

(reserved for recording information)

CITY OF NORTHFIELD, MINNESOTA
ZONING BOARD OF APPEALS RESOLUTION ZBA #2021-

A RESOLUTION BY THE ZONING BOARD OF APPEALS OF THE CITY OF
NORTHFIELD, MINNESOTA, APPROVING A VARIANCE REQUEST AT PART OF LOT
3, BLOCK 1, IN SCHILLING BUSINESS PARK 2ND ADDITION

- WHEREAS, TW Worldwide, LLC., has requested a variance for 1405 Heritage Dr., part of Lot 3, Block 1 in the Schilling Business Park 2nd Addition, as described in Exhibit A, to allow the southeast garage unit, proposed to be converted into a residential unit, to not be located behind a commercial unit along Heritage Dr. on the first floor; and
- WHEREAS, Northfield Land Development Code Section 2.8.3 (L) Mixed Use Commercial/Residential is defined as, “A structure in which commercial activity is located on the ground floor and residential living spaces are located above on the second or third floors, or behind the commercial unit on the first floor.”; and
- WHEREAS, the Applicant proposes to convert the existing commercial garage spaces on the southeast corner of the building into a residential unit; and
- WHEREAS, if renovated into a residential unit, the space would meet the definition Section 2.8.3 (L) Mixed Use Commercial/Residential only partly because it is behind a commercial unit to the west; and
- WHEREAS, to the south, the unit has direct frontage to Heritage Dr. and is not behind a commercial unit; and
- WHEREAS, the Zoning Board of Appeals held a public hearing, following required public notice thereof, on October 28, 2021, and has reviewed the variance from

regulations identified in the Land Development Code and has considered the statutory variance criteria identified in the Staff report and proposed findings.

NOW THEREFORE BE IT RESOLVED that the Northfield Zoning Board of Appeals has duly considered the required criteria contained in state law and the LDC and hereby adopts the findings of fact contained in the staff report, 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 a the southeast garage unit, proposed to be converted into a residential unit, to not be located behind a commercial unit along Heritage Dr. on the first floor.

PASSED by the Zoning Board of Appeals of the City of Northfield this 28th day of October, 2021.

Chair

Member

VOTE: ___ GASIOR ___ BUCKHEIT ___ HEISLER ___ KUHLMANN
 ___ NOWAK ___ SCHROEER ___ SEIMS

EXHIBIT A

LEGAL DESCRIPTION

Part of Lot 3, Block 1, in Schilling Business Park 2nd Addition, in the City of Northfield, Rice County, Minnesota, described as follows: Commencing at the Southeast corner of said Lot 3 (for purposes of this description bearings are assumed and based on the recorded plat of said Schilling Business Park 2nd Addition); thence Northwesterly, along the South line of said Lot 3, on a non-tangential curve, concave Northeasterly (curve data: radius= 810.00 feet; delta angle= 3 degrees 39 minutes 40 seconds; chord bearing and distance= North 75 degrees 24 minutes 23 seconds West, 51.75 feet), an arc distance of 51.76 feet to the point of beginning of the parcel to be herein described; thence North 15 degrees 18 minutes 24 seconds East, 56.09 feet; thence North 0 degrees 42 minutes 43 seconds West, 73.43 feet; thence South 89 degrees 17 minutes 17 seconds West, 17.06 feet; thence North 0 degrees 42 minutes 43 seconds West, 33.50 feet; thence South 89 degrees 17 minutes 17 seconds West, 66.74 feet; thence South 32 degrees 07 minutes 53 seconds West, 124.89 feet to a point in said South line; thence Southeasterly, along said South line on a non-tangential curve, concave Northeasterly (curve data: radius= 810.00 feet; delta angle= 10 degrees 25 minutes 10 seconds; chord bearing and distance = South 68 degrees 22 seconds 09 minutes East, 147.10 feet), an arc distance of 147.30 feet to said point of beginning.

Parcel ID: 22-11-1-76-006
Address: 1405 Heritage Dr.

EXHIBIT B

FINDINGS OF FACT

The Northfield Land Development Code (LDC) 2.8.3 Household Living Use Category (L) defines Mixed Use Commercial/Residential as: A structure in which commercial activity is located on the ground floor and residential living spaces are located above on the second or third floors, or behind the commercial unit on the first floor. The applicant has applied to vary from this definition to allow the southeast garage unit, proposed to be converted into a residential unit, to not be located behind a commercial unit along Heritage Dr. on the first floor. Analysis of the variance requested is addressed below.

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

Finding - Criterion (a):

The project is in harmony with the general purposes and intent of the LDC. The existing mixed-use commercial/residential building is consistent with the general goals for the C2: Highway Commercial 2 zoning district.

The property location and character support the following purpose statements in Section 2.3.8 Highway Commercial District (C2):

- (3) Providing a location for mixed-uses within buildings and sites,
- (5) Provide locations for businesses that rely on easy auto access and parking plus visibility from the highway while providing safe and attractive routes to businesses for pedestrians and bicyclists from neighboring sites and the rest of the city.
- (6) Create buildings and sites that are visually attractive and that can be adapted to changing business and community needs.

The renovation of the garage space into a residential unit continues the mixed-use nature of the C2 district, it provides accessibility for automobiles, pedestrians and bicyclists by being located near Highway 3, sidewalks and bike lanes along Heritage Dr. The C2 design standards helped shape the creative building that is visually attractive and adaptable.

