

# **BAYPORT PLANNING COMMISSION**

**August 20, 2007**

**6:00 p.m.**

**Bayport City Hall – Council Chambers  
294 North 3<sup>rd</sup> Street**

## **A. CALL TO ORDER**

## **B. APPROVAL OF MINUTES**

- **May 21, 2007 regular meeting**

## **C. PUBLIC HEARINGS**

- **Public hearing to consider a request to rezone 386 Maine Street South from I-Industrial to R2-Single-family Urban to allow construction of a new single-family home**
- **Public hearing to consider rezoning 398 Maine Street South from I-Industrial to R2-Single-family Urban**

## **D. OLD BUSINESS**

## **E. NEW BUSINESS**

## **F. GENERAL INFORMATION**

## **G. OPEN FORUM**

## **H. ADJOURNMENT**

**CITY OF BAYPORT  
PLANNING COMMISSION MEETING MINUTES  
CITY COUNCIL CHAMBERS  
MAY 21, 2007  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice thereof, Chairperson Mabie called the regular Bayport Planning Commission meeting of May 21, 2007, to order at 6:00 p.m.

**ROLL CALL**

Commissioners Present: Chairperson Tom Mabie, Commissioners David Levy, Judith Seeberger and Ron Wolfe

Commissioners Absent: Commissioner Jennifer Schneider

City Staff Present: Administrator Mike McGuire, Assistant City Administrator/Planner Sara Taylor and City Council Liaison Sharon Ridgway

**SWEARING IN OF NEW MEMBER DAVID LEVY**

Administrator McGuire administered the oath of office to new Planning Commissioner David Levy.

**APPROVAL OF MINUTES**

It was moved by Commissioner Seeberger and seconded by Commissioner Wolfe to approve the February 20, 2007 meeting minutes as presented. Motion carried.

**PUBLIC HEARINGS**

Consider a variance to allow construction of a new detached garage nearer to the front property line than the existing house located at 440 Minnesota Street South: Planner Taylor reviewed the variance application of Gerald and Victoria Peterson to build a new detached garage nearer to the front property line than the existing house, which is not allowed by city code. The applicants are proposing a 22 foot x 24 foot two-car detached garage approximately 15 feet southeast of the existing house. There is currently no garage on the property to accommodate indoor parking and/or storage, and there is no alternate buildable area for a garage due to the location of the house on the lot. Staff believes the variance request meets the criteria of a hardship and recommends approval, in accordance with the conditions stated in the staff report.

Gerald Peterson, property owner and applicant, answered questions relative to his request for the proposed garage variance. Commissioner Levy recommended that windows be included on the street side for aesthetic reasons. Applicant Peterson requested that the pitch of the garage roof be lower than the house roof, to be consistent with the neighbor's garage.

Rebecca Lehrman, 432 Minnesota Street South, indicated she would also like windows on street side and has no objections to the proposed garage.

John Dahl, 408 Minnesota Street South, stated he had no objections to the proposed garage. It was moved by Commissioner Wolfe and seconded by Commissioner Levy to close the public hearing. Motion carried.

It was moved by Commissioner Wolfe and seconded by Commissioner Seeberger to recommend to the City Council to approve a variance to allow construction of a new 22' x 24' detached garage at a front setback of 70 feet, which is nearer to the front property line than the existing house located at 440 Minnesota Street South. Motion carried.

It was moved by Commissioner Seeberger and seconded by Commissioner Wolfe to approve the findings of fact as stated in the staff report. Motion carried.

### **OLD BUSINESS**

Update and consideration of proposed residential development "Hidden Shores": Planner Taylor summarized a memorandum from Planning Consultant Mike Darrow. The application is still incomplete and staff recommended extending the application for one more month to give the developer time to submit a revised plan. If a revised plan is not received in time for consideration at the June Planning Commission meeting, staff would then recommend that the developer withdraw the application until the plan is revised, or the Planning Commission could take action to deny the incomplete application at the June meeting.

