

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

Variance Request  
BZZ-3370

**Date:** January 4, 2007

**Applicant:** Greco Real Estate Development, on behalf of Lyn-Lake Development Partners, LLC

**Address of Property:** 2900 Aldrich Avenue South

**Contact Person and Phone:** Brent Rogers, 612-630-2542

**Planning Staff and Phone:** Molly McCartney, 612-673-5811

**Date Application Deemed Complete:** December 6, 2006

**Public Hearing Date:** January 4, 2007

**Appeal Period Expiration:** January 15, 2007

**End of 60 Day Decision Period:** February 4, 2007

**Ward:** 10      **Neighborhood Organization:** Lowry Hill East

**Existing Zoning:** R6 Multi-family District and C3A Community Activity Center District

**Appeal of the decision of the Zoning Administrator:** Greco Real Estate Development, on behalf of Lyn-Lake Development Partners LLC, is appealing of the decision of the Zoning Administrator that a ground level walkway connection between two buildings renders the buildings one structure.

**525.170. Appeals of decisions of the zoning administrator.** All findings and decisions of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180.

**Background and Analysis:**

The subject site recently received City Planning Commission (CPC) approvals on November 27, 2006, for two new buildings, including a favorable recommendation to the City Council for rezonings. The project combines multiple parcels, 2900, 2924, 2928, 2932, and 2936 Aldrich Avenue South, into new subdivided two (2) parcels. The project includes a multi-family residential building located along the Midtown Greenway and Aldrich and a mixed use building located at the corner of Aldrich Avenue South and West Lake Street. The project does not have the required land area to be a planned unit development or cluster development.

The rezoning of the northern most parcel (2900 Aldrich) is from I1 Light Industrial District to R6 Multi-family District and the southern parcels from C2 Commercial Corridor District to C3A Community Activity Center District. This rezonings will be heard by the Zoning and Planning Committee of the City Council on January 4, 2007. Rezonings are changes to the Minneapolis Zoning Ordinance that requires approval by the full City Council. Changes to the project approved by the CPC on November 27, 2006, may result in a site plan amendment to be reviewed by the City Planning Commission, as well as other land use applications. Once approved by the City Council, the rezonings would remain in effect.

The applicant has received CPC approvals for two buildings, but had discussed with CPED-Planning staff the possibility of submitting the proposal with the two buildings connected by an above ground walkway. During preliminary meetings, staff determined that the walkway rendered the two buildings a single structure. From plans of the interior layout of the building, the walkway creates a connection so that residents can access, above ground, building amenities such as gathering rooms. The walkway was not proposed to connect separate uses, such as commercial space from residential space, nor would the walkway connect two separate residential buildings.

Staff also determined that because the project involved two separate parcels with different zoning, it did not meet the definition of a zoning lot.

Zoning lot. A single parcel of land under common ownership or control, occupied by one (1) or more principal buildings or uses, accessory buildings or uses, and all yards and open spaces, as required by the zoning ordinance. A zoning lot may consist of more than one (1) platted lot.

If the project was considered one zoning lot, a single building could span across a platted lot. However, in this case, the applicant is proposing that the project have different zoning districts. The project spans two zoning districts, the R6 and the C3A. A single building is not allowed to span across a zoning district or zoning lot.

Also affected by the building status is the number of dwelling units allowed and side yard setbacks. As approved by CPC, both buildings received density bonuses to increase the number of dwelling units as well as variances to reduce the minimum lot area to allow for increased additional dwelling units. Both buildings received bonuses for underground parking, but the commercially zoned property received an additional density bonus for a mixed commercial-residential building. Projects in residentially zoned districts are not eligible for this bonus. Setback variances would also be needed for the building with the walkway. The R6 District has required setbacks for multi-family dwellings and the C3A Districts

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has required setbacks when adjacent to residential districts and structures. After preliminary project discussions with staff, the applicants proceeded with submitting plans for two structures for CPC approvals.

The applicant is now appealing the Decision of the Zoning Administrator that the walkway renders the two buildings one structure. The applicant has submitted a statement that includes excerpts from the International Building Code (IBC) in regards to pedestrian walkways and tunnels. While CPED-Planning staff uses the IBC to inform zoning related decisions, the IBC does not supercede or take precedent in interpreting the Minneapolis Zoning Code.

CPED-Planning staff agrees that the Zoning Administrator has correctly interpreted the zoning code that the proposed walkway for the project at 2900 Aldrich Avenue would render the project a single building because the walkway is interior to the multi-family residential use. Further, the project could not go forward as a single building because it would span two zoning lots.

**Recommendation of the CPED Department Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends **denial** of the appeal of the Decision of the Zoning Administrator that a ground level walkway connection between two buildings renders the buildings one structure.