



LAND USE APPLICATION SUMMARY

Property Location: 2124 Marshall Street NE
Project Name: 2124 Marshall Street NE Dock
Prepared By: Nicholas Baker, City Planner, (612) 673-3310
Applicant: DCJ, LLC
Project Contact: James Rosenberg
Request: To allow a dock in the FP Floodplain Overlay District.
Required Applications:

Conditional Use Permit	To allow a dock in the FP Floodplain Overlay District.
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SITE DATA

Existing Zoning	CI Neighborhood Commercial District SH Shoreland Overlay District MR Mississippi River Critical Area Overlay District
Lot Area	11,200 square feet / 0.26 acres
Ward(s)	3; adjacent to 5
Neighborhood(s)	Bottineau Neighborhood Association; adjacent to Hawthorne Neighborhood Council
Designated Future Land Use	Mixed Use
Land Use Features	Community Corridor (Marshall Street NE)
Small Area Plan(s)	<u><i>Above the Falls Master Plan Update (2013)</i></u> <u><i>Above the Falls - A Master Plan for the Upper River in Minneapolis (1999)</i></u> <u><i>Mississippi National River and Recreation Area Comprehensive Management Plan (1995)</i></u>

Date Application Deemed Complete	September 22, 2016	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	November 21, 2016	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject site contains a two-story commercial building that was constructed in 1883, currently home to *the Sample Room*, which has been in business at this location since 2002. In addition, the site includes a 13-space asphalt parking lot, a covered patio, a 176' wooden fence, and wooden steps that lead to the bank of the Mississippi River. The site is approximately 76 feet wide, 178 feet deep, and 11,200 square feet, overall. While the majority of the site is relatively flat, there is a steep slope toward the rear of the property, where the western property line abuts the Mississippi River. The western boundary of the property is 24 feet below the grade of the rest of the site.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties contain low-density residential uses, commercial uses, light industrial uses, and parks. The industrial uses across the Mississippi River include heavy industrial uses. The Lowry Avenue NE and Marshall Street NE Neighborhood Commercial Node is approximately .2 miles to the north of the property.

PROJECT DESCRIPTION. The site is located within 300 feet of the ordinary high water mark of the Mississippi River and its floodplain. As a result, the property is in the MR Mississippi River Critical Area Overlay and SH Shoreland Overlay Districts. The applicant is proposing to legalize an existing, 1,068 square foot dock that is located in floodway of the Mississippi River and is therefore in the FP Floodplain Overlay District. A conditional use permit is required to permit placement of the dock.

PUBLIC COMMENTS. Staff has not received any comments as of the printing of this report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to allow a dock in the FP Floodplain Overlay District, based on the following findings:

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

Staff finds that the dock would not be detrimental to or endanger the public health, safety, comfort, or general welfare. This dock, along with many other docks that belong to neighboring properties along the Mississippi River, has been in place for several years; the applicant has stated that the existing dock has been on the property since 2006.

2. *The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

Allowing the dock to be placed on the shoreline would not be injurious to the use and enjoyment of other property in the vicinity, and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The dock is 1,068 square feet in size, consisting of one 6' by 98' foot long pier extending westward from the shore and four 4' x 30' 'finger' piers extending southward parallel to the shoreline.

3. *Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.*

The site is served by existing utilities and access.

4. *Adequate measures have been or will be taken to minimize traffic congestion in the public streets.*

The development would have no anticipated effect on parking or traffic congestion in the public streets.

5. *The conditional use is consistent with the applicable policies of the comprehensive plan.*

The proposed development would be consistent with the following general land use policies of *The Minneapolis Plan for Sustainable Growth*:

Environment Policy 6.9: Be a steward of clean water by protecting and enhancing its surface and groundwater systems.

- 6.9.2 Continue to implement the city's floodplain and shoreland Ordinances, and the Mississippi River Critical Area plan.

The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Mixed use, and the *Above the Falls Master Plan Update (2013)* identifies this area as the Marshall South Riverfront District. The plan states that this area is guided for park use with continuous trail connections to provide good public access to the river, parks, and bicycle and pedestrian facilities along Marshall Street NE. Staff finds that the proposed dock would be in conformance with adopted policies of the comprehensive plan and adopted small area plan. The dock is not permanent, and the conditional use permit for the dock and fill would transfer to the Minneapolis Park and Recreation Board or Hennepin County, should they acquire the property.

6. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If the requested land use applications are approved, the proposal will comply with all provisions of the CI, SH, and MR districts.

Additional Standards for Conditional Use Permits within the SH Shoreland Overlay District

In addition, the Planning Commission shall consider, but not be limited to, the following factors when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

The dock would have no effect on soil erosion.

2. *Limiting the visibility of structures and other development from protected waters.*

The dock is visible from protected waters. Since it is located along the water's edge, there is no effective way to screen the dock.

3. *The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.*

The dock is for the private use of the property owners. The dock has been in existence for approximately 10 years, and will not significantly increase watercraft usage on the Mississippi River relative to current numbers.

Additional Standards for Conditional Use Permits within the FP Floodplain Overlay District

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when considering conditional use permit requests within the FP Floodplain Overlay District:

1. *The danger to life and property due to increased flood heights or velocities caused by encroachments.*

The proposed dock is approximately 1,068 square feet in size; it is a floating dock and will not pose a threat to life and property by increasing flood heights or velocities.

2. *The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.*

The dock is floating and is securely fastened to handle large rain events; according to the applicant segments can be pulled in closer to shore in particularly extreme circumstances.

3. *The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.*

The existing water supply and sanitation systems are functioning properly and will continue to be used.

4. *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.*

The destruction of the dock would cause a financial issue for the property owner. The existing commercial structure is not in the floodway or floodplain and would not be affected.

5. *The importance of the services provided by the proposed facility to the community.*

The dock is privately owned, but has been used for events by a number of community organizations, including the Eastside Food Co-op Board, Northeast Riverkeepers, and MWMO.

6. *The requirements of the facility for a waterfront location.*

A dock must be on a waterfront location, by necessity.

7. *The availability of alternative locations not subject to flooding for the proposed use.*

A dock must be in the floodway in order to function.

8. *The relationship of the proposed use to the floodplain management program for the area.*

The dock should have no effect on the floodplain management in the area, as it is located within the floodway.

9. *The safety of access to the property in times of flood for ordinary and emergency vehicles.*

The site, as a whole, is accessible from Marshall Street NE. Accessing the river would be feasible on the subject property should emergency personnel need to access the lower part of the property.

10. *The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.*

No change is expected to the height, velocity, duration, rate of rise, and sediment transport of the flood waters at the site.

11. Such other factors which are relevant to the purposes of this article.

Staff does not find that the existing dock would have an impact to the Mississippi River.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the applications by James Rosenberg for the property located at 2124 Marshall Street NE:

A. Conditional Use Permit.

Recommended motion: **Approve** the conditional use permit to allow a dock to be located in the FP Floodplain Overlay District, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
2. The applicant shall demonstrate that all necessary permits have been obtained from the Minnesota Department of Natural Resources.

