



DATE: September 8, 2021

TO: Planning Commission Chair and Commissioners

FROM: Jessica Jagoe, Senior Planner

SUBJECT: Planning Case #21-021 – Public Hearing Required
Applicant: Jill and Greg Casmey
Property Location: 3300 New Brighton Road and 1893 Beckman Avenue
Request: Minor Subdivision

Requested Action

Jill and Greg Casmey (“The Applicants”) are requesting the approval of a Minor Subdivision of their property located at 3300 New Brighton Road (“Subject Property A”) and their neighbor’s property located at 1893 Beckman Avenue (“Subject Property B”). Both subject properties are zoned R-2 – Single & Two Family Residential District and are guided as Low Density Residential (LDR) in the 2040 Land Use Plan.

Background

1. Overview of Request

The Minor Subdivision has been requested to allow for the alternation of the property line between the subject properties. Currently, the two properties have joint access to a driveway that crosses the shared property line. The Applicants are requesting the Minor Subdivision to alter the property line to include all of the shared driveway. This would involve adding 1,800 square feet of property to Subject Property A, owned by the Applicants.

Application Review

1. *1150.04 Division or Consolidation of Platted Lots of Record.*

In the case of an application to divide one or more lots platted into lots and blocks and designated in a subdivision plat on file and of record in the office of the recorder or registrar of titles for the county, into one or more separately described parcels, or an application for the consolidation of two or more such platted lots or parts thereof into one or more tracts, the City

Council, upon review and after report of the planning commission, may approve the subdivision or consolidation, upon compliance with the following conditions:

Subd. 1 Survey. The owner(s) of the platted lot(s) to be so divided or consolidated shall file with the zoning administrator a survey or registered land survey of the lot(s) to be divided or consolidated. The survey or registered land survey shall be prepared and certified by a Licensed Surveyor. **Criteria met.**

Subd. 2 Relation to Zoning Ordinance. The parcels or tracts resulting from the division or consolidation, as depicted in the survey or registered land survey, shall not have an area, dimensions or setbacks which are less than the minimum requirements specified for the zoning district in which the parcels or tracts are located in the zoning ordinance. **Criteria met.**

Subd. 3 Public Welfare. It is determined that the proposed division or consolidation will not be detrimental to the public welfare or injurious to adjacent tracts in the area in which the subdivision tract is located. **Criteria met.**

Subd. 4 Conformity. The proposed division or consolidation shall conform to such other requirements of this chapter, which the planning commission has specifically made such division or consolidation subject to at its first meeting at which the application for the division or consolidation is submitted. The City Council may add to or subtract from the requirements specified by the planning commission additional requirements of this chapter which it deems necessary for the protection of the health, safety, general welfare and convenience of the City and to secure the objectives of this chapter. Prior to the City Council's granting the owner(s) an exemption pursuant to this paragraph, the owner(s) shall comply with all the requirements of this chapter which the planning commission or City Council have specifically made the division or consolidation subject. **Criteria met.**

Subd. 5 Such filing fee as has been established in a resolution adopted by the Council shall be paid the zoning administrator with every application for an exemption under this paragraph. **Criteria met.**

2. Zoning Code Review

Lot Size and Dimensions

The minimum lot area in the R-2 District is 11,000 square feet. The minimum lot width is 85 feet and the minimum depth is 120 feet. Subject Property A is 24,727 square feet or 0.57 acres. Subject Property B is 33,498 square feet or 0.77 acres. If the requested minor subdivision is approved, Subject Property A would be 26,527 square feet or 0.61 acres, and Subject Property B would be 31,689 square feet or 0.73 acres. Both parcels would comply with the minimum lot area, width, and depth in the R-2 District.

Structure Setbacks with Adjusted Lot Lines

No structural changes are proposed for the existing development on Property A or B. The minimum principal structure setbacks in the R-2 District are 40 feet in the front yard, 30 feet in

the rear yard (Principal), a 5-foot minimum in the side yard with both side yards required to add up to a total of 15 feet (Principal), and 10 feet in the rear and side yard (Accessory). The existing accessory structure on Property B is a legal nonconforming structure because it encroaches into the 10-foot rear yard setback requirement. The proposed lot line adjustment does not impact setback requirements from the existing development or create a nonconformity on either parcel. Based on the survey provided, all applicable setbacks will be met as a result of the proposed lot line adjustment between Property A and B.

