

Department of Community Planning and Economic Development – Planning Division
Rezoning and Preliminary and Final Subdivision Application
BZZ-4529 & PL-239

Date: September 14, 2009

Applicant: Minneapolis Department of Community Planning and Economic Development

Address of Property: 1215 Marshall Street NE

Plat Name: Minneapolis Brewing Company Addition

Contact Person and Phone: Judy Cedar – CPED 612-673-5025

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: August 18, 2009

End of 60-Day Decision Period: October 17, 2009

Date Extension Letter Sent: August 18, 2009

End of 120-Day Decision Period: December 16, 2009

Ward: 3 **Neighborhood Organization:** Sheridan Neighborhood Organization

Existing Zoning: C1 Neighborhood Commercial and R5 Multiple-family Residence District

Proposed Zoning: From R5 Multiple-family Residence to C1 Neighborhood Commercial.

Zoning Plate Number: 9

Legal Description: Those parts of Lot 7, Block 11, Orth and Hechtman's Addition to the City of St. Anthony according to the recorded plat thereof, Hennepin County, Minnesota and of Block 1, Orth's Addition To the Town of St. Anthony according to the recorded plat thereof, said Hennepin County and of vacated Twelfth Avenue Northeast, adjoining the southeasterly line of said Block 11, described as follows: Commencing at the most westerly corner of said Block 1; thence southeasterly, along the southwesterly line of said Block 1, a distance of 189.05 feet to the point of beginning of the parcel to be described; thence northeasterly, parallel with the southeasterly line of said Block 1, a distance of 241.37 feet; thence southeasterly, deflecting to the right 90 degrees 00 minutes 00 seconds to the Intersection with a line 130.00 feet northwesterly of and parallel with the southeasterly line of said Block 1 and its northeasterly extension; thence southwesterly, along the last described parallel line, to the southwesterly line of said Block 1; thence northwesterly to the point of beginning and there terminating.

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Existing Use: Office building and vacant land.

Concurrent Review:

Rezoning: From R5 Multiple-family Residence to C1 Neighborhood Commercial for the proposed Lot 1 of the plat.

Preliminary and Final Plat Subdivision: To replat 10 lots and vacated right-of-way into one lot and one Outlot.

Applicable Code Provisions: Chapter 525, Article VI, Zoning Amendments and Chapter 598 Subdivisions.

Development Plan: Please see attached survey. The applicant proposes no changes to the existing conditions as a part of this replat, but there will be future development of both lots that will require City review.

Background: The City of Minneapolis owns the subject property. It is planned for future mixed-use development. A Planned Unit Development (BZZ-2851) for 152 dwelling units in four buildings, with ground floor retail in one of the buildings and with an undermined use for the office building, was approved by the City Planning Commission in 2006. As apart of this project a preliminary plat and rezoning were approved. Due to the economic downturn the project approvals expired and the development rights reverted back to the City. A final plat was not approved, but the rezoning went into effect creating a situation where zoning district boundaries do not coincide with lot or parcel lines.

The Community Planning and Economic Development department currently has the office building for sale and is reviewing proposals for its use. The vacant area of the site will be sold for mixed-use development with ownership residential in the future. The purpose of this plat is to create a separate lot for the sale of the Grain Belt Office Building. The building will remain (it is a designated landmark), but the proposed lot will provide room for a future parking lot along the north side and rear of the building. The remainder of the site will be platted as an Outlot, which does not allow development, until a proposal for the site is accepted; at that time the site will be replatted and rezoned as necessary in conjunction with whatever land use applications are required for the proposed development. A rezoning from R5 to C1 is required for part of the proposed Lot 1, to prevent the creation of split zoning on Lot 1. The split zoning on the Outlot is existing and will remain at this time, but it will be corrected with future development.

The City Attorney is reviewing the final plat title documents. If they are approved by the date of the Planning Commission meeting, then the final plat may be approved.

