

Department of Community Planning and Economic Development – Planning Division
Variance (BZZ-1986)
Preliminary Plat (PL-161)

Date: October 13, 2004

Applicant: Al Ramsey

Address of Property: 4000 and 4022½ Washington Avenue North
(east of the railroad tracks)

Project Name: Ramsey Excavating Company

Contact Person and Phone: Patricia Fitzgerald, 612-872-8498

Planning Staff and Phone: Fred Neet, 612-673-3242

Date Application Deemed Complete: September 17, 2004

End of 60-Day Decision Period: November 16, 2004

End of 120-Day Decision Period: January 15, 2005

Ward: 3 **Neighborhood Organization:** Above the Falls Citizens Advisory Committee
(AFCAC) and Webber-Camden Neighborhood Association

Existing Zoning: I2
MR Mississippi River Overlay District
SH Shoreland Overlay District

Proposed Zoning: no rezoning application

Zoning Plate Number: 4

Legal Description: Lots 122 and 123, Auditor's Subdivision No. 198

Proposed Use: contractor's yard and office

Concurrent Review: Variance to allow aggregate instead of paving, and a
Preliminary Plat

Applicable zoning code provisions: Article IX Variances, specifically Section 525.520(16) "to vary the surfacing requirements of Chapter 541 (Parking), and Chapter 598 Land Subdivision Regulations

Background: Ramsey Excavating Company proposes to purchase property from Canadian Pacific Railway (CP Rail) to establish a contractor's yard and office on land without public street access, located east of the railroad tracks with a current address of 4000 and 4022½ Washington Avenue North. The property is bisected by two rail spurs from the Soo Line Bridge, one curving to the north, the other to the south to connect with the main north-south rail line. Most of the south rail spur will be removed to accommodate the new development.

The proposed plat will adjust the south line of lot 122 to allow a 50-foot rail corridor and combine the remainder of lot 122 with lot 123 to create a new development parcel.

The 10,500 square foot office-warehouse building includes about 3,650 square feet of office, plus 6,850 square feet for equipment maintenance and repair and for some fabrication of metal implements for self-use. The yard is for outdoor storage of earthmoving, excavating, and similar equipment as well as pipe, erosion control products, sand, rock, gravel, and sheet piling.

The Public Works and Fire Departments have approved a 30-foot wide, 495-foot long private access from the proposed development to Washington Avenue which will be provided with an easement on CP Rail land.

The *Above The Falls* master plan for the upper river in Minneapolis identifies this area as future parkland, but no public entity has come forward to purchase the property. The applicant further proposes to provide a 12-foot easement along the river for public trails. The *Upper River Harbor Terminal Redevelopment Study* identifies the area hundreds of feet south of the subdivision for "riverfront open space (closest to the river), medium-density residential, and some retail commercial uses."

VARIANCE – to allow aggregate instead of paving

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

A contractor's yard with storage and movement of heavy equipment is a permitted use in the I2 district. The heavy equipment listed would break-up the pavement normally required. The property is surrounded by industrial zoning and uses.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

The parcel is duly platted by the City with no street frontage. The heavy equipment which reasonably requires aggregate rather than typical paving material will be trucked onto the site on an appropriately paved private access road.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The property is currently railroad land with railroad tracks on three sides (the southside track to be removed), industrial uses further south, and the river more than 50 feet to the east with the top of a steep slope more than 40 feet to the east

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The use of aggregate instead of typical paving material on part of the total site will have no effect on these factors.

PLAT

Required Findings:

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

The proposed plat meets the design requirements of the zoning code and the land subdivision regulations. Specifically, no development occurs within 50 feet of a protected water; no wetland is affected; significant tree, plant, or wildlife communities are not evident and minimal grading will be revegetated; and the development area avoids the steep slope which itself is considerably disturbed. Text of the comprehensive plan does not list a specific designation for this area. The land use policy map shows the area as light (which includes medium) industrial. 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.”

- 2. 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 subdivision will allow continuation of a rail line and create a new development parcel, the use for which will not affect surrounding uses. The *Above The Falls* master plan for the upper river in Minneapolis identifies this area as future parkland, but no public entity has come forward to purchase the property. The applicant further proposes to provide a 12-foot easement along the river for public trails. The *Upper River Harbor Terminal Redevelopment Study* identifies the area hundreds of feet south of the subdivision for “riverfront open space (closest to the river), medium-density residential, and some retail commercial uses.” The Department of Public Works expressed no concerns with public street congestion.

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

Residents are distant. The developable site is above the flood plain, well above the high water table, 40 feet or more from a steep slope, is relatively flat, and does not present the above hazards. Erosion and drainage control will be required by the Public Works Department.

- 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.**

Private access as permitted by the subdivision regulations and the zoning code will be provided to Washington Avenue. Grading and alteration will be minimal since the developable site is relatively flat.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

Final plans for the industrial building and yard will be reviewed by Public Works for stormwater management, erosion control, and drainage. A private water main and hydrants will be provided consistent with Public Works and Fire Department standards. In addition, an infiltration pond, supplemented by swales and berms, will be provided.

Additional Findings required by the Zoning Code:

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.**

1. The private easement is 30 feet wide with no parking on either side or other obstructions.
2. The private easement is entirely off-site, does not affect any calculations, and is across an industrial district.
3. The private easement is a single access, 495 feet long, and has been approved by the Fire and Public Works Departments (i.e., a 2nd access is not required).
4. The property which requires the private access is strictly industrial.

RECOMMENDATIONS

Variance

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to allow aggregate surfacing at 4000 and 4022½ Washington Avenue North on condition that

- Washington Avenue North adjacent to the private access road shall be inspected and cleared of dirt and debris daily as needed.
- The final landscaping plan shall be reviewed by Planning staff.

Plat

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a preliminary plat for 4000 and 4022½ Washington Avenue North.

Attachments: Applicant's statements
zoning map
site plans
survey
proposed plat
building plans
aerial photograph