



LAND USE APPLICATION SUMMARY

Property Location: 815 9th Avenue SE
Project Name: SE 9th and 9th LLC Quonset Hut
Prepared By: Mei-Ling Smith, Senior City Planner, (612) 673-5342
Applicant: SE 9th and 9th LLC
Project Contact: Sally Swanson
Request: To reduce the minimum front and side yard setback requirements for an existing building as a result of a subdivision.

Required Applications:

Variance	To reduce the minimum front and side yard setback requirements for an existing building as a result of a subdivision.
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SITE DATA

Existing Zoning	II Light Industrial District IL Industrial Living Overlay District, UA University Area Overlay District
Lot Area	72,676 square feet / 1.7 acres
Ward(s)	3
Neighborhood(s)	Marcy Holmes Neighborhood Association
Designated Future Land Use	Transitional Industrial
Land Use Features	n/a
Small Area Plan(s)	<u>Marcy-Holmes Neighborhood Master Plan (2014)</u>

Date Application Deemed Complete	September 9, 2016	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	November 8, 2016	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is an industrially-zoned site with frontage on 9th Street SE. The property contains one 30-foot tall, “L”-shaped building that covers approximately half of the site, and a portion of a metal Quonset hut that is approximately 20 feet in height. The property also contains and surface parking, loading, and maneuvering areas.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is less than 300 feet to the west of I-35W. There are industrial uses to the north and west of the subject site. The parcels directly to the east are zoned for high-density residential uses (R5 Multiple-Family District), and the general vicinity area contains primarily low-to-medium residential uses.

PROJECT DESCRIPTION. Earlier this year, the subject property was subdivided as part of a development proposal for the five adjacent properties to the east and south (BZZ-7725, BZZ-7732, PL-310: Spectrum Apartments and Townhomes). The property previously had six sides and was over 98,000 square feet in size, and now has four sides and is 72,676 square feet in size. The development proposal originally included the demolition of the two Quonset huts which were located within the boundaries of the previous property. However, the applicant is proposing to retain a portion of one of the Quonset hut buildings on the subject site so that one of their long-term tenants may continue to use it as a storage area.

While industrial zoning districts do not typically have minimum building setbacks, the property to the east has been rezoned to the R5 Multiple-Family District as part of the project. As a result, a variance is required to reduce the minimum front yard setback from 15 feet to 10 feet and to reduce the minimum interior side yard setback requirement from 7 feet to 2 feet for the remaining Quonset hut building, per section 550.160 of the zoning code.

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

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the minimum front yard setback from 15 feet to 10 feet, and to reduce the minimum interior side yard setback from 7 feet to 2 feet, based on the following findings:

- 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 applicant is requesting a variance of the minimum front and side yard setback requirements to allow an existing industrial building to remain located next to a parcel that is zoned for residential uses. Strict compliance with the ordinance would greatly reduce the buildability of the residential property to the east or the usability of the subject site as an industrial property. Complying with the minimum front yard requirement would require either establishing the shared side lot line at least 25 feet to the east from where it is currently located or moving the location of the existing industrial building. Similarly, complying with the minimum side yard setback requirement would require either an adjustment in the location of the side lot line by no less than five feet, or moving

the location of the existing building, which is currently located along the east side of the property to allow for adequate parking and maneuvering areas on the rest of the site. The front CPED finds that practical difficulties exist in complying with the ordinance because of circumstances unique to the property, and are not based on economic considerations alone.

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 20-foot tall Quonset hut/industrial building is existing. Both the subject property and the residential site to the east have been designed in a way that sufficient light and air would be provided for the residential uses, as there would be approximately 29 feet between the remaining industrial building and the residential building to the east at its closest point, with landscaping and a dog run in between. The majority of the west elevation of the residential building nearest the proposed Quonset hut would contain parking on the first floor, and the residential unit closest to the Quonset hut would be a corner unit with windows facing both the north and west. The portion of the building that would be demolished, and that would face the residential property, contains a new finished metal wall, as shown in the attached photos. Provided that the existing building is compliant with all life and safety codes, staff finds that the applicant is proposing to use the property in a reasonable manner that would be in keeping with the spirit and intent of the ordinance and 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.*

The applicant's proposal to reduce the required front yard from 15 to 10 feet, and the required side yard from 7 to 2 feet, would not alter the essential character of the locality, or be injurious to the use or enjoyment of other property in the vicinity. The adjacent property to the east was recently rezoned from the II Light Industrial District to the R5 Multiple-Family District to allow for the multifamily development, and has historically contained industrial uses. In addition, the properties to the north and west of the site continue to be used as industrial properties, which is characteristic of the area. The remaining portion of the Quonset hut would be in keeping with the essential character of the area.

