



LAND USE APPLICATION SUMMARY

Property Location: 1313 Winter Street Northeast
Project Name: 1313 Winter Street Northeast Surfacing
Prepared By: Janelle Widmeier, Senior City Planner, (612) 673-3156
Applicant: Ocean Enterprises, LLC
Project Contact: Jacob W. Steen, Larkin Hoffman Attorneys
Request: To vary the surfacing requirements for a surface parking area.
Required Applications:

Variance	Of the surfacing requirements for a surface parking area.
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SITE DATA

Existing Zoning	I2 Medium Industrial District
Lot Area	49,387 square feet
Ward(s)	I
Neighborhood(s)	Mid-City Industrial Area
Designated Future Land Use	Industrial
Land Use Features	Industrial Employment District (Mid-City)
Small Area Plan(s)	Not applicable

Date Application Deemed Complete	June 21, 2016	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	August 19, 2016	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. A recycling facility for consumer-based electronic equipment, Ocean Tech, is located in a one-story, 26,690 square foot building on the subject property. A loading area and landscaping is located between the building and Winter Street. A driveway on the west side of the building provides access to a surface parking area located at the rear of the building which also has two loading docks. The front loading area and driveway to the back of the building are paved and will be patched and repaired as needed. The rear surface parking area is not paved.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The properties in the immediate area to the east, north and west are industrial in nature. Low-density residences are located to the south of Winter Street.

PROJECT DESCRIPTION. In 2012, the City Planning Commission required as a condition of approval for the site plan review to allow the recycling facility that all parking areas and driveways on the site be surfaced with materials in compliance with section 541.300 of the zoning code. All open off-street parking areas, all driveways leading to such parking areas, and all other areas upon which motor vehicles may be located, are required to be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of 4,000 pounds. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards. The applicant is requesting a variance of the surfacing requirements for the rear surface parking area. As noted on the site plan, the remaining parking, loading and driveway areas will need to be patched, repaired and resurfaced as needed.

RELATED APPROVALS. The site plan review approval included a condition requiring the parking area to be surfaced with materials in compliance with section 541.300 of the zoning code.

Planning Case #	Application	Description	Action
<u>BZZ-5659</u>	Conditional use permit and site plan review	To allow a recycling facility.	<u>CPC approved with conditions on 8/27/12</u>

PUBLIC COMMENTS. As of the writing of this report, staff has not received any correspondence from the neighborhood group. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance of the surfacing requirements for a surface parking area based on the following findings (Factors to be considered in varying the surfacing requirements for the industrial districts shall include but not be limited to the following: The yard and parking uses are in the same area; use of heavy equipment will cause excessive hard surface breakup; parking movements are infrequent; the area is distant from other nonindustrial zone uses; or water infiltration is ecologically desirable.):

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 due to circumstances unique to the property. The rear surface parking area is surrounded by other industrial properties. The unpaved area would be over 250 feet from Winter Street. The applicant has indicated that most deliveries are made on the north side of the building. Because there is limited space on the north side of the building, several maneuvering movements are required. Shipping containers and trailers are also occasionally stored in this area. Both uses of this area have significantly damaged the asphalt surfacing resulting in excessive hard surface breakup. The applicant has indicated that some employees (approximately 5 to 7 vehicles at a time) also park behind the building.

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 intent of the ordinance is to provide a durable parking surface that does not produce dust, erode, or allow dirt or other matter to be tracked into the public right-of-way. In general, paved surfaces also allow for a more permanent and organized parking layout through striping. The applicant has indicated that most deliveries are made on the north side of the building. Shipping containers and trailers are also occasionally stored in this area. Some employees (approximately 5 to 7 vehicles) also park behind the building during regular business hours. The unpaved area would be over 250 feet from Winter Street. Both the delivery vehicles and the storage have significantly damaged the asphalt surfacing resulting in excessive hard surface breakup. The rear parking area was paved at one time. Very little asphalt and class five surfacing materials remain. The applicant has indicated that they will provide class five or harder. CPED staff is recommending this as a condition as well, including regular maintenance. With the adoption of the recommended condition of approval, the request is reasonable and consistent with the intent of the ordinance and the comprehensive plan. Because the surfacing variance is being requested to address a noncompliance issue with the previous site plan review approval, CPED staff is also recommending that new surfacing be installed by September 1, 2016.

