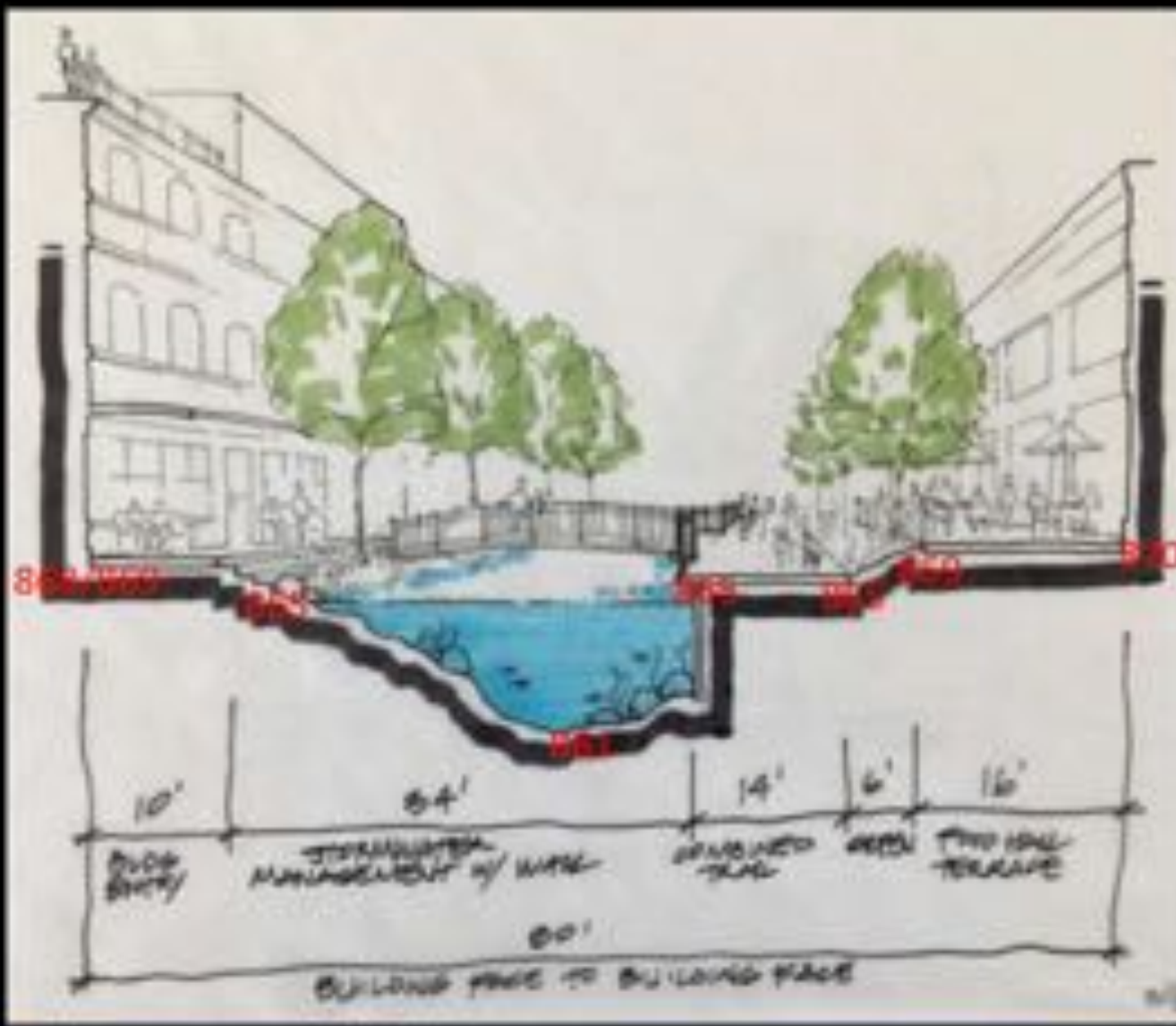
District Character + Identity – Recreation Based
Towerside Innovation District - Malcolm Yards Development
District Stormwater System (Phase II) + Public Realm



