

Z&P - Your Committee, having under consideration an appeal filed by Kris Schweizer, on behalf of Residents Protecting the Shoreland Overlay, of the decision of the City Planning Commission, now recommends that said appeal be denied and the following applications allowing a new mixed-use building for the property located at 4353 Upton Ave S and 2720 44th St W be approved:

1) Conditional Use Permit increasing 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:

a) 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) Site Plan Review allowing a new mixed use building, subject to the following conditions:

a) 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.

b) All mechanicals equipment shall be screened as required by section 535.70 of the zoning code.

c) Department of Community Planning and Economic Development staff review and approval of the final building elevations, floor, site, lighting and landscape plans.

d) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by March 16, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Your Committee further recommends that the proposed Findings of Fact and Recommendation as submitted by staff be adopted and made a part of this report by reference.

Certified as an official action of the City Council: *Shw*

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Reich	X						Glidden	X					
Gordon	X						Cano	X					
Frey	X						Bender	X					
B Johnson	X						Quincy	X					
Yang	X						A Johnson	X					
Warsame	X						Palmisano	X					
Goodman	X												

ADOPTED APR 17 2015 DATE

APPROVED NOT APPROVED VETOED

ATTEST *[Signature]*
CITY CLERK

[Signature] MAYOR HODGES APR 20 2015 DATE