

Department of Community Planning and Economic Development – Planning Division

Final Plat (PL-161)

Date: November 22, 2004

Applicant: Al Ramsey

Address of Property: 4000 and 4022½ Washington Avenue North
(east of the railroad tracks)

Project Name: Ramsey Excavating Company

Contact Person and Phone: Patricia Fitzgerald, 612-872-8498

Planning Staff and Phone: Fred Neet, 612-673-3242

Date Application Deemed Complete: September 17, 2004

End of 60-Day Decision Period: November 16, 2004

End of 120-Day Decision Period: January 15, 2005

Ward: 3 **Neighborhood Organization:** Above the Falls Citizens Advisory Committee
(AFCAC) and Webber-Camden Neighborhood Association

Existing Zoning: I2
MR Mississippi River Overlay District
SH Shoreland Overlay District

Proposed Zoning: no rezoning application

Zoning Plate Number: 4

Legal Description: Lots 122 and 123, Auditor's Subdivision No. 198

Proposed Use: contractor's yard and office

Applicable zoning code provisions: Chapter 598 Land Subdivision Regulations

Background: The preliminary plat, PL-161, and a variance to allow an aggregate surface to a contractor's yard was approved by the City Planning Commission on October 13, 2004.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (1)(a), which requires frontage on a public street. In

order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (1)(a) is required to allow private access to a public street. 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 Public Works and Fire Departments have approved a 30-foot wide, 495-foot long private access from the proposed development to Washington Avenue which will be provided with an easement on CP Rail land. This exceeds minimum requirements for access to the property, including emergency vehicles, and staff recommends granting the variance

In addition, the applicant is negotiating with the Park Board to provide a minimum 50-foot easement for future public trails.

The City Attorney is reviewing the final plat title documents. If they are approved by the date of the Planning Commission meeting, then the final plat may be approved.

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

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat subdivision application with the public street frontage variance for property located at 4000 and 4022 ½ Washington Avenue North if the title documents are approved by the City Attorney. If they are not approved, then staff recommends that the final plat application be **continued** to the December 13, 2004 meeting of the City Planning Commission.

Attachments: zoning map
plat