

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning Petition, Conditional Use Permits, Variances, Site Plan Review & Plat  
BZZ-3908 & PL-222

**Date:** January 28, 2008

**Applicant:** Capital Growth Realty

**Address of Property:** 3815 Hiawatha Avenue

**Project Name:** Longfellow Station—Phase 1A

**Contact Person and Phone:** David Haaland, (612) 455-3100

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** January 4, 2008

**End of 60-Day Decision Period:** March 4, 2008

**End of 120-Day Decision Period:** On January 8, 2008, staff sent the applicant a letter extending the decision period no later than May 3, 2008.

**Ward:** 12     **Neighborhood Organization:** Longfellow Community Council

**Existing Zoning:** I2 Medium Industrial District and PO Pedestrian Oriented Overlay District

**Proposed Zoning:** C3A Community Activity Center District and PO Pedestrian Oriented Overlay District

**Zoning Plate Number:** 33

**Legal Description:** The Northwesterly 69 feet of that part of Lot 1, "Auditor's Subdivision Number 300 Hennepin County, Minnesota" described as follows: Commencing at a point in the Southwesterly line of Lot 1, distant 321.65 feet Northwesterly from the Southwest corner thereof, thence Northeasterly at right angles 134 feet; thence Northwesterly to most Easterly corner of Lot 1, Auditor's Subdivision Number 244 Hennepin County, Minnesota; thence Southwesterly to most Southerly corner thereof; thence Southeasterly to beginning, Hennepin County, Minnesota.

And

That part of Lot 1, "Auditor's Subdivision Number 300 Hennepin County, Minnesota" described as follows: Commencing at a point on the Southwesterly line of Lot 1, distant 321.65 feet Northwesterly from the Southwest corner thereof, thence Northeasterly at right angles 134 feet; thence Northwesterly to most Easterly corner of Lot 1, Auditor's Subdivision Number 244; thence Southwesterly to most

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Southerly corner thereof; thence Southeasterly to beginning, EXCEPT the Northwesterly 69 feet thereof and EXCEPT the Southeasterly 147.59 feet thereof, Hennepin County, Minnesota.

And

All that portion of Lot 1, Auditor's Subdivision Number 300 of the City of Minneapolis lying between the Northeasterly line thereof and a line drawn parallel to, Southwesterly and 31 feet distant, measured at right angles from said Northeasterly line of said Lot 1, Hennepin County, Minnesota.

And

Lot 1, "Auditor's Subdivision Number 244, Hennepin County, Minnesota", according to the recorded plat thereof, Hennepin County, Minnesota.

**Proposed Use:** Planned unit development including 198 dwelling units and approximately 40,400 square feet of commercial floor area.

**Concurrent Review:**

**Petition to rezone** from I2 Medium Industrial District to C3A Community Activity Center District.

**Conditional use permit** to allow a planned unit development.

**Conditional use permit** to allow a shopping center.

**Conditional use permit** to allow 198 dwelling units.

**Variance** to increase the maximum floor area of retail sales and services uses from 9,600 square feet.

**Variance** to allow a building wall to be set back more than eight feet from a lot line adjacent to a street in a PO Pedestrian Oriented Overlay District.

**Variance** to increase the maximum driveway width in a PO Pedestrian Oriented Overlay District.

**Variance** to increase the maximum width of a parking lot adjacent to a street in a PO Pedestrian Oriented Overlay District.

**Site plan review.**

**Preliminary plat.**

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520 (3) "to vary the gross floor area...requirements of a...use." and Section 525.520 (20) "to vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District."; Chapter 527; Chapter 530, Site Plan Review; and Chapter 598, Land Subdivision.

**Background:** The applicant proposes to construct two mixed-use buildings with a total of 198 dwelling units and approximately 40,400 square feet of commercial tenant space as a planned unit development. Each new building would have a ground floor occupied by commercial uses with four floors of rental apartments above. The site is bordered by Hiawatha Avenue on the west side, railroad tracks on the east

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side and 38<sup>th</sup> Street to the north. A narrow panhandle also connects the site to 40<sup>th</sup> Street. The closest uses to the site are all industrial. The 38<sup>th</sup> Street light rail transit (LRT) station is located on the northwest corner of the intersection of 38<sup>th</sup> Street and Hiawatha Avenue.

The applicant is petitioning to rezone the subject site to C3A, where a PUD and a multifamily dwelling with 5 or more units require a conditional use permit. Because each commercial tenant space would not include a separate entrance facing a street, the commercial part of the development is classified as a shopping center. A shopping center is a conditional use in the C3A district. If the conditional use permits are approved, the actions must be recorded with Hennepin County as required by state law.

