

REQUEST FOR COUNCIL ACTION

DATE: 9/27/2010
ITEM NO:

Department Approval



City Manager Approval

Item Description: Request for approval of a proposed minor subdivision, creating 3 residential parcels from the 2 existing parcels at 3077 and 3091 Fairview Avenue (PF07-054)

1.0 REQUESTED ACTION

1.1 Hold the duly-noticed public hearing for the proposed MINOR SUBDIVISION.

1.2 The applicant requests approval of the proposed MINOR SUBDIVISION creating one additional residential parcel out of two existing parcels.

Project Review History

- Application submitted: August 16, 2010; determined complete: September 9, 2010
- Sixty-day review deadline: October 15, 2010
- Project report prepared: September 15 2010
- Anticipated City Council action: September 27, 2010

2.0 SUMMARY OF RECOMMENDATION

The Planning Division recommends approval of the proposed MINOR SUBDIVISION; see Section 6 of this report for the detailed recommendation.

3.0 SUGGESTED ACTION

By motion, approve the proposed MINOR SUBDIVISION creating a total of three conforming parcels, pursuant to §1104.04 (Minor Subdivisions) of the City Code; see Section 7 of this report for the detailed action.

17 **4.0 BACKGROUND**

18 4.1 The property located in Planning District 12, has a Comprehensive Plan designation of
19 Low-Density Residential (LR) and a zoning classification of Single-Family Residence
20 (R-1) District.

21 4.2 This MINOR SUBDIVISION was originally approved by the City Council on September 24,
22 2007; the approval expired, however, because the applicant was unaware of the 30-day
23 time limit for submitting the final documentation for review by City staff to verify
24 consistency with the approval prior to filing the approved subdivision at the Ramsey
25 County Recorder's office. Recent market interest in the subdivided parcels prompted the
26 applicant to inquire about how to finalize the subdivision but, since that approval expired
27 in 2007, the applicant's only option is to seek renewed approval of the proposal.

28 4.3 A MINOR SUBDIVISION application has been submitted in lieu of the preliminary plat/final
29 plat process because §1104.04E (Minor Subdivision) of the City Code establishes the
30 three-parcel minor subdivision process to simplify those subdivisions "which create a
31 total of three or fewer parcels, situated in accordance with City codes, and no further
32 utility or street extensions are necessary, and the new parcels meet or exceed the size
33 requirements of the zoning code." The current application meets all of these criteria.

34 **5.0 REVIEW OF PROPOSED MINOR SUBDIVISION**

35 5.1 City Code §1004.016 (Dimensional and Setback Requirements) requires interior (i.e.,
36 non-corner) single-family parcels to be at least 85 feet wide and 110 feet deep, and to
37 comprise at least 11,000 square feet in total area. All three proposed parcels are 215 feet
38 deep, and the other details are as follows:

39 a. The northern parcel would be 96 feet in width and 20,640 square feet in area. The
40 existing house, addressed as 3091 Fairview Avenue, would remain on the
41 northern parcel and the improvements on this parcel would meet all of the
42 applicable setback requirements and the impervious surfaces would remain within
43 the 30% limit.

44 b. The middle proposed parcel would be 97 feet in width and 20,855 square feet in
45 area. The detached garage currently on the 3091 Fairview Avenue parcel would
46 stand on this middle parcel; in the absence of a principal use (i.e., a residential
47 dwelling), however, this detached garage would become a nonconforming
48 accessory structure. To avoid creating a nonconforming condition as a result of
49 approving the MINOR SUBDIVISION, Community Development staff recommends
50 requiring the removal of the garage within 60 days of the date of the approval.
51 Because removal of the concrete slab beneath the garage and the driveway in the
52 same timeframe as the garage itself might be difficult with the onset of colder
53 weather, the slab could be allowed to remain until July 1, 2011.