The variance will allow the subject site and nearby properties to be improved upon in an orderly and consistent manner. Staff does have concerns that the existing industrial building may need maintenance in the future and encourages the applicant to establish an access agreement over the adjacent property to the east. If granted, the setback variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the application by Sally Swanson, on behalf of SE 9th and 9th LLC, for the property located at 815 9th Avenue SE:

A. Variance to decrease the front yard setback.

Recommended motion: **Approve** the application to decrease the front yard setback from 15 feet to 10 feet.

B. Variance to decrease the side yard setback.

Recommended motion: **Approve** the application to decrease the interior side yard setback from 7 feet to 2 feet.

ATTACHMENTS

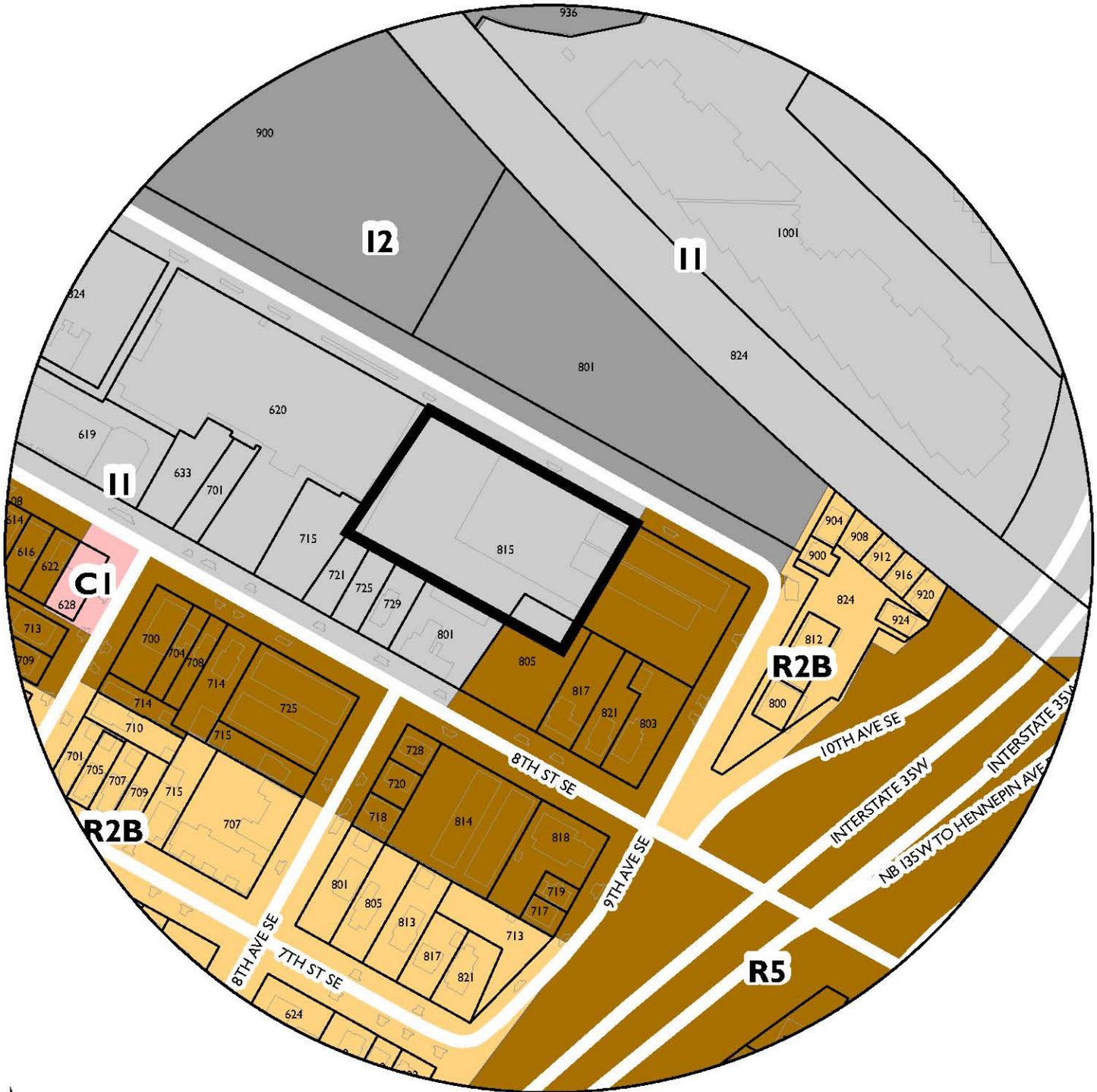
1. Zoning map
2. Aerial photo
3. Written description and findings submitted by applicant
4. Survey
5. Copy of preliminary plat for Spectrum Apartments and Townhomes
6. Photos

