

**Minneapolis City Planning Department Report**  
Waiver from Moratorium Application

**Date:** May 22, 2003

**Applicant: The Urban Village Project:** Lander Sherman Urban Development and Aaron Parker + Associates/Country Home Builders (Ross Fefercorn)

**End of 60 Day Decision Period:** N.A.- awaiting full application, dependent on waiver from moratorium

**Address Of Property:** Between Aldrich and Bryant Avenues and Bryant and Colfax Avenues bordering the North edge of the Midtown Greenway and South of 28<sup>th</sup> Street.

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**Planning Staff And Phone:** Lonnie Nichols, 612-673-5468

**Ward:** 10 (Niziolek) **Neighborhood Organization:** Lowry Hill East Neighborhood Association

**Existing Zoning:** The area proposed for this development is zoned primarily R-6 (High Density Multi-Family District). There may be some OR2 (High Density Office Residence District) and R-5 (High Density Multi-Family District) zoning in the proposed project area. A new plat may be required.

**Proposed use:** Multi-Family residential with promenade overlooking the Midtown Greenway.

**Reason For Waiver:** The site is located in the area of a moratorium on establishment or expansion of any multiple family residential use within the recognized boundaries of the Lowry Hill East Neighborhood, except where property has frontage on Hennepin Avenue, Franklin Avenue, Lagoon Avenue, Lyndale Avenue or Lake Street.

**Appropriate Section(s) of the Zoning Code:** Chapter 525 Administration and Enforcement, Chapter 527 Planned Unit Development, Chapter 529 Interim Ordinances (529.50 Waiver of Restriction), Chapter 530 Site Plan Review, Chapter 546 Residence District.

**Background:** The properties between Aldrich and Bryant Avenues and Bryant and Colfax Avenues bordering the North edge of the Midtown Greenway have been the designated location for an Urban Village housing development project for several years. A West Lake Street Urban Village Charette was held in 1998 that involved over 200 participants and was sponsored by the City of Minneapolis, MCDA, Metro Transit, Hennepin County, East Isles Residents Association, Lowry Hill East Neighborhood Association, and the Uptown Association. The charette findings recommended higher intensity housing that respects scale and architecture of existing neighboring buildings. The task force chairs of the charette are the applicants, Michael Lander and Aaron Parker.

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### **Site Analysis**

The property is located between Aldrich and Bryant Avenues and Bryant and Colfax Avenues between the North edge of the Midtown Greenway and existing housing to the South of 28<sup>th</sup> Street. The property may require a new plat and additional applications. The parcel between Bryant and Colfax is vacant, and the Crane Company will be off the property between Aldrich and Bryant in August 2003. Both parcels are being tested for environmental contamination and remediation will follow as needed. Both parcels will need to determine with the City, County, and State (State Historic Preservation Office) how to preserve and reinforce the retaining wall along the North edge of the 29<sup>th</sup> Street rail corridor trench. Both blocks of the project have received public funding which triggers a Section 106 review by the State Historic Preservation Office. The Minneapolis Community Development Agency has facilitated land acquisition and environmental remediation for the proposed Urban Village.

### **Investigation by Licenses Department**

Planning staff is not aware of a Licenses Department investigation of the site due to ongoing demolition and clean-up activities.

### **Neighborhood Review**

The applicants have presented preliminary plans to the Lowry Hill East Neighborhood Association during April and May 2003. LHENA, the East Isles Residents Association, and the Uptown Association were all sponsors of the West Lake Street Urban Village Charette in 1998.

### **Limited Site Plan Review Standards (If Warranted):**

Chapter 527: Planned Unit Development. The Urban Village is scheduled to be reviewed as a PUD with options for phased construction. A Traffic Demand Management Plan will be created for the UV PUD.

Chapter 530: Site Plan Review: The block between Aldrich and Bryant (Aaron Parker and Ross Fefercorn) and Bryant and Colfax (Lander Sherman Urban Development) will require Site Plan Review, which may lead to additional applications.

Chapter 530, Article V, Section 240-Lighting and Glare; Section 250-Site Context; Section 260-Crime Prevention Through Environmental Design; Section 270-Historic Preservation.

Chapter 535.80: Refuse containers shall be screened as per the code.

Chapter 546: General provisions and Article IX R-6 Multiple-Family District.

### **Findings:**

Section 576.50 provides that in cases of hardship the City Council may grant a waiver of all or a portion of the applicable restrictions as provided for in Chapter 529 of the zoning code. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

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**Hardship:** A waiver is required for Lander-Sherman and Aaron Parker/Ross Fefercorn to apply for Site Plan Review and other appropriate applications as needed for the proposed Planned Unit Development, a multi-family residential development, to be constructed on the parcels bordering the North edge of the Midtown Greenway (29<sup>th</sup> Street Rail Corridor) between Aldrich and Colfax Avenues South. The applicants desire to begin construction on the Urban Village project as soon as possible and waiting for the moratorium to end would be a hardship. The site is located in the area of a moratorium on establishment or expansion of any multiple family residential use within the recognized boundaries of the Lowry Hill East Neighborhood, except where property has frontage on Hennepin Avenue, Franklin Avenue, Lagoon Avenue, Lyndale Avenue or Lake Street.

**Affect on planning process:** The moratorium will be in effect until at least November 22, 2003. The City also reserves the right to extend this (moratorium) ordinance for such additional periods as are necessary to complete a planning study. Community planning staff from City Planning are conducting the study and have met with LHENA representatives. One of the objectives of the planning study is to determine if any property in the Lowry Hill East neighborhood can be down-zoned to reflect its current use. Moving forward with multi-family housing on the proposed sites between Aldrich and Bryant Avenues and Bryant and Colfax Avenues on the North edge of the Midtown Greenway and South of existing housing along 28<sup>th</sup> Street will not affect the planning process. The Urban Village, a proposed multi-family residential development, was planned before the beginning of the moratorium, with participation from the Lowry Hill East Neighborhood Association, the East Isles Residents Association, and the Uptown Association. Both the Lake Street-Midtown Greenway Corridor Framework Plan (1999) and the West Lake Street Urban Design Charette (1998) call for multi-family housing development in this area. Enforcing the moratorium on this site will put the Urban Village on hold indefinitely.

### **Recommendation of the City Planning Department:**

The City Planning Department recommends that the City Council adopt the above findings and **approve** the waiver. If the waiver is approved, the applicant will be able to proceed with filing site plan and other applications as deemed necessary with the Zoning Office to be reviewed by the City Planning Department.