0 Cretin Avenue South (Highland Bridge Block 2C)

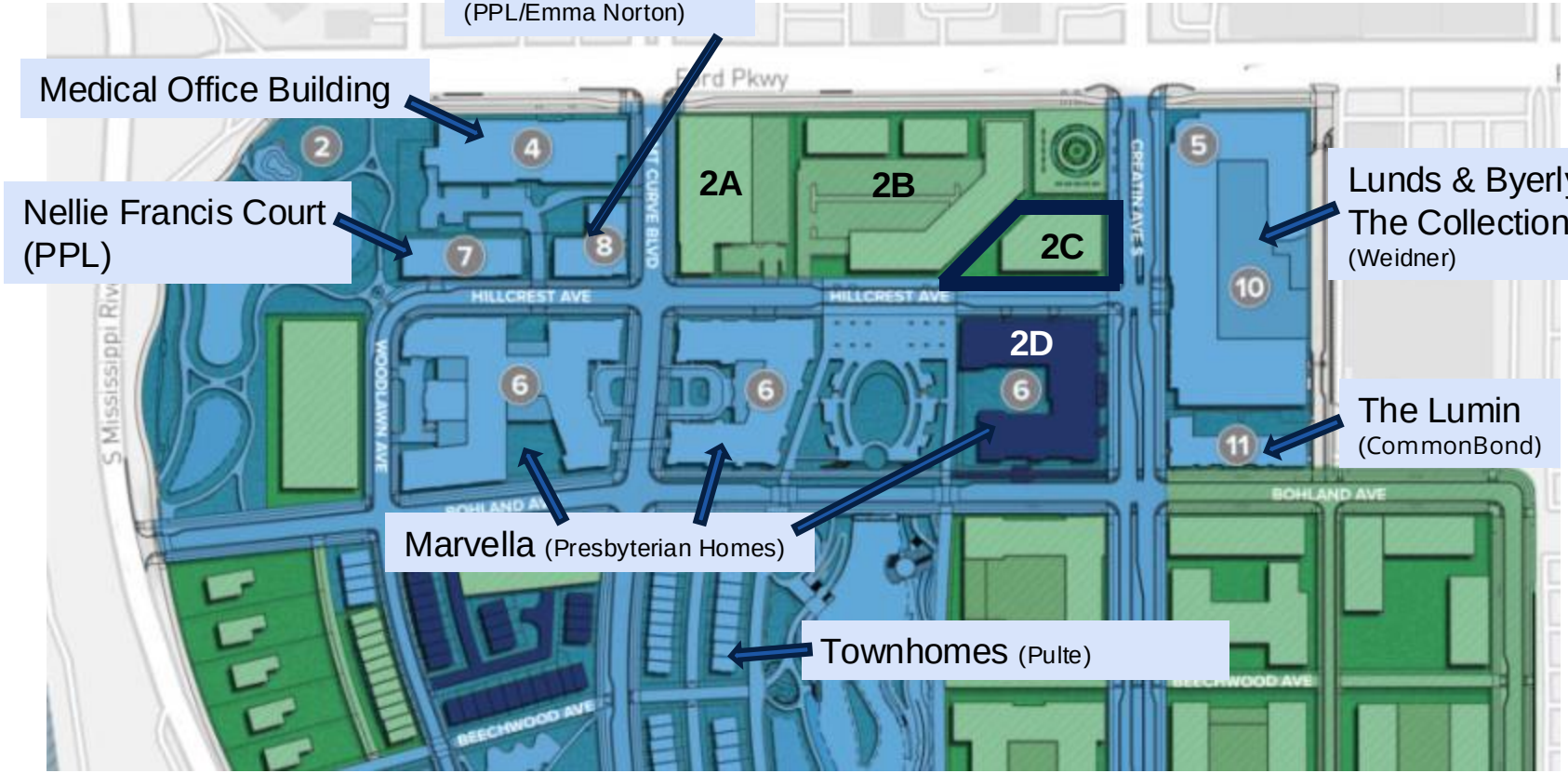
ABZA 25-2

David Eide – Department of Safety & Inspections, Zoning Section

Sec. 61.702. – Appeals to city council.

(a) The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission.