Sally Swanson

3rd

NAME OF APPLICANT

WARD



PROPERTY ADDRESS
815 9th Ave SE

FILE NUMBER
BZZ-7911



1 SITE AERIAL
1" = 100'-0"



SPECTRUM APARTMENTS & TOWNHOMES

Minneapolis, Minnesota

May 23, 2016

Site Aerial

14-112.00

DJR
ARCHITECTURE INC.

**SE 9TH AND 9TH LLC
SETBACK VARIANCE REQUEST FOR 815 SE 9TH AVENUE, MINNEAPOLIS, MN
(THE "PROPERTY")**

AUGUST 23, 2016

PROJECT PURPOSE AND DESCRIPTION

The Property is currently zoned I1, light industrial and has two industrial buildings on the property. One building is occupied by tenants, and the other is a Quonset hut that is used as cold storage for one of the tenants that occupies space in the main building. The Quonset hut is under a long term lease with the tenant, and is integral to their business to maintain on-site storage.

The Applicant has owned the Property continually since 2001, along with adjacent residential properties which were sold to CPM Development along with a portion of the Property for the redevelopment of the property into residential townhomes and apartments. Prior to the closing on August 17, 2016, the City of Minneapolis approved a plat of the Property to be known as Spectrum Apartments and Townhomes. In connection with the approval of the plat, CPM Development sought, and obtained, on our behalf, approval of a variance to the setback requirements pertaining to the existing concrete block building on Lot 1 located on the common boundary between Lots 1 and 2 of the plat. That application (BZZ-7732), through miscommunication, did not address the fact that a portion of one Quonset hut would remain on the northeast corner of Lot 1, the Property as now platted, to continue to be used as storage for an existing tenant in the main building. Per agreement with the City, we are applying for a variance now for the existing Quonset hut. We appreciate the City's flexibility in allowing us the time to apply for this variance as to the Quonset hut setbacks.

**VARIANCE FOR SETBACK OF EXISTING QUONSET BUILDING
REQUIRED FINDINGS**

Variations are requested to reduce the side yard setback requirement for a portion of the existing Quonset building from 7 feet to 2 feet and to reduce the front yard setback for that building from 15 feet to 10 feet. The need for the variations is a result of a subdivision and rezoning from I1 to R5 of the adjacent property recently sold to allow for redevelopment of the eastern portion for multiple-family residential use. The requested variations meet the required findings under § 525.500 of the 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.

Practical difficulties exist in complying with the ordinance. It is necessary to retain this portion of the Quonset hut on the Applicant's Property in order to comply with lease terms of existing tenants. Generally there are no yard requirements in the Industrial Districts and the setbacks of the Quonset would not require variations. The newly-applicable setback requirements are triggered here by the rezoning of the new development lot to residential. Strict compliance

with the setback ordinances would either diminish the buildable area of the new development lot or require additional loss of usable industrial space, all for no practical purpose. Further, the only way to have avoided a need for a front yard variance for the Quonset would have been to establish the new side lot line 25 feet east of the Quonset and to have left the space between the Quonset and the residential development unused. Both the residential redevelopment of the east side of the block and the continued use of Applicant's Property for productive industrial use are in accordance with policies of the City's comprehensive plan and the *Marcy-Holmes Master Plan*. These are unique circumstances not created by the Applicant.

