

**Department of Community Planning and Economic Development**  
Preliminary and Final Plat  
PL-281

**Date:** January 13, 2014

**Applicant:** Bruce Knutson

**Address of Property:** 4136, 4140, 4152 Dight Avenue

**Project Name:** 42 Dight Lofts

**Contact Person and Phone:** Bruce Knutson, 952-314-7189

**CPED Staff and Phone:** Aaron Hanauer, Senior City Planner, (612) 673-2494

**Date Application Deemed Complete:** December 19, 2013

**End of 60-Day Decision Period:** N/A

**End of 120-Day Decision Period:** April 18, 2014

**Ward:** 12                    **Neighborhood Organization:** Hiawatha Neighborhood

**Existing Zoning:** R5/Multiple-Family District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 33

**Lot area:** 20,278 square feet or approximately 0.47 acres

**Legal Description:** See final plat

**Proposed Use:** Allow for the completion of a 12-unit condominium cluster development with two, six-unit buildings at 4136, 4140, and 4152 Dight Avenue.

**Concurrent Review:** Preliminary and final plat

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

**Background:** At their December 2, 2012 meeting, the City Planning Commission approved the land use applications to allow for a proposed 12-unit condominium cluster development with two, six-unit buildings at 4136, 4140, and 4152 Dight Avenue (BZZ-6323). Among the conditions of approval was that “all land proposed for the cluster development shall be platted or replatted into one or more lots

suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.” The decision of the Planning Commission was not appealed and the decision is final.

**Proposal:** The applicant submitted their preliminary and final plat application for 4136, 4140, and 4152 Dight Avenue to comply with the conditions of approval for their land use approvals. The proposed subdivision would create two lots with an outlot. Lot 1 would be 6,375 square feet, front Dight Avenue, and would allow for the future construction of the six-unit building closest to Dight Avenue. Lot 2 would be 10,875 square feet and would include the existing building and the property to the west of the existing building. An approximately 3,028 square foot outlot is proposed between Lot 1 and 2 and would be the location of a driveway.

Preliminary and final plats are reviewed by the Department of Public Works Right of Way and CPED attorney. On December 23, 2013, CPED received a letter from the Department of Public Works Right of Way Section stating that they have reviewed the preliminary and final plats of Dight Avenue Lofts and have no right-of-way issues. On January 6, 2014, the city attorney approved the proposal (city attorney letter will be provided in the addendum packet).

Staff has not received public comments for this application prior to the publishing of this report. All correspondence received prior to the Planning Commission meeting will be forwarded to the Planning Commission for consideration.

## **PRELIMINARY AND FINAL PLAT**

### **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.**

Per 598.260, the individual lots within a cluster development are exempt from the public street frontage requirement of Section 598.230 and the design requirements of 598.240 and 598.250. The proposed subdivision for the 42 Dight Lofts is in conformance with the land use subdivision regulations outlined in 598.230 as detailed below:

- The proposed development will have proper access for emergency vehicles as well as those needing access to the property in its intended use (598.230). The proposed cluster development will be accessed via a 25-foot wide driveway from 42<sup>nd</sup> Street East. The proposed condominium development has a cross-access easement agreement with the condominium building to the south (4150 Dight Avenue). As part of the proposed preliminary and final plat, they have created an outlot for the driveway.
- The subdivision will not result in more than one zoning classification on a single lot. The entire development will be zoned R5/ Multiple-Family District.
- The subdivision will not result in the creation of a nonconforming structure or use.
- The applicant is not proposing new streets as part of the development.
- The applicant is not proposing an alley as part of the development.
- The applicant is proposing a five-foot wide sidewalk along Dight Avenue.

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- The applicant is proposing a 12.5 foot wide drainage and utility easement along the side lot line.
- The project is not within a floodplain.
- The applicant is proposing an outlot for the proposed 25-foot wide drive aisle that will provide access to the cluster development.

Per 598.260, the design of the cluster development implements the site plan as approved by the planning commission. The applicant states that they will include the provisions outlined in Section 598.260 in the declaration for the association which will be filed at the time of recording the Common Interest Community plat with Hennepin County.

The subdivision is also in conformance with the applicable regulations of the zoning ordinance including the specific development standards for cluster developments found in Chapter 536 of the Minneapolis zoning code. With the approval of the preliminary and final plat, the proposed cluster development will be in compliance with the land use approvals and conditions of approval at the December 2, 2013 City Planning Commission meeting.

The proposed cluster development is in compliance with the policies of the Minneapolis Comprehensive Plan as outlined in the land use review of this project (BZZ-6323).

**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 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. The proposed project is consistent with what is encouraged by the Minneapolis Comprehensive Plan and the R5/Multiple-Family District. Further, the proposed project will not substantially add to congestion in the public streets; the proposed project would exceed their off-street parking requirement.

**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 project site is flat and can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

**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.**

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No significant alterations to the land will be necessary for the proposed development. 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 project was reviewed by other city departments at the December 11, 2013 Preliminary Development Review meeting. The other city departments including Traffic and Parking, Street Design, Sidewalk, Water, Fire Safety, and Environmental Health had comments that the applicant is addressing.

**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 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 for the preliminary and final plat:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat application for the properties located at 4136, 4140, and 4152 Dight Avenue subject to the following conditions of approval:

1. The applicant shall provide evidence that the provisions outlined in Section 598.260 (1-5) are included in a deed restriction.

**Attachments:**

1. Project description, statement to findings, notification
2. Correspondence neighborhood and council member
3. Zoning map, aeriels, and images
4. Preliminary plat, final plat, sanitary sewer plan
5. Public Works review