

Department of Community Planning and Economic Development - Planning Division
Final Plat
PL-250

Date: August 15, 2011

Applicant: Bryant Lofts, LLC

Address of Property: 2813-2841 Bryant Avenue S, 811 28th Street W, 2828 Aldrich Avenue S

Project Name: Track 29 Apartments

Contact Person and Phone: Loren Brueggemann, (612) 386-9071

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: July 25, 2011

End of 60-Day Decision Period: September 23, 2011

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association

Existing Zoning: R5 Multiple-family district, R3 Multiple family district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Legal Description: See survey.

Proposed Use: Planned unit development including multiple-family dwelling with 198 dwelling units

Concurrent Review: Final Plat

Applicable zoning code provisions: Chapter 598 Land Subdivisions.

Background: On February 7, 2011 the City Planning Commission approved a preliminary plat for the properties at 2813-2841 Bryant Avenue S, 811 28th Street W, 2828 Aldrich Avenue S. The preliminary plat was approved in conjunction with a conditional use permit for a planned unit development, a variance to the side yard setback and site plan review. The applicant is proposing to plat the property in a manner that would reorganize four existing parcels as Lot 1, Block 1 and Outlot A of the Track 29 Apartments Plat. The City Attorney has reviewed and approved the final plat title documents.

As of the writing of this report, staff has not received any correspondence for the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

Required Findings for a final plat subdivision:

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1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

The subdivision is in conformance with the applicable zoning code regulations and policies of the comprehensive plan. The land is currently platted as four lots. The land is proposed to be platted into one lot and one outlot. The proposed outlot will be irregularly shaped with nine sides. However, the plat will be part of a planned unit development and this type of lot design does not require a variance to the subdivision regulations. A subdivision for a PUD is required to include a deed restriction as required by section 598.260 of the subdivision ordinance.

598.260. Planned unit development and cluster design. Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

- (1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
- (2) Provision for access to each lot that does not have frontage on a public street.
- (3) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
- (4) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.
- (5) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

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 should have no impact on the surrounding area. Combining the existing parcels and establishing the outlot will not be out of character with the area and will not add significant congestion to the public streets.

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.

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The site is basically level with the exception of grade changes near the Greenway. These grade changes should not impact the ability to develop the property. The city has approved a site plan, landscaping plan, drainage, and erosion control plans that address these issues (BZZ-5055).

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 proposed lot is buildable with minimal alterations and with frontage on streets. The only development proposed on the outlot is a private drive. The city has approved a site plan for the planned unit development, including a landscaping plan (BZZ-5055). A drainage and erosion control plan that addresses these issues was reviewed as part of the PDR process.

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.

The Public Works Department has reviewed the project for appropriate drainage and stormwater management. Most of the stormwater will be retained on site with the existing Stormtech system. The amount of stormwater runoff from the site should be minimized. The city has approved a site plan and landscaping plan for the planned unit development that also addresses these issues.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the final plat:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat application for property located at 2813-2841 Bryant Avenue S, 811 28th Street W, 2828 Aldrich Avenue S.

Attachments:

1. Zoning map.
2. Preliminary and final plats.