

(reserved for recording information)

CITY OF NORTHFIELD, MINNESOTA
ZONING BOARD OF APPEALS RESOLUTION ZBA #2023-002

A RESOLUTION BY THE ZONING BOARD OF APPEALS OF THE CITY OF
NORTHFIELD, MINNESOTA, APPROVING A VARIANCE REQUEST AT 212 DIVISION
ST. S

- WHEREAS, Manawa LLC (the “Applicant”) is the owner of a parcel of land located at 212 Division St. S; and
- WHEREAS, the above-referenced property is legally described on Exhibit A, which is attached hereto and incorporated herein by reference (the “Property”); and
- WHEREAS, Northfield City Code, Chapter 34, Section 3.2, Table 3.2-4: Dimensional Standards for the C1 District, of the Land Development Code (“LDC”), sets the maximum height at 50 feet; and
- WHEREAS, the Applicant desires to and has requested a variance to exceed the maximum height by 7.3 ft.; and
- WHEREAS, Minnesota Statutes, section 462.357, and Northfield City Code, section 8.5.15, establish the procedures and criteria for consideration by the Zoning Board of Appeals of a requested variance to the LDC and shall be subject to the Type 6 review procedure as established in Northfield City Code, section 8.4.9, Type 6 Review Procedure (Quasi-Judicial Decision by the Zoning Board of Appeals); and
- WHEREAS, pursuant to Minnesota Statutes, section 462.357, subd. 6, and Northfield City Code, section 8.5.15, the Zoning Board of Appeals may only grant applications for variances where practical difficulties in complying with the LDC exist and each of the following criteria are satisfied:

- (a) The variance is in harmony with the general purposes and intent of this LDC;
- (b) The variance is consistent with the Comprehensive Plan;
- (c) The property owner proposes to use the property in a reasonable manner not permitted by this LDC;
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (e) The variance, if granted, will not alter the essential character of the locality; and

WHEREAS, the Zoning Board of Appeals held a public hearing, following required public notice thereof, on October 19, 2023, and has reviewed the requested variance and has considered the required statutory variance criteria identified in the Staff report and proposed findings with respect to such criteria.

NOW THEREFORE BE IT RESOLVED BY THE ZONING BOARD OF APPEALS OF THE CITY OF NORTHFIELD, MINNESOTA, that the Northfield Zoning Board of Appeals has duly considered the required criteria contained in state law and the LDC as applicable to the above-requested variance regarding the property legally described in Exhibit A, and hereby adopts the findings of fact contained in the staff report regarding the same, which is attached hereto and incorporated herein by reference as Exhibit B.

BE IT FURTHER RESOLVED that the requested variance is hereby approved and granted, based upon the above-referenced adopted findings, to allow the maximum height to be 57.3 ft subject to the following conditions:

- a. Following approval of the required certificate of appropriateness pursuant to Northfield City Code, Ch. 34, Secs. 2.5.3 (C) and 8.5.8, a certified copy of this Resolution shall be recorded with the county recorder or registrar of titles for Rice County and the applicant shall be responsible to pay the required filing fees.
- b. Pursuant to Northfield City Code, Ch. 34, Secs. 2.5.3 (C) and 8.5.8, a certificate of appropriateness ("COA") is prepared and submitted by the applicant, for the subject project for which this variance was approved, meeting the requirements of, and approved pursuant to, the Land Development Code. In the event a COA is not approved and issued as required herein, this Resolution shall be null and void.

PASSED by the Zoning Board of Appeals of the City of Northfield this 19th day of October, 2023.

Betsy Buckheit
Chair

T-12
Member

VOTE: Y BUCKHEIT Y HEISLER Y KUHLMANN Y MENARD
 Y NOWAK Y SCHROEBER Y STAGER

EXHIBIT A

PROPERTY LEGAL DESCRIPTION

That part of River Lots 10 and 11 and the Northeast 35.5 feet of River Lot 9, (the Southwesterly boundary of said Northeast 35.5 feet is measured at right angles to and parallel with the common boundary line between River Lots 9 and 10); and the Southwest 2.5 feet of River Lot 12 (the Northeasterly boundary of which is measured at right angles to and parallel with the common boundary line between River Lots 11 and 12), all in the ORIGINAL TOWN (NOW CITY) OF NORTHFIELD, Rice County, Minnesota, lying Southeasterly of the following described lines: Commencing at the Southeasterly corner of said Northeast 35.5 feet of River Lot 9; thence North 67 degrees 37 minutes 00 seconds West; along the Southwesterly line of said Northeast 35.5 feet of River Lot 9, a distance of 133.99 feet to the point of beginning of the lines to be described; thence North 20 degrees 27 minutes 36 seconds East a distance of 167.60 feet; thence North 21 degrees 06 minutes 05 seconds East a distance of 2.50 feet to a point on the Northeasterly line of said Southwest 2.5 feet of River Lot 12, distant 139.45 feet Northwesterly from the Northeasterly corner of said Southwest 2.5 feet and there terminating.