Lot Coverage

The maximum structure coverage permitted in the R-2 District is 25 percent of the lot area. The minimum landscape lot area is 65 percent. Both Subject Properties would meet the structure and landscape coverage requirements with the proposed subdivision.

Driveway and Residential Access

Each property in the subdivision is entitled to exactly one access to a public street. The permitted width of accesses to streets is subject to County or State regulations, depending on whether the connecting street is maintained by the city, county, or state. According to City Code Section 1325.06, Subd. 3 the minimum width of a driveway access into Shoreline Lane is ten (10) feet; the maximum width permitted is twenty-two (22) feet wide. A driveway access may be placed adjacent to property lines, but it cannot be placed closer than five (5) feet to an existing driveway on an abutting parcel, and no driveway access can be placed closer than five (5) feet to any other principal building.

As noted above, the two properties have joint access to a driveway that crosses the shared property line along New Brighton Road. The Applicants are requesting the Minor Subdivision to alter the property line to include all of the driveway access along New Brighton Road as part of Property A. Property B will continue to utilize the existing driveway access off of Beckman Avenue to their residence and will discontinue use of the access off of New Brighton Road. The Applicants had indicated that the Owner of Property B would be removing a section of the driveway to permanently discontinue use of the New Brighton Road access. This was not reflected in the application materials or shown on the site survey. The Planning Commission as part of the review should confirm with the Applicants of this intent and consider including as a condition of approval. The proposed lot line adjustment will bring the properties into compliance with code requirements.

Findings of Fact

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

1. The properties at 3300 New Brighton Road and 1893 Beckman Avenue are located in the R-2 – Single and Two Family Residential Zoning District.
2. The Arden Hills 2040 Comprehensive Plan designates the properties at 3300 New Brighton Road and 1893 Beckman Avenue as Low Density Residential.

3. The Applicants have submitted an application for a Minor Subdivision to adjust the side yard lot line between the two existing properties.
4. The proposed Minor Subdivision is not creating a new lot of record.
5. The request proposes to use the property in a reasonable manner as a single-family dwelling.
6. The Owner of the platted lot has filed with the zoning administrator a registered land survey of the lot line adjustment.
7. The proposed division will not be detrimental to the public welfare or injurious to adjacent tracts in the area in which the subdivision tract is located.

Proposed Motion Language

Staff has provided the following options and motion language for this case.

1. Recommend Approval with Conditions: Motion to recommend *approval* of Planning Case 21-021 for a Minor Subdivision at 3300 New Brighton Road and 1893 Beckman Avenue, based on the findings of fact and the submitted plans, as amended by the conditions in the September 8, 2021, Report to the Planning Commission:
 - 1) The Applicant shall record the Minor Subdivision with Ramsey County and a copy shall be provided to the City within sixty (60) days of the City's approval.
 - 2) The Applicant shall record the drainage and utility easements as shown on the submitted survey with Ramsey County and a copy shall be provided to the City within sixty (60) days of the City's approval.
 - 3) Monument stakes shall be installed to demarcate the property lines adjusted between Property A and Property B.
2. Recommend Approval without Conditions: Motion to recommend *approval* of Planning Case 21-021 for a Minor Subdivision at 3300 New Brighton Road and 1893 Beckman Avenue, based on the findings of fact and the submitted plans in the September 8, 2021 Report to the Planning Commission.
3. Recommend Denial: Motion to recommend *denial* of Planning Case 21-021 for a Minor Subdivision at 3300 New Brighton Road and 1893 Beckman Avenue, based on the following findings of fact: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
4. Table: Motion to *table* Planning Case 21-021 for a Minor Subdivision at 3300 New Brighton Road and 1893 Beckman Avenue for the following reasons: *a specific reason and/or information request should be included with a motion to table.*

Public Notice and Comments

Notice was published in the *Pioneer Press* on August 26, 2021. Notice was prepared by the City and mailed to property owners within 1,000 feet of the subject property. The City has not received any public comments regarding this case.

Deadline for Agency Actions

The City of Arden Hills received the completed application for this request on August 16, 2021. Pursuant to Minnesota State Statute, the City must act on this request by October 15, 2021 (60 days), unless the City provides the petitioner with written reasons for an additional 60-day review period. With consent of the applicant, the City may extend the review period beyond the initial 120 days.

Attachments

- A. Location Map
- B. Land Use Application
- C. Certificate of Survey