

**City of Minneapolis**  
**Request for Committee Action**

**To:** Zoning & Planning  
**Date:** 10/29/2015  
**From:** Community Planning & Economic Development  
**Prepared by:** Hilary Dvorak, Principal Planner  
**Presented by:** Hilary Dvorak, Principal Planner  
**File type:** Action  
**Subcategory:** Land Use Application

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**Subject:**

Variance appeal: Giancarlo Casale, 113 East 26th Street.

**Description:**

Considering an appeal submitted by Giancarlo Casale regarding the decision of the City Planning Commission to approve a variance (BZZ-7381) to increase the maximum Floor Area Ratio (FAR) of the building from the permitted 2.04 to 2.38.

**Previous Actions:**

On October 5, 2015, the City Planning Commission approved a variance application to increase the maximum Floor Area Ratio (FAR) of the building from the permitted 2.04 to 2.38 for the proposed 26th & Stevens Apartments development located at 113 East 26th Street.

As part of the City Planning Commission review, the following actions were also taken:

**1. 26<sup>th</sup> & Stevens Apartments, 113 E 26<sup>th</sup> St, Ward 10**

**Staff report by [Hilary Dvorak](#), BZZ-7381**

The City Planning Commission adopted staff findings for the applications by CPM development.

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

Recommended Motion: **Approved** the application for a conditional use permit to increase the height of the building from 4 stories/56 feet to 5 stories/ 61 feet, subject to the following conditions:

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.
2. Work with staff to upgrade and reallocate the exterior materials on the project, including, but not limited to:
  - a. Upgrade the material at the corner of 26<sup>th</sup> and Stevens on floors 2-5, to metal panel or better, to the extents of the currently designed cornice.
  - b. Revise the location of materials to make them contiguous – removing the alternating sections of different materials.
  - c. Revise the fiber cement type to a pattern of 4 inch and 8 inch lap siding in lieu of panels.

3. The fifth story shall be stepped back along the south edge by 10 feet from the fourth floor.

**Aye:** Gisselman, Kronzer, Magrino, Rockwell and Slack

**Absent:** Bender, Forney, Gagnon and Luepke-Pier

**B. Variance to increase the maximum Floor Area Ratio (FAR) of the building.**

Recommended Motion: **Approved** the application for a variance to increase the maximum Floor Area Ratio (FAR) of the building from the permitted 2.04 to 2.38.

**Aye:** Gisselman, Kronzer, Magrino, Rockwell and Slack

**Absent:** Bender, Forney, Gagnon and Luepke-Pier

**C. Site plan review for a new mixed-use building with ground floor commercial space and 70 dwelling units.**

Recommended Motion: **Approved** the application for a new mixed-use building with ground floor commercial space and 70 dwelling units, subject to the following conditions:

4. Approval of the final site plan, landscaping plan, elevations and lighting plan by the Department of Community Planning and Economic Development.
5. All site improvements shall be completed by October 5, 2017, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
6. There shall be a minimum of six canopy trees provided on the site.
7. The landscape materials that are planted in the landscaped yards along the south and west property lines shall grow to a height of at least six feet.
8. A minimum of 10 percent windows shall be added to commercial portion of the building facing the parking lot.
9. All windowsill heights at the storefront shall be approximately 18 inches off the sidewalk.

**Aye:** Gisselman, Kronzer, Magrino, Rockwell and Slack

**Absent:** Bender, Forney, Gagnon and Luepke-Pier

**Ward/Neighborhood/Address:**

Ward 10  
Whittier  
113 East 26th Street

**Background/Analysis:**

Giancarlo Casale regarding the decision of the City Planning Commission to approve a variance application to increase the maximum Floor Area Ratio (FAR) of the building from the permitted 2.04 to 2.38. The appellant is appealing the decision as he does not believe that the variance should be granted until soil on the site is tested by an independent party and shown to contain levels of hazardous material that would make excavation of an underground parking lot impractical.

End of 60/120-Day Decision Period: The 120-day decision period ends January 6, 2016.

**Financial Review:**

**No financial impact.**

**Attachments:**

1. Appellant's Statement
2. CPED Staff Report and Attachments