District Character + Identity – the Urban (linear) Promenade
Towerside Innovation District - Malcolm Yards Development
District Stormwater System (Phase II) + Public Realm



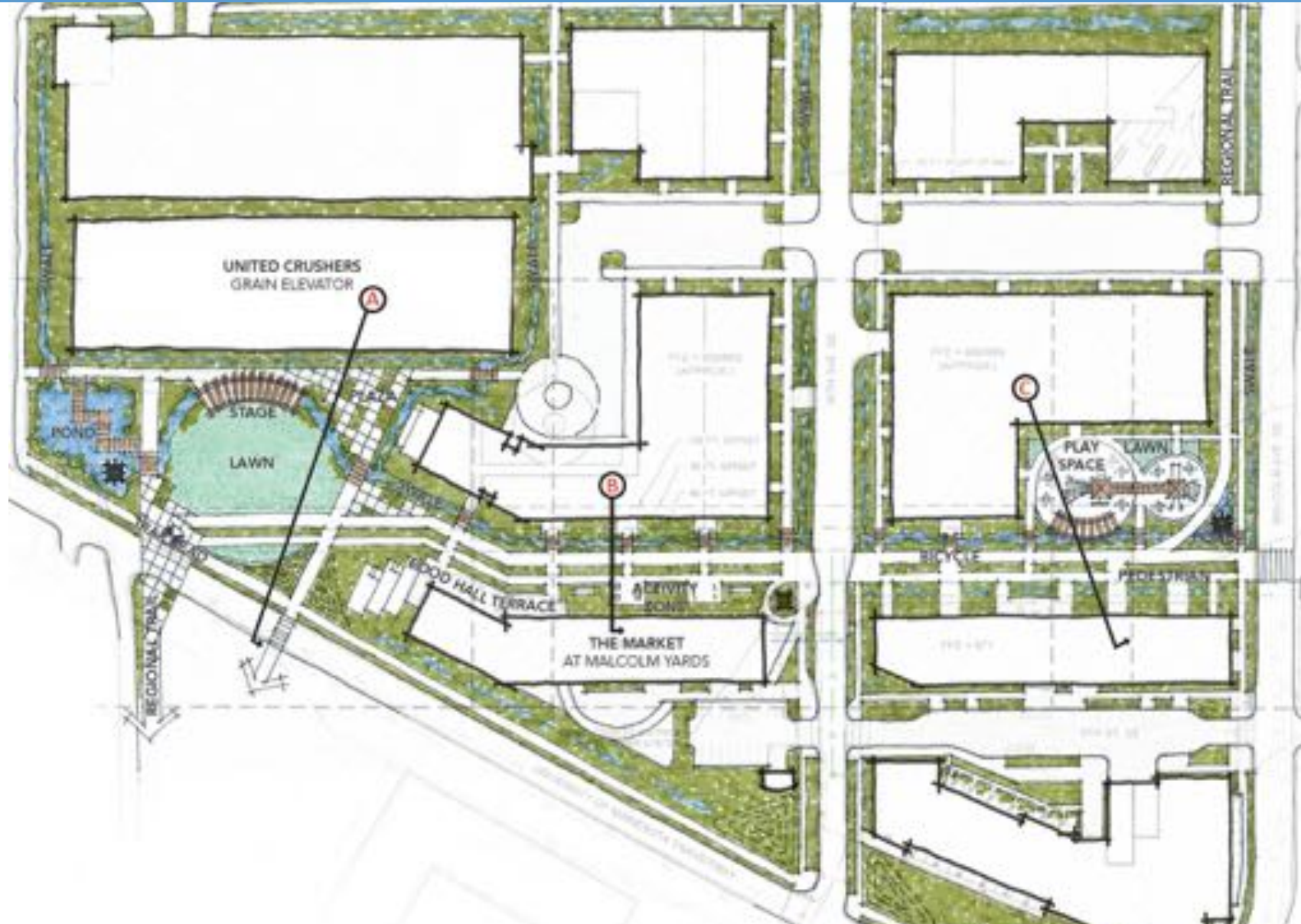
District Character + Identity – the Cultural Mosaic
Towerside Innovation District - Malcolm Yards Development
District Stormwater System (Phase II) + Public Realm



