

**Department of Community Planning and Economic Development - Planning Division**

Conditional Use Permit and Site Plan Review modification & Preliminary and Final Plat  
BZZ-1888 & PL-154

**Date:** August 23, 2004

**Applicant:** Hope Community

**Address of Property:** 2110-2120 Oakland Avenue South and 610-616 22<sup>nd</sup> Street East

**Contact Person and Phone:** Marcia Cartwright – Hope Community 612-435-1694

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** July 9, 2004

**End of 60 Day Decision Period:** September 7, 2004

**Ward:** 6      **Neighborhood Organization:** Ventura Village

**Existing Zoning:** R4 Multiple-family District

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

**Zoning Plate Number:** 20

**Legal Description:** Not applicable for this application.

**Existing Use:** Multiple-family residential.

**Concurrent Review:**

**Conditional Use Permit and Site Plan Review Modification:** Modification of the existing site plan for one of the buildings that was constructed 11 feet east of the original proposed location.

**Preliminary and Final Plat:** Subdivision to replat lot lines of an existing cluster development.

**Appropriate Section(s) of the Zoning Code:** Chapter 525, Article VII, Conditional Use Permits; Chapter 530, Site Plan Review; and Chapter 598 Land Subdivision.

**Prior Approvals and Background:** A conditional use permit for a 10-unit cluster development (BZZ-563) was approved by the City Planning Commission on April 29, 2002. One of the buildings, the three-unit structure on East 22<sup>nd</sup> Street, was constructed approximately 11 feet to the east of the proposed location. To correct this Hope Community is adjusting the lot line between this structure and the house to the east. This requires a plat and a modification of the conditional use permit and site plan review approvals.

## **CONDITIONAL USE PERMIT AND SITE PLAN REVIEW MODIFICATION**

A conditional use permit for a 10-unit cluster development (BZZ-563) was approved by the City Planning Commission on April 29, 2002. One of the buildings, the three-unit structure on East 22<sup>nd</sup> Street, was constructed approximately 11 feet to the east of the location shown on the approved site plan. To correct this Hope Community is adjusting the lot line between this structure and the house to the east at 616 East 22<sup>nd</sup> Street. This requires a new plat and a modification of the conditional use permit and site plan review approvals. No additional units will be added and all of the new lots meet the requirements of the zoning code and subdivision ordinance. This change should have little effect on the surrounding area. Staff recommends approval of the conditional use permit and site plan review modifications.

## **PRELIMINARY AND FINAL PLAT**

### **Required Findings:**

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

The comprehensive plan shows this area as appropriate for residential development. 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 interior side 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 3-foot wide utility easements on the interior lot lines. 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 utility easements that are proposed to be 3 feet wide are on interior lot lines. Because they will be dedicated on both sides of the lot lines the easement will actually be 6 feet wide, which will be adequate for utilities, so staff recommends granting the variance.

**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 will adjust a lot line between two existing buildings. This should have little effect on the surrounding area.

**3. All land intended for building sites 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.**

The site is level, and does not present the above hazards.

**4. The lot arrangement is such that there may 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 subdivision will adjust the lot line between two existing buildings. All of the structures on the site are existing.

**5. The subdivision makes adequate provision for storm or 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.**

Utility and drainage provisions are adequate for the existing and proposed development.

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

**SITE PLAN REVIEW MODIFICATION**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit and site plan review modifications for Hope Community located at 2110- 2120 Oakland Avenue South and 610-616 East 22<sup>nd</sup> Street.

**PRELIMINARY AND FINAL PLAT**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the preliminary and final plat with a variance to reduce the interior side lot line utility easements to 3 feet in width for Hope Community located at 2110- 2120 Oakland Avenue South and 610-616 East 22<sup>nd</sup> Street.

**Attachments:**

1. Letter from applicant.
2. Site map.
3. Hennepin County map.
4. Plat.
5. Site plans.
6. Photos.