

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4576

Date: November 9, 2009

Applicant: Andrea Carruthers and Sean Grimes

Address of Property: 5121 Morgan Avenue South

Project Name: Private residence

Contact Person and Phone: Joe Dean with TreHus Builders, (612) 729-2992

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: October 8, 2009

End of 60-Day Decision Period: December 7, 2009

End of 120-Day Decision Period: Not applicable for this application

Ward: 13 **Neighborhood Organization:** Lynnhurst

Existing Zoning: R1, Single-family District and the SH Shoreland and FP Floodplain Overlay Districts

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 36

Legal Description: Not applicable for this application

Proposed Use: Single-family dwelling

Concurrent Review:

Conditional use permit: to allow development (second story addition, trellis and patio) in the FP Floodplain Overlay District

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits

Background: The applicants are proposing to remodel their existing single-family dwelling by adding a bedroom over the existing attached garage. Other changes to the dwelling include the removal of an existing screen porch and wood deck and replacing them with a patio and trellis. It should be noted that the foundation for the existing screen porch will remain and will be converted to the patio. The trellis will be built on top of it.

The site is located within 300 feet of the ordinary high water mark of Minnehaha Creek and its floodplain. Given this the site is located within the SH Shoreland Overlay District and the FP Floodplain Overlay District. Specifically the site is located within the flood fringe district which is established by the City's Flood Insurance Rate Map (FIRM). Both overlay districts regulate several aspects of a development when located in close proximity to the protected water. Given the site's location a conditional use permit is required.

CONDITIONAL USE PERMIT - to allow development (second story addition, trellis and patio) in the FP Floodplain Overlay District

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that allowing the applicants to add a bedroom over the existing attached garage and remove an existing screen porch and wood deck and replace them with a patio and trellis would be detrimental to or endanger the public health, safety, comfort or general welfare. The site has been occupied by the existing single-family dwelling since 1941.

2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not believe that allowing the applicants to add a bedroom over the existing attached garage and remove an existing screen porch and wood deck and replace them with a patio and trellis would be injurious to the use and enjoyment of other property in the area. The changes proposed to the site will not impact the adjacent Minnehaha Creek. Since the bedroom addition is being built over the garage the footprint of the home will remain the same as it is today. However, with the removal of the deck the amount of impervious surface on the site will be reduced.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.

The parking requirement for the proposed development is one parking space. There is one off-street parking space provided on the site.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Maintain and preserve the quality and unique character of the city’s existing housing stock (Urban Design Policy 10.7).
- Rehabilitation of older and historic housing stock should be encouraged over demolition (Implementation Step for Urban Design Policy 10.7).
- Encourage adaptive reuse, retrofit and renovation projects that make the city’s housing stock competitive on the regional market (Implementation Step for Urban Design Policy 10.7).
- Renovation of housing should reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings (Implementation Step for Urban Design Policy 10.7).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan for Sustainable Growth*.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit this development will meet the applicable regulations of the R1 zoning district.

In addition to the conditional use standards contained in Chapter 525, Administration and Enforcement, the city planning commission shall consider the following for development located in the SH Shoreland Overlay District:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

Silt fencing will be used during construction in order to prevent soil erosion and to help protect Minnehaha Creek. After construction is complete new ground cover will be established.

2. Limiting the visibility of structures and other development from protected waters.

The Planning Division does not believe that the proposed addition would increase the visibility of the house from Minnehaha Creek. The peak of the roof of the addition will be lower than the peak of the roof of the existing house.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

This development will not impact watercraft usage on Minnehaha Creek.

In addition to the conditional use standards contained in Chapter 525, Administration and Enforcement, the city planning commission shall consider the following evaluation criteria for conditional uses located within the FP Floodplain Overlay District:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

The proposed addition will be constructed over the existing attached garage and will not further encroach into the FP Floodplain Overlay District.

2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

The removal of the wood deck will reduce the danger of materials being swept onto other land or downstream in the event of a flood.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

The existing water supply and sanitation systems will continue to be used and are functioning properly.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

The existing garage will be retrofitted to conform to flood proof construction guidelines. No additional habitable space would be added below the regulatory flood protection elevation.

5. The importance of the services provided by the proposed facility to the community.

The maintenance and rehabilitation of existing housing stock is an important asset to the community.

6. The requirements of the facility for a waterfront location.

The existing house was built in 1941.

7. The availability of alternative locations not subject to flooding for the proposed use.

The existing house was built in 1941. Since the bedroom addition is being built over the garage the footprint of the home will remain the same as it is today. However, with the removal of the deck the amount of impervious surface on the site will be reduced.

8. The relationship of the proposed use to the floodplain management program for the area.

By retrofitting the existing garage to conform to flood proof construction guidelines and constructing the addition on the second level of the house the use will be in compliance with the floodplain management program.

9. The safety of access to the property in times of flood for ordinary and emergency vehicles.

The site is accessible from both Morgan Avenue South and the public alley that runs through the middle of the block.

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

No change is expected to the height, velocity, duration, rate of rise and sediment transport of the flood waters at the site.

11. Such other factors which are relevant to the purposes of this article.

The Planning Division does not believe that the changes proposed to the site will impact the adjacent Minnehaha Creek. Since the bedroom addition is being built over the garage the footprint of the home will remain the same as it is today. However, with the removal of the deck the amount of impervious surface on the site will be reduced.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow development (second story addition, trellis and patio) in the FP Floodplain Overlay District located at 5121 Morgan Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by November 9, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use
2. Conditional use permit findings
3. September 28, 2009, letter to Council Member Hodges and the Lynnhurst neighborhood
4. Zoning Map
5. Aerial photo of the site showing the FP Floodplain Overlay District
6. Development plans
7. Photographs of the site and surrounding area