54 c. The southern parcel would be 118 feet in width and 25,370 square feet in area.
55 The detached garage currently on the 3077 Fairview Avenue parcel would stand
56 on this southern parcel; this garage became nonconforming in 2007 when the
57 house on the property was demolished by the Roseville Fire Department in a

practice burn exercise. Incidentally, the former house on this parcel still appears in the aerial photograph included with this report as Attachment B. Because the existing detached garage is a legal nonconformity which would not be created by approval of the proposed MINOR SUBDIVISION, Minnesota Statute 462.357 subd. 1e (Nonconformities) and City Code Chapter 1012 (Nonconforming Uses) would prevent requiring its removal as a condition of approving the application.

The approximate locations of the proposed parcel boundaries are shown in Attachment C.

5.2 Among the Development Review Committee's comments about the application, Public Works staff identified the following:

- a. Six-foot-wide utility/drainage easements, shown in Attachment C, are required along the sides and rear of the new parcels, consistent with §1103.04 (Easements) of the City Code. This is a Subdivision Code requirement which does not need to be made a condition of approval of this application.
- b. Existing water services are in place to serve the proposed northern and southern parcels, but a new service will be needed for the middle parcel. Dedicated water services are required by the City Code for each single-family home, so this does not need to be a condition of approval.
- c. Existing sanitary sewer services are in place to serve each of the proposed parcels individually, but the southern parcel would have two services; capping one of the services to the southern parcel will be a requirement of the building permitting process and does not need to be made a condition of approval.
- d. Current topography across the property drains most of the storm water onto the southern parcel; this will need to be corrected as the parcels are developed, rather than during the MINOR SUBDIVISION review and approval process.
- e. An encroachment agreement between the property owner and the City will be needed to account for the portion of the garage at 3077 Fairview Avenue which would stand within the required easement along the southernmost property line. This is a recommended condition of MINOR SUBDIVISION approval.

5.3 According to the procedure established in §1104.04E, if a MINOR SUBDIVISION application is approved, a survey of the approved parcels, the new legal descriptions, and any necessary Quit Claim or Warranty deeds must be submitted for administrative review within 30 days to verify consistency with the City Council's approval; the approved survey must then be recorded by the applicant with the Ramsey County Recorder.

6.0 RECOMMENDATION

Based on the comments and findings outlined in Sections 4 and 5 of this report, Planning Division staff recommends approval of the proposed MINOR SUBDIVISION creating a total of three conforming parcels, consistent with the attached site plan and subject to the following conditions:

- 96 a. The nonconforming garage on the middle parcel shall be removed by November
97 26, 2010 and the concrete slab and driveway shall be removed by July 1, 2011;
98 and
- 99 b. The applicant shall enter into an encroachment agreement covering the portion of
100 the existing accessory structure which would stand within the required
101 utility/drainage easement.

102 **7.0 SUGGESTED ACTION**

103 **By motion, approve the proposed MINOR SUBDIVISION at 3077-3091 Fairview Avenue**
104 based on the input received during the public hearing and the comments and findings of
105 Sections 4 and 5 and the recommendation of Section 6 of this report.

Prepared by: Associate Planner Bryan Lloyd (651-792-7073)

Attachments: A: Area map
B: Aerial photo

C: Illustration of proposed minor subdivision

Attachment A: Location Map for Planning File 07-054

ROSEVILLE
Prepared by:
Community Development Department
Printed: September 17, 2007

Site Location
LR / R1 Comp Plan / Zoning Designations

Data Sources & Contacts:
* Ramsey County GIS Base Map (9/6/2007)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer
This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

Location Map

0 50 100 150 200 Feet

mapdoc: planning_commission_location.mxd

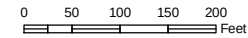
Prepared by:
Community Development Department
Printed: September 17, 2007