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 proposed setbacks are reasonable and will be in keeping with the spirit and intent of the ordinance. The purpose of requiring setbacks for industrial uses next to residential uses or zoning is to prevent conflicts between the two types of land uses. The new residential building will be 27 feet east of the shared property line, for a total of 29 feet of separation between the Quonset and the residential building. The residential building will be setback 15.2 feet and the Quonset is set back 10.9 feet from the front property line. The Quonset is used only for storage and its use will have no adverse, off-site impacts. Based on these conditions, the setbacks of the Quonset will not cause conflicts with the residential use.

The proposed setbacks and the conditions resulting in the need for the variances are also consistent with the guidance of the City's land use plans. The Applicant's property is designated in the Comprehensive Plan and the *Marcy-Homes Master Plan* as Transition Industrial. Its continued industrial use is consistent with this guidance. The redevelopment of the east side of this block is consistent with City policies calling for intensification of residential density in this area, which is well-served by transit, and for the pedestrian realm improvements that will be provided by the redevelopment project.

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.

The granting of the variance will not alter the essential character of the area because they reflect existing conditions. Nor will they be injurious to the use or enjoyment of other properties because of the substantial separation between the existing industrial buildings and the new residential buildings. The variances will not be detrimental to the public health, safety or welfare because the property will comply with life safety regulations related to separation along property lines.

