

Department of Community Planning and Economic Development – Planning Division
Variance & Subdivision
BZZ – 5747 & PL – 269

Date: September 19, 2012

Applicant: Star Tribune Media Company, LLC

Address of Property: 901 2nd Street North

Project Name: Star Addition

Contact Person and Phone: Dan Pellinen, Tushie Montgomery Architects (612) 861-9636

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: August 24, 2012

End of 60-Day Decision Period: October 23, 2012

Ward: 7 Neighborhood Organization: North Loop

Existing Zoning: B4N Downtown Neighborhood District and DP Downtown Parking Overlay District

Zoning Plate Number: 13

Legal Description: Not applicable for this application.

Proposed Use: Plat subdivision to create four lots.

Concurrent Review:

- Variance to reduce the minimum lot width requirement for the parking facility on proposed Lot 1 from 40 feet to 28 feet, which is a 30 percent reduction.
- Preliminary and final plat, including subdivision variances to allow lots for multiple-family dwellings with more than 5 sides and no utility easements for lots without alley access.

Applicable zoning code and subdivision provisions: Chapter 525, Article IX Variances, Section 525.520 (20) “(2) To vary the lot area or lot width requirements up to thirty (30) percent...”; and Chapter 598, Land Subdivision Regulations.

Background: The applicant proposes to subdivide the property located at 901 2nd Street North and plat it into four lots. The site is currently occupied by a surface parking lot and vehicle service and fuel facility for the Star Tribune. The surface parking would occupy proposed Lots 1 and 3 and the vehicle service and fuel facility would occupy Lot 4. In conjunction with this subdivision proposal, a 6-story multiple-family dwelling with 137 units is proposed to be constructed on proposed Lot 2 (BZZ-5726).

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The Public Works department and the City Attorney's office have reviewed the final plat and have not identified any issues.

In the B4N district, the minimum lot width and lot area required for parking facilities is 40 feet and 5,000 square feet respectively. As defined by the zoning code, lot width is the distance between the side lot lines of a lot measured along the front lot line. For Lot 1, the proposed lot area would be 9,500 square feet. However, the lot width would be 28 feet. A variance to reduce the lot width of Lot 1 by 30 percent is required.

The existing vehicle service and fuel facility is legally nonconforming, but will not be made more nonconforming by the requested subdivision or variance applications. In the DP overlay district, an accessory parking lot is a conditional use. The parking lot must be located on the same zoning lot as the principal use served and the number of spaces cannot exceed 20. The existing parking lot is accessory parking for the Star Tribune production facility located at the property of 800 1st Street North and the Star Tribune vehicle service and fuel facility. It is deemed to have a conditional use permit. It contains 214 parking spaces, including spaces accessory to the vehicle service and fuel facility. As part of this project, the amount of surface parking will be reduced. There are currently 22 spaces in the area of proposed Lot 1 and the NRG substation at the property of 801 2nd Street North, but 13 spaces are proposed. Where Lot 2 and the new development are proposed, 78 spaces exist. Six accessory surface spaces are proposed for that development. On the remainder of the site (proposed Lots 3 and 4), 121 spaces exist. The number of spaces on these lots will be reduced to 108 spaces. Because the number of spaces is being reduced, a variance is not needed to allow more than 20 spaces.

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

VARIANCE: To reduce the minimum lot width requirement for the parking facility on proposed Lot 1 from 40 feet to 28 feet, which is a 30 percent reduction.

Findings as required by the Minneapolis Zoning Code:

- 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.**

The 28 foot lot width of Lot 1 is proposed to allow shared access for the NRG substation at the property of 801 2nd Street North and the Star Tribune accessory parking on the subject site. These properties are under different ownership, but the NRG property was established to serve the Star Tribune facility across 2nd Street North. Part of Lot 1 would also be used for vehicle circulation and maintenance access for the NRG facility.

- 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.**

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In general, lot controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the use of lots and lot area in order to provide adequate light, air, open space and separation of uses. Comprehensive plan policies discourage surface parking lots in the downtown area. Granting the variance will minimize the amount of space needed for surface parking and access to an energy substation facility. It will also result in more land being available for redevelopment.