It was moved by Commissioner Levy and seconded by Commissioner Seeberger to continue the discussion of a preliminary plat for a residential development known as "Hidden Shores" until the June 18, 2007 Planning Commission meeting. Motion carried.

It was moved by Commissioner Wolfe and seconded by Commissioner Levy to approve the findings of fact as stated in the May 15, 2007 memorandum from Michael Darrow, SEH. Motion carried.

**NEW BUSINESS - None**

### **GENERAL INFORMATION**

1. Administrator McGuire noted that bids for the Lakeside Park renovation project are scheduled for opening on May 24, 2007, and bids are also in the process of being developed for new playground equipment at Lakeside Park. Renovation of the bathhouse is anticipated to begin in June.

### **OPEN FORUM**

Eric Scholtheis, a student at Stillwater Area High School, stated he was in attendance to observe the meeting and meet the requirements of his government class.

### **ADJOURN**

It was moved by Commissioner Levy and seconded by Commissioner Wolfe to adjourn the meeting at 6:25 p.m. Motion carried.

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# MEMORANDUM

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**DATE:** August 13, 2007

**TO:** Planning Commission (August 20<sup>th</sup> meeting)  
Mike McGuire, City Administrator

**FROM:** Sara Taylor, Assistant City Administrator/Planner

**SUBJECT:** Public hearing to consider a request to rezone 386 Maine Street South from I-Industrial to R2-Single-family Urban to allow construction of a new single-family home

## A. BACKGROUND

The property is located at 386 Maine Street South and is legally described as Lot 15 and the Northerly ½ of Lot 14, Block 89, Bayport, Washington County, Minnesota. Its dimensions are approximately 140' on the north and south lot lines, and 75' along the east and west lot lines, with a total lot area of approximately 10,500 square feet. The subject property is zoned I-Industrial and is surrounded by a mixture of land uses, including an industrial facility owned and operated by the Andersen Corporation on the north side, single-family residential homes on the west and south sides, and railroad right-of-way/vacant land on the east side. The property is currently vacant, with the exception of a 2-car garage that remains from the previous homestead.

The applicant and property owner, Andersen Corporation, has submitted an application requesting that the property be rezoned from I-Industrial to R2-Single-family Urban, to allow construction of a new single-family home. In 1994, Andersen Corporation purchased the property, which included a legally non-conforming single-family home and 2-car garage. However, in 2000, the home was demolished, due to its state of disrepair.

Andersen Corporation, in conjunction with Twin Cities Habitat for Humanity, would like to reconstruct a single-family home on the property, in celebration of Andersen's 100 years in the building industry. However, since the property is zoned industrial, the property would need to be rezoned to residential to allow construction of a single-family home, as this is not allowed in the I-Industrial zoning district. If rezoned, Andersen Corporation intends to renovate the existing garage on the property to compliment the proposed home. As part of the application, the proposed site plan will also need review and approval.

Notice of the Planning Commission's public hearing was mailed to all property owners within 350' of the subject property and published in the Stillwater Gazette on August 7, 2007. The following informational items are attached:

- zoning and land use map of the area surrounding the subject property
- photos of the subject property with existing garage
- survey of the subject property with existing garage and proposed house
- narrative by the property owner

- proposed exterior illustration and interior floor plan of the new house
- proposed landscaping plan
- proposed roadway and utility easement description

**B. STAFF COMMENTS**

**1. Rezoning**

As stated above, the property is surrounded by a variety of land uses. However, a majority of the parcels in the immediate vicinity of the subject property include those zoned and used for residential purposes. Due to their proximity to the adjacent industrial facility, staff assumes the subject property and parcel just south were zoned industrial, to accommodate potential future expansion of the facility, even though both parcels contained single-family homes. Regardless, because of the current zoning, the applicant cannot rebuild a single-family home on the property without it being rezoned for residential use.

