

**Department of Community Planning and Economic Development – Planning Division**  
Expansion of a Nonconforming Use  
BZZ-2183

**Date:** February 23, 2005

**Applicant:** Andy Marlow with Radio K

**Address of Property:** 3430 List Place

**Project Name:** Radio K

**Contact Person and Phone:** Andy Marlow, (612) 625-2856

**Planning Staff and Phone:** Hilary Watson, (612) 673-2639

**Date Application Deemed Complete:** January 25, 2005

**End of 60-Day Decision Period:** March 26, 2005

**End of 120-Day Decision Period:** Not applicable

**Ward:** 13      **Neighborhood Organization:** West Calhoun Neighborhood Council

**Existing Zoning:** R4

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

**Zoning Plate Number:** 23

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

**Proposed Use:** FM radio transmission tower

**Concurrent Review:**

**Expansion of a nonconforming use:** to allow Radio K to remove an existing facade-mounted telecommunications tower that extends 4.5 feet above the roofline of the building and replace it with a facade-mounted telecommunications tower for Radio K that extends 19 feet above the roofline of the building.

**Applicable zoning code provisions:** Chapter 531, Nonconforming Uses and Structures.

**Background:** Radio K (KUOM) is the radio station for the University of Minnesota. The applicant is proposing to remove an existing antenna from the roof of the building located at 3430 List Place and replace it with another antenna. Telecommunications antennas are allowed to be facade-mounted to a building as long as the antenna does not extend above the roofline of the building. The facade-mounted

antenna that the applicant is proposing to remove and replace currently extends above the roofline of the building by 4.5 feet. The new antenna that the applicant is proposing to install would extend 19 feet above the roofline of the building. Therefore, an applicant for an expansion of a nonconforming use is required.

**EXPANSION OF A NONCONFORMING USE**

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

**The Department of Community Planning and Economic Development – Planning Division has analyzed the application and makes the following findings:**

**The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):**

**1. A rezoning of the property would be inappropriate.**

A rezoning of the property would be inappropriate. In this case, it is the antenna that is nonconforming not the use of the property.

**2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.**

There is an existing facade-mounted antenna already on the roof of the building. The existing antenna extends 4.5 feet above the roofline of the building. The proposed facade-mounted antenna would extend 19 feet above the roofline of the building. Note that there are a total of 8 facade-mounted antennas that extend above the roofline of the building already with the tallest antenna extending 22 feet above the roofline of the building. Please note that the building is 205 feet tall. The Planning Division believes that the proposed antenna will be compatible with the adjacent properties and the surrounding neighborhood.

**3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.**

The Planning Division does not believe that the expansion will increase adverse, off-street impacts such as traffic, noise, dust, odors or parking congestion.

**4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

The Planning Division does not believe that the taller antenna will have a negative impact on the property.

**5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.**

No dwelling units are being added to the site as a result of this application.

**6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

This site is not located in the Floodway District.

**7. The enlargement, expansion, relocation, structural alteration or intensification is consistent with the policies of the comprehensive plan.**

The site is designated as cultural, entertainment in the comprehensive plan. In the Market in the City chapter found in *The Minneapolis Plan*, Policy 2.4 states that “Minneapolis will develop its technological and information infrastructure in order to offer high quality working environments to businesses.” And in the Movement chapter found in *The Minneapolis Plan*, Policy 8.12 states that “Minneapolis will facilitate the development of communications and transportation infrastructure to support the continued growth of the city’s economic base.” Radio K will be attaching a telecommunications tower that will allow them to broadcast their radio programs to a broader listening audience.

**RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the expansion of a nonconforming use certificate to allow Radio K to remove an existing facade-mounted telecommunications tower that extends 4.5 feet above the roofline of the building and replace it with a facade-mounted telecommunications tower for Radio K that extends 19 feet above the roofline of the building located at 3430 List Place subject to the following conditions:

1. Approval of the final site and elevation plans by the Community Planning and Economic Development Department – Planning Division.

**Attachments:**

Department of Community Planning and Economic Development – Planning Division  
BZZ-2183

1. Project description
2. Expansion of a nonconforming use findings
3. Structural engineer's letter and plans
4. January 20, 2004 letter to CM Lane and the West Calhoun Neighborhood Council
5. Zoning Map
6. Site plan and elevations
7. Photographs of the building