Concept Two - Separate Trails – Recreation Focus - 80' Greenway Width

Malcolm Yards District Stormwater Management Schematic Design

July 27, 2021 - Stakeholder Workshop



Concept Two - Separate Trails – Recreation Focus - 80' Greenway Width

Malcolm Yards District Stormwater Management Schematic Design
July 27, 2021 - Stakeholder Workshop



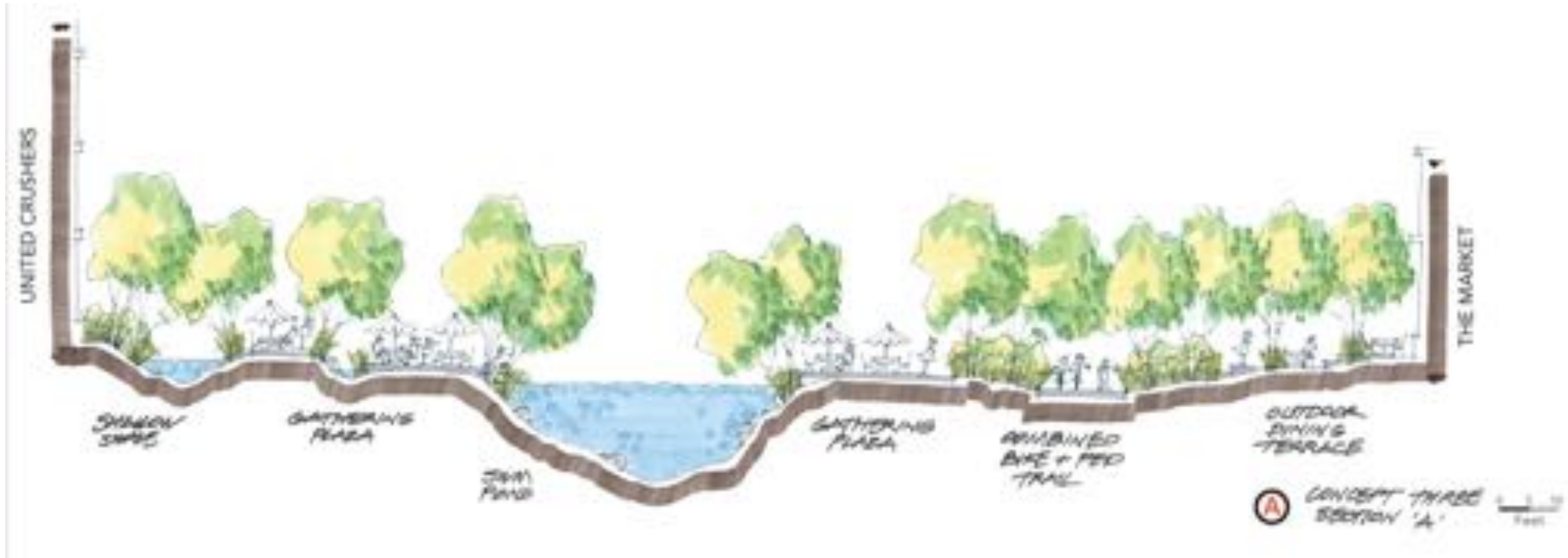
Concept Three - Combined Trail – Habitat Focus - 80' Greenway Width
Malcolm Yards District Stormwater Management Schematic Design



