

**LAND USE APPLICATION SUMMARY**

*Property Location:* 2707 E 38<sup>th</sup> Street, 3800-3812 28th Avenue S  
*Project Name:* 38<sup>th</sup> Street Mixed Use  
*Prepared By:* Kimberly Holien, Principal Planner, (612) 673-2402  
*Applicant:* 3828 LLC, c/o The Lander Group  
*Project Contact:* Tony Kriha  
*Request:* To construct a new four-story, mixed-use building with 53 dwelling units.

*Required Applications:*

<b>Rezoning</b>	Petition to rezone the property at 3806 28th Avenue S from the C1, Neighborhood Commercial district to the C2, Neighborhood Corridor Commercial district, retaining the Pedestrian Oriented Overlay district.
<b>Rezoning</b>	Petition to rezone the property at 3812 28 <sup>th</sup> Avenue S from the R1A, Single-family District to the C2, Neighborhood Corridor Commercial district and the PO, Pedestrian Oriented Overlay district.
<b>Variance</b>	To increase the maximum floor area ratio in the C2 district from 2.2 to 2.48.
<b>Variance</b>	To reduce the required front yard setback for the south 25 feet along 28th Avenue S due to the adjacent residential zoning from 19 feet to 14 feet.
<b>Variance</b>	To reduce the interior side yard setback along the south property line for surface parking from five feet to four feet.
<b>Variance</b>	To reduce the east interior side yard setback and north interior side yard setback, adjacent to the existing building at 3800 28th Avenue S, from 11 feet to zero.
<b>Variance</b>	To reduce the west interior side yard setback from 11 feet to zero.
<b>Variance</b>	To reduce the south rear yard setback from five feet to zero for parking.
<b>Variance</b>	To the requirements of the PO, Pedestrian Oriented Overlay district to allow portions of the building to be setback more than 8 feet from the front lot line along 28th Avenue S.
<b>Vacation</b>	Vacation of air rights over the north end of the alley that exits onto 38 <sup>th</sup> Street E.
<b>Minor Subdivision</b>	To adjust the lot line between 2702 E 38th Street and 3800 28th Avenue S.
<b>Site Plan Review</b>	For a new four-story, mixed-use building with 53 dwelling units and surface parking.

**SITE DATA**

<b>Existing Zoning</b>	C2, Neighborhood Corridor Commercial District
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<b>Date Application Deemed Complete</b>	June 3, 2016	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	August 2, 2016	<b>End of 120-Day Decision Period</b>	N/A

	CI, Neighborhood Commercial District RIA, Single-family District PO, Pedestrian Oriented Overlay District
<b>Lot Area</b>	22,524 square feet / 0.517 acres
<b>Ward(s)</b>	12
<b>Neighborhood(s)</b>	Standish-Ericcson
<b>Designated Future Land Use</b>	Mixed Use Urban Neighborhood
<b>Land Use Features</b>	Community Corridor (38 <sup>th</sup> Street E) Neighborhood Commercial Node Transit Station Area
<b>Small Area Plan(s)</b>	<u>38<sup>th</sup> Street Station Area Master Plan (2006)</u>

## BACKGROUND

**SITE DESCRIPTION AND PRESENT USE.** The subject site is a series of parcels that front along E 38<sup>th</sup> Street and 28<sup>th</sup> Avenue S. The portion of the site that fronts along 38<sup>th</sup> Street is currently occupied by an auto repair use and surface parking. The parcels that front along 28<sup>th</sup> Avenue S include a single-story commercial building and a duplex. The existing buildings on these three properties will be demolished as part of the project. The public hearing notice included the address at 3800 28<sup>th</sup> Avenue S. The two-story building at this address will be retained and the lot line between 3800 28<sup>th</sup> Avenue S and 2707 E 38<sup>th</sup> Street will be adjusted.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The site is surrounded by a mix of commercial and residential uses. The neighboring buildings along 38<sup>th</sup> Street are each two stories in height with commercial uses on the ground floor and residential uses above. Directly to the north, across 38<sup>th</sup> Street, is the Northbound Smokehouse and Brewpub. To the east, across 28<sup>th</sup> Avenue S, there is a three-story mixed use building. The uses to the south on the subject block are all single-family homes.

**PROJECT DESCRIPTION.** The project includes a 4-story mixed use building with 53 dwelling units and three ground floor commercial spaces. The proposed building will be L-shaped with frontage on 38<sup>th</sup> Street and 28<sup>th</sup> Avenue S, reading as two separate buildings. The proposed building will wrap around the existing building at the corner of 38<sup>th</sup> Street E and 28<sup>th</sup> Avenue S, preserving the existing building. The ground floor of the building will have four retail spaces fronting along 38<sup>th</sup> Street E and walk-up units fronting along 28<sup>th</sup> Avenue S. Each of the retail spaces is less than 1,000 square feet. The upper floors contain residential units that cantilever over surface parking on the back side of the building. A total of 44 parking stalls are provided. The residential unit mix includes three studio units, 40 one-bedroom units, and ten two-bedroom units.