9TH STREET SE

102 UNIT, 5 STORY BUILDING

Quonset Hut

DOG WALK

AMENITY AREA

- POOL & POOL HOUSE
- HOT TUB
- BBQ

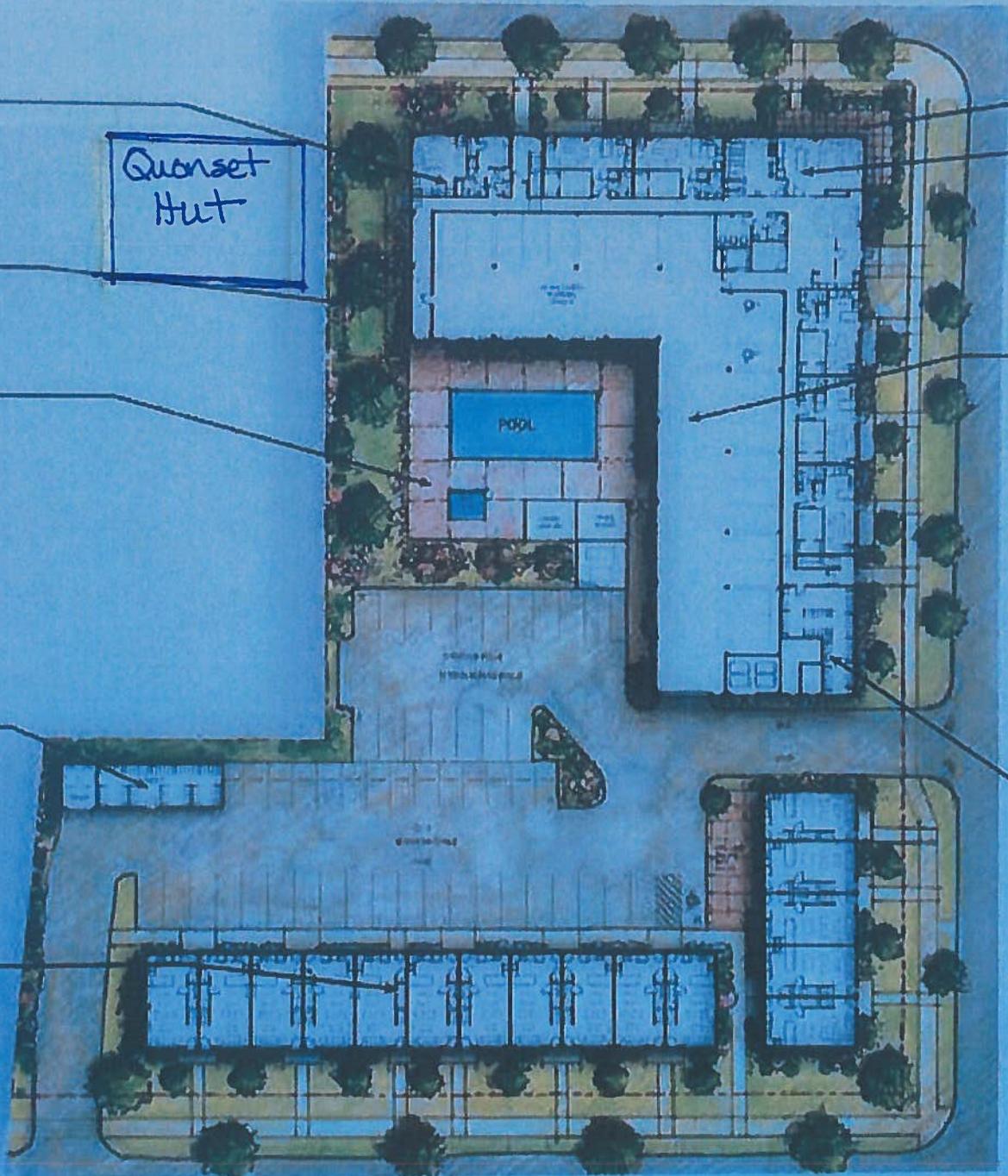
BIKE STORAGE BUILDING
64 SPACES

16, THREE STORY TOWNHOMES
4 BEDROOM
4 BATHROOM

8TH STREET SE

SE 9TH AVENUE

PECTRUM



PA

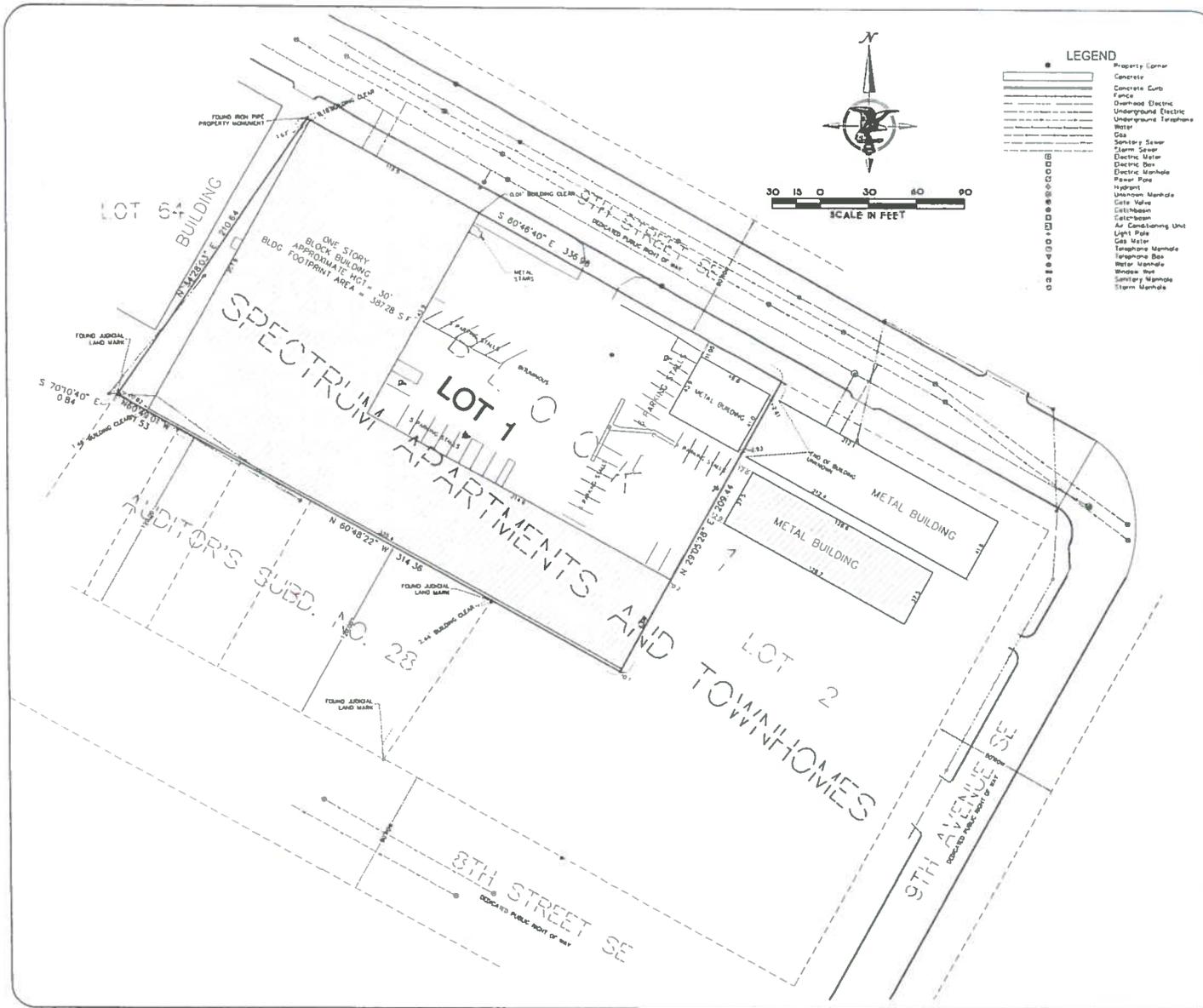
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LEGEND

