

**Department of Community Planning and Economic Development – Planning Division**  
Preliminary and Final Plat Subdivision Application  
PL-168

**Date:** April 11, 2005

**Applicants:** Department of Community Planning and Economic Development

**Address of Property:** 47 13<sup>th</sup> Avenue NE

**Contact Person and Phone:** Judy Cedar – CPED 612-673-5025

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** February 9, 2005

**End of 120-Day Decision Period:** June 9, 2005

**Ward:** 3                      **Neighborhood Organization:** Sheridan

**Existing Zoning:** I1 Light Industrial District

**Existing Overlay Districts:** MR Mississippi River Critical Area and SH Shorelands Overlay Districts.

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

**Zoning Plate Number:** 9

**Existing Use:** Offices and arts related uses tenant spaces.

**Proposed Use:** A replat of various lots into two lots – one building per lot.

**Concurrent Review:** Subdivision replat of various lots into two lots.

**Applicable Code Provisions:** Chapter 598 Subdivisions.

**Development Plan:** The preliminary plat shows the existing development.

**Background:** The city proposes to sell two buildings that are part of the Grain Belt complex (the Bottling House and the Warehouse) to Artspace Projects. Artspace Projects serves a developer of affordable live/work space for artists and non-residential projects including performing arts centers and arts districts. The purpose of this subdivision is to create two lots, one for each building, to complete the sale of the sites from the City to Artspace. The City Attorney has reviewed and approved the final plat and title documents.

**Required Findings:**

**1 Subdivision is in conformance with the land subdivision regulations and the applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

The comprehensive plan shows this area as appropriate for office and arts related uses. All of the lots will be in conformance with the requirements of the zoning ordinance.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be 5 feet wide on interior side lot lines and 10 feet on rear lot lines. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior and rear lot lines. 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:

- (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 interior and rear lot lines are along the building walls, so it is not possible to provide easements in these areas. Because the drainage and utilities are existing and there is access to two public streets, the easement requirement on the rear and interior lot lines is not necessary in this case, so staff recommends varying the requirement to zero.

**2. 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 proposed subdivision is to replat various lots into two lots to for sale to Artspace. There will be one building on each lot. No new construction is proposed.

**3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, utility easements or other hazard.**

The site is basically level and does not present the other noted hazards. The buildings are existing and no new construction is proposed.

**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.**

No changes to the grade or access. The buildings are existing and no new construction is proposed.

**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.**

The utility and drainage provisions are adequate for the proposed development. No new construction is proposed.

### **RECOMMENDATION**

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final subdivision application with the easement variance for property located at 47 13<sup>th</sup> Avenue NE.

#### **Attachments:**

- 1) Letter from neighborhood group.
- 2) Zoning map.
- 3) Hennepin County parcel map.
- 4) Preliminary and final plat.
- 5) Photo.