ATTACHMENTS

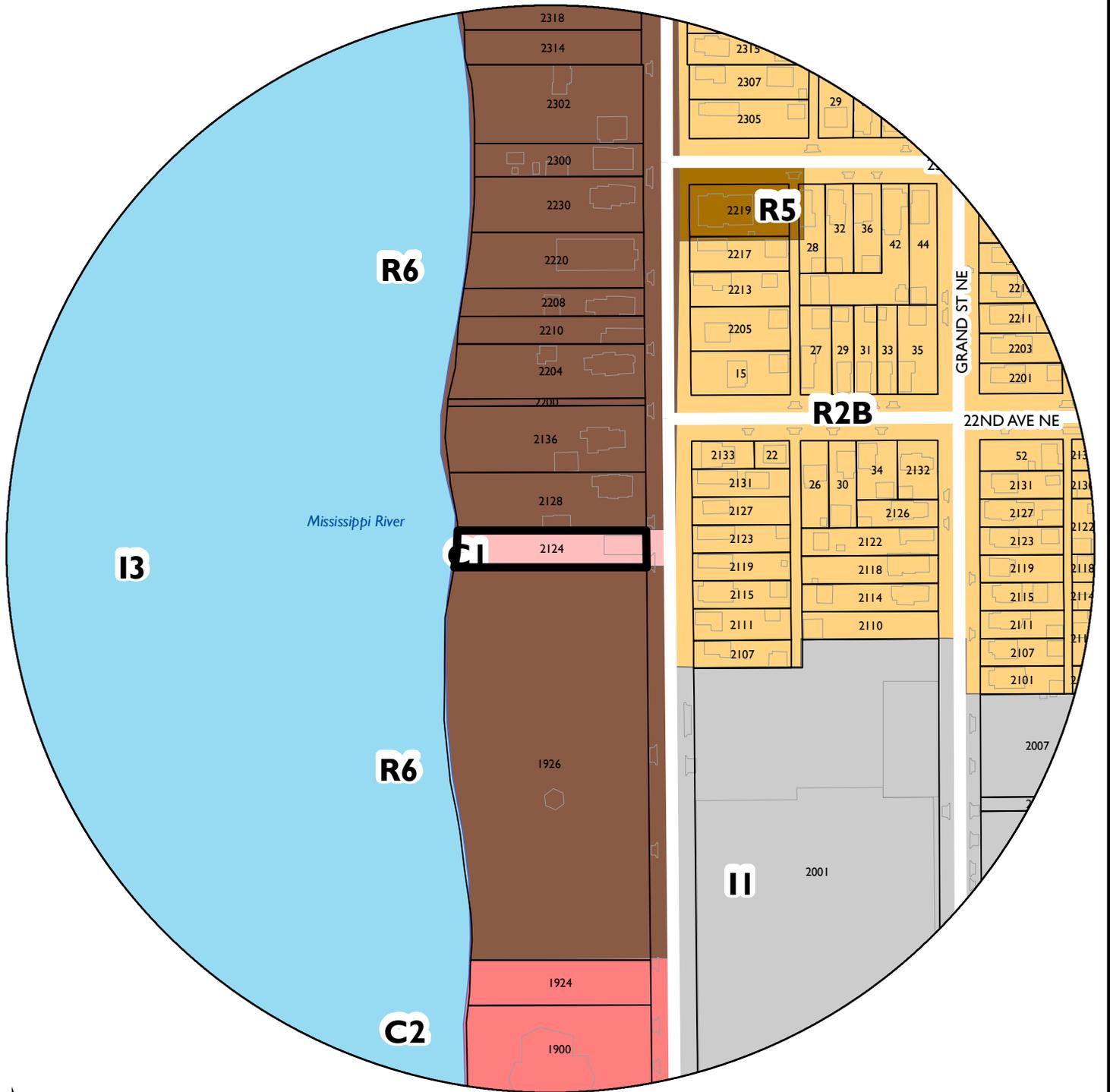
1. Zoning map
2. Oblique aerial photo
3. Written description and findings submitted by applicant
4. Site plan
5. Photos

James Rosenberg

3rd

NAME OF APPLICANT

WARD



North arrow pointing up.



PROPERTY ADDRESS
2124 Marshall Street Northeast

FILE NUMBER
BZZ-7843

Mississippi

M i s s i s s i p p i

Gluek Riverside Park



Marshall St NE NE Marshall St

22

Marshall St NE NE Marshall St

23

23

M

NE 22nd Ave

NE Grand St

NE Grand St

NE 23rd Ave

NE California St

NE

Riverfront
Northeast



Statement of Proposed Use for the Sample Room docks.

The docks at the Sample Room on the Mississippi River in Northeast Minneapolis have been and will continue to be an amenity to the upper riverfront in Minneapolis. They have provided countless opportunities to the residents and visitors of Northeast to get out and on our great river that runs through our city. They do not impede on any of the surrounding properties and have improved the general health and welfare of the local public. This includes bird watching cruises put on by the MWMO, cruises for the Northeast Food Co-op board, fundraising cruises for local schools, and the home base of the Northeast Riverkeepers who work on bank stabilization and Heron Island habitat restoration with a grant from the MWMO.

And as new opportunities arise in the future, such as the Nice Ride styled kayak rental coming to the North Mississippi Regional Park and Boom Island Park, the docks will continue to be an attraction for residents and tourists alike. This fits nicely into the Above the Falls and Riverfirst plans that have been developed over the last 17 years for the upper riverfront.

Additional parking or traffic is not an issue since watercraft travel via water and we have not had a water traffic jam yet, though I hope that changes in years to come as improvements and access to the river are implemented.