- Property Corner
- Concrete
- Concrete Curb
- Fence
- Overhead Electric
- Underground Electric
- Underground Telephone
- Water
- Gas
- Sanitary Sewer
- Alarm Sewer
- Electric Meter
- Electric Box
- Electric Manhole
- Potable Pipe
- Hydrant
- Unknown Manhole
- Cable Valve
- Callbox
- Calculation
- Air Conditioning Unit
- Light Pole
- Gas Meter
- Telephone Manhole
- Telephone Base
- Water Manhole
- Manhole: Iron
- Sanitary Manhole
- Tyrm Manhole

LEGAL DESCRIPTION

To be platted as Lot 1, Block 1, SPECTRUM APARTMENTS AND TOWNHOMES, Hennepin County, Minnesota.

GENERAL NOTES:

1. The bearing system used is assumed.
2. The location of the underground utilities shown herein, if any, are approximate only. PURSUANT TO MINN. STAT. CHAPTER 161A, SECTION 161A.02(2) FROM ANY EXCAVATION.
3. The area is 72676 square feet = 1.666 acres.
4. This survey was made on the ground.
5. No ground title work was furnished for the preparation of this survey. Legal description, recorded or unrecorded easements and encumbrances are subject to review upon receipt of correct title work.

June 8, 2016

LAND TITLE SURVEY
ALTA/NSPS

for:
SUTTON ASSOCIATES
SITE: 815 9TH AVENUE SE
MINNEAPOLIS, MINNESOTA

CERTIFICATION:

