

Department of Community Planning and Economic Development - Planning Division
Final Plat
PL-149

Date: October 13, 2004

Applicant: Loren Brueggemann - Sherman Associates

Address Of Property: 1424-28 and 1448 Marshall Street NE

Contact Person And Phone: Mark Kronbeck – Alliant Engineering 612-758-3085

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

Date Application Deemed Complete: September 8, 2004

End of 60 day Decision Period: November 7, 2004

Ward: 3 **Neighborhood Organization:** Sheridan Neighborhood Association

Existing Zoning: I1 Light Industrial District

Existing Overlay Districts: MR Mississippi River Critical Area Overlay District, SH Shoreland Overlay District, and IL Industrial Living Overlay District.

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 9

Legal Description: See attached plat.

Proposed Use: Lot 1 will contain a 74-unit residential building and Lot 2 two will contain 11 for-sale townhomes.

Applicable code provisions: Chapter 598 Land Subdivision Regulations.

Background: A rezoning to add the Industrial Living Overlay District, a conditional use permit for a planned unit development, setback variances and a site plan review were approved by the City Planning Commission on May 3, 2004 (BZZ-1638) to allow a 74 unit residential building and 11 townhouses.

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 10 feet wide 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 a 5-foot wide utility easement on the rear lot line of Lot 2. 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.

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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 utility easement on the rear lot line of Lot 2 is proposed to be 5 feet wide. The subdivision ordinance requires 10 feet. However this easement is on a lot line that adjoins another lot line with a 5 foot utility easement on an interior lot line, providing the necessary 10 feet. This will be adequate for utilities, so staff recommends granting the variance.

The City Attorney is reviewing the final plat title documents. If they are approved by the date of the Planning Commission meeting, then the final plat may be approved.

Recommendation of the Community Planning and Economic Development Department – Planning Division:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat subdivision application with the utility easement variance for property located at 1424-28 and 1448 Marshall Street NE if the title documents are approved by the City Attorney. If they are not approved, then staff recommends that the final plat application be **continued** to the October 25, 2004 meeting of the City Planning Commission

Attachments:

- 1) Hennepin County map.
- 2) Plat.