In the C3A zoning district, the maximum floor area of retail sales and services uses cannot exceed 4,000 square feet. If there is no parking between the building and the street and the building is at least two stories in height, the maximum floor area of the retail sales and services uses may be increased to 8,000 square feet. Through the conditional use permit application for the PUD, a 20 percent density bonus may be granted. This would allow the retail sales and services uses to be as large as 9,600 square feet each. There could be two uses that exceed 9,600 square feet. The applicant has applied to increase the floor area of these uses beyond 9,600 square feet.

In the PO district, the first floor of the building must be located within eight feet of a lot line adjacent to a street. First floor building walls facing a street would be within 8 feet of the lot line, except at the north end of the north building. The applicant is requesting a variance of this standard.

Also in the PO district, surface parking lots are limited to 60 feet of street frontage. Two parking lots would each occupy 120 feet of street frontage. The driveway width for all parking facilities cannot exceed 20 feet of street frontage. The driveway access from both 38<sup>th</sup> Street and 40<sup>th</sup> Street would exceed 20 feet. The applicant is requesting variances of these standards.

A site plan review is required for any new mixed-use building over 20,000 square feet in size.

A plat is required as part of any application for planned unit development approval. The applicant proposes to dedicate land for a future street connection between Dight Avenue and Hiawatha Avenue through the plat as well.

After public notices for the January 28, 2008 Planning Commission meeting for this project were sent, the applicant requested that the applications be continued to a later Planning Commission meeting. The applicant has stated that one reason for the continuance is to allow consideration of the Tax Increment Financing Project Analysis Authorization (TIF PAA) requested for the project. It is proposed to be scheduled for the February 5<sup>th</sup> City Council Community Development Committee meeting. Secondly, the applicant is waiting for additional feedback from the State Historic Preservation Office. A review of the project is required under Section 106 of the National Historic Preservation Act because the applicant is requesting federal funding. The applicant hired a consultant, Hess, Roise and Company, to evaluate the historic potential of the site and surrounding area. The consultant found that the site did not qualify for listing in the National Register of Historic Places. However, it appears that the Hiawatha corridor is eligible for National Register and local landmark designation as a historic grain terminal/feed mill district. Because of the latter, SHPO will review the project and may require changes to the development to ensure compatibility with the character of the area. These changes may be significant enough to

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require approval by the Planning Commission. Until these requirements are known, the applicant would like to delay processing of the land use applications. The applicant expects that these things will be worked out by late February, therefore he is requesting to continue the application until the Planning Commission meeting of March 17, 2008.

**RECOMMENDATIONS**

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **continue** the application to rezone the property of 3815 Hiawatha Avenue from I2 Medium Industrial District to C3A Community Activity Center District to the Planning Commission meeting of March 17, 2008.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the application for a conditional use permit to allow a planned unit development for the property located at 3815 Hiawatha Avenue to the Planning Commission meeting of March 17, 2008.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for a Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the application for a conditional use permit to allow a multiple-family dwelling with 198 units for the property located at 3815 Hiawatha Avenue to the Planning Commission meeting of March 17, 2008.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for a Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the application for a conditional use permit to allow a shopping center for the property located at 3815 Hiawatha Avenue to the Planning Commission meeting of March 17, 2008.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the application for a variance to increase the maximum floor area of retail sales and services uses from 9,600 square feet for the property located at 3815 Hiawatha Avenue to the Planning Commission meeting of March 17, 2008.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the application for a variance of the PO Pedestrian Oriented Overlay District standard to allow a building wall to be set back more than eight feet from the lot lines adjacent to 38<sup>th</sup> Street and Hiawatha Avenue for the property located at 3815 Hiawatha Avenue to the Planning Commission meeting of March 17, 2008.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the application for a variance of the PO Pedestrian Oriented Overlay District standard to increase the maximum driveway width for the property located at 3815 Hiawatha Avenue to the Planning Commission meeting of March 17, 2008.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the application for a variance of the PO Pedestrian Oriented Overlay District standard to increase the maximum width of a parking lot adjacent to a street for the property located at 3815 Hiawatha Avenue to the Planning Commission meeting of March 17, 2008.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the application for site plan review to allow a planned unit development located at the property of 3815 Hiawatha Avenue to the Planning Commission meeting of March 17, 2008.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Preliminary Plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **continue** the preliminary plat for the property located at 3815 Hiawatha Avenue to the Planning Commission meeting of March 17, 2008.

**Attachments:**

1. Zoning map