

SUBDIVISION STAFF REPORT

FILE # 12-214-990

1. **FILE NAME:** Slomkowski Addition
 2. **TYPE OF APPLICATION:** Preliminary and Final Plat
 3. **LOCATION:** between Lexington and Oxford
 4. **PIN AND LEGAL DESCRIPTION:** See subdivision documents for existing and proposed legal descriptions.
 5. **PLANNING DISTRICT:** 7
 6. **ZONING CODE REFERENCE:** §69.301; §69.406; §69.511
 7. **STAFF REPORT DATE:** December 17, 2013
 8. **DATE RECEIVED:** November 20, 2012; December 6, 2013
- HEARING DATE:** January 15, 2014
- PRESENT ZONING:** I1
- BY:** Jake Reilly
- DEADLINE FOR ACTION:** 2/4/14
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- A. **PURPOSE:** Combined Plat for Slomkowski Addition to create two industrial parcels
 - B. **PARCEL SIZE:** Two irregular parcels totaling 1.41 acres. Block 1 will be .7 acres and Block 2 will be .71 acres.
 - C. **EXISTING LAND USE:** Industrial (I1- Light industrial)
 - D. **SURROUNDING LAND USE:**
 - North: Right-of-way (Pierce Butler Route)
 - East: Industrial (I1)
 - South: Railroad right-of-way
 - West: Industrial (I1)
 - E. **ZONING CODE CITATION:** §69.301 states that platting is required when a subdivision (1) creates five or more lots or parcels each of which is 2½ acres or less in size, or (2) requires paved streets, alleys and other public improvements, or (3) is previously unplatted land. §69.304 lists conditions for lot splits and adjustments of common boundaries. §69.406 provides criteria for review of subdivision applications. These criteria are covered below under “Required Findings.” §69.511 regulates parkland dedication. §69.703 provides for City Council approval of a variance to subdivision regulations.
 - F. **HISTORY/DISCUSSION:** This site has been a parking lot and auto body shop since at least 1968, according to zoning history files. A site plan was first approved 4/29/68 (Z.F. # 6478) The land is previously unplatted land.
 - G. **DISTRICT COUNCIL RECOMMENDATION:** District 7 had not commented at the time of this staff report.
 - H. **REQUIRED FINDINGS:** § 69.406 of the Zoning Code requires that all of the following findings shall be made prior to approval of a subdivision:
 1. *All the applicable provisions of the Legislative Code are complied with.* City staff have reviewed the proposed plat and have determined that all applicable provisions of city codes are met.
 2. *The proposed subdivision will not be detrimental to the present and potential surrounding land uses.* The proposed plat is consistent with the surrounding land uses, and will not be detrimental to present and future use of surrounding land.
 3. *The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision.* The area surrounding the proposed plat is already developed and compatible with the proposed plat.
 4. *The subdivision is in conformance with the comprehensive plan.* The subdivision is in conformance with the **Land Use Chapter** of the comprehensive plan, which calls for providing land for jobs (Strategy 2). It is also in conformance with redevelopment plans for the area.

5. *The subdivision preserves and incorporates the site's important existing natural features whenever possible.* The site is in a fully-developed part of St. Paul with no remaining natural features.
 6. *All land intended for building sites can be used safely without endangering residents by peril from floods, erosion, continuously high water table, severe soil conditions or other menace.* The site is a flat, fully developed area with no flooding, erosion, high water table or soil condition problems.
 7. *The subdivision can be economically served with public facilities and services.* The subdivision can be economically served with public facilities and services from surrounding streets.
- I. **PARKLAND DEDICATION:** §69.511 requires dedication of two (2) percent of the total land area of the plat for public use, for parks, playgrounds, trails, open space, or conservation purposes. At the discretion of the City Council, a cash dedication in lieu of land may be paid prior to the city clerk's signing of the final plat.
1. For this subdivision, staff recommends a cash dedication in the amount of \$2,991.33 in lieu of dedication of land.
 2. The applicant has requested a variance of the parkland dedication requirement. The variance requested would eliminate the cash dedication requirement for the proposed subdivision.

J. **FINDINGS FOR VARIANCE:** Sec. 69.703 provides for City Council approval for a variance of the subdivision regulations:

- a) *Required findings. The city council may grant a variance to the subdivision regulations when compliance would create an unusual hardship to the development of the land based on findings that:*
 - 1) *The intent of this chapter is met.* This finding is satisfied. The intent of the subdivision regulations (Chapter 69.102 of the Zoning Code) includes: (1) *to protect and promote the public health, safety and general welfare;* and (4) *to provide adequate public services and facilities.* The parkland dedication requirements are intended to promote the public health and welfare and to provide adequate public park facilities through dedication of land for public use for parks, playgrounds, trails, open space, or conservation purposes (or a fee in lieu of land to be used for the acquisition and development or improvement of such land), on a one-time basis, with the amount of the fee or dedication roughly proportionate to the need for parkland created by the proposed subdivision or development. The area of the plat is already developed. The new plat is required by City code. Use of the entirety of the plat will be unchanged. It remains an industrial use and is fully developed and therefore does not generate demand for parks or open space. Thus there is no need for parkland created by this subdivision.
 - 2) *The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.* This finding is satisfied. The requested variance of the parkland dedication fee in lieu of land at the time of platting, from \$6,360.00 to \$0.00, would not be detrimental to the public health and welfare because as noted in finding (1) above, the use does not change and the land is fully developed. The variance would not be injurious to other property in the area.
 - 3) *The conditions upon which the request for the variance is based are unique to the property for which the variance is sought and are generally not applicable to other property.* This finding is satisfied. The new plat is required by City code to permit the sale of Lot 2. Use of the entirety of the platted area will remain unchanged. As noted in finding (1) above, the use does not change and the land is fully developed.
 - 4) *The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.* This finding is satisfied. The same development could take place on other properties in the same

zoning district without the parkland dedication at the time of platting required in this case.

- 5) *The special conditions and circumstances do not result from the actions of the applicant. This finding is satisfied. The special conditions and circumstances relating to the previously developed land that will remain unchanged by the proposed subdivision do not result from the actions of the applicant.*
- 6) *Because of the particular natural surroundings, shape or topographical conditions of the specific property involved, unusual hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out. This finding does not apply to this variance.*

b) *Conditions of variance. The city council may require conditions for approving a variance that will substantially achieve the intent and requirements of these regulations. No conditions for the variance are needed.*

K. **STAFF RECOMMENDATION:** Based on the required findings for variance in J above, staff recommends approval of the requested variance of the parkland dedication requirement. Based on required findings 1 through 7, staff recommends approval of the preliminary and final plat for Slomkowski Addition subject to the following condition:

1. The applicant shall file a copy of the Council Resolution approving the plat with the Ramsey County Recorder's Office.

Attachments:

Application
Preliminary Plat
Final Plat (reduction)
Site Location Maps