

Department of Community Planning and Economic Development
Rezoning, Variance and Plat
BZZ-6059 & PL-277

Date: July 29, 2013

Applicant: BW Development LLC

Address of Property: 2620, 2644 and 2652 Minnehaha Avenue

Project Name: Wood from the Hood

Contact Person and Phone: Rick Siewert, BW Development LLC (612) 721-4456 x201

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

Date Application Deemed Complete: June 21, 2013

End of 60-Day Decision Period: August 20, 2013

End of 120-Day Decision Period: On July 17, 2013, staff sent a letter to the applicant extending the 60-day decision period to October 19, 2013.

Ward: 2 and 9 **Neighborhood Organization:** Longfellow Community Council and Seward Neighborhood Group

Existing Zoning: I1 Light Industrial District

Proposed Zoning: I2 Medium Industrial District

Zoning Plate Number: 27

Legal Description: Northeasterly 477 feet of southeasterly 231 feet of Lot 2, northeasterly 477 feet of northwesterly 176 feet of Lot 3, and Outlots A and B, Block 3, MINNEHAHA INDUSTRIAL PARK 6TH ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.

Proposed Use: Medium industrial use (lumber and wood products) with outdoor storage

Concurrent Review:

- Petition to rezone the property of 2620, 2644 and 2652 Minnehaha Avenue from I1 Light Industrial District to I2 Medium Industrial District.
- Variance of the screening requirements for outdoor storage.
- Plat.

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Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article IX Variances, specifically section 525.520 (25) “To vary the screening and landscaping requirements of this zoning ordinance”; and Chapter 598 Land Subdivision.

Background: The subject site is composed of three parcels. An existing industrial building with multiple tenants, including Wood from the Hood, is located at 2620 Minnehaha Avenue. The property of 2652 Minnehaha Avenue is occupied by accessory parking used for the uses located in the building. The third parcel, 2644 Minnehaha Avenue, is currently owned by the City of Minneapolis and is adjacent to the Midtown Greenway. Wood from the Hood has been using the property for outdoor storage. RCK Development LLC is in the process of purchasing the property from the City. Wood from the Hood collects local trees and from them produces flooring, millwork, furniture, and accessories for home and office. Medium industrial uses, which includes making lumber and wood products, and outdoor storage is not allowed in the I1 district, but both are allowed in the I2 district. Rezoning is necessary to make these uses conforming. The 2644 and 2652 Minnehaha parcels are currently platted as outlots. An outlot cannot be developed for any use other than open space, private or public park or common area within a condominium or common interest community plat. Therefore, replatting is required. The Public Works Department and the City Attorney’s office have reviewed the preliminary and final plat and did not identify any issues. Due to its proximity to Trunk Highway 55, the MN Department of Transportation also reviewed the plat and had no comments.

In the I2 district, outdoor storage is required to be landscaped and screened from view from public walkways. Specifically, a landscaped yard at least 5 feet wide and screening not less than 6 feet in height and not less than 95 percent opaque must be provided along the public walkway, as specified in Chapter 530, Site Plan Review, is required. The applicant is requesting a variance of the landscaping and screening requirements adjacent to the Midtown Greenway. As indicated in the findings below, staff has requested additional information for circumstances affecting the property and potential mitigation measures. If more information becomes available, it will be provided at the public hearing.

Correspondence from the neighborhood groups, Seward Neighborhood Group and Longfellow Community Council, was received and is attached to this report. Staff will forward any additional comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the property of 2620, 2644 and 2652 Minnehaha Avenue from I1 to I2.

Findings as required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The proposed zoning would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. The future land use of the site is designated as industrial. It is located in the Seward/Hiawatha Industrial Employment District. According to the principles and polices outlined in the plan, the following apply to this proposal:

Land Use Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

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Economic Development Policy 4.10: Prioritize Industrial Employment Districts for industrial uses.

In 2007, the City Council adopted the *Seward and Longfellow Greenway Area Land Use and Pre-Development Study*. The plan promotes higher paying jobs and greater job densities in the industrial employment district.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The I2 zoning district would be appropriately located in an industrial employment district and would allow a wider range of industrial uses on the site. The amendment is in the public interest and not solely in the interest of the property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is located in a predominantly industrial area. It is also directly adjacent to the Midtown Greenway. The site is surrounded by I1 zoning. The zoning changes to I2, north of 26th Street East. The uses allowed by the I2 zoning district would be compatible with the surrounding uses and zoning classifications.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The existing zoning allows a range of industrial uses, but it does not allow medium industrial uses, including the production and processing of wood and lumber products or outdoor storage. The I2 zoning district allows more production and processing uses. It would also allow contractor yards, recycling facilities in a fully enclosed building, motor freight terminals, motor vehicle storage lots, towing services and waste haulers (no waste can be stored on-site). The existing building was constructed in 1998. Given the buildings recent construction and size, it is unlikely that any of the aforementioned transportation uses would be established on the site in the future.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The site and surrounding area has been historically used for industrial purposes. The industries have trended towards greater job densities recently. The subject site used to be part of a railroad corridor with a roundhouse.

VARIANCE: of the screening requirements for outdoor storage.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The outdoor storage primarily consists of logs, cut lumber, and equipment for the processing of the logs. The storage extends along the full length of property, which is adjacent to the Midtown Greenway. In the I2 district, outdoor storage is required to be landscaped and screened from view from public pathways. Specifically, a landscaped yard at least 5 feet wide and screening not less than 6 feet in height and not less than 95 percent opaque must be provided along the public pathway, as specified in Chapter 530, Site Plan Review, is required. Required screening can be satisfied by a decorative fence, masonry wall, hedge, or a combination thereof. Required landscaped yards must be landscaped as follows:

- (1) Not less than one canopy tree for each 500 square feet, or fraction thereof.
- (2) Not less than one shrub for each 100 square feet, or fraction thereof.
- (3) The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.