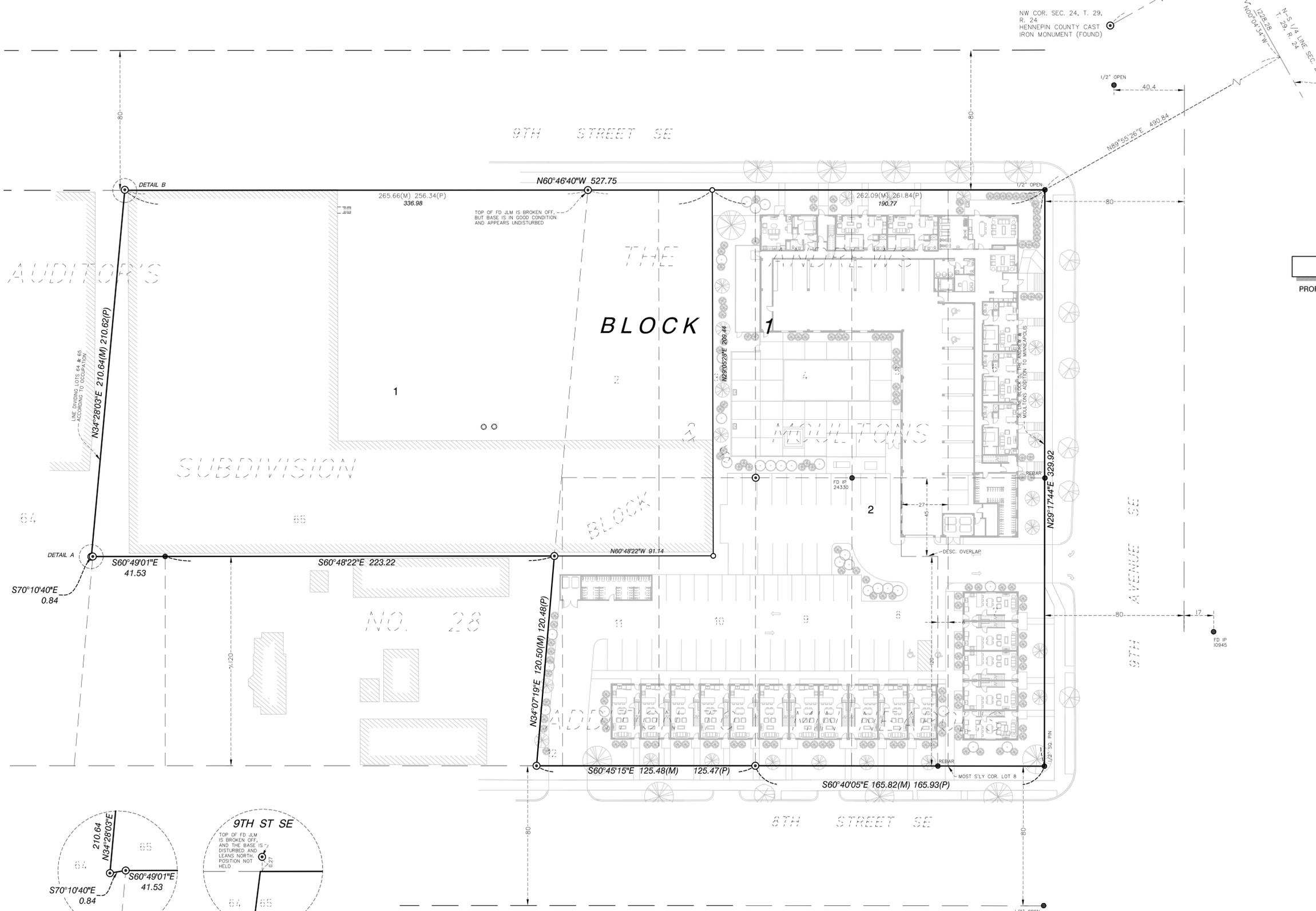
To: (names of others as negotiated with the client)
This is to certify that this map or plat and this survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly adopted and adopted by ALTA and NSPS, and include:
Items 1, 2, 3, 4, 6(e), 7(a), 7(b), 8, 9, 12, 16, 17, 18, 19 and 20 of Items A through F.
The field work was completed on July 26, 2016.
Date of Plot or Map: August 17, 2016
[Signature]
Thomas C. Haggerty, L.S.
Minn. Reg. No. 23877

HARRY S. JOHNSON CO., INC.
LAND SURVEYORS
CONSULTANTS
BLOOMINGTON, MINNESOTA
PHONE: 652-884-5341 FAX: 652-884-5344 Email: hsj@harryjohnson.com

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PRELIMINARY SPECTRUM APARTMENTS AND TOWNHOMES

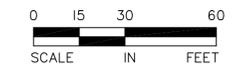
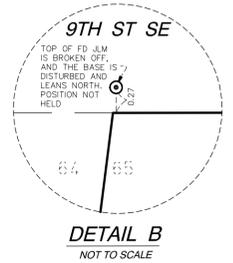
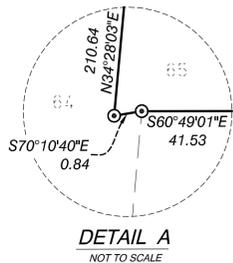
R.T. DOC. NO. _____
C.R. DOC. NO. _____



NOTE
PROPOSED IMPROVEMENTS ARE SHOWN AND SHADED BACK ON THIS PLAN.

