

**TO:** Planning Commission  
**FROM:** Ben Boike, Assistant Comm. Dev. Dir.  
**DATE:** February 16, 2016  
**SUBJECT:** Rezoning/Plat – 1636/1708 Delaware Ave



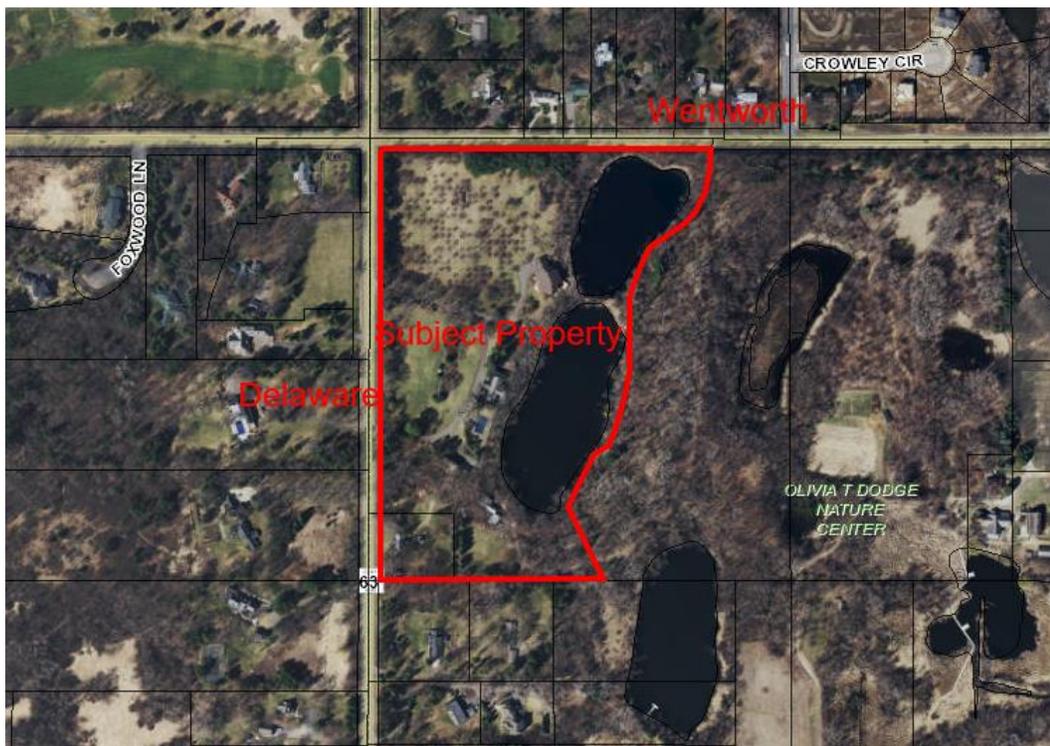
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## **REQUEST**

Thomas I. Dodge is requesting approval of two applications for the subdivision of his properties at 1636 and 1708 Delaware Avenue: 1) Rezoning of 1636 Delaware from C, Conservancy to R-1C, Single Family, and 2) Plat to subdivide the existing two lots to four lots and one outlot.

### ***Attachments:***

*Memos from the City Civil Engineer and Dakota County  
Draft Rezoning Ordinance  
Application  
Notice  
Land Use Map  
Preliminary/Final Plat Drawings*



## **EXISTING LAND USES**

The subject property currently consists of two residential lots: 1636 Delaware contains two homes, 1708 Delaware contains one home. Adjacent properties to the north, west, and south consist of single family homes. The property to the east is Dodge Nature Center.

## **ZONING**

1636 Delaware is currently zoned C, Conservancy. 1708 Delaware is currently zoned R-1C, Single Family. Adjacent properties to the north and south are zoned R1-C Single Family. Adjacent properties to the west (Mendota Heights) are zoned single family. The adjacent property to the east is zoned C, Conservancy.

## **BACKGROUND**

The applicant is requesting the ability to subdivide the existing two lots into four lots and one outlot (ponds). There are currently a total of three homes on the two properties, two on the Dodge family property (1636 is the applicants home and 1668 is the old family home currently being rented) and one at 1708 Delaware (caretaker's home).

The applicant is not proposing any redevelopment at this time. The request is to simply put the family in better position for possible future redevelopment. The proposed subdivision of the property will allow for each existing home to be located on its own separate lot and creating a new lot on which a new home can be built, allowing the family the ability to sell individual homes and/or redevelop them as single-family lots.