0 Cretin Avenue South (Block 2C) Context

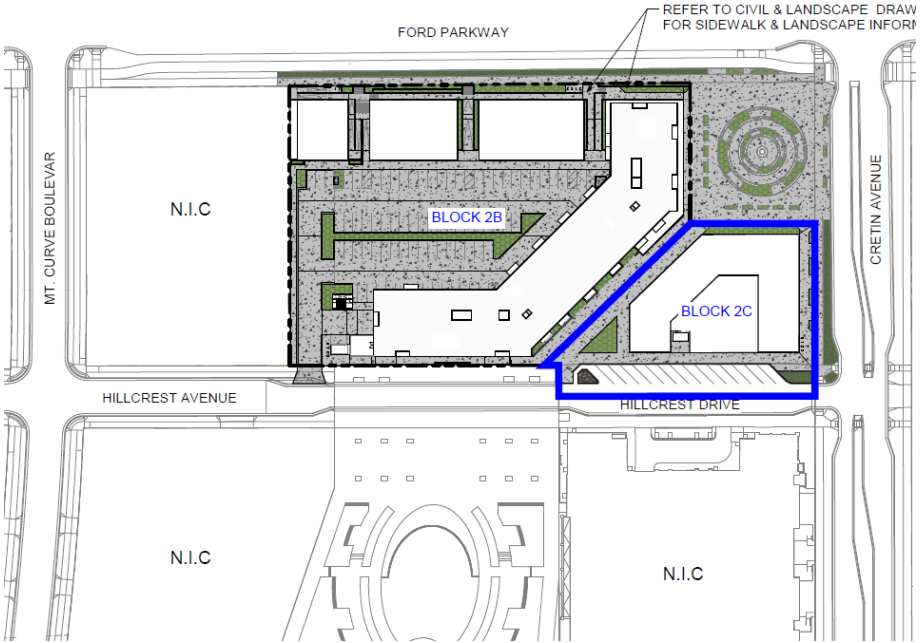


Light Blue: Completed, Dark Blue: Under Construction, Green: Future

0 Cretin Avenue South – Highland Bridge Block 2C

Proposed Commercial Building

- Zoned F5 – business mixed district
- Single-story building with approximately 13,000 square feet of retail
- New 0.77-acre property, part of Highland Bridge (Ford) redevelopment site.
- Civic square to north: privately-owned publicly-accessible space.
- Hillcrest Drive provides vehicular access from south.



Perspective looking northwest from Cretin Avenue South

Perspective looking northeast

Zoning Variance Requests

1. Floor area ratio of 0.3, when 2.0 is required. DENIED (Appealed to Council)

2. Building height of 18 feet, when 40’ is required. DENIED (Appealed to Council)

3. G15 – 40% of length and 15% area proposed to be windows/doors or openings on south addressed side of building, when code requires 50% of length and 30% of area. APPROVED

4 - 6. S12 - glazing minimum along urban frontages on lowest 12 feet. 25-50% proposed on various facades, when requirement is 65% minimum. APPROVED

2 denials appealed - 4 granted variances are not within scope of this appeal.

BZA Outcome

- Public hearing held on December 9, 2024. Case was laid over to January 6, 2025.
  - Variances approved in this application were formally approved January 21, 2025.

- Staff recommended approval of all the requested variances.
  - Highland District Council's (District 15) Community Development Committee submitted a resolution supporting the variance requests.
  - Support: 0 people spoke, 0 letters received
  - Opposition: 1 person spoke, 0 letters received

- Board denied requests 1 (floor area ratio) and 2 (height) based upon findings 2 (comprehensive plan), 3 (practical difficulties), and 4 (plight of the landowner)
  - Vote result: 4 members in attendance voted in favor of denial, 2 against

- Applicant submitted appeal application on January 16, 2025.
  - Minnesota Statutes § 15.99 120-day deadline: March 17, 2025

Six Findings Necessary to Grant Variance

- In harmony with the general purposes and intent of the zoning code
- **Consistent with the comprehensive plan**
- **Practical difficulties in complying with the provision (Economic considerations alone do not constitute practical difficulties)**
- **Plight is due to circumstances unique to the property, not created by the landowner**
- Will not permit unallowed use
- Will not alter the essential character of the surrounding area

Board Findings

- Floor area ratio requests did not meet the findings for 1 (floor area ratio) and 2 - 4 (height) based upon findings 2 (comprehensive plan), 3 (practical difficulties), and 4 (plight of the landowner)

- Floor area ratio and height reductions conflicted with the 2040 Comprehensive Plan standards T-3, T-21, T-22, T-27, LU-1, LU-2, LU-14, LU-18, and LU-30. Policies cited generally promote transit-supportive density.

- Developer's practical difficulties and plight (shape of property, grades, shallow bedrock, and perched water table) were surmountable as parts of design and build processes.