The proposed single-story, ranch style house would be constructed slab on grade, with a total of 1,510 square feet. It would contain 4 bedrooms, 2 baths, and feature high quality and energy efficient windows, appliances, and heating system. The existing detached garage on the property would remain and be renovated as deemed necessary by the city's building official, to comply with the Minnesota State Building Code, and compliment the exterior of the new house. A majority of the home would be constructed utilizing volunteer labor, under the supervision of a Habitat for Humanity construction site supervisor. All mechanical, plumbing, and electrical work would be subcontracted to licensed contractors.

Because of the mixture of surrounding land uses, past use of the property as residential, and the overall compatibility the proposed house would have with the neighborhood, staff does not anticipate that rezoning the property would have a negative impact. In addition, rezoning the property would allow construction of a new home that will be donated to an individual or family in need.

| PROPOSED HOUSE          | REQUIRED  | EXISTING | PROPOSED (APPROX) |
|-------------------------|-----------|----------|-------------------|
| FRONT YARD SETBACK      | 20 FT     | NA       | 20 FT             |
| NORTH SIDE YARD SETBACK | 20 FT     | NA       | 20 FT             |
| SOUTH SIDE YARD SETBACK | 10 FT     | NA       | 10 FT             |
| REAR YARD SETBACK       | 30 FT     | NA       | 70 FT (AVG)       |
| LOT COVERAGE            | UP TO 35% | NA       | 25%               |

**2. Site plan**

The proposed site plan includes the installation of new landscaping, as well as the preservation of most of the existing, mature trees on the property. A rear and front sidewalk are also proposed, to provide a walkway to the existing garage and front entrance to the home. In order to provide a buffer from the adjacent industrial facility also owned by Andersen Corporation, staff feels that additional shrubs, bushes, fencing, or a combination of these materials should be installed along the north side property line. Not only will this soften the appearance of the industrial building, but it will help delineate the transition from industrial to residential and create a more aesthetically pleasing yard area for the homeowner to enjoy.

The existing garage on the property is quite dilapidated, however, the applicant is under the assumption that the garage is structurally sound, and is proposing to renovate it to compliment the new home. An inspection of the garage will need to be completed by the city's building official, in order to determine what renovations are necessary to comply with the Minnesota State Building Code. At a minimum, the type and color of the exterior siding and shingles for the garage need to be consistent with those for the new house.

It should be noted that the existing garage is legally non-conforming in that it does not meet the setback from the alley. Therefore, the driveway is also non-conforming in that it does not meet the 18 foot minimum depth for an off-street parking space, nor provide adequate parking for vehicles without encroaching into the right-of-way. To provide off-street parking that complies with city code, at least one 10 x 20 accessory parking space, paved with asphalt or concrete, must be installed adjacent to the existing driveway, on the north side of the garage. In addition, the area of grass between the existing driveway and alley will need to be removed and replaced with asphalt or concrete, to create appropriate access to the driveway and garage.

While completing the applicant's survey of the property, Barry Stack discovered that a portion of city right-of-way encroaches on to the property. For liability reasons, an easement will need to be granted for the encroachment. An easement description has been prepared for the encroachment of city right-of-way, and will be required as a condition of rezoning the property.

### **C. *SUGGESTED FINDINGS OF FACT***

#### **1. Rezoning**

The property previously contained a single-family home and many of the surrounding parcels are zoned and used for residential purposes. Therefore, rezoning the property would not have a negative impact on the neighborhood. In addition, the rezoning will allow construction of a new home that will be donated to an individual or family in need.

