

Department of Community Planning and Economic Development – Planning Division
Final Plat Subdivision Application
PL-182

Date: February 21, 2006

Applicants: CCHT

Address of Property: 300 Queen Avenue North

Contact Person and Phone: Matthew Hendricks (612-341-3148)

Planning Staff and Phone: Janelle Widmeier (612-673-3156)

Date Application Deemed Complete: January 24, 2006

End of 60-Day Decision Period: March 26, 2006

Ward: 5 **Neighborhood Organization:** Harrison

Existing Zoning: R4

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 12

Proposed Use: Cluster development with 60 dwelling units

Concurrent Review: A replat for a cluster development

Applicable Code Provisions: Chapter 598 Subdivisions.

Development Plan: A residential cluster development with 60 dwelling units that will include the renovation of three historic structures and construction of three new buildings. The site plan is attached.

Background: The purpose of this subdivision is to create three lots for the Ripley Gardens cluster development. At its October 31, 2005 meeting, the City Planning Commission approved a conditional use permit for a cluster development, a conditional use permit to increase the height of a building, several variances, a site plan review, and a preliminary plat (BZZ-2661). The City Attorney has reviewed and approved the final plat and title documents.

Required Findings:

- 1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The comprehensive plan shows this area as appropriate for residential development. All of the lots will be in conformance with the requirements of the zoning ordinance.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be 5 feet wide on interior side lot lines and 10 feet on rear lot lines. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior and rear lot lines. 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 property is on the National Register of Historic Places. Special restrictions are placed on the location and massing of new construction, which in turn, affects where utilities can be located. The applicant is proposing a 5 foot utility easement adjacent to the Southern most property line, the East property line adjacent to Penn Avenue North, and the West property line adjacent to Queen Avenue North. A 10 foot utility easement is also proposed adjacent to the North property line along Glenwood Avenue North. Because there is access to three public streets, the easement requirement on the rear and interior lot lines is not necessary in this case, so staff recommends varying the requirement to zero except along the Southern most property line.

- 2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

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The Planning Division does not believe that the proposed subdivision would be injurious to the use and enjoyment of other property in the area. The area is zoned for multifamily residential. A multifamily development will be constructed on the site.

- 3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The site slopes downwards from Glenwood Avenue North to the South. Three structures have existed on the site. The proposed structures should not affect the surrounding area. The site does not present the other noted hazards.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The Public Works Right of Way division have reviewed the plat and have no objections. Vehicle access will be allowed from Penn and Queen Avenues North. The applicant will need to obtain building permits and erosion control permits prior to the start of construction.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

RECOMMENDATION

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** the final subdivision application with the easement variance for the property located at 300 Queen Avenue North.

Attachments:

- 1) Applicant findings
- 2) Public Works memo
- 3) Attorneys memo
- 4) Zoning map
- 5) Hennepin County parcel map
- 6) Final plat
- 7) Site plan