Conditional Use Permit

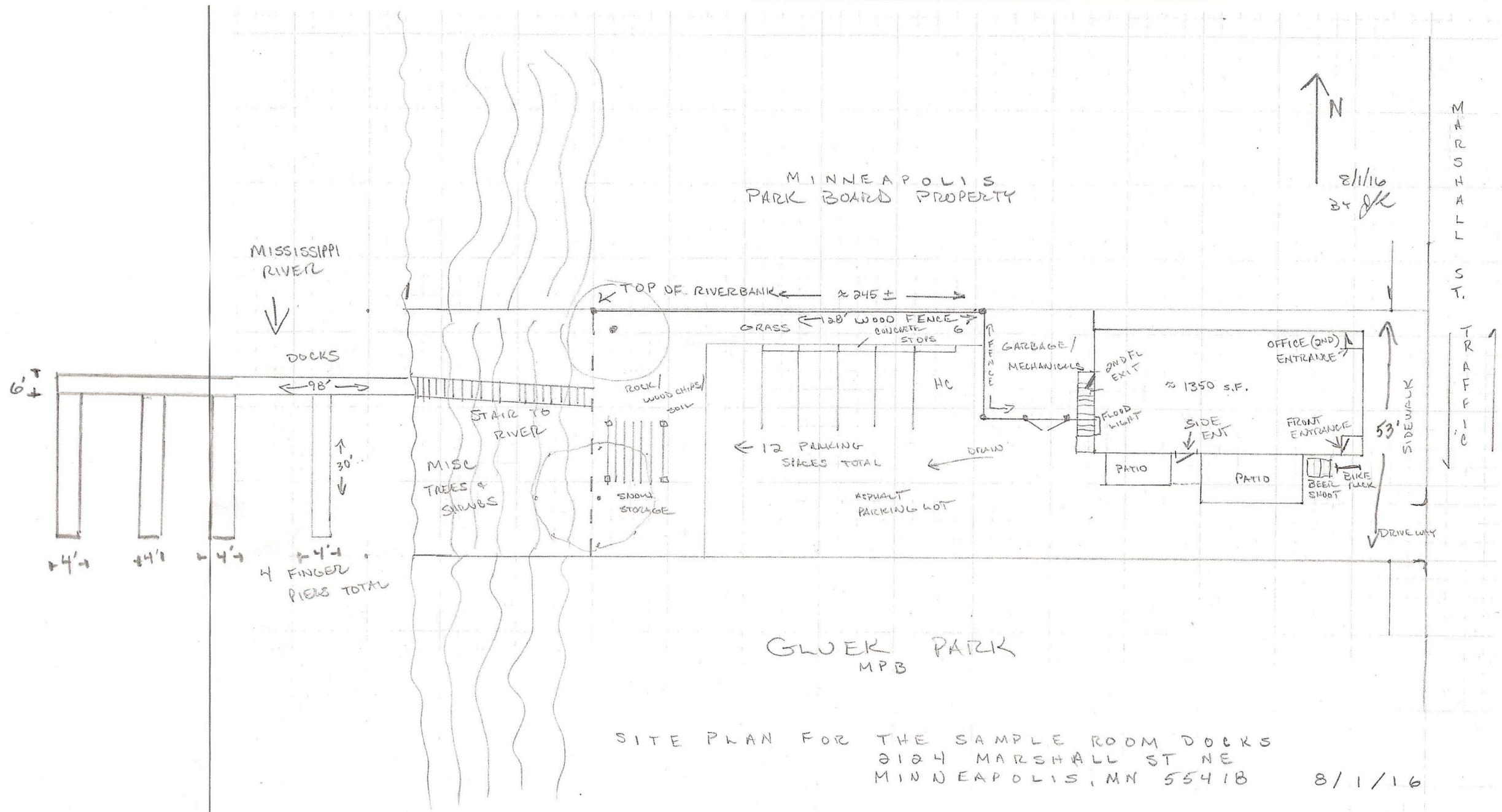
The floating docks are on the Mississippi river and do not endanger the public health, safety, comfort or general welfare. They add to the livability of NE Minneapolis. They do not impede on any surrounding property. They are floating on the river and do not require any utilities, access roads, or drainage. Traffic congestion is non-existent since docks are for watercraft, not automobiles. The docks are consistent with both the Above the Falls and Riverfirst plans adopted by the city.