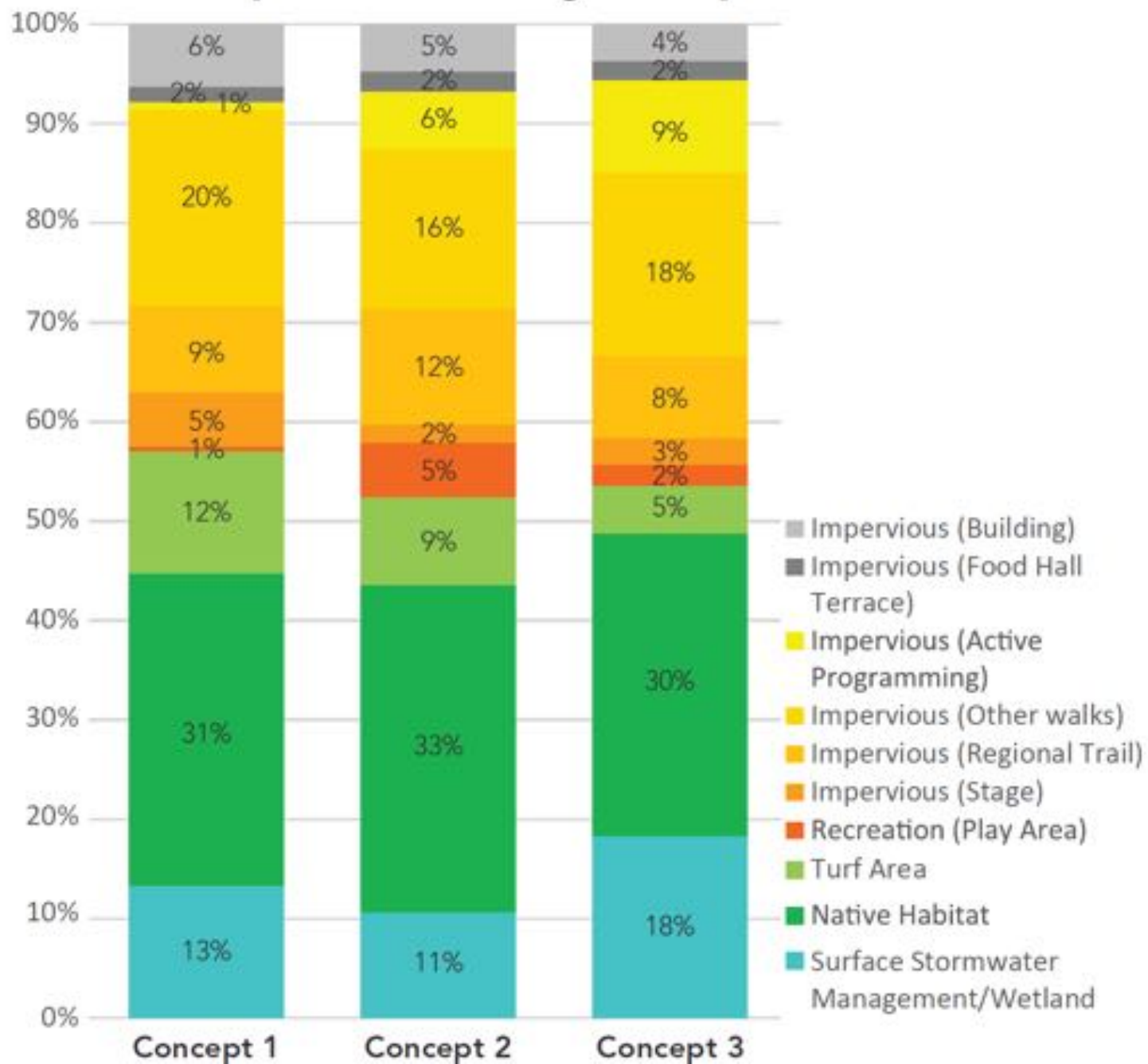
Concept Three - Combined Trail – Habitat Focus - 80' Greenway Width

