

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-5554

**Date:** June 7, 2012

**Applicant:** CBASE (Swanson Holdings, LLC)

**Address of Property:** 132 31<sup>st</sup> Avenue Northeast

**Contact Person and Phone:** Tom and Tammie Swanson, (612) 767-4190

**Planning Staff and Phone:** Jacob Steen, (612) 673-2264

**Date Application Deemed Complete:** April 25, 2012

**End of 60-Day Decision Period:** June 23, 2012

**Ward: 1 Neighborhood Organization:** Concerned Citizens for Marshall Terrace

**Existing Zoning:** I2 Medium Industrial District

**Proposed Use:** Motor Freight Terminal

**Concurrent Review:** Variance of the surfacing requirements for parking areas for the property located at 132 31<sup>st</sup> Ave NE.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, section 525.520 (16): “To vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading. 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 nonindustrial zone uses; or water infiltration is ecologically desirable.”

**Background:** CBASE is located on a landlocked parcel at 132 31<sup>st</sup> Avenue Northeast. The property is in excess of 11 acres and is bordered on the east and west by railroad tracks that intersect at the northern tip of the property. The parcel is bordered on the south by 109 and 215 27<sup>th</sup> Avenue Northeast, both owned by Consolidated Container. The only access to the subject property is via an easement from the south of the site over 215 27<sup>th</sup> Avenue Northeast leading to 27<sup>th</sup> Avenue Northeast. The use has been operating in the same manner at this site for over 40 years. There are some minor structures on the site, but most of the property is used for shipping container storage/parking and to access the storage/parking areas. The majority of the site is used for container storage and stacking. The nature of intermodal shipping container storage requires container use on a “first-in, first-out” basis so that the locations of the drive aisles and the exact locations of container storage are fluid and constantly changing.

In 2011, the Zoning Office was notified that the subject parcel and the parcels at 109 and 215 27<sup>th</sup> Avenue Northeast were not in compliance with the surfacing requirements of the zoning code. All open off-street parking areas, all driveways leading to such parking areas, and all other areas upon

which motor vehicles may be located, are required to be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of 4,000 pounds. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards. Some paving exists around the entrance to the site and around the workshop, but the remainder of the site is unpaved. The applicant is proposing to add some additional paving near the workshop on the site, but leave the container parking and storage areas unpaved. Therefore a variance of the surfacing requirements is required. The applicant has also shared the costs of paving the driveway over 215 27<sup>th</sup> Avenue Northeast, which was addressed in BZZ-5519.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

## **VARIANCE**

### **Findings as Required by the Minneapolis Zoning Code for a Variance:**

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The total site area is over 494,000 square feet (11.35 acres), most of which is covered by the parking and storage areas. The property is surrounded primarily by railroads and other industrial properties. The site is approximately 800 feet from the nearest roadway, 27<sup>th</sup> Avenue Northeast, and is accessible only via a newly paved easement over 215 27<sup>th</sup> Avenue Northeast. The applicant has indicated that the placement and removal of the containers can easily damage a paved surface. The applicant has also indicated that the exact locations of the drive aisles and container storage areas on the site are fluid and constantly changing due to the “first-in, first-out” policy that is mandated by intermodal shipping companies. Therefore, a strict application of the ordinance would require that the entire 11.35 acre site be paved. This would dramatically increase storm water runoff and surface break-up and maintenance issues.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

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 into the public right-of-way. In general, paved surfaces also allow for a more permanent and organized parking layout through striping. The applicant is proposing to increase the amount of bituminous surface on the site in order to improve access to the storage and parking areas. In addition to paving this area, the applicant has shared the installation and maintenance costs of the newly asphalted 800 foot long driveway leading from the subject property, over 215 27<sup>th</sup> Avenue Northeast, to 27<sup>th</sup> Avenue Northeast. Additionally, the applicant has worked with Public Works staff to develop a stormwater management plan to increase the effectiveness of on-site stormwater management. These improvements include two new storm water treatment basins along the western edge of the property line that will be constructed and maintained per best management practices. The unpaved parking and storage areas will also allow for additional on-site retention and filtration of stormwater. With these

measures, the request is reasonable and consistent with the intent of the ordinance and the comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

With the improvements proposed, granting the variance would not likely affect the character of the area and should have little effect on adjacent properties. It would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

### **RECOMMENDATION**

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division:**

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the above findings and **approve** the variance of the surfacing requirements for parking and storage areas for the property located at 132 31<sup>st</sup> Ave NE, subject to the following conditions:

1. Department of Community Planning and Economic Development—Planning Division staff review and approval of the final site and landscaping plan.
2. Site improvements required by the zoning code or by the Zoning Board of Adjustment shall be completed by June 7, 2013, or the permit may be revoked for non-compliance.

#### **Attachments:**

1. Applicant statement of proposed use and findings
2. Zoning map
3. Plans
4. Approved plans for 109 and 215 27<sup>th</sup> Avenue NE (BZZ 5519)
5. Photos