

Department of Community Planning and Economic Development – Planning Division
Final Plat
PL-261

Date: May 20, 2013

Applicant: Greater Metropolitan Housing Corporation (GMHC)

Address of Property: 620-24 20th Avenue South and 1922 7th Street South

Project Name: Cedar Riverside Townhomes

Contact Person and Phone: Bill Buelow with GMHC, 612-399-0601, Ext 16

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: April 12, 2013

End of 60-Day Decision Period: Not applicable for this application

End of 120-Day Decision Period: August 10, 2013

Ward: 2 Neighborhood Organization: Cedar Riverside

Existing Zoning: R4 Multiple-family District and UA University Area Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description: Lots 6 and 7, Block 14, Randy Stoecker Addition

Proposed Use: Planned Unit Development

Concurrent Review:
Preliminary and final plat.

Applicable zoning code provisions: Chapter 598, Land Subdivision Regulations.

Background: In 1982, the Minneapolis City Council approved a conditional use permit for a Planned Unit Development (PUD) in the Cedar-Riverside Urban Renewal Area. The PUD created shared parking and green space for approximately 118 dwelling units within the development. The PUD expands across four blocks within the Cedar Riverside Neighborhood.

The applicant is proposing to build a four-unit attached townhouse development on two vacant lots

within the existing boundaries of the PUD. Each of the townhouses will have four bedrooms and a two-car tuck-under garage. Also as part of this development, a small ten-space parking lot will be constructed on the property immediately west of the housing development. This parcel of land is also currently vacant. These spaces will be available to anyone who lives within the PUD.

The property will be replatted as part of this application. The two lots where the townhouse development will be located will be platted into four lots; one for each of the dwelling units. The parcel where the parking lot will be located is designated as an Outlot and will remain after the project is complete.

Neighborhood Comments: As of the writing of this staff report, the Planning Division has not received any correspondence from the Cedar Riverside neighborhood. The Planning Division will forward any comments, if any are received, at the City Planning Commission meeting.

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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 applicant is proposing to replat two lots into four lots; one for each of the dwelling units. The parcel where the parking lot will be located is designated as an Outlot and will remain after the project is complete. Individual lots within PUD's are exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250.

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 five feet wide on side lot lines and ten feet wide on rear lot lines, where no alley is provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from both lots. 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.

Given the layout of the proposed development drainage and utility easements are not possible along the side and rear lot lines. The applicant has indicated that since the four dwelling units will be attached drainage easements are not needed. Given this the Planning Division recommends varying the drainage easement requirement to zero.

Section 598.260 Planned unit developments and cluster design, requires the design of a subdivision for a cluster development to implement the site plan as approved by the Planning Commission and shall include a deed restriction designating the following:

1. The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).

The applicant will be filing a Reciprocal Easement Agreement that addresses the relationship and rights of the owners of the lots within the subdivision related to common area, access, maintenance and taxes.

2. Provision for access to each lot that does not have frontage on a public street.

All lots have frontage on a public street.

3. A requirement that an owner's association be created. The duties and responsibilities of the owner's association shall include maintaining the elements of the planned unit development as authorized under the zoning ordinance or other applicable regulations.

The applicant will be filing a Reciprocal Easement Agreement that addresses the relationship and rights of the owners of the lots within the subdivision related to common area, access, maintenance and taxes.

4. A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.

The applicant will be filing a Reciprocal Easement Agreement that addresses the relationship and rights of the owners of the lots within the subdivision related to common area, access, maintenance and taxes.

5. A requirement that any disposition of any of the common property situated within the planned unit development shall not be made without the prior approval of the Planning Commission.

If an amendment is made to the Planned Unit Development the proposed amendments shall be reviewed and approved by the City Planning Commission.

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 will allow for proposed and future redevelopment of the site. Adjacent uses include other low-density residential developments. There is also a mixture of commercial establishments located along Cedar Avenue South which is located just west of the development site. The proposed development will complement the existing uses in the area. The minimum parking requirement for the proposed development is one parking space per dwelling unit. Each of the townhouses will have a two-car tuck-under garage. Also as part of this development a small ten-space parking lot will be constructed on the property immediately west of the housing development. This parcel of land is also currently vacant. These spaces will be available to anyone who lives within the PUD.

3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision or 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 indicated that the site will be designed to be used safely without endangering the residents of users of the subdivision or the surrounding area. The development will be reviewed by the City's Public Works divisions for compliance with all applicable ordinances.

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 parcels created by this application present no foreseeable difficulties for the proposed or future redevelopment. No significant alterations to the land appear necessary.

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 Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat application for the property located 620-24 20th Avenue South subject to the following conditions:

1. The Reciprocal Easement Agreement shall be recorded with Hennepin County.

Attachments:

1. Final plat
2. April 29 2013, letter from the City Attorney's office
3. April 15, 2013, memorandum from the Public Works Department