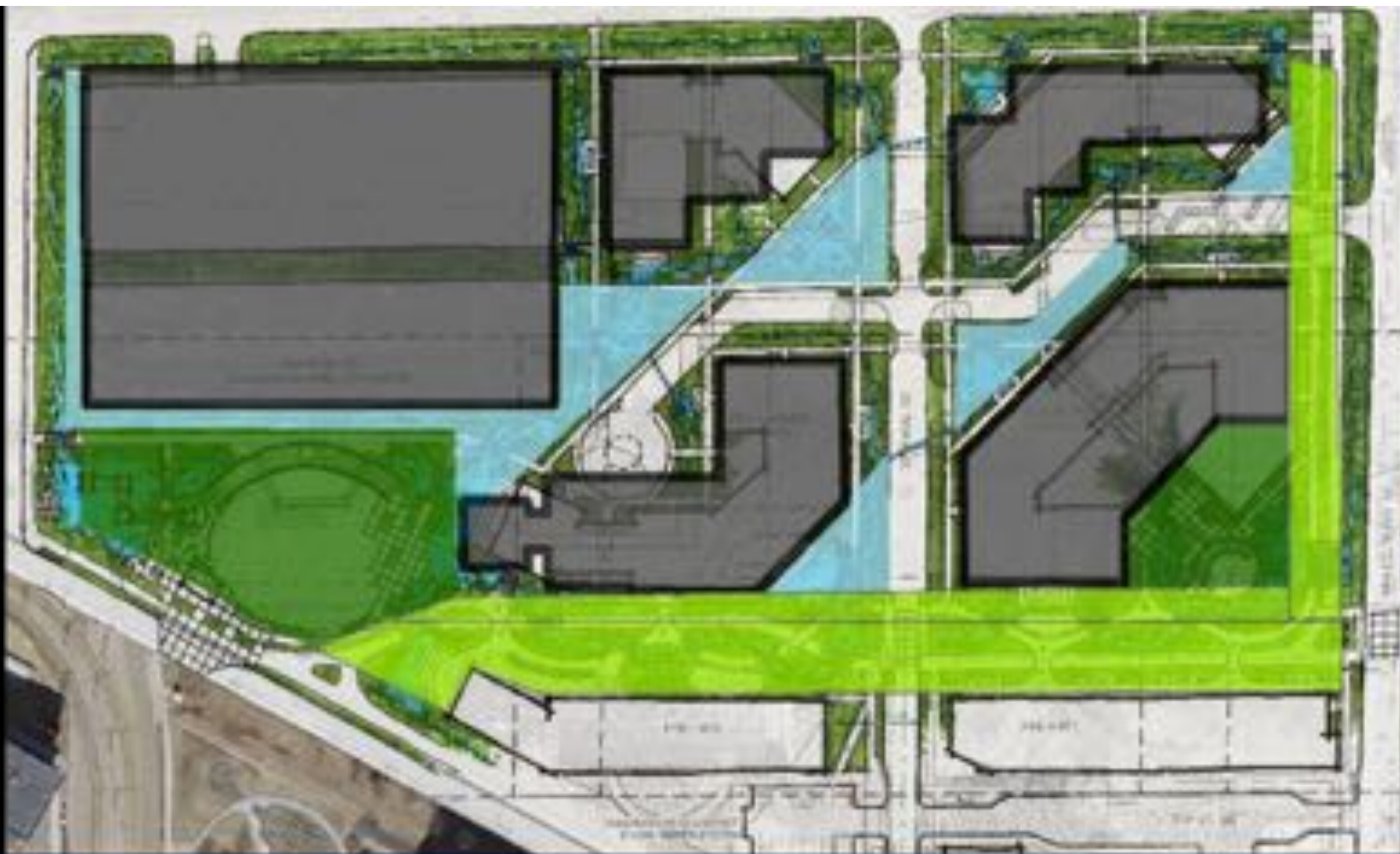
Malcolm Yards District Stormwater Management Schematic Design

July 27, 2021 - Stakeholder Workshop



Concept Summary Graph





Questions??

Daniel Kalmon

Planning Principal

(612) 746-4977 direct

Mississippi Watershed Management
Organization

www.mwmo.org



Eric Amel <amel0002@umn.edu>

Fwd: Territorial Road at Berry

4 messages

Richard Gilyard <gilyardrl@gmail.com>

Tue, Sep 6, 2022 at 7:58 AM

To: Lynn Von Korff <vonko002@umn.edu>, amel0002@umn.edu, evan roberts <evanrobertsnz@gmail.com>

hey all.....anyone in PPA interested in / thinking about / working on the issue Bob Straughn, St Anthony Park, describes below?
thanks.....Dick

Richard Gilyard, FAIA
194 Malcolm Avenue SE.
Minneapolis, MN 55414
612-875-6407

Begin forwarded message:

From: "Robert O. Straughn" <ROS@mcgrannshea.com>
Subject: FW: Territorial Road at Berry
Date: September 1, 2022 at 9:02:37 PM CDT
To: "Richard L. Gilyard" <gilyardrl@gmail.com>

Dick – Let’s talk about this at our lunch. I think PPA is looking at the issue, but don’t know who.