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 unpaved area is surrounded by industrial properties and is not adjacent to any residential uses. Because the unpaved area would be located over 250 feet from the street to prevent dust and gravel from being tracked onto the public right-of-way, granting the variance would not likely affect the character of the area and should have little effect on adjacent properties. It would 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 Zoning Board of Adjustment adopt staff findings for the application by Ocean Enterprises, LLC for the property located at 1313 Winter Street Northeast:

A. Variance of the surfacing requirements.

Recommended motion: **Approve** the application for a variance of the surfacing requirements for a surface parking area, subject to the following conditions:

- I. The surfacing of the rear parking area shall be at least four inches of class five crushed limestone or harder, installed and maintained per industry standards.

2. Approval of the final site plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by September 1, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

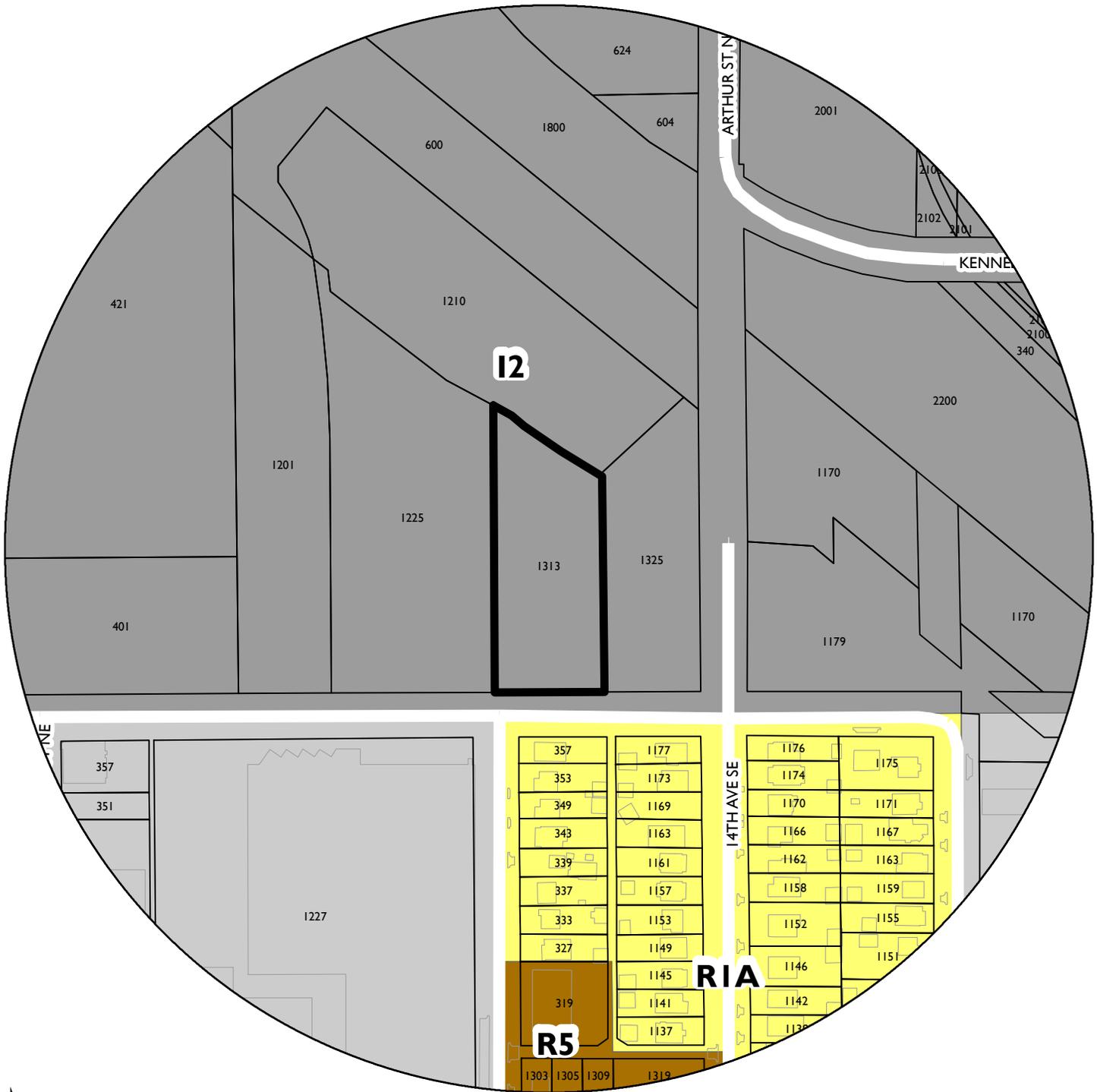
1. Zoning map
2. Written description and findings submitted by applicant
3. Site plan
4. Photos