#### **2. Site Plan**

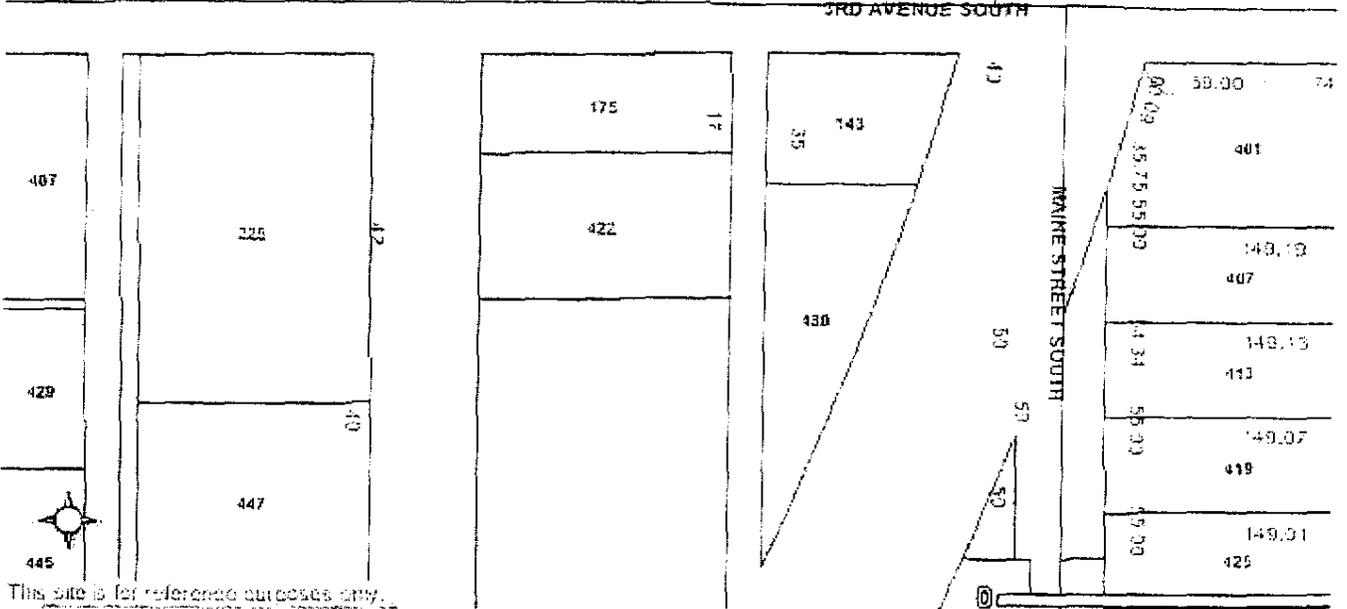
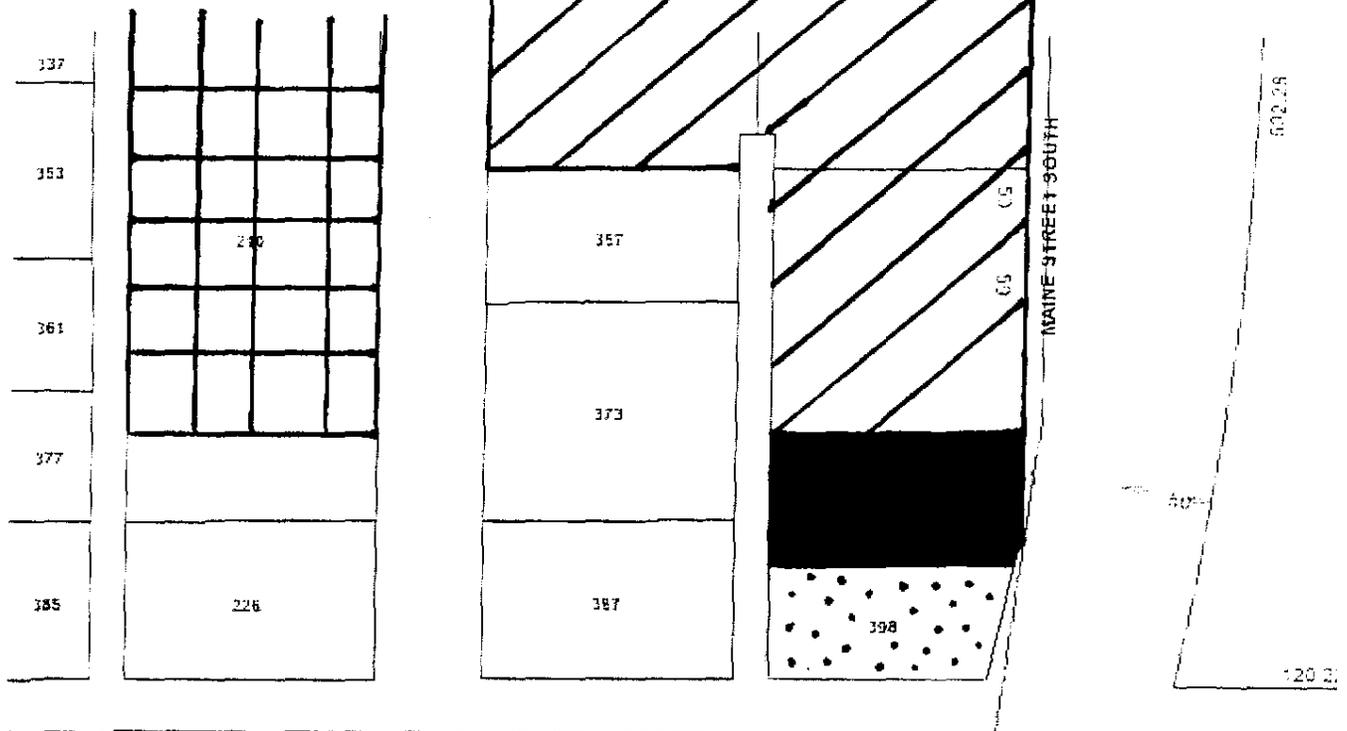
The style and layout of the proposed house, as well as other improvements planned for the property, will compliment the surrounding land uses and have a positive impact on the neighborhood. The installation of landscaping throughout the property will soften the adjacent industrial facility and create a buffer for the new house. In addition, the blight associated with the existing garage and driveway will be eliminated.