Robert O. (Bob) Straughn
McGrann Shea Carnival
Straughn & Lamb, Chtd.
800 Nicollet Mall, Suite 2600
Minneapolis, MN 55402
Tel. 612-752-1906
Mob. 612-202-6721

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From: Robert O. Straughn
Sent: Wednesday, August 31, 2022 1:32 PM
To: Pat Thompson <pat@marksimonson.com>
Cc: Nick Studenski <studenski.nick@gmail.com>; Regan Golden-McNerney <goldenmc@gmail.com>; Scott Jensen <scottjensen@jensenscott.com>; Karen Nelson

<kandothat@yahoo.com>

Subject: RE: Territorial Road at Berry

Pat – I saw that new fence on Sunday. I was disappointed. Over the last few years I've been using Ellis and Bedford on the south or the busway on the north to get around the J-barriers. I've kicked myself over the years for not lobbying for a pedestrian easement when the street was vacated, but the J-barriers and likely the fence are in Minneapolis and outside our control. I don't know if 4th Street east of Bedford in Minneapolis was also vacated or if that segment is still a public street.

Some young attorney with more energy than I could review the law to see if a case can be made for a public prescriptive easement in the vacated street. Prescriptive easements require that the use be open and notorious (not hidden) and continuous for a period of at least 15 years. The claim for an easement may be barred by the long-time presence of the j-barriers that were installed to prevent use and any posted signage against use. I think it would be an uphill battle.

You may want to confer with Prospect Park about this issue. They would know more about the portion of the connection on their side of the city line and may have an interest in preserving the access.

If there is no opportunity for claiming a prescriptive easement or the cost of bringing an action is prohibitive, you may try to persuade the two cities to acquire the easement by purchase or eminent domain. Minneapolis may have some leverage because of the undeveloped Hubbard property north of 4th. Saint Paul's only leverage is to piggyback on Minneapolis. The price for such acquisition would be significant. Part of my argument for an E-Line turn-around using the Territorial Road/4th Street connection between Bedford and Berry was to find a source for funding acquisition of the easement.

Robert O. (Bob) Straughn
McGrann Shea Carnival
Straughn & Lamb, Chtd.

800 Nicollet Mall, Suite 2600

Minneapolis, MN 55402

Tel. 612-752-1906

Mob. 612-202-6721

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From: Pat Thompson <pat@marksimonson.com>

Sent: Wednesday, August 31, 2022 9:26 AM

To: Robert O. Straughn <ROS@mcgrannshea.com>

Cc: Nick Studenski <studenski.nick@gmail.com>; Regan Golden-McNerney <goldenmc@gmail.com>; Scott Jensen <scottjensen@jensenscott.com>

Subject: Territorial Road at Berry

Hi, Bob,

Transportation Committee has been discussing the recent complete closure of the connection of Territorial at Berry by Hubbard Broadcasting. We wanted to refer it to Land Use Committee, and particularly to get your thoughts on whether there are any legal avenues to explore about the way it has been used as an effective easement by pedestrians and bicyclists for 25 years.

I had asked Anton Jerve at PED and Reuben Collins at Public Works if there were any agreements on record about maintaining public access - but they do not have any such records (email chain below, and the City Council documents attached).

I also found a *Bugle* article from the time (attached). The only conditions that were put on the development were these:

JPI's student housing project approval is subject to 13 city planning staff conditions for subdivision plat approval. Some appear to address District 12 and Prospect Park concerns about isolation of the site, student vulnerability to crime, problem student behavior and transportation.

The conditions include providing police and the District Council with the name and telephone number of a 24-hour answering service that will respond to neighborhood complaints about tenant behavior and property conditions. Conditions also call for a checkpoint system and foot patrol. An apartment would be provided at no cost for an off-duty police officer hired for escort services and nighttime foot patrol.

