

Department of Community Planning and Economic Development – Planning Division
Preliminary and Final Plat Application
PL-159

Date: September 19, 2005

Applicant: Heritage Housing, LLC

Address Of Property: 710 – 720 Bryant Ave N, 716 – 726 Van white Memorial Boulevard, 843 – 807 8th Ave N

Project Name: Heritage Park

Plat Name: SUMNERFIELD AT HERITAGE PARK ADDITION

Contact Person and Phone: Gary Findell, 612-752-6928

Planning Staff and Phone: Tom Leighton, 612-673-3853

Date Application Deemed Complete: September 24, 2004

End of 60 Day Decision Period: Not applicable. Preliminary plat was approved by the City Council, but was re-noticed for a new public hearing because of changes to what was proposed.

Ward: 5 Neighborhood Organization: Northside Residents Redevelopment Council

Existing Zoning: R4

Proposed Zoning: not applicable for this application

Zoning Plate Number: 13

Legal Description: The proposed name for the subdivision is SUMNERFIELD AT HERITAGE PARK ADDITION

Proposed Use: Townhouse development

Concurrent Review: none

Applicable zoning code provisions: Chapter 598 Land Subdivision Regulations

Comprehensive Plan: Part of Major Housing Site

Background: The subject area is part of the first ownership phase of the Heritage Park development. It is a half block area in which four townhouse clusters are proposed facing Van White Memorial

Boulevard, 8th Avenue North, Bryant Avenue North, and Aldrich Avenue North. It was originally platted in conjunction with a larger area that included two full blocks of proposed single family homes, and another half block of proposed townhouses.

A preliminary plat for this area was approved by the City Planning Commission on January 24, 2005, but it was never followed up with the submission of a final plat because a number of important technical issues needed to be worked out. This has occurred, but the process resulted in a number of important changes to the plat. Because of this, we have re-noticed the preliminary plat for reconsideration by the City Planning Commission at its September 19 meeting. The applicant's intent is for the final plat to be also considered and approved at the September 19 meeting.

The preliminary plat under current consideration at this time differs in several important ways from the version that was approved on January 24, 2005. First, it utilizes a condominium platting approach rather than townhouse platting approach. In other words, it does not plat a lot for each townhouse unit. Instead it proposes lots for each of the four townhouse *clusters*, rather than for each townhouse unit. Property owners will own their housing unit, but the land "beneath" the units will be held in common by the property owners association. Second, ownership of the driveway and "raingarden" elements in the center of this block has transferred from McCormack Baron to Heritage Housing LLC, the applicant. Therefore the plat now includes this land as part of the outlot. Third, the proposed name of the plat has changed from "HERITAGE PARK HOUSING TOWNHOME ADDITION" to "SUMNERFIELD AT HERITAGE PARK ADDITION".

Previous Actions: Applications related to the first ownership phase of Heritage Park (BZZ-1305) were approved in September, 2003. This set of applications included a preliminary plat application (PL-139) to subdivide the four block area into blocks and lots suitable for development. The final plat (PL-139) was approved on March 22, 2004. It was titled "HERITAGE PARK HOUSING 1ST ADDITION". Because the evolving design of the townhouses yielded units that exceeded the size of the lots that were platted in March, 2004, the developer needed to replat the townhouse block. The first version of the subject preliminary plat (PL-159) was intended to address this need. It was approved by the City Planning Commission on January 24, 2005. Further changing conditions, as explained in the background section above, explain the current reconsideration of the preliminary plat by the City Planning Commission on September 19, 2005.

Other Zoning Applications Required: None.

REQUIRED FINDINGS FOR PRELIMINARY PLAT

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

Streets and blocks were platted at an earlier stage. The lot dimensions meet the minimum lot area and lot width requirements of the R4 zoning district. No lot has more than five sides. The lots do not have frontage on the public street, but as part of a planned residential development they meet the requirements of section 598.260 in the Land Subdivision ordinance.

- 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 plat application is a step in the implementation of the approved Near Northside Master Plan, which includes several significant amenities. The subject block includes a central rain garden that will be extensively landscaped, and will serve a stormwater treatment function. The plat supports this element. No adverse impacts on existing development are anticipated.

- 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.**

Previous housing on the site suffered from soil instability due to the wetland history of the site. Considerable geotechnical investigation has informed the proposed design of the site. The proposed street grid and residential development concentrate streets and open space where the soils are most problematic for housing, and concentrate the housing on the soils most usable for building construction.

- 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.**

Driveway and garage access, and pedestrian access from the public sidewalk will be made accessible to townhouse owners through rights conferred via the association documents.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

Stormwater management plans were submitted with the original applications related to this phase of Heritage Park, and were reviewed and approved by City staff in the Public Works Department.

REQUIRED FINDINGS FOR FINAL PLAT

City Attorney and Public Works Departmental Review: The review of the final plat by the City Attorney's office and staff from the Public Works Department has not yet been completed. Staff will provide an oral update on the final plat to the City Planning Commission at its meeting on September 19. No public notice is required for action on the final plat.

STAFF RECOMMENDATION ON PRELIMINARY PLAT:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the preliminary plat titled SUMNERFIELD AT HERITAGE PARK ADDITION.

STAFF RECOMMENDATION ON FINAL PLAT:

No recommendation is available as of the time of this written report.