

**Department of Community Planning and Economic Development – Planning Division**  
**Minor Subdivision Application**  
**MS-204**

**Date:** March 8, 2010

**Applicant:** Regents of the University of Minnesota

**Addresses of Property:** 2201 7<sup>th</sup> St SE

**Project Name:** U of M Minor Subdivision

**Contact Person and Phone:** Matthew Schneider- Fredrikson & Byron, PA, (612) 492-7340

**Planning Staff and Phone:** Kimberly Holien (612) 673-2402

**Date Application Deemed Complete:** January 8, 2010

**End of 120-Day Decision Period:** May 8, 2010

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

**Existing Zoning:** I2 Medium Industrial District

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

**Zoning Plate Number:** 16

**Legal Description:** See attached survey.

**Proposed/Existing Use:** The land is currently vacant and contains a partial gravel surface.

**Concurrent Review:**

**Minor Subdivision:** To allow for a land sale of a portion of Parcel B to Parcel A.

**Applicable Code Provisions:** Chapter 598 Subdivisions.

**Development Plan and Background:** Regents of the University of Minnesota have applied for a minor subdivision for land at 2201 7<sup>th</sup> Street SE. The purpose of the subdivision is to transfer land between the Union Pacific Railroad Company and the University of Minnesota. The proposed subdivision would split the existing parcel at 2201 7<sup>th</sup> Street SE into two parcels, with a portion being sold to the University of Minnesota. The existing property is 65,397 square feet in area. The proposed Parcel A will be 16,316 square feet in area. The proposed Parcel B will be 49,081 square feet in area.

No development is proposed for either parcel at this time, with the exception of a private driveway on Parcel A. Parcel A abuts a surface parking lot also owned by Regents of the University of Minnesota. The proposed alignment for Granary Road bisects Parcel A. Specifically, Granary Road would run through the northeast half of the parcel. Staff encourages the applicant to work with the City to minimize the potential for conflicts between proposed improvements and the future Granary Road.

**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.**

The existing Parcel B does not have any public street frontage. As such, the proposed Parcel A also will not have street frontage. Parcel A will have access to the public street via a proposed driveway on the adjacent parcel to the south. This parcel is under common ownership and thus the two would be considered one zoning lot. As such, the subdivision is essentially in compliance with section 535.200 of the zoning code, requiring street frontage. However, this situation requires a variance to section 598.230 (1) of the subdivision ordinance, which also requires street frontage.

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.**

The subject property is unique in that it currently does not have street frontage. The existing Parcel B and the proposed Parcel A are landlocked parcels adjacent to the Burlington Northern and Santa Fe Railroad. No development is proposed for Parcel A at this time. Requiring the applicant to obtain street frontage would not allow reasonable use of the land. A private driveway through an adjacent lot under common ownership will provide access to the public street.

**(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.**

The land included in the subdivision is located in an area with several railroad-owned, landlocked parcels. The lack of street frontage is an existing condition and is not expected to have a detrimental impact on the surrounding area. Parcel A will have access via a private driveway through an adjacent parcel in the same zoning lot. Staff believes that the proposed subdivision meets the intent of the subdivision regulations to ensure that these lots are consistent with other properties in the vicinity.

**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 transfer property between the Union Pacific Railroad Company and the University of Minnesota. No new development is proposed, with the exception of a portion of a private driveway providing access to an existing building on an adjacent parcel. This will not be out of character with the area and will not add congestion to 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 land is not intended for a building site at this time. The site does not present the above noted hazards.

**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.**

The subject site is relatively flat and no change to the grading is proposed. No development is proposed at this time. The lack of street access is an existing condition. The proposed driveway is possible with minimal alteration to the site. The proposed subdivision would not negatively affect the future construction of Granary Road. As noted above, staff encourages the applicant to work with City staff to avoid site improvements that would conflict with the construction of the road.

**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 area.

**RECOMMENDATIONS:**

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

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision to do a land exchange for a portion of the property at 2201 7<sup>th</sup> Street SE, in the I2 Medium Industrial District

**Attachments:**

- 1) Statement from applicant
- 2) Zoning map
- 3) Survey
- 4) Aerial and subdivision sketch
- 5) Proposed Granary Road alignment