



MEMORANDUM

DATE: April 10, 2023

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Jessica Jagoe, Community Development Director

SUBJECT: **Planning Case #23-003 – Public Hearing Required**
Applicant: Mike Mezzenga
Property Location: 1174 Edgewater Avenue
Request: Minor Subdivision and Variance

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Motion to approve, table, or deny the following

- Planning Case 23-003 and adoption of Resolution 2023-017 for a Minor Subdivision and Variance for the property located at 1174 Edgewater Avenue (“Subject Property”). The Minor Subdivision and Variance would allow for the splitting of the Subject Property into two parcels for future development with single-family residential buildings.

Background

1. Overview of Request

Mike Mezzenga (“The Applicant”) has requested the approval of a Minor Subdivision and Variance for the property located at 1174 Edgewater Avenue (“Subject Property”). The Applicant is proposing to split the property into two lots for future redevelopment with single-family residential dwellings. To construct this proposal, the Applicant is seeking three variances based on applicable zoning code definitions and minimum lot standards.

- 1) **Lot Width:** The R-2 Zoning District minimum lot width shall be 85 feet. The Applicant is requesting a variance for Lot B to decrease the lot width to allow 60 feet as measured abutting Edgewater Avenue.

- 2) **Lot Depth:** The R-2 Zoning District minimum lot depth shall be 120 feet. The Applicant is requesting a variance for Lot A to decrease the lot depth as defined by code to 103 feet and to consider the east and west orientation of the lot at a depth of 188 feet in satisfaction of this requirement.
- 3) **Rear Yard Setback:** The R-2 Zoning District minimum rear yard setback is 30 feet. The Applicant is a variance for Lot A and Lot B to decrease the rear yard setback to 5 feet as measured from the south property line. The Applicant is requesting consideration of the west property line abutting Lake Josephine in satisfaction of this requirement.

Findings of Fact

The Planning Commission reviewed this application at their March 8, 2023 meeting and have offered the following findings of fact for your consideration:

General Findings:

1. The Subject Property at 1174 Edgewater Avenue is located in the R-2 – Single and Two Family Residential Zoning District.
2. The Arden Hills 2040 Comprehensive Plan designates the Subject Property as LDR – Low Density Residential.
3. The Applicant has submitted a land use application for a Minor Subdivision to subdivide the Subject Property into two (2) lots and is requesting a variance to the required R-2 Zoning District lot width, lot depth, and rear yard setback.
4. The property is properly guided and zoned for the development of single- family residential dwellings.
5. The request proposes to use the properties in a reasonable manner allowed by code as a single-family dwelling.
6. The Owner of the unplatted lot to be divided has filed with the Zoning Administrator a registered land survey of the lot to be divided.
7. The proposed Minor Subdivision would not require a front yard or side yard setback variance and as conditioned would comply with Shoreland Regulations.
8. The Applicant states the proposed single-family dwellings on the Subject Property would conform to all other requirements and standards of the R-2 Zoning District.
9. 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.
10. The Planning Commission conducted a public hearing on March 8, 2023.

Variance Findings:

11. Variances are only permitted when they are in harmony with the general purposes and intent of the ordinance.
12. The variance would be consistent with the City’s Comprehensive Plan because it meets the City’s housing goal of encouraging redevelopment that is complimentary to and enhances the character of the City’s established neighborhoods.
13. A single-family dwelling is a permitted use within the R-2 Zoning District.
14. The Applicant states the proposed single-family dwellings would not alter the essential character of the neighborhood because the configuration of future development on the

Subject Property in the east and west configuration would be consistent and compatible with the neighborhood.

15. The variance request is not based on economic considerations alone.

Options and Motion Language

The Planning Commission reviewed this application at their March 8, 2023 meeting. At that time, they recommended approval with conditions of the application from Mr. Mezzenga for a Minor Subdivision and Variance by a 4-1 vote. The following are motion language options for the City Council to consider.

- **Approve with Conditions:** Motion to *approve* Planning Case 23-003 and Resolution 2023-017 for a Minor Subdivision and Variance as submitted by the Applicant in Site Plan B at 1174 Edgewater Avenue, based on the findings of fact and the submitted plans, as amended by the conditions below:
 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 required under the Subdivision ordinance on the recorded survey with Ramsey County and a copy shall be provided to the City within sixty (60) days of the City's approval.
 3. The Applicant shall pay the required park development fee of \$6,500 for Tract B prior to issuance of permits for either lot within the Minor Subdivision.
 4. Monument stakes shall be installed to demarcate the property lines between Tract A and Tract B.
 5. A Building Permit shall be required on each lot for construction of the new dwelling.
 6. The proposed buildings shall conform to all other standards and regulations in the City Code.
 7. A Grading and Erosion permit for each lot shall be obtained from the City's PW/Engineering Division prior to commencing any grading, land disturbance or utility activities.
 8. Upon completion of grading and utility work on the site, a grading as-built and utility as-built shall be provided to the City.
 9. Final grading, drainage, and utility plans shall be subject to approval by the Public Works Director/City Engineer prior to the issuance of a grading and erosion control permit or other development permits.
 10. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Applicant during construction to ensure that sediment and storm water does not leave the project site.
 11. The Applicant shall be responsible for providing verification of approval and obtaining any permit necessary from the Rice Creek Watershed District prior to the start of any site activities.
 12. A separate right-of-way permit for each lot shall be required for work performed within the City right-of-way.
 13. The Applicant shall be responsible for obtaining a Sanitary Sewer Connect Permit.
 14. The Applicant shall be responsible for obtaining a Water Connect Permit.

15. Prior to the issuance of a building permit, the Applicant shall be financially responsible for 100 percent of all applicable sewer connection, sewer availability, water connection, water availability and Metropolitan Council SAC charges.
 16. A Tree Preservation Plan shall be required as part of the Building Permit application for the new dwelling on Tract A and Tract B. Any tree removal, preservation, and mitigation shall be completed in accordance with City Code Section 1325.055.
 17. Future development on Tract A would be evaluated as presented in Site Plan B designating the north and east elevations as the required front yards.
 18. Future development on Tract B would be evaluated as presented in Site Plan B designating the north and east elevation as the required front yards.
 19. The Minor Subdivision shall be required to comply with all applicable provisions of Section 1330, Shoreland Regulations and the Applicant is to submit an updated certificate of survey in satisfaction of these requirements prior to issuance of any building permits for the new home construction on Tract A or B.
 20. Tract A as shown on Site Plan B as measured from the south property line shall adhere to a side yard setback of no less than 10 feet.
- Approve as Submitted: Motion to *approve* Planning Case 23-003 and Resolution 2023-017 for a Minor Subdivision and Variance as submitted by the Applicant in Site Plan B at 1174 Edgewater Avenue, based on the findings of fact and the submitted materials.
 - Deny: Motion to *deny* Planning Case 23-003 and Resolution 2023-017 for a Minor Subdivision and Variance as submitted by the Applicant in Site Plan B at 1174 Edgewater Avenue, based on the following findings: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
 - Table: Motion to *table* Planning Case 23-003 and Resolution 2023-017 for a Minor Subdivision and Variance as submitted by the Applicant in Site Plan B at 1174 Edgewater Avenue: *a specific reason and information request should be included with a motion to table.*

Deadline for Agency Action

The City of Arden Hills received the completed application for this request on February 17, 2023. Pursuant to Minnesota State Statute, the City must act on this request by April 16, 2023 (60 days).

Attachments

- A. Resolution 2023-017
- B. Presentation