



Request for City Council Committee Action from the Department of Community Planning & Economic Development

Date: April 9, 2015

To: Council Member Lisa Bender, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

Subject: Appeal of the City Planning Commission decision to approve the following applications to allow a new mixed use building for the property located at 4353 Upton Ave S and 2720 44th St W:

- a) Conditional use permit to increase the maximum height of the building.
- b) Site plan review.

Recommendation: The following action was taken by the City Planning Commission on March 16, 2015 (BZZ-7022):

1. South Upton Building, 4353 Upton Ave S and 2720 44th St W, Ward 13 Staff report by [Janelle Widmeier](#), BZZ-7022

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by Momentum Design Group, on behalf of South Upton Properties Partnership.

A. Conditional use permit to increase the maximum height of the building.

Action: **Approved** the conditional use permit to increase the maximum height from 2.5 to 3 stories and from 35 feet to 39 feet, 8 inches for the building, including a 3 foot tall parapet, rising an additional 13 feet, 8 inches above the third floor roof for mechanicals and elevator and staircase overruns, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

Aye: Bender, Gisselman, Kronzer and Slack

Nay: Forney and Luepke-Pier

Absent: Gagnon and Tucker

B. Site plan review.

Action: **Approved** the site plan review to allow a new mixed use building, subject to the following conditions:

1. A walkway, at least 4 feet in width, shall provide a connection between 44th Street and the entrances facing the parking lot as required by section 530.130 of the zoning code.
2. All mechanical equipment shall be screened as required by section 535.70 of the zoning code.
3. Department of Community Planning and Economic Development staff review and approval of the final building elevations, floor, site, lighting and landscape plans.
4. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by March 16, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Aye: Bender, Forney, Gisselman, Kronzer, Luepke-Pier and Slack

Absent: Gagnon and Tucker

Ward: 13

Prepared by: Janelle Widmeier, Senior City Planner
Approved by: Jason Wittenberg, Planning Manager and Steve Poor, Interim Development Services Director
Presenters in Committee: Janelle Widmeier, Senior City Planner (612-673-3156)

Community Impact

- Neighborhood Notification: The Linden Hills Neighborhood Council was notified of the application.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On March 25, 2014, staff sent a letter to the applicant extending the 60-day decision period to no later than June 2, 2015.

Supporting Information

On March 25, 2015, Kris Schweizer, on behalf of Residents Protecting the Shoreland Overlay, filed an appeal of the decision of the City Planning Commission to approve a conditional use permit and site plan review to allow a mixed use building for the property located at 4353 Upton Ave S and 2720 44th St W. Their reason for appeal is attached to this report. The City Planning Commission also approved a variance to reduce the minimum parking requirement and a variance to reduce the interior side yard requirement to allow the parking area, retaining walls not retaining natural grade, and a walkway/ramp. The decisions on the variances are not part of the appeal request.