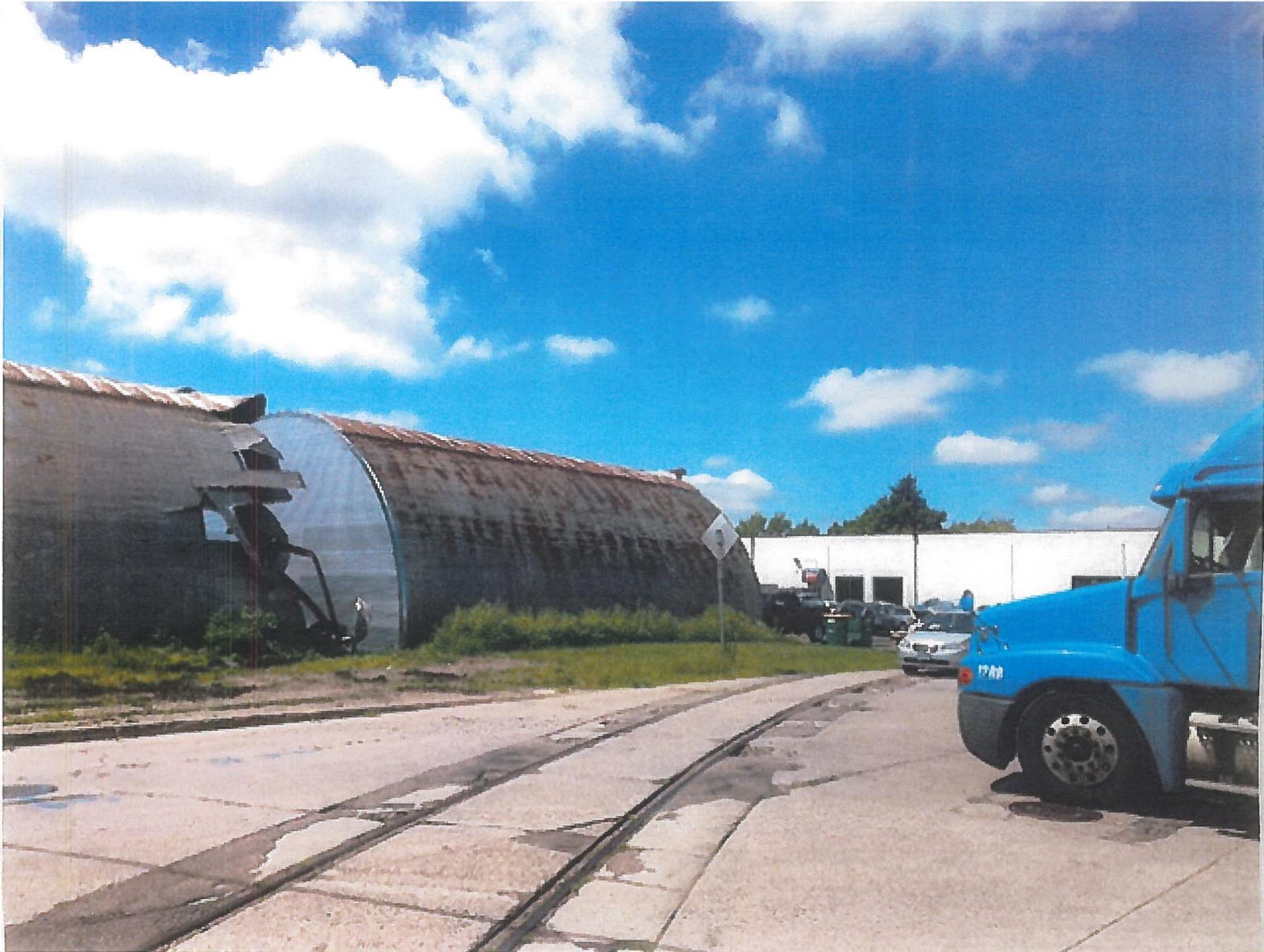
Parcel Area Table		
Parcel	Area-Sq. Ft.	Area-Ac.
LOT 1	72671	1.668
LOT 2	74291	1.705
TOTAL	146962	3.374

- THE SOUTHEAST LINE OF BLOCK 5, THE ANDREWS & MOULTONS ADDITION TO MINNEAPOLIS IS ASSUMED TO HAVE A BEARING OF N29°17'44"E
- ⊙ Denotes Judicial Landmark found
 - Denotes monument found 1/2 inch iron pipe
 - Denotes 1/2 inch x 18 inch iron monument set marked by license no. 18425 unless otherwise shown
 - ⊙ Denotes set BP copper plug marked by license no. 18425













PARKING LOT
Scrubbers
783-424-7011



