

Department of Community Planning and Economic Development – Planning Division
Preliminary and Final Plat (PL-176)

Date: September 19, 2005

Applicant: Dave Alan Dybsand

Address of Property: 17 Xerxes Avenue South

Project Name: Anwatin Woods

Contact Person and Phone: Dave Alan Dybsand, (612) 925-3026

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

Date Application Deemed Complete: August 17, 2005

End of 60-Day Decision Period: October 15, 2005

End of 120-Day Decision Period: Not applicable

Ward: 7 Neighborhood Organization: Bryn Mawr Neighborhood Association

Existing Zoning: R1

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 17

Legal Description: Not applicable for this application

Proposed Use: Three single-family dwellings

Concurrent Review:

Preliminary and Final Plat: PL-176

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

Background: The applicant is proposing to construct three new single-family dwellings on the property located at what is currently addressed as 17 Xerxes Avenue South. Prior to constructing the dwellings the applicant is proposing to subdivide the property into three zoning lots.

The City Attorney's office has indicated 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.

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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 598.240 (2) [a] which requires that the width of a lot be increased by 10 feet when an alley is not provided.

The R1 zoning district requires that a lot have a width of 50 feet. In addition to this zoning code requirement, Section 598.240 (2) [a] of the subdivision regulations requires that a lot width be increased by 10 feet when an alley is not provided. The lots do not have access to an alley, so the lot width is required to be increased from 50 feet to 60 feet. Lots 1, 2 and 3 are all 50 feet in width so a variance of this provision is required. All three lots meet the lot size and lot width requirements of the zoning code, but they do not meet the increased standards of the subdivision ordinance that are triggered by the subdivision application.

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.

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. While Lots 1, 2 and 3 do not have alley access, the width of the lot is such that it can accommodate a driveway. Please note that the applicant is proposing to construct single-family dwellings with front facing garages. Therefore, it is not necessary that Lots 1, 2 and 3 have 60 feet of frontage on Xerxes Avenue South and it would be a hardship to require strict adherence to this standard. Granting the variance should not be detrimental to the surrounding area as all of the houses on this block have access onto Xerxes Avenue South.

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ZONING CODE

With the approval of the preliminary and final plat this subdivision will meet the requirements of the R1 zoning district. Please note that plans for the three individual dwellings have not been submitted for review.

THE MINNEAPOLIS PLAN

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

- Support the development of appropriate form and density (Policy 9.5)
- Maintain and strengthen the character of the city’s various residential neighborhoods (Policy 9.8).

This development adds as additional three dwelling units to the area which will increase the number of housing units within the City. In addition, the construction of three new single-family dwellings would increase the property’s value, contribute to the building of the city’s infrastructure and contribute to the city’s tax base.

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 Planning Division does not believe that subdividing one lot into three lots would be injurious to the use and enjoyment of other property in the area. The area is zoned for single-family dwellings and eventually three new dwellings will be built on the site.

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.

Although the development site slopes downwards from Xerxes Avenue South towards the east, there is an existing structure 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.

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 Xerxes 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

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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 preliminary and final plat application with lot width variances for Anwatin Woods located at 17 Xerxes Avenue South.

Attachments:

1. Letter from the City Attorney’s office
2. Letters from Public Works
3. Zoning map
3. Preliminary plat
4. Site plan
5. Grading plan
6. Erosion control plan
7. Existing conditions
8. Final plat
9. Preliminary sketches of the proposed development
10. Photos of the area