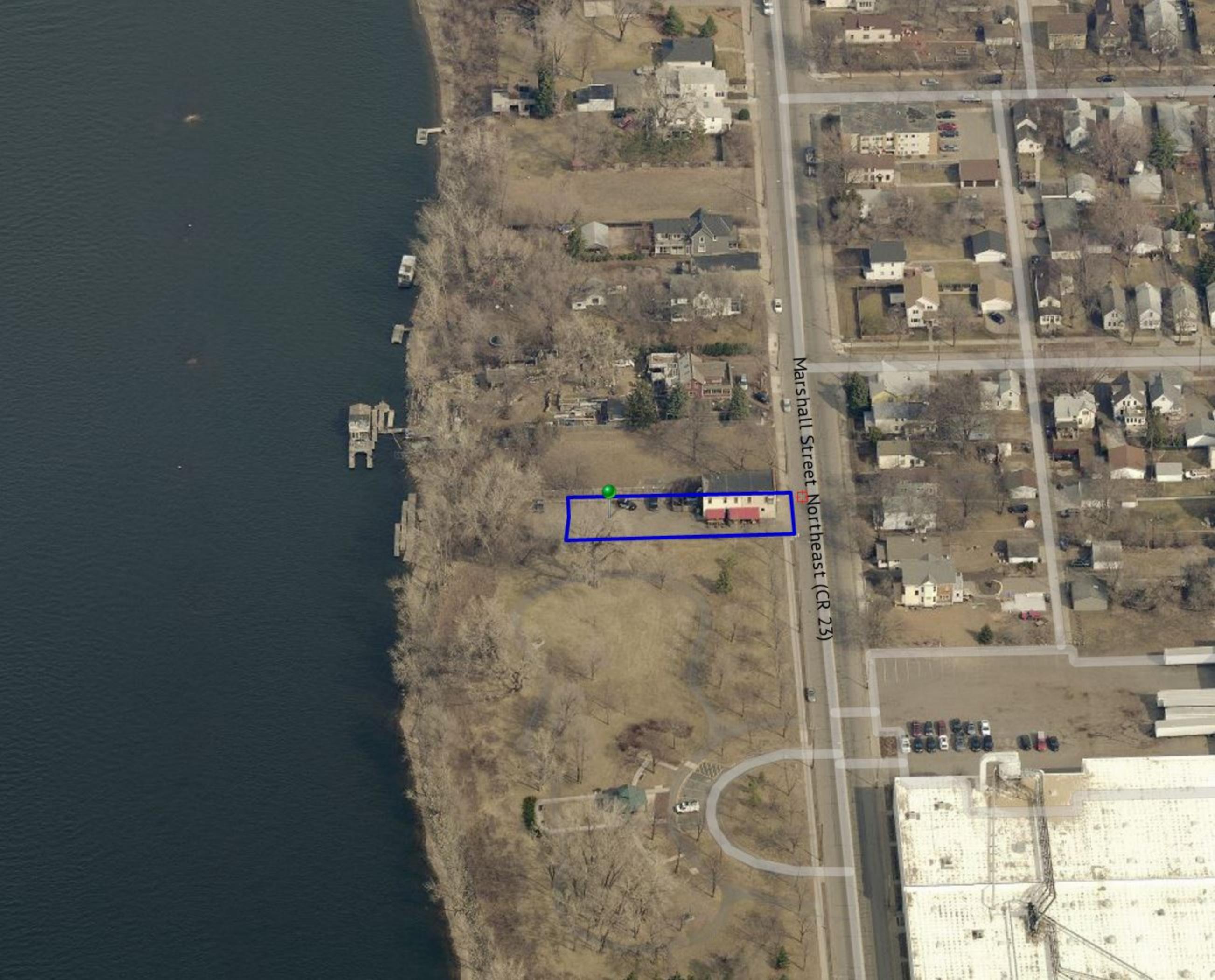
Shoreland Overlay District

The docks were constructed on land and then put in place without any pollution entering the river. There are no structures associated with the docks that would limit visibility. The river used to have commercial traffic up until a year ago when the lock was closed so the river can safely accommodate the few pleasure boats that frequent this stretch of river.

Floodplain Overlay District

1. With the dock being a floating dock, water height and velocity is not affected by any encroachments.
2. We constantly monitor the river current and height and will actually pull the docks close to shore when conditions warrant.
3. No water supply or sanitation systems are used currently or in the foreseeable future.
4. As said earlier we constantly monitor the river current and height and will actually pull the docks close to shore when conditions warrant to avoid damage.
5. The importance is that the community can actually get out on the river by boat, kayak, canoe, or just sit on the dock and look at the great skyline instead of just always seeing it from the shore. Hopefully the Mpls Park and Rec will get more docks on the river as they continue to implement the Above the Falls / Riverfirst plans which call for more access.
6. Docks and boats need water so that is why it requires a waterfront location.
7. We are not technically in a floodplain since the river bank is so high in this location and flood insurance is not required for the structures on this side/stretch of the river. But these are floating docks so they rise and fall with the river level.
8. N/A
9. The docks are on the river and do not interfere with access from Marshall Street for emergency vehicles.
10. N/A