LR / R1 Comp Plan / Zoning Designations

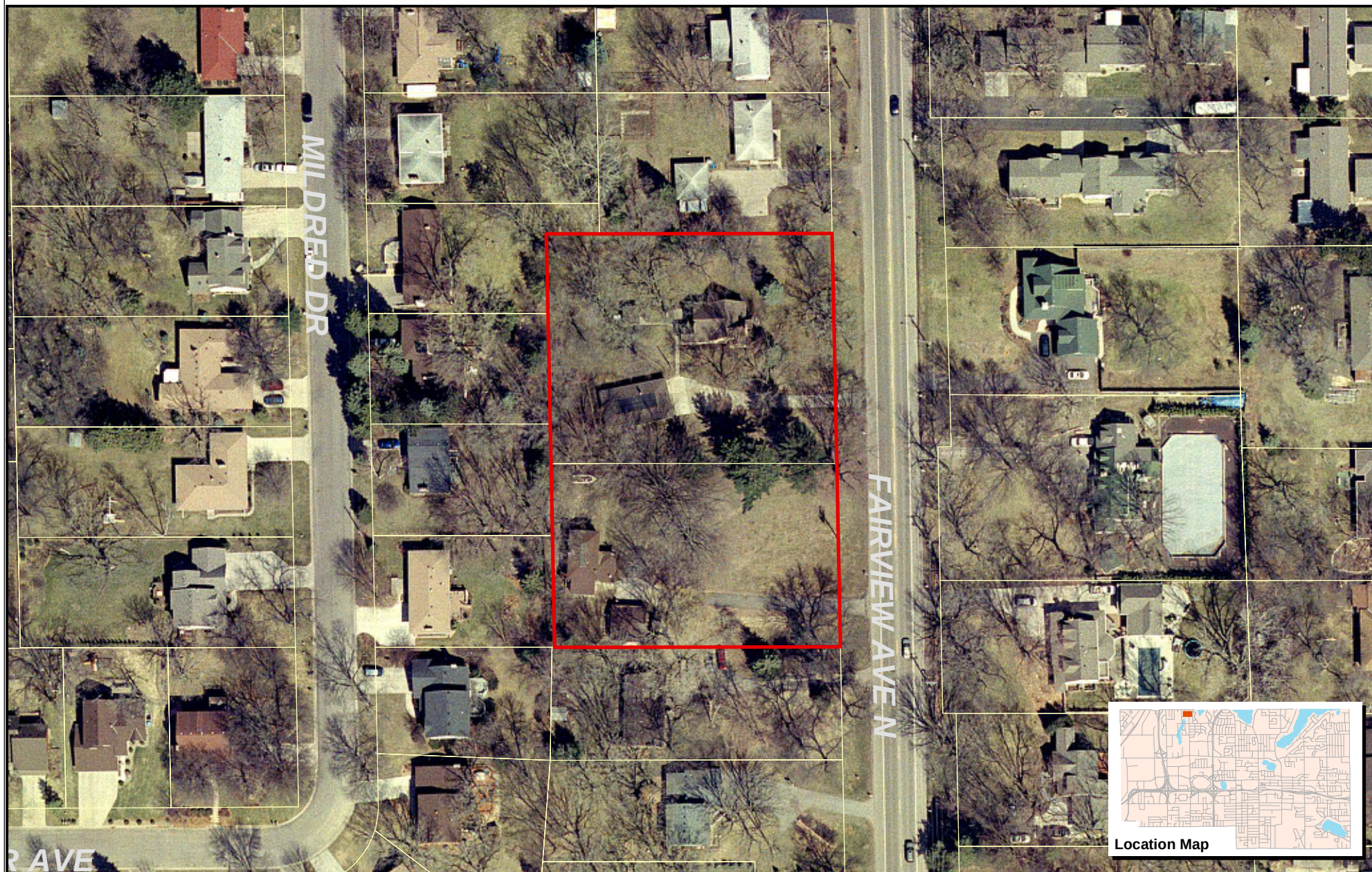
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mapdoc: planning commission location.mxd

Attachment B: Aerial Map of Planning File 07-054



Prepared by:
Community Development Department
Printed: September 17, 2007



Site Location

Data Sources & Contacts:

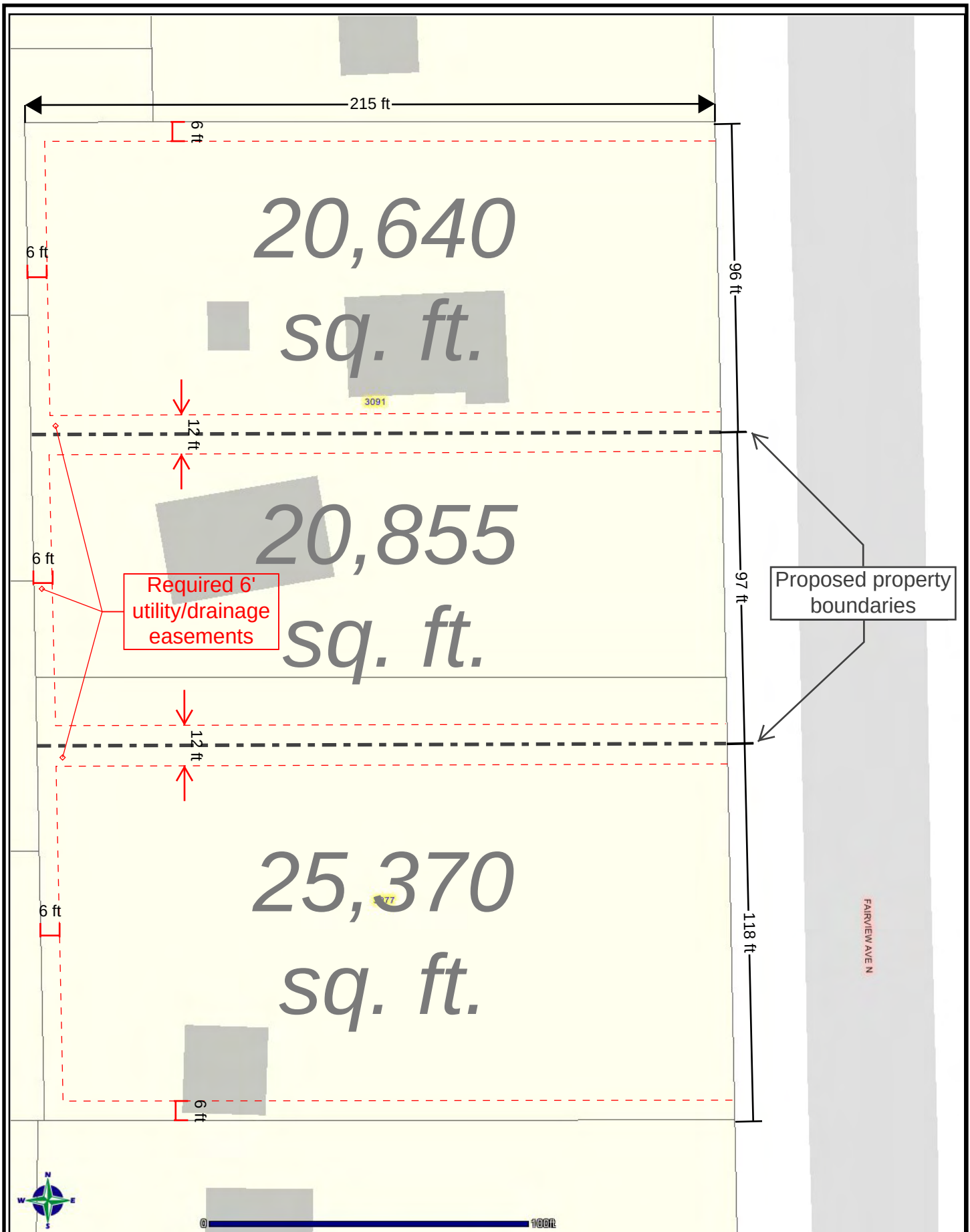
* Ramsey County GIS Base Map (9/6/2007)
* Aerial Data: Ramsey County and Martinez Corp (4/2006)
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0 50 100 Feet





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SOURCES: City of Roseville and Ramsey County, The Lawrence Group; August 30, 2010 for City of Roseville data and Ramsey County property records data,