Staff is recommending a condition of approval requiring the applicant apply for and obtain a rental license for the homes located at 1668 and 1708 Delaware that are rented to non-family members. The applicant must obtain the rental licenses before the city will sign off on recording the plat.

## **REZONING ANALYSIS**

The applicant is requesting to re-zone 1636 Delaware from C, Conservancy to R-1C, Single Family Residential (1708 Delaware is currently zoned R-1C). If you may recall, the Planning Commission reviewed a Land Use Map amendment last fall to change the land use designation for 1636 Delaware from "Parks and Recreation" to "Single Family Residential". The land use map amendment was required in order to rezone the property from C, Conservancy to R-1C, Single Family Residential. The City Council approved the land use map amendment which was then submitted to the Metropolitan Council and approved.

Staff believes that R-1C zoning is appropriate zoning for the property based on the following:

- Current Use of Property – The property is currently being used as residential.
- Proposed lot sizes – The proposed lots are similar in size to surround single family lots.
- Surrounding Uses – With the exception of the Dodge Nature Center to the east, all surrounding uses are single family.
- Zoning of adjacent parcels – With the exception of the Dodge Nature Center to the east, all surround parcels are zoned Single Family.

- Land Use Plan Map – the Land Use Map (Comprehensive Plan) calls for “Single Family” uses for the subject properties.

### **PLAT ANALYSIS**

The existing two properties consist of 23.69 acres, which are both owned by the applicant. The proposed subdivision will result in four lots and one outlot:

- Lot 1 consisting of 6.08 acres (current owner residence)
- Lot 2 consisting of 4.03 acres (former family home to remain)
- Lot 3 consisting of 1.94 acres (existing home to remain)
- Lot 4 consisting of 2.23 acres
- Outlot A consisting of 6.8 acres (pond area)

### **Access**

Since Lot 4 does not have street frontage, Staff is recommending a condition of approval requiring an access easement be recorded through Lots 2 and 3 benefiting Lot 4. As discussed below, future access for Lots 3 and 4 shall be shared with Lot 2 per county spacing requirements.

### **Dakota County Review**

Since the proposed plat abuts Wentworth Ave and Delaware Ave, which are both county roads, the Dakota County Plat Commission reviewed the proposed plat at their February 8, 2016 meeting. The County is requesting the following:

1. Five additional feet of right-of-way shall be dedicated to both Wentworth and Delaware Avenues.
2. Access shall be restricted on Wentworth Ave
3. Access shall be restricted to the two most northerly existing access drives on Delaware. Future access to Lots 3 and 4 shall share access with the existing drive for Lot 2.
4. No work shall be allowed in the Wentworth Ave right-of-way until a permit is obtained from the Dakota County Transportation Department.

The County has stated that they will consider allowing temporary access for Lot 3 in the location of one of the existing accesses to Delaware during final review. At time of preliminary review, they were unsure of the current use of the home located on Lot 3.

Staff is recommending a condition of approval requiring the applicant to adhere to the requests of the County.

### **City Civil Engineer Review**

The City’s Civil Engineer has provided a memo with the following recommended condition pertaining to the Preliminary/Final Plat (see attached memo) which is included in Staff’s recommendation (condition 7):

1. If any of the lots are redeveloped in the future, water and sewer hook-ups to City infrastructure will be required.

### **Parkland Dedication**

Staff is recommending a condition of approval that parkland dedication fees will be due upon application of a building permit for any new homes.

### **STAFF RECOMMENDATION**

**Staff recommends APPROVAL of the REZONING of 1636 Delaware Ave from C, Conservancy to R-1C, Single-family Residential subject to the following condition:**

1. Approval is contingent upon approval of the corresponding Plat application.

**Staff recommends APPROVAL of the PRELIMINARY/FINAL PLAT subject to the following conditions:**

1. Approval is contingent upon approval of the corresponding rezoning application.
2. The plat shall be recorded at the County Recorder's Office within 12 months of city approval.
3. Prior to recording, the applicant must apply for and obtain all required rental licenses for homes on the property that are being rented to non-family members.
4. The applicant shall prepare and record an access easement through Lots 2 and 3 benefiting Lot 4 as shown on the plat.
5. Parkland dedication fees will be required upon application of a building permit for any new home.
6. The plat shall adhere to the requests of Dakota County per the letter dated February 10, 2016.
7. If any of the lots are redeveloped in the future, water and sewer hook-ups to City infrastructure will be required.