

Department of Community Planning and Economic Development – Planning Division
Variance, Preliminary and Final Plat Application
BZZ 3837 and PL-220

Date: November 13, 2007

Applicant: Heritage Housing, LLC

Addresses of Property: 1001 Fremont Avenue North

Plat Name: Heritage Park Fremont Addition

Contact Person and Phone: Gary Findell, 612-377-3132

Planning Staff and Phone: Shanna Sether, 612-673-2307

Date Application Deemed Complete: October 19, 2007

End of 120-Day Decision Period: February 16, 2008

Ward: 5 Neighborhood Organization: Northside Residents Redevelopment Council

Existing Zoning: R4 Multiple Family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 13

Legal Description: Please see the plat.

Existing/Proposed Use: A subdivision replat to change existing Outlot A to five developable parcels.

Concurrent Review:

- Variance to allow front-facing attached garages to exceed 60% of the width of the structure (*Application was withdrawn*).
- Preliminary and final plat for the Fremont Addition in order to replat to five developable parcels.

Applicable Code Provisions: Chapter 525, Article IX Variances, specifically “to vary the width and location restrictions on attached garages facing the front lot line for residential uses” and Chapter 598 Land Subdivision Regulations

Development Plan: The development plans show five proposed single-family dwellings.

BACKGROUND

The Planning Commission previously approved this phase of Heritage Park on March 28, 2005 (BZZ 2206 and PL 167). The subject parcel was platted as an outlot and the future development plan showed

CPED – Planning Division Report
BZZ 3837 and PL-220

three rowhouse style townhouses on the subject property. Due to market concerns and the desirability for single-family detached structures, the applicant has instead proposed to replat the outlot to allow for five new single-family dwellings.

The proposed parcels will not have access to a public alley. Concerns due to steep grade on the site, the availability of land for the parcels and the preservation of the natural tree-lined buffer to the rear of the proposed parcels from the adjacent industrial use precluded the platting of an alley or shared drive access across the rear of the properties.

The applicant had originally proposed six new parcels for single-family homes, with front-loaded garages that exceeded 60% of the width of the structure, accessed from Fremont Avenue North. The maximum width for attached garages facing a front lot line is 60% and requires a variance to increase the percentage. Since the notification, the applicant has amended the development plan and plats to allow for five parcels and single-family homes with attached garages that are less than 60% in width and no longer require the variance. Staff has returned these variance applications to the applicant.

The minimum lot width in the R4 Multiple-family District is 40 feet. All five parcels meet this requirement. In addition to this zoning code requirement, Section 598.240(2) [a] of the subdivision regulations requires that lot width be increased by 10 feet when an alley is not provided. The applicant is not proposing to plat an alley; therefore the proposed parcels do not have access to an alley, so the lot width is required to be increased from 40 to 50 feet. Four of the five proposed parcels are a minimum of 50 feet wide. However, the northernmost lot is proposed to be 44 feet in width and does not meet this standard, so it will require a variance of the subdivision regulations for lot width.

The five structures will go through a design review process by the Heritage Park Town Architect, CPED Design Review Process, the design firm UDA. In addition, all of the future single-family homes will also be subject to the conditions of the design standards outlined in section 530.280 in the zoning ordinance.

530.280. Design standards. New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of fifteen (15) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of approval.

Staff has included the response from Public Works in the attachments and will include the response from the Attorney's office upon receiving it. As of the writing of this report, staff has not received any comments from the Northside Residents Redevelopment Council.

PRELIMINARY AND FINAL PLAT

Required Findings:

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

The subdivision is in conformance with the design requirements of the land subdivision regulations, with the exception of the sidewalk requirement in 598.230(4) at a minimum of five feet in width. The applicant has shown the sidewalks on the development plan; however, they are not shown on the plat. The subdivision in conformance with the comprehensive plan shows this area. The five proposed parcels will be in conformance with the requirements of the zoning ordinance. Lot dimensions meet the minimum lot area, 5,000 square feet, and lot width requirements, 40 feet, of the R4 zoning district.

Subdivision Regulations:

The proposed Parcel 5 does not meet the minimum lot width of the subdivision regulations.

