

**Department of Community Planning and Economic Development – Planning Division**  
**Preliminary Plat**  
**PL-184**

**Date:** December 20, 2005

**Applicant:** Heritage Housing LLC

**Address of Property:** Area along the east side of Humboldt Avenue North between 11th and Banneker Avenues, and along the north side of 11th Avenue North between Humboldt and Fremont Avenues

**Project Name:** Heritage Park, 2<sup>nd</sup> ownership phase

**Contact Person and Phone:** Gary Findell, (651) 587-4825

**Planning Staff and Phone:** Thomas Leighton, (612) 673-3853

**Date Application Deemed Complete:** October 18, 2005

**End of 120-Day Decision Period:** February 15, 2006

**Ward:** 5      **Neighborhood Organization:** Northside Residents Redevelopment Council

**Existing Zoning:** R4

**Proposed Zoning:** N/A

**Zoning Plate Number:** 12

**Plat Name:** HERITAGE PARK HOUSING 3RD ADDITION

**Legal Description:** Outlots B, C & D, HERITAGE PARK HOUSING 2ND ADDITION

**Proposed Use:** Multiple family housing

**Concurrent Review:** None

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

**Background:** The subject area is part of the Heritage Park development. Streets were platted in a prior action. The intent of this plat is to create development lots suitable for the development of multiple family housing. A multiple family structure would occupy each lot of the proposed preliminary plat as illustrated in the attached development plan. Lots 1, 2, and 3 would be developed as townhome structures fronting on 11<sup>th</sup> Avenue. Lots 4 and 5 would be developed as apartment-style multiple family structures with underground parking. Development applications for the multiple family housing will be submitted at a future date.

**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 proposed lots meet the minimum design requirements of the land subdivision and zoning ordinances. Two variances are requested from the provisions of the land subdivision ordinance. First, a variance has been requested to allow lots that have more than five sides. One of the lots has six sides and another has eight sides. Second, a variance has been requested for utility easements to not be dedicated along side lot lines between the proposed lots. Drainage and utility easements already exist around the perimeter of the five lot area. These are evaluated for a variance 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.

The existing boundary between the subject land and the property to its rear is not uniformly straight. It is offset in a couple of instances, and it is these irregularities that result in lots with more than five sides.

No alley is present at the rear of the development. Utility easements already exist at the rear of the proposed lots as dedicated in a previous plat. All utilities are available from the front of parcels as well.

- (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 variance of maximum lot sided-ness will not create lots that are difficult to use or convey. Nor will the many sided lots be detrimental or injurious to the public welfare or other property in the area.

Public Works staff have determined that the variance of requirement for utility easements on all sides of the lot will not make it more difficult to develop the property now or in the future given that there is adequate provision for utilities in the front and rear of the lots.

- (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 plat will facilitate multiple family development that conforms to the Near Northside Master Plan and will benefit the community. No detrimental impacts are foreseen.

- (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 site is relatively level, and does not present the above 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.**

The subject plat creates lots that are suitable for multiple family development without alteration. The lot arrangement creates no foreseeable difficulties in securing building permits and providing driveway access.

- (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.**

Appropriate stormwater management will be evaluated in the subsequent development applications. It is possible to meet high stormwater management standards given the block and lot arrangement proposed in this subdivision application.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the preliminary plat for the subdivision HERITAGE PARK HOUSING 3RD ADDITION.