The Midtown Greenway frontage is 442 feet in length. Therefore at least 5 trees and 23 shrubs are required in the landscaped yard.

No on-site landscaping or screening is proposed on-site. Some of the storage area is paved with asphalt. A vinyl coated chain link fence was installed on the property line shared by the Midtown Greenway and 2644 Minnehaha Avenue by the Public Works Department. Some plantings exist on the Greenway side of the fence (the land is owned by the Metropolitan Council) that provide some seasonal screening. The applicant has indicated that there is not sufficient room on the west side of the subject property to provide effective landscaping or screening. Staff has requested that the applicant provide additional information explaining why a landscaped yard with screening cannot be provided on the west side of the property.

Because the site was previously occupied by a roundhouse, the City had a geophysical investigation conducted in order to assess any archaeological significance of possible buried remains at this location. The investigation found that there are 15 to 20 linear structural remains 20 to 150 centimeters below the surface, which are likely track foundations and/or repair bay stalls of the roundhouse. These linear structural remains extend into the area of the location of the required landscaped yard. The consultant report concluded that these remains were not archaeologically significant, but noted that other interesting or unique structural remains or railroad-related artifacts may yet exist. Excavation on the site may unearth something significant.

The section of the Midtown Greenway adjacent to the subject property provides access to the Martin Olav Sabo Bicycle and Pedestrian Bridge. The pathway rises in elevation. As noted by the applicant, providing a 6 foot tall screen would not be effective at screening the outdoor storage.

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These circumstances have not been created by the applicant. Proposing some mitigation measures that would increase screening of the storage area as well as be aesthetically pleasing to the public could warrant granting the variance.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The landscaping and screening requirements for outdoor storage are established to promote development that is compatible with nearby properties and to visually enhance development. Policies from the comprehensive plan and small area plans are also aligned with these requirements. No screening or landscaping is proposed. Given that a 6-foot tall screen would be ineffective in screening views from the elevated pathway, proposing some other mitigation measures that would increase screening of the storage area as well as be aesthetically pleasing to the public could warrant granting the variance.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

With no mitigation measures proposed that would meet the intent of the ordinance, granting of the variance would have a negative effect on surrounding properties and could set a City-wide precedence. Granting the variance should not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

PLAT (PL-277)

Findings as required by the Minneapolis Subdivision Code:

- 1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning code ordinance and policies of the comprehensive plan.**

The subdivision is in conformance with the applicable zoning code regulations and policies of the comprehensive plan. The subdivision also is in conformance with the design requirements of the land subdivision regulations except for section 598.230(1)(a), which requires all lots to have street frontage, and section 598.230(5), which requires that utility easements are provided where no alleys are provided.

In order to be in conformance with the land subdivision regulations, a variance of section 598.230 is required. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of

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these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

Street Frontage Variance

Outlot A currently does not have street frontage. Replatting Outlot A into a developable lot subjects it to the subdivision ordinance requiring that all lots have frontage on a public street and sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use. The zoning code also requires that each zoning lot have street frontage, but allows an exception for properties not located in residence or office residence districts as per section 535.200.

535.200. Required street frontage. Each zoning lot shall have frontage on a public street. In the case of cluster developments or planned unit developments, the entire development shall be considered one (1) zoning lot. For the purposes of this section, a limited access roadway shall not be considered a street. In zoning districts other than residence and office residence districts, the requirement of public street frontage may be satisfied by a private easement, subject to the following standards:

- (1) The private easement shall be not less than twenty (20) feet in unobstructed width.
- (2) The private easement shall not be part of the required lot area or yards of any existing structure or use, nor may it hereafter be used in computing floor area ratio, lot area or yards for any future structure or use. Such private easement shall not be across a residence or office residence district.
- (3) If property not having street frontage is more than three hundred (300) feet from the street to which access is to be provided, two (2) such street accesses shall be provided where the city finds it is necessary to provide emergency vehicle access.
- (4) The use of the property shall be for nonresidential purposes.

The property of 2620 and 2644 Minnehaha Avenue cannot be combined into one zoning lot because of different ownership interests. The applicant is proposing to provide a 20-foot wide easement that would allow access over 2620 and 2652 Minnehaha Avenue. The easement would not be located in any required yards and is not needed for floor area ratio, lot area or yards. The Fire Department has indicated that they would not need a second street access. With the proposed access easement, the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

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Utility Variance

The subdivision ordinance requires utility easements adjacent to side and rear lot lines where no alleys are provided. No utility easements are proposed. Both the Public Works Department and the CPED Department have not identified a need for utility easements on these lots. The granting of the variance should not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The plat would have no impact on the surrounding area. The parcels will continue to be used for parking and outdoor storage.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The grade change of the site is not significant and does not present the other noted hazards. The variances would not have any effect on surrounding uses.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

With the access easements, both lots are buildable with minimal alterations and will have sufficient access.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practical, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

No changes are proposed to the site that would increase runoff.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 2620, 2644 and 2652 Minnehaha Avenue from I1 Light Industrial District to I2 Medium Industrial District.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission **deny** the variance of the screening requirements for outdoor storage for the property located at 2620, 2644 and 2652 Minnehaha Avenue.

Recommendation of the Department of Community Planning and Economic Development for the Plat:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat for the property located at 2644 and 2652 Minnehaha Avenue, subject to the following condition:

1. A private access easement shall be provided for Lot 1 as required by section 535.200 of the zoning code.

Attachments:

1. Applicant's statement of proposed use and responses to findings
2. Correspondence
3. Zoning map
4. Preliminary and final plat
5. Aerial
6. Site plan
7. Draft access easement
8. Photos