The Land Development Code (LDC) was adopted to protect and promote the public health, safety, morals, and general welfare of the city. The proposed variance supports the following purposes of the LDC:

- 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.
- 1.1.12 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.

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 - Criterion (b):

The variance is consistent with the Comprehensive Plan.

Intent:

1. The small town character will be enhanced.

The addition of a residential unit only partially behind a commercial space will enhance the small town character by allowing for living near businesses, other residential neighborhoods and parks. The small town character will continue to be enhanced with the buildings modern architecture and pedestrian access to sidewalks and biking. The “Future Character” of the Corridor Zone states to take on greater intensity, mix of uses, and pedestrian accommodations, which this variance will enhance and has existing access.

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

The addition of this residential unit will protect, enhance and better integrate the community by creating more housing in an infill/mixed use location.

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 addition of this residential unit is a prime example of an infill/redevelopment location. This goal is supported with the additional of a residential unit.

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

The proposed residential unit is located within existing commercial and residential areas with strong neighborhood qualities.

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

In effect, the renovation and repurpose of the units, rather than building new supports sustainability with infill and reuse.

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

The building currently is mixed-use commercial/residential and the addition of residential units will contribute to the city's vitality.

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 building provides studio apartment living, which adds to the overall housing stock and mix 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 parcel is situated directly off Heritage Dr. with an attractive and exceptional place for people with existing sidewalk and cycling connections.

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

The parcel is situated directly off Heritage Dr. and is connected to existing sidewalk and cycling connections that connect to nearby retail and residential neighborhoods.

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

The parcel is situated directly off Heritage Dr. and is connected to existing sidewalk and cycling connections that create the ability to walk and bike throughout the community.

Location:

The lot is denoted as and is developed land within the city on the Conservation & Development map.

Character:

The parcel is located in the Corridor area of the Framework Map, auto-oriented in nature and are aimed to be more intensely developed with a mix of uses, which the variance request achieves.

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

Finding – Criterion (c):

The requested variance will result in a reasonable use of the property otherwise not permitted by the LDC. The addition of a residential unit, only partially located behind a commercial unit is reasonable. The exterior of the building will not be altered, the property can add additional rentals, and the parking criteria is met based on the uses proposed for the property.

The property currently has four rental units. The applicant can add the proposed two rental units since the C2 district has no restrictions on the number of rentals or units. The applicant has connected with the building official for proper building permits needed.

There are minimum and maximum parking regulations for additional units and/or uses to follow. The applicant has applied for a zoning certificate to have the parking reviewed for the property. The residential units, in this instance are considered an Apartment Building. The definition of an Apartment Building is:

(B) Dwelling, Multi-Family (Apartment Building). A building designed to incorporate nine or more dwelling units, each dwelling unit to be totally separated from the other by a wall or a ceiling.

This definition does not exactly fit since the applicant is only proposing eight units, but the definition for the next relevant choice is for an Apartment House, which is defined as:

(C) Dwelling, Multi-Family (Apartment House). A building designed to incorporate four to eight dwelling units, each dwelling unit to be totally separated from the other by a wall or a ceiling. The apartment house is designed to appear as a large single-family dwelling unit rather than a traditional apartment building.

This is a mixed use commercial/residential space and does not have the appearance of a large single-family dwelling unit and therefore staff considers the residential spaces as an Apartment Building when calculating parking.

In Ch. 14 Rental Housing, an Apartment Building is defined as:

Apartment building is a building or portion of a building that contains three or more dwelling units.

This definition matches the intent of the residential units in this case.

An Apartment Building has a minimum of 1.5 spaces per dwelling unit plus at least 0.5 space per unit in common for visitors. The commercial unit is considered Office, which requires 1 space per 500 square feet of floor area. Office is defined as:

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel,

contractor, employment, advertising, design, engineering, accounting, and similar uses.

Minimum requirements for the Residential units

6 residential units	x	1.5	=	9 spaces
6 residential units	x	0.5	=	2 spaces
		Total	=	11 spaces required

Minimum requirements for the Office space

The applicants existing Office space is approximately 1658 SF. The applicant plans to expand this space to 1800 SF to add two additional offices. When calculating floor area, the LDC allows for 15% of the space to be deducted from the overall SF to account for unused space for HVAC equipment, etc.

1800 SF	x	.15%	=	270 SF
1800 SF	-	270 SF	=	1530 SF
1530 SF	/	500 SF	=	3.06 total spaces required

The combined total of parking spaces required is 14 spaces. The applicant has 18 spaces available on his property for residential tenants to park and customers visiting the State Farm Insurance business. Ten spaces are located on the west side of the building and eight spaces are located on the east side of the building. Based on staff's calculations, the parking requirements are met for the proposed uses.

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

Finding – Criterion (d):

The plight of the landowner is due to circumstances unique to the property. The building and its location is existing and has a front facing building towards their existing driveway and Heritage Dr. The garage unit on the southeast corner, that is proposed to be converted into a residential unit, is located behind a commercial unit to the west, but not to the south. The south face of the building does not have any doors or access into the building.

In addition, other use types that are permitted in this zoning district require more parking. The site is limited in parking and that is why the applicant is pursuing a residential space. Apartment building off-street parking minimums are one of the lower parking requirements. Other commercial uses require more parking based on square footage and use.

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

Finding – Criterion (e):

Granting the variance will not alter the essential character of the locality. The exterior of the building will not be altered or changed. It is an interior remodel of the southeast garage bays.