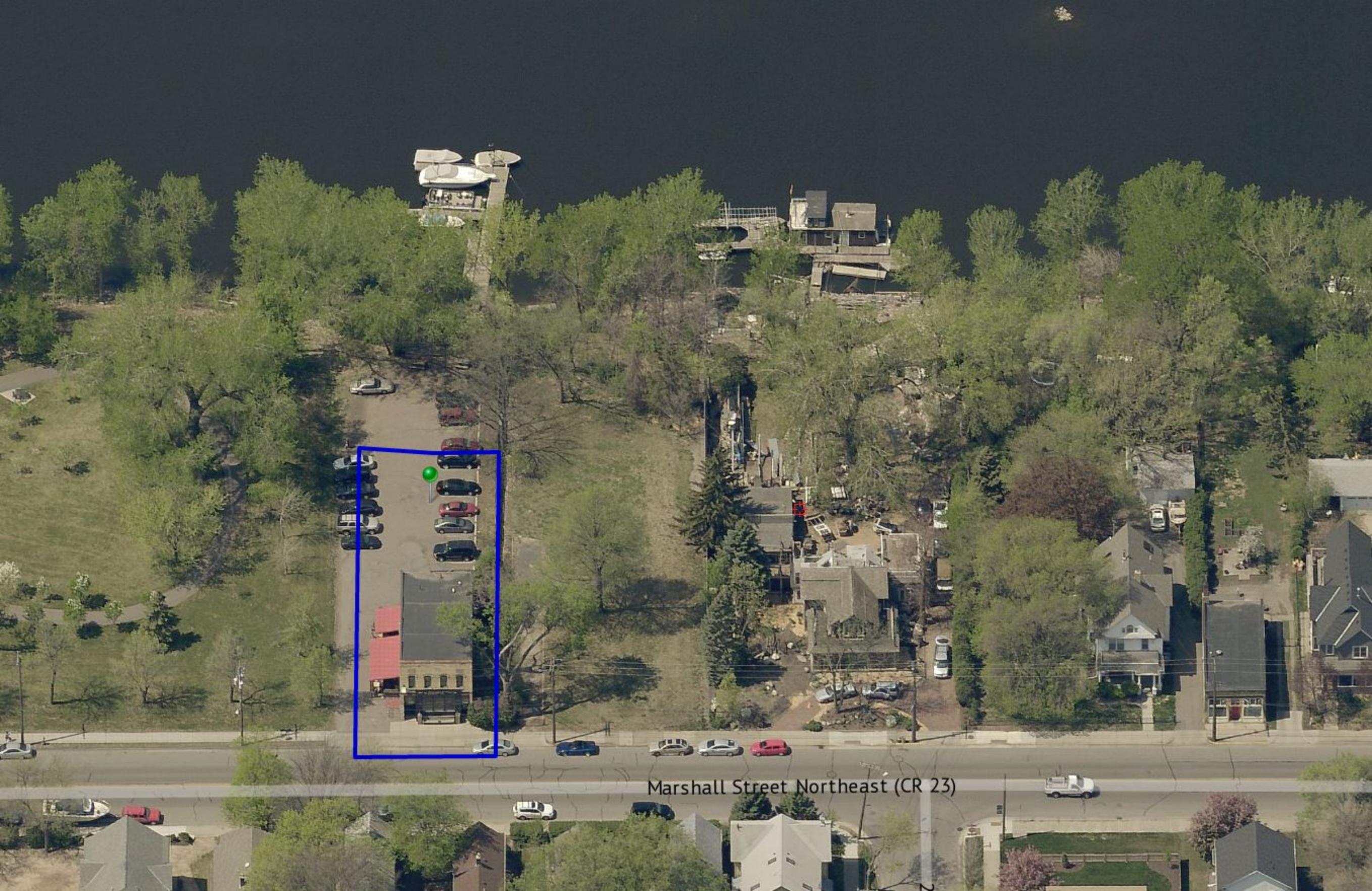




Marshall Street Northeast (CR 23)



Marshall Street Northeast (CR 23)



Marshall Street Northeast (CR 23)