EXHIBIT B

FINDINGS OF FACT

The criteria for approving a variance, according to Section 5.5.16(C), are as follows:

(1) Pursuant to Minn. Stat. §462.357, Subd. 6, as it may be amended from time to time, the zoning board of appeals may only grant applications for variances where practical difficulties in complying with this LDC (Land Development Code) exist and each of the following criteria are satisfied:

Criterion (a) The variance is in harmony with the general purposes and intent of the LDC.

Finding:

The height variance is in harmony with the general purposes and intent of the LDC. The applicant proposes to construct a new building 50 feet in height at street grade on the front of the property along Division St. S. As the property approaches the Cannon River to the west, the property grade slopes down creating parts of the building to be over 50 feet in height.

The variance would allow for the continued commercial use of the property, which is within the general goals and purpose of the C1 Zoning District. The variance would allow for the elevator overrun and the western components of the building to be built to meet today's needs for accessibility and construction. The front of the building along Division St. would remain at 50 feet. This maintains the design standards of the historic district.

The purpose statement of the C1-B: Downtown zoning district is as follows:

- (1) The C1 district applies to those areas designated as "Core," "Center" and, in part, "Corridor" on the Framework map of the Comprehensive Plan.
- (2) The C1 district, which includes Northfield's historic town square, the Cannon River, Northfield's original flour mill, and historically preserved commercial center, creates Northfield's brand and a unique sense of place.
- (3) The purpose of the Downtown (C1) district is to sustain the historic central business district, make the Highway 3 corridor a more integral and attractive part of Downtown, provide design transitions to surrounding zoning districts, provide a strong relationship to the Cannon River and thus enhance the beauty, appreciation and benefits of the river, and to augment and increase Downtown viability and prosperity.
- (4) The C1 District aims to provide a compact, pedestrian friendly, active mix of land uses including business, hospitality, offices and services, housing, arts and culture, government, public gathering places and points of interest for residents and visitors alike.
- (5) The design standards of this district reflect the character of the historic downtown and will help create a sense of arrival and center by locating buildings close to the sidewalk or road, providing compatible facades along the Cannon River, building intimate places for people to gather outdoors, or minimizing negative effects on residential neighborhoods.

The Land Development Code was adopted to protect and promote the public health, safety, morals, and general welfare of the city. More specifically, the purpose of these regulations is to:

- 1.1.1 Maintain and enhance the community's distinct small town character.
- 1.1.2 Preserve and protect the area's natural, historic, and cultural resources while providing for improved methods of integrating these resources in the community.
- 1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.
- 1.1.4 Create residential community areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs within walking distance.
- 1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.
- 1.1.6 Allow for places with a mixture of uses that are distinctive and contribute to the city's overall vitality.
- 1.1.7 Provide standards and guidelines for continuing strategic growth and sustainable development.
- 1.1.8 Provide for the expansion and diversification of the economic base to assure a strong economy.
- 1.1.9 Promote an ethic of sustainability in all activities to ensure that proposed development and redevelopment will, at a minimum, conserve energy and natural resources.
- 1.1.10 Improve and promote connectivity to better serve residents and to improve the function of the overall street network.
- 1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.
- 1.1.12 Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective multi-modal traffic circulation (e.g., pedestrian, bicycle, and vehicular), and adequate on- and off-street parking facilities.
- 1.1.13 Protect the rural character of certain areas of the community as identified in the comprehensive plan.
- 1.1.14 Encourage vibrancy in the downtown core and fringe areas.
- 1.1.15 Ensure compatibility between different types of development and land uses.

1.1.16 Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities.

The proposal is not in conflict with any LDC goals and it meets the following purposes:

1.1.2 Preserve and protect the area's natural, historic, and cultural resources while providing for improved methods of integrating these resources in the community.

1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.

1.1.4 Create residential community areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs within walking distance.

1.1.6 Allow for places with a mixture of uses that are distinctive and contribute to the city's overall vitality.

1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.

1.1.14 Encourage vibrancy in the downtown core and fringe areas.

Criterion (b) The variance is consistent with the Comprehensive Plan.

The Land Use chapter of the Comprehensive Plan will be consulted for any development proposal based on the following steps. If a proposal is not consistent with recommendations of any one of these steps, the proponent should re-evaluate and make adjustments (or provide justification for deviation) if the proposal is not aligned with the following three aspects:

1. Intent: Development proposals will reflect the spirit and values expressed in the 12 principles (statements of intent) (pages 4.9 to 4.13).

2. Location: Development proposals will be consistent with the Conservation and Development Map (page 4.18) and location descriptions (pages 4.14 to 4.15).

