

**Department of Community Planning and Economic Development - Planning Division**  
Variance  
BZZ-4491

**Date:** August 13, 2009

**Applicant:** Michael Cronin

**Address of Property:** 1300 New Brighton Boulevard

**Project Name:** Arrow Truck Sales

**Contact Person and Phone:** Michael Cronin, (952) 941-7487

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** July 20, 2009

**End of 60 Day Decision Period:** September 18, 2009

**Ward:** 1    **Neighborhood Organization:** Mid-City Industrial; adjacent to Northeast Park Neighborhood Association

**Existing Zoning:** I1 Light Industrial District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 10

**Legal Description:** Not applicable for this application.

**Existing/Proposed Use:** Truck, trailer, boat, recreational vehicle or mobile home sales service or rental use

**Variance:** of the surfacing requirements of Chapter 541, Off Street Parking and Loading

**Applicable zoning code provisions:** Chapter 525, Administration and Enforcement, Article IX, Variances, Specifically Section 525.520(16), "to vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading."

**Background:** The subject property is approximately 4.5 acres and is located east and south of Interstate 35W along New Brighton Boulevard. The existing tenant has been located at the site for several years and has stored, leased and sold mobile temporary offices, modular offices, classrooms and storage shelters at the site and is now moving to another location outside of Minneapolis. Arrow Truck Sales, a full service dealer to individual and fleet buyers and sellers of trucks, will be the new tenant of the site. The Zoning Administrator has determined that both uses are classified as truck, trailer, boat, recreation

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vehicle or mobile home sales, service or rental uses, which is a conditional use in the I1 Light Industrial District. The tenant change does not require a new conditional use permit. However, the existing offices and trailers are being stored on Class V material, which is not a permitted surfacing material for off-street parking areas, driveways leading to parking areas and all other areas upon which motor vehicles may be located. Therefore, the applicant has applied for a variance of the surfacing requirements of Chapter 541, Off Street Parking and Loading in order to allow for the continued parking of motor vehicles on the existing Class V.

According to the applicant, the site was included in the former quarry that was then landfilled with mixed waste. Part of the landfill was stabilized and remedied by removal of the material as part of the construction of Interstate 35W, near the site. Additional removal, stabilization and remediation were accomplished at the northern edge of the landfill during the construction of the Quarry Shopping Center, north of the site. The Minnesota Pollution Control Agency (MPCA) was involved in the plans and remediation measures at both the subject property and the Quarry Shopping Center and continues to monitor the Quarry site for remediation of volatile organic compounds from a spill or leak on the site and ongoing methane degassing as the organic materials in the landfill continue to decompose.

No remediation has been accomplished at the subject property. The site is enrolled in the MPCA Voluntary Investigation and Clean-up program. The applicant has stated that methane gas is present beneath the site and is continually off-gassed and dispersed over the site from the permeable parts of the surface, when it is not frozen. Further, as long as the methane is dispersed and not concentrated, it is not a hazard.

Due to the required land use application for a variance, the site plan is also subject to design and maintenance standards as provided in Chapter 530 Site Plan Review and Chapter 541 Off-Street Parking and Loading.

The subject property is in the Mid-City Industrial neighborhood and is adjacent to Northeast Park. As of writing this staff report, staff has not received any correspondence from the neighborhood organizations. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

**VARIANCE:** of the surfacing requirements of Chapter 541, Off Street Parking and Loading

### **Findings Required by the Minneapolis Zoning Code:**

**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.**

Section 541.300(a) of the zoning code requires that “all open off-street parking areas, all driveways leading to such parking areas, and all other areas upon which motor vehicles may be located, except where accessory to a single-family dwelling, shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds. In addition, all driveways in commercial and industrial districts leading to areas other than off-street parking areas shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds for a minimum of twenty (20) feet from the curb line. Acceptable surfacing materials shall include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards.”

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Section 525.520(16), the authorized variance for surfacing requirements, states that “factors to be considered in varying the surfacing requirements for the industrial districts shall include but not be limited to the following: The yard and parking uses are in the same area; use of heavy equipment will cause excessive hard surface breakup; parking movements are infrequent; the area is distant from other non-industrial zone uses; or water infiltration is ecologically desirable.”

The existing tenant has been located at the site for several years and has stored, leased and sold mobile temporary offices, modular offices, classrooms and storage shelters at the site on the Class V material. The majority of use the site will be for the storage and display of commercial trucks, which will not create excessive hard surface breakup. Additionally, vehicles traveling from the site enter onto a paved surface approximately 35 feet from the curb, thereby minimizing the tracking of gravel off the site onto New Brighton Boulevard. The site is approximately 700 feet from a residential area, across Interstate 35W to the west.

According to the applicant, the site was included in the former quarry and landfilled with mixed waste. The MPCA was involved in the plans and remediation measures at the subject property and continues to monitor the Quarry site for remediation of volatile organic compounds from a spill or leak on the site and ongoing methane degassing as the organic materials in the landfill continue to decompose. The site is enrolled in the MPCA Voluntary Investigation and Clean-up program. The applicant has stated that methane gas is present beneath the site and is continually off-gassed and dispersed over the site from the permeable parts of the surface, when it is not frozen. Further, as long as the methane is dispersed and not concentrated, it is not a hazard. The applicant indicates that the use of Class V gravel is a reasonable request for this type of use given the environmental factors and the low intensity of the proposed use. Requiring paving would be an expensive alternative for an area this large in exchange for little public benefit.

- 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 site has a large storage and display area that has historically been gravel. It is surrounded by Interstate 35W and adjacent to an industrial warehouse building. It is not adjacent to residential and there are several environmental concerns. These conditions are not generally applicable to other properties in the city. The continued use of gravel surfacing in this area is a reasonable use of the property.

- 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 intent of the ordinance is to provide a durable parking surface that does not produce dust, erode, or allow dirt or other matter to be tracked over the public sidewalks and in to the public streets. In general, paved surfaces also allow for a more permanent and organized parking layout through striping. This site is surrounded by highway and other industrial uses. The site has a paved area of approximately 35 feet adjacent to New Brighton Blvd. and as vehicles leave the

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site they travel on paved surfaces, preventing gravel from migrating from the site on to New Brighton Boulevard. The low volume of traffic and location of the site makes the need for a more organized parking area less necessary. The variance should not circumvent the intent of the ordinance.

Due to the required land use application for a variance, the site plan is also subject to design and maintenance standards as provided in Chapter 530 Site Plan Review and Chapter 541 Off-Street Parking and Loading. The applicant is proposing to remove the bituminous area of the old New Brighton Blvd. on the property and replace it with turf grass. In addition, the applicant is proposing to landscape the property with twelve (12) Amur Maples along Interstate 35W and ten (10) flowering crabapple trees along New Brighton Blvd.

- 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 type of surfacing should have no effect on congestion in the public streets. The variance should not endanger public health or safety or increase the danger of fire.

### **RECOMMENDATIONS:**

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the variance:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance of the surfacing requirements of Chapter 541, Off Street Parking and Loading for an existing truck, trailer, boat, recreational vehicle or mobile home sales service or rental use located at 1300 New Brighton Boulevard in the I1 Light Industrial District, subject to the following conditions:

1. CPED Planning staff review and approval of the final site, elevations and landscaping plans for exterior materials and window requirements.
2. All site improvements shall be completed by August 13, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

### **Attachments:**

1. Written descriptions and findings submitted by the applicant
2. Copy of the e-mails sent to the applicable neighborhood organizations and council office
3. Zoning map
4. Site plans
5. Photographs