The main residential entrance is on the east side of the building, facing 28<sup>th</sup> Avenue S. The retail spaces each have individual entrances facing 38<sup>th</sup> Street E. The primary exterior materials are stucco, metal panel and brick. Fiber cement panels and fiber cement lap siding are proposed on the interior elevations. The north elevation, facing 38<sup>th</sup> Street E, is designed to appear as two distinct buildings separated by the alley at grade. The applicant is requesting to vacate air rights above the alley and build over it on the third and fourth floors.

The applicant modified the plans after the public hearing notice was sent and an additional variance was identified based on these changes. As such, staff is recommended that this item be continued for one cycle, to the June 27<sup>th</sup>, 2016 meeting to allow for proper notification.

**PUBLIC COMMENTS.** No correspondence had been received as of the drafting of this staff report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by The Lander Group for the properties located at addresses:

- A. Rezoning the property at 3806 28th Avenue S from the C1, Neighborhood Commercial district to the C2, Neighborhood Corridor Commercial district, retaining the Pedestrian Oriented Overlay district.**

Recommended motion: **Continue** the application for a rezoning for one cycle, to the June 27, 2016 meeting.

- B. Rezoning the property at 3812 28<sup>th</sup> Avenue S from the R1A, Single-family District to the C2, Neighborhood Corridor Commercial district and the PO, Pedestrian Oriented Overlay district..**

Recommended motion: **Continue** the application for a rezoning for one cycle, to the June 27, 2016 meeting.

- C. Variance to increase the maximum floor area ratio.**

Recommended motion: **Continue** the application for a variance for one cycle, to the June 27<sup>th</sup>, 2016 meeting.

- D. Variance to reduce the required front yard setback for the south 25 feet along 28th Avenue S due to the adjacent residential zoning from 19 feet to 14 feet.**

Recommended motion: **Continue** the application for a variance for one cycle, to the June 27<sup>th</sup>, 2016 meeting.

- E. Variance to reduce the interior side yard setback along the south property line for surface parking from five feet to four feet.**

Recommended motion: **Continue** the application for a variance for one cycle, to the June 27<sup>th</sup>, 2016 meeting.

- F. Variance to reduce the east interior side yard setback and north interior side yard setback, adjacent to the existing building at 3800 28th Avenue S, from 11 feet to zero.**

Recommended motion: **Continue** the application for a variance for one cycle, to the June 27<sup>th</sup>, 2016 meeting.

- G. Variance to reduce the west interior side yard setback from 11 feet to zero.**

Recommended motion: **Continue** the application for a variance for one cycle, to the June 27<sup>th</sup>, 2016 meeting.

- H. Variance to reduce the south rear yard setback from five feet to zero for parking.**

Recommended motion: **Continue** the application for a variance for one cycle, to the June 27<sup>th</sup>, 2016 meeting.

- I. Variance to the requirements of the PO, Pedestrian Oriented Overlay district to allow portions of the building to be setback more than 8 feet from the front lot line along 28th Avenue S.**

Recommended motion: **Continue** the application for a variance for one cycle, to the June 27<sup>th</sup>, 2016 meeting.

- J. Vacation of air rights over a portion of the existing north-south alley.**

Recommended motion: **Continue** the application for a vacation for one cycle, to the June 27<sup>th</sup>, 2016 meeting.

- K. Minor subdivision to adjust the common lot line between 2702 E 38th Street and 3800 28th Avenue S.**

Recommended motion: **Continue** the application for a minor subdivision for one cycle, to the June 27<sup>th</sup>, 2016 meeting.

**L. Site Plan Review for the construction of a four-story, mixed-use building with 53 dwelling units.**

Recommended motion: **Continue** the application for site plan review for one cycle, to the June 27, 2016 meeting:

**ATTACHMENTS**

I. Correspondence

**Kusz, Lisa M.**

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**From:** Holien, Kimberly  
**Sent:** Monday, June 06, 2016 2:42 PM  
**To:** Kusz, Lisa M.  
**Subject:** Fw: Lander Group Mixed Use Building Proposal

This is the one piece of correspondence that needs to be attached to the staff report I just sent you.

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**From:** Bob Weber <[bobandfrancyweber@msn.com](mailto:bobandfrancyweber@msn.com)>  
**Sent:** Friday, June 3, 2016 7:58 PM  
**To:** Holien, Kimberly  
**Subject:** Lander Group Mixed Use Building Proposal

Dear Ms. Holien,

Unfortunately I can not attend the Lander Group meeting on June 13. I would like to express some concerns as an immediate neighbor of this development.

This development proposes to have upwards of 70 residents share 34 off street parking spaces with the employees and customers of 4 commercial retail spaces. Despite their speculation that residents will exclusively use mass transit, bicycle or walk, it is unlikely they will not have motor vehicles. I do not think it is prudent or fair to the neighborhood to make street parking worse. Many residents and businesses are already competing with light rail riders parking in our neighborhood. In my opinion, Lander Group needs to reduce the number of apartment units or increase the allotted off street parking spaces in their design.

Thank you for your time.  
Bob Weber  
2803 East 38th Street  
Minneapolis, Mn