3. Character: Development proposals will be consistent with the Framework Map (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

Finding:

The variance is consistent with the Comprehensive Plan.

Intent: Development proposals will reflect the spirit and values expressed in the 12 principles (statements of intent) (pages 4.9 to 4.13).

1. The small town character will be enhanced.

The variance will not alter the small-town character characteristics of the neighborhood. The front façade will remain compliant with city code allowing a maximum height of 50 feet. As the grade changes to the west, the building roofline will remain and that portion along with an elevator overrun requires the variance.

2. The natural environment will be protected, enhanced and better integrated in the community.

The riverside portion of this development will include sustainable practices to mitigate runoff.

3. The preference for accommodating future growth is in infill locations, then redevelopment/ land intensification opportunities, and then on the edge of existing developed areas.

The variance will allow the continued use of this property as an infill/redevelopment site for new construction within the Historic District.

4. New and redeveloped residential communities (areas) will have strong neighborhood qualities.

N/A

5. Environmentally-sensitive and sustainable practices will be integrated into new developments and redeveloped areas.

The riverside portion of this development will include sustainable practices to mitigate runoff. The underground parking is planned to be wired for electric vehicle charging stations.

6. Places with a mix of uses that are distinctive and contribute to increasing the city's overall vitality are preferred.

The development will provide a mix of uses including commercial space, restaurant space, apartments and in-suite rentals.

7. Neighborhood-serving commercial will be small scale and integrated with the residential context.

N/A

8. A wider range of housing choices will be encouraged - in the community as well as in neighborhoods.

The development will offer apartments and short-term rentals, providing a wider range of housing choices.

9. Rural character of certain areas of the community will be protected.

N/A

10. Streets will create an attractive public realm and be exceptional places for people.

The development proposes to activate the river side of the building to be an attractive public realm for people to gather, as well as the street side along Division.

11. Places will be better connected, in part to improve the function of the street network and also to better serve neighborhoods.

The development is located in an existing connected part of the City and the development will enhance and continue that connectivity.

12. Opportunities will be created to walk and bike throughout the community.

The development is located in an existing connected part of the City and the development will enhance and continue that connectivity.

Location: Development proposals will be consistent with the Conservation and Development Map (page 4.18) and location descriptions (pages 4.14 to 4.15).

The project is located in what the Conservation and Development Map denotes as: *Core Enhancement - Focused on the downtown area for continued infill as a mixed-use center with improved river access.*

The development proposal is consistent with the Conservation and Development Map.

Character: Development proposals will be consistent with the Framework Map (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

The project is located in the following framework of: *Core: The Core is the zone of densest development and is located in the center of the original plat of Northfield. The area offers a mix of uses including residential units and employment and commercial areas. The area is highly walkable due to the compactness of development. Future Character: The essential character of the Core (mixed use, compact and highly walkable) should be re-inforced with future development.*

The variance is consistent with the character of the Framework map and description of *Core*. The development and the height variance allow for a mix of uses, density, residential and commercial uses in a vibrant walkable area of the community that continues and enhances this character.

Criterion (c) Property Owner proposes to use the property in a reasonable manner not permitted by the LDC.

Finding:

The requested variance will result in a reasonable use of the property. The height remains 50 feet at grade along Division St., but as the property slopes downward to the river, the building height needs to be maintained to allow for the continuity of the internal units to

be constructed and allow for the elevator overrun to extend beyond the 50-foot maximum as well.

Criterion (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding:

The plight of the landowner is due the unique circumstances of the property not created by the landowner. The property naturally slopes towards the river to the west and the ground underneath is bedrock – also because of its location adjacent to the river – makes it difficult to build and follow the slope of the property. The elevator overrun is setback into the middle of the roof, to mitigate views of the overrun. Additional hardships unique to the property include an easement used by other downtown buildings runs along the west side of the property.

Criterion (e) The variance, if granted, will not alter the essential character of the locality.

Finding:

Granting the variance is not expected to alter the essential character of the locality. The redevelopment of the site offers an opportunity for a newly constructed building to meet modern day advances in accessibility and construction. The height variance is to allow parts of the building and the elevator overrun to be constructed above the 50-foot maximum while maintaining 50 feet at Division St. This will allow for zero-threshold entry along Division and be in keeping with the historic design standards.

CITY OF NORTHFIELD

TRANSCRIPT OF PROCEEDINGS

I, the undersigned, being the duly qualified and acting City Clerk of the City of Northfield, Minnesota, hereby certify as follows:

1. The attached copy of:

**ZONING BOARD OF APPEALS RESOLUTION ZBA #2023-002
APPROVING A VARIANCE REQUEST AT 212 DIVISION ST S**

Is a true and exact copy of the original on file in the City Clerk's office.



**Lynette R. Peterson
City Clerk**

10/24/2023
Date

