

Department of Community Planning and Economic Development – Planning Division
Minor Subdivision Application
MS-178

Date: August 27, 2007

Applicant: BNSF Railroad and Carl Bolander & Sons Company

Address of Property: 540 Malcolm Avenue SE

Project Name: BNSF Railroad and Carl Bolander & Sons Company

Contact Person and Phone: Michael Klemm 952-953-8832

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

Date Application Deemed Complete: August 2, 2007

End of 120 Day Decision Period: November 29, 2007

Ward: 2 **Neighborhood Organization:** Prospect Park/East River Road Improvement Association

Existing Zoning: I2 Medium Industrial District and SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 22

Legal Description: See survey.

Existing/Proposed Use: Parcel A (northerly parcel) will be 2,241 square feet and contains railroad land. It will be combined with the parcel adjacent and to the north after the land sale. Parcel B (southerly parcel) will be 54,418 square feet and is will continue to be used for storage.

Concurrent Review:

Minor Subdivision: To create two parcels (one temporary) out of one parcel.

Applicable Code Provisions: Chapter 598 Subdivisions.

Development Plan: Please see attached survey and aerial for existing use of the property as railroad land and storage. This is a property line adjustment and no new development is proposed.

CPED - Planning Division Report
MS-178

Background: Carl Bolander & Sons is purchasing the parcel of land at 540 Malcolm Avenue SE from the BNSF Railroad for continued use as a storage yard. They have been leasing the land for this purpose. Normally the sale of an existing parcel would not require a subdivision application, but in this case the BNSF Railroad needs to keep the northerly 4.5 feet of the parcel for continued railroad operations. This triggers the requirement for a subdivision; however, the historical use of the property will not change and this is essentially a property line adjustment with no new developable parcels being created. The BNSF Railroad will combine Parcel A with their land adjacent and to the north of the parcel, to prevent the creation of a permanent narrow irregular tract of land.

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

Required Findings for a minor subdivision:

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.

Both parcels are in conformance with the requirements of the subdivision ordinance and zoning code. *The Minneapolis Plan* shows this area as an Industrial/Business Park Opportunity Area (see Map 2.1 on page 1.2.7). The *Industrial Land Use* study was adopted by the City Council on November 3, 2006, and shows this site as part of an Employment District (District 5 – SEMI), which are areas designated for continued industrial use.

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 parcels from one parcel, but Parcel A will be combined with the BNSF parcel adjacent and to the north to prevent the creation of an irregular tract of land. No change is proposed from the existing railroad and storage uses and this subdivision will have no effect on the surrounding area.

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. No new development is proposed and the proposed lot line adjustment will not create any additional permanent parcels.

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 site or grading plan is proposed. Access is currently through the adjacent BNSF and Carl Bolander properties to the north and south and this will not change.

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.

The existing utilities and drainage will not change.

RECOMMENDATION:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the minor subdivision:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision application for property located at 540 Malcolm Avenue SE subject to the following condition:

1) Parcel A shall be combined under one tax identification number with the adjacent BNSF owner parcel immediately to the north.

Attachments:

- 1) Statement from applicant.
- 2) Hennepin County map.
- 3) Zoning map.
- 4) Aerial photo.
- 5) Survey.
- 6) Photo.