Ocean Enterprises, LLC

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NAME OF APPLICANT

WARD



PROPERTY ADDRESS

1313 Winter Street Northeast

FILE NUMBER

BZZ-7761



Larkin Hoffman

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June 13, 2016

CPED - Zoning
Attn: Mr. Brad Ellis
City of Minneapolis
Public Service Center Building
250 S. 4th St., Room 300
Minneapolis, MN 55415

Re: Ocean Tech Variance Request – 1313 Winter Street NE
Our file #37,686-02

Dear Mr. Ellis:

This firm represents Ocean Enterprises, LLC (“Ocean Tech”) with respect to the Property at 1313 Winter Street NE (the “Property”) in the City of Minneapolis (the “City”). On behalf of Ocean Tech, we are seeking a variance to Section 541.300 of the City Code to permit surfacing of the rear parking and maneuvering area as class five surface or harder.

Background

In 2012 Ocean Tech obtained a conditional use permit and site plan review approval to permit a recycling facility at the Property. Ocean Tech is a computer and electronics recycler that receives electronics and sorts, recycles, and refurbishes IT equipment, office electronics, and consumer electronics. Electronics are shipped to the Property in trucks of various sizes, including large box trucks and semi-trailers, which deliver the electronics for sorting and recycling. The Property has loading docks for deliveries on both the north and south sides of the building, with the majority of trucks delivered to the north. Deliveries to the north loading docks require trucks to use the private driveway along the west side of the building to the north parking area where the trucks are required to perform several maneuvering movements. Consistent with the conditions of approval, Ocean Tech occasionally stores trailers in the north parking lot. Due to the tight turning movements of the trucks and the occasional storage of permitted trailers, Ocean Tech is seeking to maintain a more flexible and maintainable surface such as class V or harder surface.

Ocean Tech’s Property is surrounded by heavy industrial uses and outdoor storage. To the north and east of the lot are unpaved parking lots for vehicle, equipment, and supplies storage. The use to the west is a foundry and to the east is a manufacturing facility.

Required Findings

As required under City Code Section 525.500, the following findings for a variance have been met:

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 maintaining an asphalt surface due to the occasional storage of the allowed shipping containers and trailers as well as the the tight maneuvers required by trucks to access the loading docks at the rear. Both the storage and the limited maneuvering result in frequent damage to an asphalt surface and cost-prohibitive maintenance. These conditions are unique to the Property and are historic conditions. The Property was designed as an industrial property at a time that class V was a permitted surfacing material for such uses. The Property has historically had class V in the north parking lot and has had no issues with tracking dirt or dust into the right-of-way. There are no alternatives to the tight movements due to the long driveway access and limited maneuvering area at the rear of the building.

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.*

Ocean Tech proposes to use the Property in a reasonable manner consistent with its operation since 2012 and consistent with the spirit and intent of the ordinance and comprehensive plan. The intent of the ordinance is to provide a durable parking surface that does not produce dust, erode, or allow dirt or other matter to be tracked into the public right-of-way. The proposed site plan will eliminate any tracking of dirt or dust into the right-of-way due to the more than 250-foot driveway, which is paved to ensure dirt and dust are not tracked into the street. The proposed site plan is also consistent with the surrounding uses, all of which have unpaved gravel or class five storage lots connected to the right-of-way via paved driveways. *See attached Aerial Photo.*

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 not likely affect the character of the area and should have little effect on adjacent properties. It would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The Property is located in a heavily industrial area with a railyard to the north. The class V surfacing is consistent with the surrounding properties and represents a significant improvement over several of the immediately adjacent properties. Only the north parking lot will be class V and all truck traffic will travel more than 250 feet on the bituminous driveway along the west side of the Property. The effect of the driveway will be to ensure that no dust or gravel is tracked into the public right-of-way.

Attn: Mr. Brad Ellis

June 13, 2016

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Ocean Tech's variance request meets the above findings and therefore we respectfully requests approval the proposed variance to the required surfacing requirements for the Property. If you have any questions about this letter or the attachments, please contact me directly.

Sincerely,



Jacob W. Steen, for
Larkin Hoffman

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Email: jsteen@larkinhoffman.com

Cc: Alex Sumetsky, Ocean Tech
Mike Zabeshinsky, Ocean Tech



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