As noted above, the R4 Multiple-family District requires a lot width of 40 feet. In addition to this zoning code requirement, Section 598.240(2)[a] of the subdivision regulations requires that lot width be increased by 10 feet when an alley is not provided. The proposed parcels do not have access to an alley, so the lot width is required to be increased from 40 to 50 feet. Parcel 5 is 44 feet wide, so a variance of the subdivision regulations for lot width to eliminate the requirement for an additional 10 feet beyond the 40 feet required by the zoning ordinance.

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 purpose of the lot width requirement is to provide room for driveways on lots where there is no alley access. Lot widths are required to be increased to allow for a driveway on the side of the house to access a parking area to the rear of the principal structure. Parcel 5 is a corner lot with a proposed curb cut along 11th Avenue North that accesses the proposed attached garage. Staff believes that the site can support the required access to the property with the existing conditions without the need for an increased lot width due to a lack of alley access.

Zoning Code:

The proposed parcels meet the zoning code regulations.

Comprehensive Plan:

Staff has identified the following policies of the Minneapolis Plan that are relevant to the submitted applications:

4.9 Minneapolis will grow by increasing its supply of housing.

Implementation Steps

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

Use new and strengthened strategies and programs to preserve and maintain existing housing stock.

Review policies and practices that determine the appropriate scale of residential development on properties that come into city ownership or request City development assistance.

It is the staff opinion that the subdivision is in conformance with the above noted language of the plan. The City supports development of infill housing on vacant lots. For this reason, staff believes that the subdivision is in conformance with the goals of the comprehensive plan.

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.

The proposed subdivision is to replat an existing outlot and that were originally dedicated to allow for sixteen units in three rowhouse structures. The amended plan shows five single-family homes. The subdivision will not have an effect on surrounding properties or change the character of the area. It should not add congestion to the public streets as it would only add five single-family homes to the area.

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 applicant has concerns about the steep slope (approximately 10%) of the site. Due to this concern, the applicant has platted lots with vehicle access from 10th, 11th and Fremont Avenue South, in lieu of an alley or shared drive access to the rear of the proposed parcels, where the slope is at its greatest incline. The applicant has not expressed concerns about development of the principal structures, stating instead, that the topography is far more gradual to the eastern parts of the lots.

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.

While Staff is concerned about the designs of the structures with attached garages, the applicant has demonstrated the difficulty in allowing access and construction to detached structures to the rear of the principal structures, due to the existing grade. Parcel 1 will have access to the attached garage along 10th Avenue North via a new curb cut. Parcels 2 through 4 will have vehicular access through curb cuts from Fremont Avenue North. And Parcel 5 will similarly be accessed via a new curb cut along 11th Avenue North. The applicant has proposed the curb cuts in this manner to minimize the number of cuts along Fremont and to minimize vehicular and pedestrian conflict. Each lot created through this replat from outlot to buildable lots are suitable in their natural state with minimal to no alteration.

5. The subdivision makes adequate provision for stormwater 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 will not exceed the amount occurring prior to development.

The utility and drainage easements/provisions are adequate for the proposed development. The development has been reviewed by Public Works and will be reviewed for stormwater regulations by Regulatory Services, through the permitting process.

RECOMMENDATION

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission accept the **withdrawal** of the variance applications to allow an attached garage to exceed 60 percent of the width of each of the proposed single family dwellings

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Preliminary and Final Plat:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat for the Heritage Park Fremont Addition in order to replat an outlot to five developable parcels.

Attachments:

1. Statement of proposed use.
2. Letter dated August 2, 2007, to CM Samuels.
3. Letter dated August 2, 2007, to NRRC.
4. Letter dated November 6, 2007, requesting withdrawal of the variance application by the applicant.
5. E-mail from the Public Work's office, dated November 2, 2007

CPED – Planning Division Report
BZZ 3837 and PL-220

6. Hennepin County parcel map
7. Zoning map
8. Preliminary and final plat
9. Grading Plan
10. Development Plan
11. Floor Plans and Elevations (Parcels 2-4)
12. Floor Plans and Elevations (Parcels 1 and 5)