



Request for City Council Committee Action from the Department of Community Planning and Economic Development – Planning Division

Date: May 17, 2012

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee.

Referral to: Zoning and Planning Committee

Subject:

Name of Appellant: Kathleen Flynn Peterson

Name of Original Applicant: Minneapolis Leased Housing Associates IV, Limited Partnership (Dominium Inc.)

Property Address: 100 3rd Avenue SE, 300 2nd Street SE, and 400 2nd Street SE (also known as 301 Main Street SE)

Ward #: 3

Kathleen Flynn Peterson has appealed the City Planning Commission's decision to approve a conditional use permit for a planned unit development and the variance of the maximum allowable floor area ratio to allow a 255-unit planned unit development at 100 3rd Avenue SE, 300 2nd Street SE, and 400 2nd Street SE (also known as 301 Main Street SE).

Recommendation: The following actions were taken by the City Planning Commission on April 23, 2012 (BZZ-5522 & PL-263):

A Mill Artist Lofts (BZZ-5522 and PL-263, Ward: 3), 100 3rd Ave SE, 300 2nd St SE and 400 2nd St SE (aka 301 Main St SE).

A. Conditional Use Permit: Application by Minneapolis Leased Housing Associates IV, Limited Partnership, for a conditional use permit for a Planned Unit Development with 252 residential units for property located at 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also know as 301 Main St SE).

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for a planned unit development with 252 dwelling units for property located 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also known as 301 Main St SE) 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 one year of approval.

2. As required by Section 527.120 of the zoning code, the development shall comply with the standards for some combination of the following amenities from Table 527-1, Amenities, totaling a minimum of 25 points; historic preservation, public right-of-way dedication, and conservation of the built environment.
3. The "grand staircase" on the southwest side of the parking structure, which is part of the conservation of the built environment amenity, be revised to make it more open with wider stairs and landings and improved lighting.
4. If Lot 3 is to be sold to anyone other than Minneapolis Leased Housing Associates IV, Limited Partnership, planning staff shall be notified before the sale to determine that the proposed sale will not place the site out of conformance with the required zoning code, subdivision ordinance, CPC, and HPC requirements before the sale proceeds. A sale of the lot may not place the Lot 3 or the White Elevators out of conformance with the zoning code, subdivision ordinance, or CPC and HPC approvals.

B. Variance: Application by Minneapolis Leased Housing Associates IV, Limited Partnership, for a variance of the maximum allowable Floor Area Ratio for property located at 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also know as 301 Main St SE).

Action: The City Planning Commission adopted the findings and **approved** the variance of the maximum allowable floor area ratio from 2.7 to approximately 3.6 for property located 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also known as 301 Main St SE).

C. Variance: Application by Minneapolis Leased Housing Associates IV, Limited Partnership, for a variance of the screening requirement for mechanical equipment for property located at 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also know as 301 Main St SE).

Action: The City Planning Commission adopted the findings and **approved** the variance of the mechanical screening requirements for property located 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also known as 301 Main St SE) subject to the following conditions:

1. If the mechanical equipment is not located on a rail car as an historical interpretive feature, then it shall be screened as required by Section 535.70 of the zoning code. It is subject to HPC approval.

D. Site Plan Review: Application by Minneapolis Leased Housing Associates IV, Limited Partnership, for a site plan review for property located at 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also know as 301 Main St SE).

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for property located 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also known as 301 Main St SE) subject to the following conditions:

1. CPED Planning staff review and approval of the final elevations and site and landscaping plans before permits may be issued.

2. All site improvements for Phase I shall be completed by April 23, 2014, unless extended by the Zoning Administrator or the permit may be revoked for noncompliance. Phase II, for the Machine Shop, will require additional HPC and possibly CPC review at which time a compliance deadline will be set.
3. Compliance with the HPC conditions of approval.
4. Approval of the historic parking variance. If the historic variance is not approved the project shall comply with parking regulations of the zoning code as allowed by the zoning code and any other applicable city ordinances.
5. Compliance with the applicable standards of the SH Shoreland Overlay District and the MR Mississippi River Overlay District.
6. Provision of a sidewalk easement, running east-west, that allows public access be provided along the north side of the vacated 5th Ave SE right-of-way. The easement area shall contain a built sidewalk, to provide access though the site. This easement and sidewalk shall be reviewed by Public Works and shall be coordinated, to the extent possible, with the adjacent redevelopment of the Mill and Main site by Doran Construction. The applicant shall work with staff to make the walkway as pedestrian friendly as possible.

E. Plat: Application by Minneapolis Leased Housing Associates IV, Limited Partnership, for a preliminary plat for property located at 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also know as 301 Main St SE).

Action: The City Planning Commission **approved** the preliminary subdivision plat for property located at 100 3rd Ave SE, 300 2nd St SE, and 400 2nd St SE (also known as 301 Main St SE).

Prepared by: Jim Voll, Principal Planner, 612-673-3887 Approved by: Hilary Dvorak, Planning Manager, 612-673-2639 Presenter in Committee: Jim Voll
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Community Impact

- Neighborhood Notification – The Marcy-Holmes Neighborhood Association was notified of this appeal application.
- Comprehensive Plan – See staff report.
- Zoning Code – See staff report.
- End of 60/120-day decision period – On May 4, 2012, Minneapolis Leased Housing Associates IV, Limited Partnership (Dominium Inc.) was provided a letter extending the 60/120 day decision period to no later than July 28, 2012.

Background/Supporting Information

Please see the attached staff report for information on the project.

Kathleen Flynn Peterson is appealing the approval of the conditional use permit for a planned unit development and the variance of the maximum allowable floor area ratio. Please see the appellant's letter stating the reasons for the appeal.

The CPC voted 6-0 to approve all the applications. Please see attached memo with the City Planning Commission minutes and findings.