

**Department of Community Planning and Economic Development – Planning Division**  
**Plat**  
**PL-248**

**Date:** September 19, 2011

**Applicant:** Bii Gain Dash Anwebi Elder Housing

**Address of Property:** 2401-2419 Bloomington Avenue and 2410 16<sup>th</sup> Avenue South

**Project Name:** Bii Gain Dash Anwebi Elder Housing East

**Contact Person and Phone:** Paula Merrigan, (612) 676-2730

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** August 16, 2011

**End of 60-Day Decision Period:** October 15, 2011

**Ward:** 9      **Neighborhood Organization:** East Phillips (adjacent to Midtown Phillips and Ventura Village)

**Existing Zoning:** R5 Multiple-Family Residence District

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

**Zoning Plate Number:** 21

**Proposed Use:** Multiple family dwelling

**Concurrent Review:** Final plat.

**Applicable Zoning Code Provisions:** Chapter 598 Land Subdivisions.

**Development Plan:** Construct a 4-story, multiple-family dwelling with 29 units. A site plan is attached.

**Background:** The purpose of this subdivision is to replat an outlot and the rest of the development site. An outlot is not buildable. At its December 13, 2010 meeting, the Planning Commission approved a conditional use permit to allow 29 dwelling units, yard and parking variances, a site plan review, and a preliminary plat for this project. The Public Works department and the City Attorney's office have reviewed the final plat and have not identified any issues.

**SUBDIVISION:** Final plat.

**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 subdivision would be in conformance with the requirements of the zoning ordinance and policies of the comprehensive plan. The subdivision is in conformance with the design requirements of the land subdivision regulations except for section 598.240(2)(b), which does not allow a lot with more than 5 sides for a multiple family dwelling. A ten sided lot is proposed. In order to be in conformance with the land subdivision regulations, a variance of section 598.240(2)(b) is required. 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 proposed site combines a number of properties. The existing properties are shaped and oriented differently. Also, one of the properties is platted as an outlot. Because outlots are not buildable, the property could not be part of the development without being replatted. A multifamily residence is a reasonable use of the land. The granting of the variance should have little effect on surrounding properties.

- 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 proposed subdivision would not be injurious to the use and enjoyment of other property in the area. It would combine multiple parcels and convert an outlot to a developable lot to allow construction of multiple family dwelling.

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- 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.**

The site is basically level and does not present the other noted 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.**

Vehicle access could be provided from Bloomington Avenue or the adjacent alley. 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 storm or surface water 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 does not exceed the amount occurring prior to development.**

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

## **RECOMMENDATION**

### **Recommendation of the Department of Community Planning and Economic Development— Planning Division for the Final Plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat for the properties located at 2401-2419 Bloomington Avenue and 2410 16<sup>th</sup> Avenue South.

#### **Attachments:**

1. Zoning map
2. Hennepin County parcel map
3. Final plat
4. Site plan