- 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.**

Granting the variance would reduce the amount of surface parking frontage on 2nd Street North. The proposed variance would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

SUBDIVISION: Preliminary and final plat, including subdivision variances to allow lots for multiple-family dwellings with more than 5 sides and no utility easements for lots without alley access.

Findings Required by the Minneapolis Zoning Code:

- 1. The subdivision is in conformance with the land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

Subdivision ordinance: The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230(5), which requires that utility easements, not less than five feet on side lot lines and not less than ten feet on rear lot lines, shall be provided when a site is not adjacent to an alley, and Section 598.240(2)[a], which requires that no residential lot shall be created that has more than five sides (Lots 2 and 3 will have six sides and will likely be redeveloped for residential use). In order to be in conformance with the land subdivision regulations, a variance of Section 598.230(5), requiring utility easements, and Section 598.240(2)[a], the prohibition on lots with more than five sides, are required.

While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

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:

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- (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.
- (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 purpose of utility easements is to ensure that each lot that will be created will have adequate access to utilities in order to be redeveloped. Each lot will have frontage on 2nd Street North, which would provide access to all necessary utilities to allow redevelopment of each lot. Lot 4 would also have frontage on 10th Avenue North. Surrounding properties are developed and do not require access to utilities from the subject site.

The intent of the prohibition on creating residential lots with more than five sides is to prevent odd-shaped lots and lots with unusable space. According to the applicant, the reason for the odd-shaped lots is to accommodate an electrical transformer in the north corner of Lot 2. It would also serve redevelopment of Lot 3; however, the timing of redevelopment of Lot 3 is unknown at this time. Both lots would have approximately 270 feet of street frontage and would be more than 40,000 square feet in area. Creating two lots with more than 5 sides should not be detrimental or injurious to neighboring properties.

Zoning code: Each parcel will meet the requirements of the zoning code with the exception of the minimum lot width for Lot 1. In the B4N district, the minimum lot width and lot area required for parking facilities is 40 feet and 5,000 square feet respectively. As defined by the zoning code, lot width is the distance between the side lot lines of a lot measured along the front lot line. For Lot 1, the proposed lot area would be 9,500 square feet. However, the lot width would be 28 feet. A variance to reduce the lot width of Lot 1 by 30 percent is required. Planning staff is recommending approval of the variance (please see the variance section of this staff report).

Comprehensive plan: In the *Minneapolis Plan for Sustainable Growth*, the future land use for this site is designated as mixed use. Downtown is designated as a growth center where high intensity uses are encouraged to make the best use of the premium location and to strengthen the city's core. The property is also located within the boundaries of the *North Loop Small Area Plan* that was adopted in 2010 by the City Council into the comprehensive plan. The recommended land use for the site is high density mixed use in the area referred to as Warehouse West. In this area, the plan calls for the removal of surface parking lots and other underdeveloped sites to continue the eclectic mix of commercial, residential, and industrial uses. The small area plan categorizes the 901 2nd Street North property in the Development Intensity District B. Appropriate building types in this district include housing, commercial, and industrial structures of 2 to 10 stories. The subdivision will allow for replacement of surface parking with higher density development.

- 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.**

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The proposed subdivision will create four parcels, two of which could be redeveloped for higher intensity uses appropriate at this location. This subdivision will not be out of character with the area and will not add significant 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, soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The subject property 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.**

Changes to the grade would be minimal. Access is available from adjacent streets.

- 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 will not exceed the amount occurring prior to development.**

The proposed development would result in less stormwater runoff. The Public Works Department will review the project for appropriate drainage and stormwater management.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot width requirement for the parking facility on proposed Lot 1 by 30 percent from 40 feet to 28 feet for the property located at 901 2nd Street North.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a preliminary and final plat, including subdivision variances to allow lots for multiple-family dwellings with more than 5 sides and no utility easements for lots without alley access, for the property located at 901 2nd Street North.

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Attachments:

1. Applicants statement of use and findings
2. Zoning map
3. Hennepin County maps
4. Survey
5. Plans