

Department of Community Planning and Economic Development – Planning Division
Final Plat Application (PL-67)

Date: September 13, 2004

Applicant: Sherman Associates

Address of Property: Vicinity of 4th Avenue North & West River Parkway

Project/Plat Name: The Landings – Sawmill Run Seventh

Contact Person and Phone: Jim Miles 612-604-0852

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

Date Application Deemed Complete: N/A

End of 60-Day Decision Period: N/A

Ward: 5 **Neighborhood Organization:** North Loop

Existing Zoning: R6 Multiple-Family District & C3A Community Activity Center.

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 19

Legal Description: Not applicable for this application.

Proposed Use: Phase 7 (5 lots) of a 61-unit townhouse cluster development.

Appropriate Section(s) of the Zoning Code: Chapter 598 Land Subdivision Regulations.

Background and Development Plan: The CUP for the entire 61-unit townhouse development (C-1706) was approved by the City Planning Commission on October 11, 1995. The original cluster was approved with split zoning along the area of this final plat. The site was zoned RR-1 Riverfront Residential and RC Riverfront Commercial (these districts no longer exist). In 1999, with the adoption of the new zoning code, the RR-1 area was changed to R6 Multiple-family Residential and the RC area was changed to C3A Community Activity Center. Staff has recommended that the applicant rezone the area zoned C3A to R6 to eliminate the split zoning, however, it does not hinder the approval of the final plat. Lot 2 has been changed from the preliminary plat and it now has more than five sides. The City Attorney has reviewed and approved the final plat title documents.

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The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.240 (2) [a], which requires that no residential lot shall be created that has more than five (5) sides. In order to be in conformance with the land subdivision regulations, a variance of Section 598.240 (2) [a] is required for lot width and for the number of sides permitted for a residential lot. 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 lot has been altered to include a parking area for Lot 2. This is a situation that was not anticipated during the preliminary and is necessary to allow the parking to remain. It would be a hardship to eliminate the area. Granting the variance should not be detrimental to the area as it will still create individual lots for the structures and will not hinder access or development on the site.

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** variance to allow more than five sides to a lot and the final subdivision of Sawmill Run Seventh.

Attachments:

- 1) Zoning map.
- 2) Plat.
- 3) Aerial photograph.