

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permit, Variances and Site Plan Review
BZZ-5280

Date: September 19, 2011

Applicant: France 44, LLC, Attn: Scott Carlston, 11200 W. 78th Street, Eden Prairie, MN 55344, (612) 889-7898

Address of Property: 4525 France Avenue South

Project Name: 4525 France Avenue South

Contact Person and Phone: Mohagen Hansen Architectural Group, Attn: Todd Mohagen, 1000 Twelve Oaks Center Drive, Suite 200, Wayzata, MN 55391, (952) 426-7401

Planning Staff and Phone: Becca Farrar, Senior Planner (612) 673-3594

Date Application Deemed Complete: August 25, 2011

End of 60-Day Decision Period: October 23, 2011

End of 120-Day Decision Period: Not applicable for this application

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: C1 (Neighborhood Commercial) district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 29

Lot area: 6,350 square feet or .15 acres

Legal Description: Not applicable for this application

Proposed Use: Construct a new mixed-use development.

Concurrent Review:

- Conditional Use Permit to allow 6 dwelling units.
- Variance of the front yard setback requirement along the west property line adjacent to France Avenue South for the first 40 feet from south to north from 15 feet to 0 feet at the closest point to allow a new mixed-use development.
- Variance to allow surface parking within the interior side yard setback along the north property line.
- Variance to allow surface parking within 6 feet of a dwelling unit.
- Site plan review for a new 3-story, 42 foot tall, mixed-use development that includes a single 1,000 square foot ground level commercial space and 6 dwelling units in the C1 (Neighborhood Commercial) district.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits, Article IX, Variances and Chapter 530 Site Plan Review.

Background: The applicant proposes to demolish the existing single-family home located on the site and construct a new 3- story, mixed-use development that incorporates a singular 1,000 square foot ground level commercial space and 6 dwelling units. The property is zoned C1 which permits residential uses over 5 units with a conditional use permit. The commercial tenant is expected to be either retail sales and service or an office type use which are both permitted uses in the C1 district. A variance is required to locate the building within the front yard setback along the west property line adjacent to France Avenue South for the first 40 feet from south to north from approximately 15 feet to 0 feet at the closest point. Typically, the property would not be subject to a front yard requirement, however, due to the location of the apartment building to the south and R5 zoning, a front yard equal to the lesser of the front yard required by such residence district or established front yard shall be provided in the commercial district for the first 40 feet from such residence boundary/residential property. The building is setback approximately 30 feet from the property line; the R5 district which is the abutting zoning district typically requires a setback of 15 feet for the first 40 feet from south to north. Therefore, the development is subject to the 15 foot yard requirement which is the lesser of the two. A variance is also required to allow a surface parking space within the interior side yard setback along the north property line as the parking space is not a permitted obstruction in the interior side yard because it is not located entirely in the rear 40 feet or 20% of the lot. The parking area is located 5 feet too far to the west on the site. The applicant proposes to reduce the interior side yard setback to 1 foot in order to accommodate this parking space. Additionally, a variance is required to locate surface parking within 6 feet of a dwelling unit. Site plan review is required for the new mixed-use structure.

The street level or basement level would incorporate a 1,000 square foot commercial space fronting on France Avenue South as well as apartment tenant storage and the principal apartment entry. The upper floors, 1-3 would incorporate 2 units per floor with two stairways and elevator access.

Since the application has been filed, an additional variance has been identified as necessary based on the location of the side residential entrance that is located on the south elevation of the building. Per Section 535.250 of the Zoning Code, a 15 foot yard is required for all multiple-family dwellings with side entrances. Therefore, the project will be continued one cycle in order to re-notice the project for the October 3, 2011, City Planning Commission meeting.

Staff has not received official correspondence from the Linden Hills Neighborhood Council prior to the printing of this report. Any correspondence received shall be forwarded on to the Planning Commission for consideration.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **continue** the application for a conditional use permit to allow 6 dwelling units on the property located at 4525 France Avenue South to the meeting of October 3, 2011.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **continue** the application for a variance of the front yard setback requirement along the west property line adjacent to France Avenue South for the first 40 feet from south to north from 15 feet to 0 feet on the property located at 4525 France Avenue South to the meeting of October 3, 2011.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **continue** the application for a variance to allow a surface parking space within the interior side yard setback along the north property line on the property located at 4525 France Avenue South to the meeting of October 3, 2011.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **continue** the application for a variance to allow surface parking within 6 feet of a dwelling unit on the property located at 4525 France Avenue South to the meeting of October 3, 2011.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **continue** the site plan review application for a new 3-story, mixed-use development that includes a single 1,000 square foot commercial space and 6 dwelling units on the property located at 4525 France Avenue South to the meeting of October 3, 2011.

Attachments

1. Zoning Map