



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

Date: June 23, 2011

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

Referral to: Zoning and Planning Committee

Subject:

Name of Appellant: James Hayes

Name of Original Applicant: Oaks Properties and Metropolitan Council

Property Address: 3550 – 46th Street East (aka 4536 – 36th Avenue South)

Ward #: 12

James Hayes has appealed the City Planning Commission's decision to approve a conditional use permit for a planned unit development, a site plan review, and a preliminary plat to allow a 104-unit, four-story, building with ground floor retail at the site of the 46th Street LRT station.

Recommendation: The following actions were taken by the City Planning Commission on May 23, 2011 (BZZ-5146 & PL-254):

Oaks Station Place (BZZ-5146, PL-254 and Vac-1583, Ward: 12), 3550 46th St E (also known as 4536 36th Ave S) ([Jim Voll](#)).

A. Conditional Use Permit: Application by Oaks Properties and the Metropolitan Council for a conditional use permit for a planned unit development to allow 104 dwelling units have applied for the following applications for property located at 3550 46th St E (also known as 4536 36th Ave S).

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for a planned unit development for property located at 3550 – 46th St E, 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 one year of approval.

B. Site Plan Review: Application by Oaks Properties and the Metropolitan Council for a site plan review for property located at 3550 46th St E (also known as 4536 36th Ave S).

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a 150 unit residential building located at 3550 – 46th St E, 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 shall be completed by July 1, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. The 18 parking stalls in the Metro Transit lot are required to be signed, designating their exclusive use by the patrons of the retail tenants, so that they are not used as “park and ride” spaces. This information should be included in the Travel Demand Management Plan as well.
4. The site plan shall show one small (10 feet by 25 feet) on-site loading space as required by Section 541.490 of the zoning code.
5. The plaza design shall provide the two required additional amenities as required by Section 535.800(9) of the zoning code, unless a variance is obtained.
6. The elevations for the first floor of the vehicle pass-through shall be provided on the final site plan and they shall provide architectural detail, so there are not blank walls, without a change in material for lengths of more than 25 feet.
7. The final plaza design is subject to CPED-Planning staff review and approval.

C. Plat: Application by Oaks Properties and the Metropolitan Council for a preliminary plat for property located at 3550 46th St E (also known as 4536 36th Ave S).

Action: The City Planning Commission **approved** the preliminary subdivision plat for property located at 3550 – 46th St E, subject to the following condition:

1. The easements for the building and for the pedestrian and vehicular access shall be reviewed by Planning staff and shall be finalized at the time of the recording of the final plat.

D. Vacation: Application by Oaks Properties and the Metropolitan Council for a Street Vacation of 36th Ave S between 45th and 46th Streets East for property located at 3550 46th St E (also known as 4536 36th Ave S).

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the street vacation of 36th Ave S between 45th and 46th Streets East.

Prepared by: Jim Voll, Principal Planner, 612-673-3887 Approved by: Jason Wittenberg, Planning Manager, 612-673-2297 Presenters in Committee: Jim Voll
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Community Impact

- Neighborhood Notification – The Standish-Ericsson Neighborhood Association and the Longfellow Community Council were notified of this appeal application.
- Comprehensive Plan – See staff report.
- Zoning Code – See staff report.

- End of 60/120-day decision period – On May 31, 2011, Oaks Properties was provided a letter extending the 60/120 day decision period to no later than August 25, 2011.

Background/Supporting Information

Oaks Properties and the Metropolitan Council made applications for the construction of a 104-unit multi-family residential building with ground floor commercial space. Oaks Properties is the applicant for the planned unit development and the site plan review applications. Oaks Properties and the Metropolitan Council are joint applicants for the replatting of the site. The Metropolitan Council is the applicant for the street vacation. All applications were reviewed as one project.

All developments over five units require a conditional use permit and site plan review. In this case the applicant is proposing a planned unit development. In addition, the applicant is replatting the entire site into separate lots, as required by the planned unit development regulations, one for the LRT station, and two for the residential development. At this time the applicant has filed a preliminary plat. Finally, a vacation of the 36th Avenue South right-of-way is proposed. The street exists only on paper, but because parts are being transferred to a private property owner, it is now required to be vacated, as it will no longer be public right-of-way. The Metropolitan Council will retain access easements for access to the LRT station.

The City Planning Commission (CPC) approved the conditional use permit for a planned unit development, site plan review, and preliminary plat, and recommended approval of the street vacation.

James Hayes is appealing the CPC decisions related to the conditional use permit, site plan review, and the preliminary plat. The street vacation is not subject to appeal as it is required to be acted on by the City Council. Please see the appellant's letter stating the reasons for the appeal.

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