

Department of Community Planning and Economic Development – Planning Division
Final Plat (PL-136)

Date: May 9, 2005

Applicant: Bruce Singer

Address of Property: 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Avenue South

Project Name: Groveland Hill

Contact Person and Phone: Keith Waters with Keith Waters & Associates, Inc., (952) 974-0004

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

Date Application Deemed Complete: April 6, 2005

End of 60-Day Decision Period: June 5, 2005

End of 120-Day Decision Period: Not applicable

Ward: 7 **Neighborhood Organization:** Lowry Hill Residents, Inc.

Existing Zoning: R2

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Use: Two-family dwelling (Units 1 and 2)

Concurrent Review:

Final Plat: PL-136

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

Background: The overall development site occupies the properties located 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Avenue South. There are three existing buildings on the site; one two-family dwelling that will be removed (45 Groveland Terrace), one carriage house located on the back portion of the site that will be removed (49 Groveland Terrace) and one single-family dwelling that will be added onto (57 Groveland Terrace).

The applicant is proposing to construct three new two-family dwellings and one additional dwelling that will be attached to the existing single-family dwelling located at 57 Groveland Terrace creating a fourth

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two-family dwelling. All four of the two-family dwellings will be owned individually and will operate under their own condominium agreements.

As part of the preliminary plat, which was reviewed by the City Planning Commission in December of 2004, three variances of the land subdivision regulations were approved. Those variances were for reducing the width of Lot 1 from the required 50 feet to 40 feet, increasing the number of sides of three of the lots from 5 sides to 12 sides for Lot 1, to 11 sides for Lot 2 and to 10 sides for Lot 3 and allowing for the creation of the new Lot 4 to have reverse frontage. Please note that this lot already had reverse frontage but the size of it increased.

The City Attorney's office has indicated that it appears that the required monuments have been placed and that the required affirmations are stated on the face of the plat. It is the opinion of the City Attorney's Office that the plat is satisfactory and meets statutory requirements.

Development Plan: The site plan is attached.

Required Findings:

1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the Zoning Code and policies of the Comprehensive Plan.

LAND SUBDIVISION REGULATIONS

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 side lot lines and 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 7-foot wide utility easement on the rear lot line of Lot 1 and a 5-foot wide utility easement on the rear lot line of Lot 4. 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.

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The utility easement on the rear lot line of Lot 1 is proposed to be 7 feet wide and the utility easement on the rear lot line of Lot 4 is proposed to be 5 feet wide. The subdivision ordinance requires 10 feet. The applicant has indicated that given the topography of the site, in order to construct the proposed duplexes shoring along the south property line is required. In addition, the south property line is multisided and irregular. Given this the applicant has indicated that the utilities will be located in the center of the site, running north to south. Therefore, the utility easement along the south property line will not be utilized. As for drainage, given the topography of the site, the majority of surface water will drain in a north-south direction, not east-west. For these reason, staff recommends granting the variance.

ZONING CODE

With the approval of the final plat this development will meet the requirements of the R2 zoning district.

THE MINNEAPOLIS PLAN

The property is designated as both single and two-family in the comprehensive plan. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote preservation as a tool for economic development and community revitalization.
- Improve the availability of housing options for its residents.
- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.
- Maintain and strengthen the character of the city's various residential neighborhoods.
- Increase citizen awareness of preservation and the important role it plays in fostering community revitalization and civic pride.

This development preserves the existing single-family dwelling located at 57 Groveland Terrace which was built in 1914. This development also adds as additional seven dwelling units to the site which will increase the number of housing units within the City. The structures that are being built have been designed to blend in with the existing architecture of the surrounding area.

2. 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 5 lots into 4 lots that come closer to meeting the requirements of the zoning code and subdivision ordinance. The area is zoned for single and two-family homes and eventually seven new homes will be built on the lots. Two-family homes will not be out of character with the area and should not add significant congestion to the public streets.

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.

While the development site has significant grade changes, there are existing structures on the property which demonstrates that new structures can be built on the site in a safe manner and without endangering the properties surrounding the site.

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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.

Lots 1, 2 and 3 are accessed off of Groveland Terrace and Lot 4 is accessed off of Dupont Avenue South. The development site will undergo grading in order to make the site suitable for construction. 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 stormwater runoff, and temporary and permanent erosion control in accordance with 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.

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

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the final plat application with easement width variances for Groveland Hill located at 39, 45, 49 and 57 Groveland Terrace and 1613 Dupont Avenue South.

Attachments:

1. Variance request letter from the applicant
2. Letter from Public Works
2. Letter from the City Attorney's office
3. Final plat
4. Site plan