### **D. *RECOMMENDATION***

Staff recommends approval of Application 2007-03 for a request to rezone 386 Maine Street South from I-Industrial to R2-Single-family Urban to allow construction of a new single-family home to be donated to Twin Cities Habitat for Humanity. Suggested findings of fact are as stated in section "C" of the staff report and are subject to the following conditions of approval:

- All conditions set forth herein shall be the responsibility of the applicant, Andersen Corporation.
- Prior to the issuance of a building permit, a complete set of construction plans for the house shall be submitted by the applicant, in accordance with the conditions of approval, for review and approval by the city's building official.
- The applicant shall work with city staff to acquire all necessary permits and permissions to extend municipal utilities to the property.
- The proposed landscaping plan shall be modified to include shrubs, bushes, opaque residential fencing, or a combination of these materials along the north side of the subject property, to provide a buffer from the adjacent industrial facility.
- Prior to the issuance of a building permit for the new house, an inspection of the existing garage on the property must be completed by the city's building official, in order to determine what renovations are necessary to comply with the Minnesota State Building Code. At a minimum, the type and color of the exterior siding and shingles for the garage and house must be consistent with one another.
- One 10 x 20 accessory parking space, paved with asphalt or concrete, must be installed adjacent to the existing driveway, on the north side of the garage, to provide off-street parking that complies with city code.
- The area of grass between the existing driveway and alley must be removed and replaced with asphalt or concrete, to create appropriate access to the driveway and garage.
- The property owner shall give an easement to the city for road right-of-way that encroaches onto the eastern portion of the property.
- Execution and recording of the easement for any other encroachments, i.e. railroad right-of-way, is the responsibility of the applicant.
- An as-built survey of the property must be submitted to the city upon completion of the project.
- Ownership of the property must be transferred to Twin Cities Habitat for Humanity.
- All conditions of approval must be completed or met, prior to a certificate of occupancy being issued for the new house.