As of the writing of this report, staff has not received any correspondence for the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

REZONING (from R5 Multiple-family Residential to C1 Neighborhood Commercial)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan does not list a specific designation for this area. The majority of the proposed Lot 1 is zoned C1. The rezoning is for the easterly area of this proposed lot that is zoned R5 Residential. Policy 9.18 of *The Minneapolis Plan* states that “Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment, promote flexibility in approaches and otherwise carry out the comprehensive plan.” Rezoning so that zoning districts match lot lines and to prevent split zoning on parcels is in conformance with the implementation of land use regulations and is in conformance with this policy of the comprehensive plan.

The Minneapolis Plan for Sustainable Growth (pending final City approval) designates this site as part of an Activity Center. C1 Commercial zoning is appropriate in an Activity Center.

The *Above the Falls* plan (adopted 2000) seeks the highest and best use adjacent to riverfront parks, including the development of new residential communities. The land use plan on page 59 shows this area as commercial with a plaza along Marshall Street NE to the north of the office building. The proposed C1 zoning is in conformance with the plan.

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

The rezoning is necessary to match the district boundaries to actual property lines. While moving the lot line is in the interest of the property owners it is also in the interest of the public to have clear and orderly development of land. The subdivision ordinance does not the creation of split zoning on lots or parcels, so it is necessary to rezone the small part of the new lot from residential to commercial. Therefore the rezoning is also in the interest of the public.

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 majority of Lot 1 is zoned C1 and the rezoning is for the easterly area that is zoned R5 Residential. The area to the south is zoned C2 with a bank, to east is R5 Residential with vacant land and residential uses, to the north is C1 Commercial and R5 Residential with vacant land and to the west is I1 Industrial zoning with the an office use in the old Grain Belt Brewhouse building.

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 R5 Multiple-family Residence District allows a wide range of uses, however, it would not be compatible on the same lot as the office building. In addition, split zoning is not allowed to be created on a lot.

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.

There has been a significant change in the pattern of development in the area over the last ten years with the continuing redevelopment along the river and at the Grain Belt Brewery complex. The purpose of the rezoning is to match the zoning districts to the new lot lines and existing conditions in order to facility the continuing redevelopment of this area.

PRELIMINARY and FINAL PLAT SUBDIVISION

Required Findings:

1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be 5 feet wide on interior side lot lines and 10 feet on rear lot lines. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior and rear lot lines. 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 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.

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(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.

This site will have an approved drainage plan that may or may not coincide with where the subdivision ordinance requires drainage easements. The drainage plan may encompass the adjoining property as well. This makes the provision of easements along the property line unnecessary and they will most likely not match with any approved drainage plan.

Lot 1 will be in conformance with the requirements of the zoning code with the approval of the rezoning application. The Outlot will have split zoning, but this subdivision application does not create this situation.

Both lots will be in conformance with the comprehensive plan (see finding number 1 of the rezoning section of this report).

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 proposed subdivision will create two lots out of ten lots or parcels and vacated right-of-way. No new development is proposed at this time. There will be future development on the Outlot that will require review by the City Planning Commission. The other lot will be created for the existing Grain Belt Office building and accessory parking for the future tenant of this building. This will have no effect on surrounding property owners or congestion in the public streets.

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, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.

The site does not present the above noted hazards on the vacant Outlot. The area of the site at the office building has drainage issues and a high water table that will be required to be addressed by the purchaser of the building as a part of future land sale terms.

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.

No change to the grading is proposed at this time and access is existing.

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 practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Existing utility and drainage provisions are adequate for the majority of the site and there will be a drainage and erosion control plan for any future development on the site as well as to fix issues with the existing office building. The platting will not exacerbate any existing problems.

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 **approve** the rezoning application from R5 Multiple-family Residential to C1 Neighborhood Commercial for part of the property located at 1215 Marshall Street NE.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the preliminary and final plat subdivision:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat subdivision application for properties located at 1215 Marshall Street NE.

Attachments:

- 1) Zoning map.
- 2) Preliminary and final plat.
- 3) Photos.