Staff Findings

- The Land Use chapter's general city-wide goals are to increase density and land use diversity at Neighborhood Nodes, focus investment along transit corridors and promote high-quality urban design. LU-5 (flexible building design), LU-7 (zoning and land use flexibility), LU-29 (ensure building massing, scale, height transition to those adjoining districts)

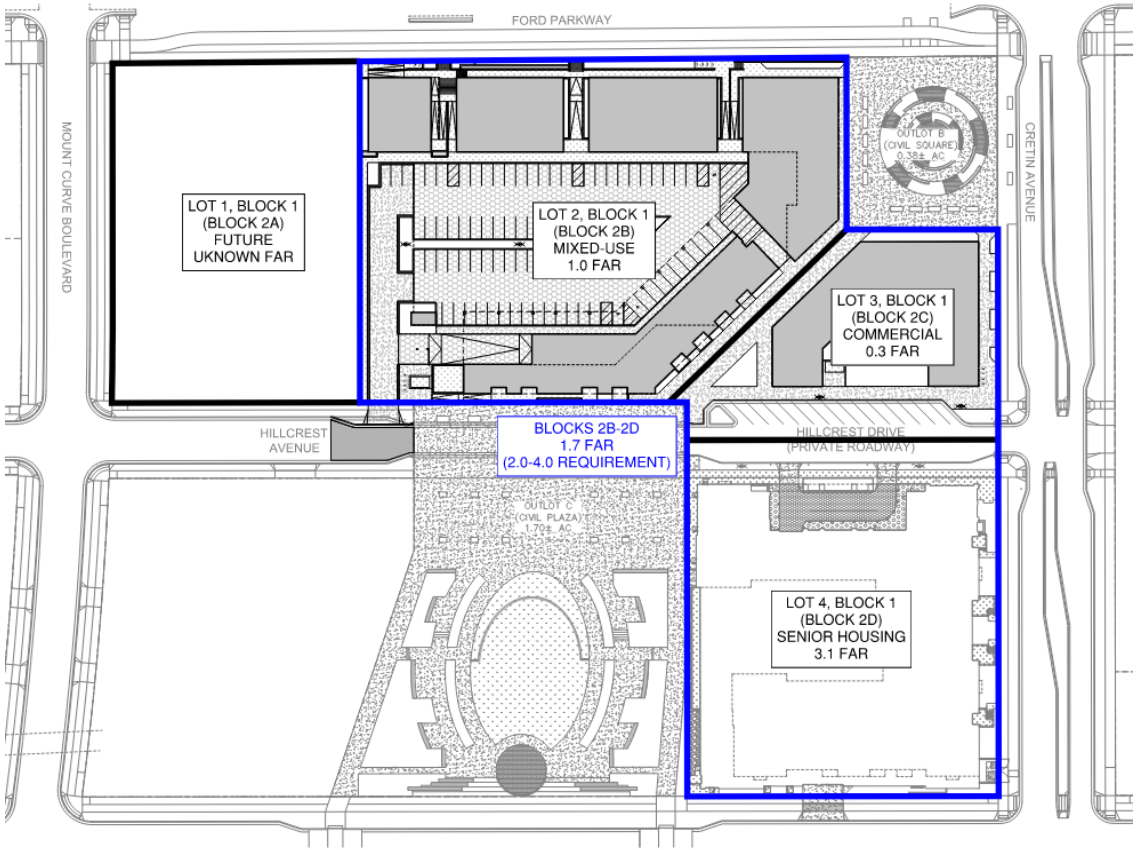
- Proposed development is consistent with the guiding principles set forth in the Ford Site Zoning and Public Realm Master Plan to create jobs and increase the tax base, and the Master Plan general design guidelines meant to promote aesthetics and design standards.

- Practical difficulties and plight were due to the lot's atypical shape (pedestrian easement not buildable), slope of Ford Parkway, shallow bedrock, and perched water table.

- Applicant split up buildings to ensure they relate better in elevation to Ford Parkway and to create pedestrian cut-throughs for more permeability. If this were one building, it would comply with height minimum.

- Development aligns with spirit of the development. If considered with block 2B and 2D, FAR would be 1.7. Block 2A could further increase the density of block 2.

Floor Area Ratio Exhibit



Next Steps

The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission.

1. *Floor area ratio of 0.3, when 2.0 is required.* *BZA DENIED – DENIAL APPEALED TO COUNCIL*

2. *Building height 18 feet, when 40' is required.* *BZA DENIED – DENIAL APPEALED TO COUNCIL*

- Grant the appeal: Development can move forward with floor area ratio and height proposed.

- Deny the appeal: Development would need to revise plans to comply with floor area ratio and height.

Minnesota Statutes § 15.99 120-day deadline: March 17, 2025