The conditions also require subsidized resident memberships in car-sharing programs, such as the university's ZipCar program. Also stipulated is a wide sidewalk to University Avenue on the west side of Berry and, where possible, a boulevard with trees and grass. Five parking spaces must be eliminated from the original plan to provide room for landscaping and to strengthen the pedestrian orientation.

...

JPI said it is committed to a transit-oriented development at the St. Paul site, and to similar incentives if the Minneapolis parcel is developed.

I doubt the current owners of the development are maintaining the conditions in that second paragraph... if that provides any leverage. Though the development is not the business that has closed the street. The Minneapolis parcel has not been developed.

—

Pat Thompson
Transportation Committee co-chair

Hi Pat,

There was a rezoning, conditional use permit, variance, and subdivision associated with this project. The only condition related to access was a condition on the subdivision/plat that required a sidewalk connection to University Ave along Berry:

5.A new public sidewalk on the west side of Berry from the site to University Avenue must be constructed. As a part of this, the existing roadway on Berry must be narrowed as much as possible while still accommodating truck traffic as determined by Public Works to provide as

much room as possible for a wide sidewalk and, where possible, a boulevard with trees and grass.

If there was a "handshake agreement", we have no record of it. Often times we have no knowledge of such arrangements since they are between private proper owners and neighbors. This project pre-dates my time at the city and everyone associated with the case has retired, so I am at a dead end in terms of info.



SAINT PAUL
MINNESOTA

Anton Jerve
Principal City Planner
Pronouns: He/His
Planning & Economic Development
25 W 4th Street, Suite 1400
Saint Paul, MN 55102
P: 651-266-6567
anton.jerve@ci.stpaul.mn.us
www.StPaul.gov

From: Collins, Reuben (CI-StPaul) <reuben.collins@ci.stpaul.mn.us>
Sent: Tuesday, May 31, 2022 9:47 AM
To: Jerve, Anton (CI-StPaul) <anton.jerve@ci.stpaul.mn.us>; Pat Thompson <pat@marksimonson.com>
Subject: RE: 2007 conditions on vacating the street and rezoning [2669 Territorial Road](#)

See attached vacation documents from PW files.

Reuben Collins, PE | reuben.collins@ci.stpaul.mn.us | 651-266-6059
Department of Public Works | Transportation Planning & Safety Division

From: Jerve, Anton (CI-StPaul) <anton.jerve@ci.stpaul.mn.us>
Sent: Tuesday, May 31, 2022 9:40 AM
To: Pat Thompson <pat@marksimonson.com>
Cc: Collins, Reuben (CI-StPaul) <reuben.collins@ci.stpaul.mn.us>
Subject: RE: 2007 conditions on vacating the street and rezoning [2669 Territorial Road](#)

Hi Pat,

Sure. Give me a few days to see what I can find and I will get back to you.

Thanks,
Anton

Anton Jerve

Principal City Planner
Pronouns: He/His
Planning & Economic Development
25 W 4th Street, Suite 1400
Saint Paul, MN 55102
P: 651-266-6567
anton.jerve@ci.stpaul.mn.us
www.StPaul.gov

From: Pat Thompson <pat@marksimonson.com>
Sent: Monday, May 30, 2022 2:43 PM
To: Jerve, Anton (CI-StPaul) <anton.jerve@ci.stpaul.mn.us>
Cc: Collins, Reuben (CI-StPaul) <reuben.collins@ci.stpaul.mn.us>
Subject: 2007 conditions on vacating the street and rezoning [2669 Territorial Road](#)

Think Before You Click: This email originated **outside** our organization.

Hello, Anton,

I'm hoping you will remember or have access to information on conditions that were made when a street was vacated as part of a rezoning (or conditional use permit or both) back in 2006/2007. The address at the time was [2669 Territorial Road](#) and the developer was JPI Developers, who had purchased the property from Hubbard Broadcasting.

The conditions for the zoning change were covered on pages 5 and 6 of this article from our neighborhood newspaper, the *Park Bugle*, at the time: <https://parkbugle.org.s3.amazonaws.com/backissues/2006/12.pdf>

JPI ended up building the apartment complex on the purchased property, and Territorial Road was vacated. Half of the former street now belongs to Hubbard and half to HSRE Berry LLC, according to Ramsey County.