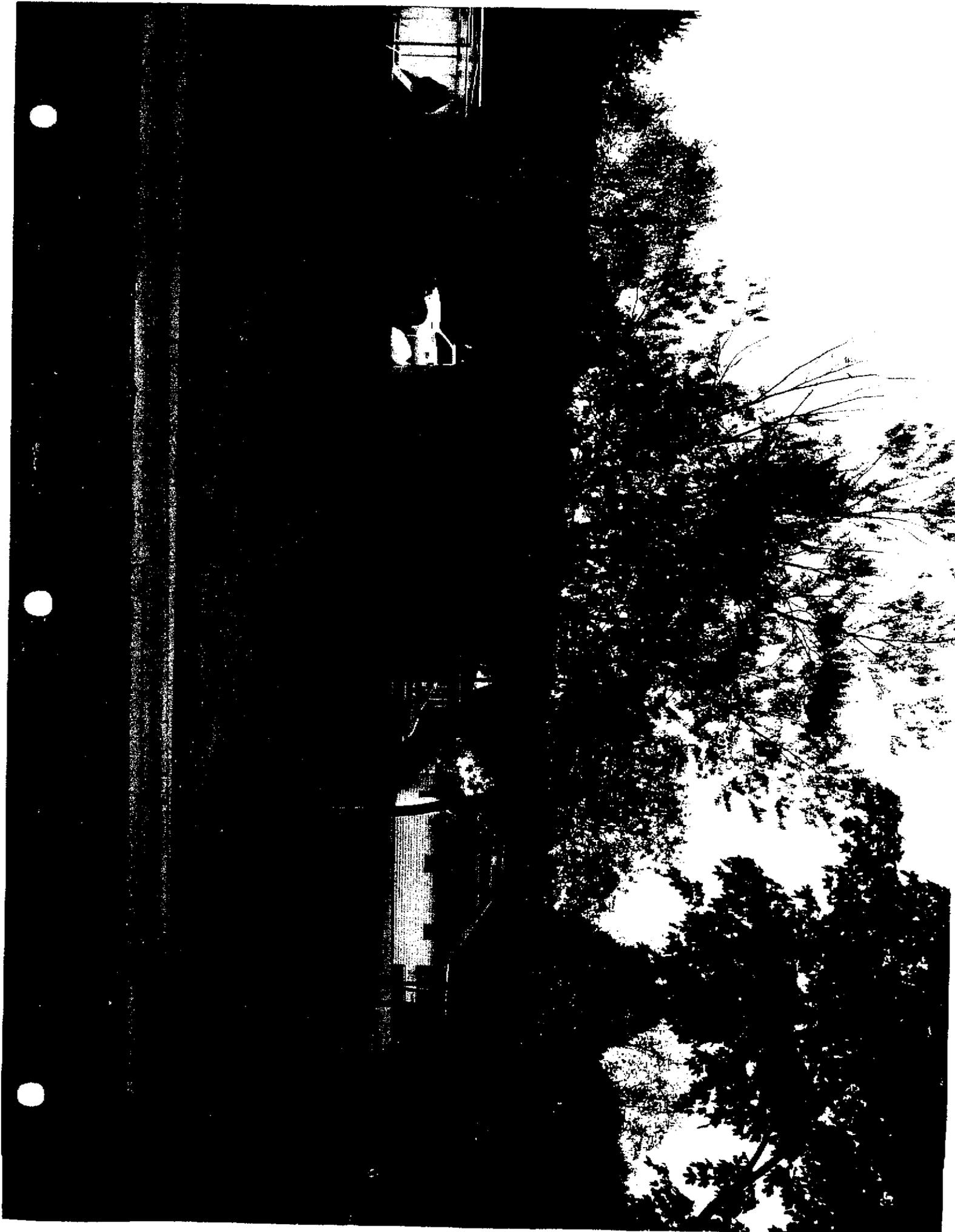
The Planning Commission is asked to make a recommendation on the request for City Council consideration. The City Council will consider the request at its meeting on September 10, 2007.

