



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

Date: August 7, 2014

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

Referral to: Zoning & Planning Committee

Subject: Jane L. Prince, on behalf of Linden Hills Residents for Responsible Development, is appealing the City Planning Commission's decisions regarding the proposed four-story, mixed-use building at 4250 and 4264 Upton Avenue South in Ward 13.

Recommendation: The following action was taken by the Planning Commission on July 14, 2014 (BZZ-6638):

12. Linden Crossing (BZZ-6638, Ward: 13), 4250 and 4264 Upton Ave S ([Mei-Ling Anderson](#)).

A. Conditional Use Permit: Application by Mark Dwyer for a conditional use permit to increase the maximum allowed height from the permitted 3 stories/42 feet to 4 stories/56 for the properties located at 4250 and 4264 Upton Ave S to allow a new four-story, mixed-use building with 20 residential units.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to increase the maximum allowed height from the permitted 3 stories/42 feet to 4 stories/56 feet at the properties located at 4250 and 4264 Upton Ave S, 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.

B. Variance: Application by Mark Dwyer for a variance to reduce the north interior side yard setback from 11 feet to 9 feet for the building wall, to 5 feet for two balconies with awnings, and to 2 feet for a terrace for the properties located at 4250 and 4264 Upton Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the north interior side yard setback from 11 feet to 9 feet for the building wall, to 6.5 feet for two balconies with awnings, and to 2.5 feet for a terrace at the properties located at 4250 and 4264 Upton Ave S.

C. Variance: Application by Mark Dwyer for a variance to reduce the west interior side yard setback from 12 feet to 10 feet for the building wall and terrace and to 6 feet for the balconies with awnings, and from 11 feet to 5 feet for two balconies with awnings and to 4 feet for a terrace for the properties located at 4250 and 4264 Upton Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a variance to reduce the west interior side yard setback from 12 feet to 10 feet for the building wall and terrace, to 7.5 feet for the balconies with awnings, and from 11 feet to 6 feet for two balconies, and to 5.5 feet for a terrace at the properties located at 4250 and 4264 Upton Ave S.

D. Site Plan Review: Application by Mark Dwyer for a site plan review to allow a new, mixed-use building with 20 residential dwelling units and approximately 6,155 square feet of commercial space located at 4250 and 4264 Upton Ave S.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application to allow a new, mixed-use building with 20 residential dwelling units and approximately 6,155 square feet of commercial space at the properties located at 4250 and 4264 Upton Ave S, subject to the following conditions:

2. Approval of the final site, elevation, landscaping, and lighting plans by CPED.
3. All site improvements shall be completed by July 14, 2016, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.
4. All signs are expected to comply with Chapter 541 of the Zoning Code. All new signage requires a separate permit from CPED.
5. Landscape materials that reach a minimum height of five feet shall be used to screen the transformer from the public sidewalk along Upton Ave S.

Prepared by: Mei-Ling Anderson, City Planner, 612.673.5342 Approved by: Jason Wittenberg, Planning Manager, 612.673.2297 Presenters in Committee: Jason Wittenberg, Planning Manager
--

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The neighborhood group, 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 July 29, 2013, staff sent a letter to the applicant extending the 60-day decision period to no later than October 18, 2014.

Background/Supporting Information

Jane L. Prince, on behalf of Linden Hills Residents for Responsible Development, has filed an appeal of the decision of the City Planning Commission to approve the conditional use permit, variances, and site plan review applications to allow a new, four-story, mixed-use building at the properties located at 4250 and 4264 Upton Avenue South. At its meeting on July 14, 2014, the City Planning Commission voted 6-2 to approve the conditional use permit, 6-2 to approve the setback variances, and 6-2 to approve the site plan review, upholding the staff recommendation to approve the applications. The appeal (attached) was filed on July 23, 2014.