Until recently, though the former street was private property (essentially a strip parking lot), it was possible for pedestrians and bicyclists to use it to connect safely between St. Paul and Minneapolis.

Just recently, however, someone (we believe Hubbard) has erected a much more impenetrable barricade.

Some members of the community remember that this violates at least the spirit of the agreement at the time - and possibly the letter of the conditions. I don't see anything about that type of condition in the *Bugle* article, though there are mentions of "JPI is committed to Transit-Oriented Development" and to changes being made to the exterior plan for better pedestrian orientation.

The Transportation Committees of the Prospect Park Association and the St. Anthony Park Community Council both object strongly to this recent change and we hope the City of St. Paul will join us in that, since we (at this point) also object to the fact that the street was ever vacated in the first place, and think this connection should be on the St. Paul Bike Plan.

However, our first step is to find out if an agreement to maintain this bike/ped connection existed in at least a handshake fashion, if not something stronger.

I hope you have a recollection or something on paper.

—

Pat Thompson

District 12 Transportation Committee co-chair

Eric Amel <amel0002@umn.edu>
To: Richard Gilyard <gilyardrl@gmail.com>
Cc: Lynn Von Korff <vonko002@umn.edu>, evan roberts <evanrobertsnz@gmail.com>

Tue, Sep 6, 2022 at 8:35 AM

Dick

I too happened to walk by this darn fenced off property on Sunday with renewed disappointment. There are a few interesting tidbits to all this that could be the tail that wags the dogs:

- I don't believe the sidewalk mentioned in the thread was built.
- In my earlier look at the aerial of the fence location v. the plat, I think they built a small piece of it in the right of way.

These little starter issues could help reawaken the City of Minneapolis to discover what was the set of agreements made. These other ideas of pedestrian easement and eminent domain could be introduced once the case file is open.

I will put this item on the agenda for the Land Use Committee's Thursday night meeting. I am working on agenda and minutes right now.

Thanks Dick!

Eric Amel
PPA Pres. 2022-2023
[Quoted text hidden]

Evan Roberts <transportation@prospectparkmpls.org>
To: Lynn Von Korff <vonko002@umn.edu>, Richard Gilyard <gilyardrl@gmail.com>, "amel0002@umn.edu" <amel0002@umn.edu>

Tue, Sep 6, 2022 at 9:24 AM

Hi everyone

Just trying to keep this in the org email rather than my personal one. Reluctantly have to say that we are pursuing the one last viable option to do something here, but there's really not a lot that can be done if that doesn't work.

Transportation & Safety committee worked on this over a few meetings in the spring/early summer. We got informal legal advice that led us to conclude that a prescriptive easement would be quite expensive, and the probability of succeeding is probably limited. We've had several conversations with KSTP and they seem pretty implacable on this issue.

The status of the matter is that Brit Howell and I are drafting a letter that will then circulate to both relevant council members (Wonsley and Jalali), and once they're OK with the language then it will be sent.

Big picture here is that the council has no real standing to get public right of way— the easement is for utility access only. The council could negotiate and pay for an easement for public access, but given that the street was vacated this would essentially be engaging the same reluctance to re-open the path that our informal inquiries to KSTP have gotten.

The city would have stronger negotiating power to request a public easement there if KSTP's development arm (St Croix Partners) was proposing to build something on the vacant acres there. It is zoned Transit 10 and mixed use, so they are sitting on some pretty valuable property, and obviously with 10 stories by right, they could do something fairly large.

Best
Evan

10/10/22, 5:07 PM

University of Minnesota Twin Cities Mail - Fwd: Territorial Road at Berry

[Quoted text hidden]

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Please excuse brevity and auto-correct errors

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Evan Roberts
Chair, Transportation and Safety Committee
Prospect Park Association, Minneapolis

Eric Amel <amel0002@umn.edu>
To: PPA Land Use <landuse@prospectparkmpls.org>

Mon, Oct 10, 2022 at 5:07 PM

[Quoted text hidden]