

Department of Community Planning and Economic Development – Planning Division
Minor Subdivision Application
MS-216

Date: November 14, 2011

Applicant: Ubuy4me, LLC

Address of Property: 410 38th Street West

Project Name: 410 38th Street West Minor Subdivision

Contact Person and Phone: Niki Starvou, (612) 207-6445

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

Date Application Deemed Complete: October 7, 2011

End of 120-Day Decision Period: February 4, 2012

Ward: 8 **Neighborhood Organization:** Kingfield Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 25

Legal Description: See survey.

Proposed Use: Parcel A will be 2,358 square feet and includes an existing flower shop and accessory parking area and Parcel B will be 2,895 square feet and includes an existing café, cooler and accessory parking area

Minor subdivision: that would create two lots at 410 West 38th Street

Applicable Code Provisions: Chapter 598 Subdivisions.

Development Plan: Please see attached survey.

Background: The proposed subdivision would create two parcels out of one parcel. The current parcel is approximately 5,245 square feet. There are two existing commercial buildings, each with 3 spaces of accessory parking. The applicant is applying to subdivide the property into two parcels; Parcel A will be 2,358 square feet and includes an existing flower shop and accessory parking area and Parcel B will be 2,895 square feet and includes an existing café, cooler and accessory parking area. Both business owners

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created the limited liability company Ubuy4me, LLC, and purchased the property together. They are now proposing to divide the property to allow for separate ownership of the structures and parking areas.

As of the writing of this report, staff has not received any comments from the Kingfield Neighborhood Association.

MINOR 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.

Parcel A will be 2,358 square feet and includes an existing flower shop and accessory parking area and Parcel B will be 2,895 square feet and includes an existing café, cooler and accessory parking area. Both parcels will be in conformance with the requirements of the subdivision ordinance, zoning code and comprehensive plan. The applicant is proposing this minor subdivision to allow the property owners to individually own their building, accessory parking area and lot.

Zoning code:

There is not a minimum lot area or lot width requirement for general retail sales and service uses in the C1 District. The existing flower shop on Parcel A is approximately 724 square feet and the existing café on Parcel B is approximately 935 square feet. Nonresidential uses less than 1,000 square feet are not required to provide off-street parking. Therefore there is not a minimum parking requirement for either of the existing uses.

Subdivision regulations:

The proposed parcels will meet the subdivision regulations.

Comprehensive plan

Staff has identified the following policies of the *Minneapolis Plan for Sustainable Growth* that are relevant to the submitted applications:

Policy 4.1: Support private sector growth to maintain a healthy, diverse economy.

4.1.1 Use public development resources and other tools to leverage maximum private sector investment for public benefit.

4.1.2 Seek out and implement long-term redevelopment projects that catalyze revitalization and private sector investment.

It is the staff opinion that the subdivision is consistent with the above policies of the comprehensive plan.

- 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 subdivision will not have an effect on surrounding properties or change the character of the area nor should it add congestion to the public streets, as there are no redevelopment proposals at this time.

- 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.

- 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 existing café is proposed to be located 3 feet 6 inches from the proposed property line. There are two existing windows that are located along the west wall. Buildings without a sprinkler system, such as this one, are not allowed any openings, including windows, closer than 5 feet to a property line, per the International Building Code. The applicant is proposing to cover the existing windows with a fire-proof material and match the exterior of the building with siding in order to comply with the building code. The zoning code does not require windows along a rear wall as a site plan review standard. The applicant is, however, planning to reopen these windows in the spring and provide fire-rated windows that would comply with the building code. Staff does not believe that the proposed lot arrangement will create any foreseeable difficulties in securing building permits. The property owners have an easement agreement to allow for café customers to park on the flower shop property and to allow for shared use of the existing dumpster. The access to the existing parking areas will remain as they do today.

- 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 existing and proposed structures.

RECOMMENDATIONS:

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 that would create two lots at 410 38th Street West in the C1 Neighborhood Commercial District.

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Attachments:

- 1) Written descriptions of the required findings
- 2) Copies of e-mails sent to the Kingfield Neighborhood Association and CM Glidden
- 3) Zoning map
- 4) Hennepin County map
- 5) Existing survey
- 6) Proposed survey
- 7) Site plan
- 8) Easement agreement
- 9) Photos