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

Date: July 12, 2012

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

Referral to: Zoning & Planning Committee

Subject: Appeal of the decision of the City Planning Commission associated with the approval of all land use applications related to the 3535 Grand development located at 3535, 3539, and 3543 Grand Avenue.

Recommendation: The following actions were taken by the Planning Commission on June 11, 2012 (BZZ-5562):

City Planning Commission and staff recommends concurrence with the action taken on June 11, 2012, for the property at 3535, 3539, and 3543 Grand Avenue, Ward 10, as follows:

A. Variance: Application by David Motzenbecker and Karl Drecktrah with BKV Group, on behalf of CPM Development, for a variance to the rear yard setback from 11 feet to 4 feet for a 4-story 30 unit multiple-family dwelling at 3535 Grand Ave S in the R5 Multiple-family District.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the east rear yard setback from 11 feet to 4 feet for the properties located at 3535-43 Grand Ave S.

Aye: Huynh, Kronzer, Luepke-Pier, Mammen, Schiff and Wielinski; Motzenbecker recused.
Nay: Cohen
The motion carried 6-1.

B. Variance: Application by David Motzenbecker and Karl Drecktrah with BKV Group, on behalf of CPM Development, for a variance to the front yard setback from the established 20 feet 5 ½ inches to 15 feet for a 4-story 30 unit multiple-family dwelling at 3535 Grand Ave S in the R5 Multiple-family District.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the required front yard setback from the established 20 feet 5 ½ inches to 15 feet for the properties located at 3535-43 Grand Ave S.

Aye: Huynh, Kronzer, Luepke-Pier, Mammen, Schiff and Wielinski; Motzenbecker recused.
Nay: Cohen
The motion carried 6-1.

C. Variance: Application by David Motzenbecker and Karl Drecktrah with BKV Group, on behalf of CPM Development, for a variance to the side yard setbacks from 15 feet to 11 feet for a 4-story 30 unit multiple-family dwelling at 3535 Grand Ave S in the R5 Multiple-family District.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the north and south side yard setbacks from 15 feet to 11 feet to allow for side entrances for the properties located at 3535-43 Grand Ave S, subject to the following condition:

1. The landscaping and screening adjacent to building entrances on the north and south elevations shall be 6 feet in height and a minimum of 95 percent opaque throughout the year.

Aye: Huynh, Kronzer, Luepke-Pier, Mammen, Schiff and Wielinski; Motzenbecker recused.
Nay: Cohen
The motion carried 6-1.

D. Site Plan Review: Application by David Motzenbecker and Karl Drecktrah with BKV Group, on behalf of CPM Development, for a site plan review for a 30 unit multiple-family development located at 3535 Grand Ave S in the R5 Multiple-family District.

Action: The City Planning Commission adopted the findings and **approved** the application for site plan review located at the property of 3535-43 Grand Ave S, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.

2. All site improvements shall be completed by June 11, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

3. The exterior materials of brick cladding shall extend from the front of the building around the northwest corner and along the north elevation for a distance not less than what is provided on the south elevation.

4. The landscaping and screening adjacent to building entrances on the north and south elevations shall be 6 feet in height and a minimum of 95 percent opaque throughout the year.

5. Applicant shall work with staff to increase setbacks on the fourth floor along Grand Ave S.

6. Lighting shall be added along the retaining wall along the alley.

Aye: Huynh, Kronzer, Luepke-Pier, Mammen, Schiff and Wielinski; Motzenbecker recused.
Nay: Cohen
The motion carried 6-1.

Ward: 10

Prepared by: Joe Bernard, Senior City Planner, (612) 673-2422
Approved by: Hilary Dvorak, Interim Planning Manager, (612) 673-2639
Presenters in Committee: Joe Bernard

Community Impact

Neighborhood Notification:

Notice of City Planning Commission application sent May 18, 2012

Notice of appeal of the City Planning Commission decision sent July 2, 2012

- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60-120-day decision period: August 28, 2012

Background/Supporting Information

Tran Muehler has filed an appeal of the decision of the City Planning Commission. The appeal is regarding the decision of the City Planning Commission on June 11, 2012, to approve all land use applications associated with the project known as the 3535 Grand development, a new multi-family, 4-story, 30 dwelling unit project. The minutes from the June 11, 2012, City Planning Commission meeting are attached. The Planning Commission voted 6-1 for items A, B, C, and D.

The appellant's complete statement and reasons for the appeal are attached.

Attachments:

1. Appeal application and appellant's statement of reason for the appeal
2. City Planning Commission actions from June 11, 2012
3. City Planning Commission staff report and attachments from June 11, 2012
4. Minutes from the June 11, 2012, meeting of the City Planning Commission
5. Public comments received