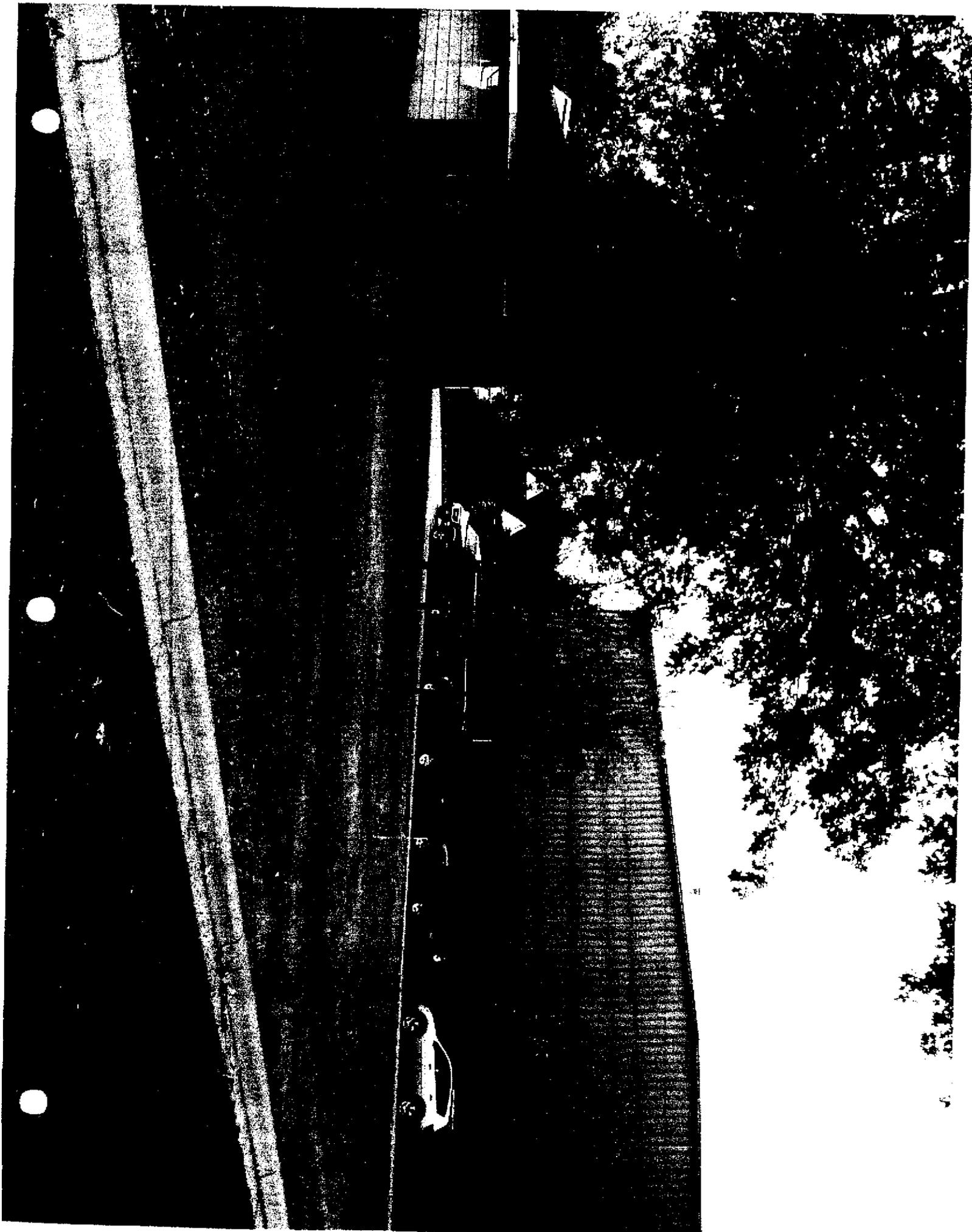


This site is for reference purposes only.

KEY

-  SUBJECT PROPERTY - PROPOSED FOR RESIDENTIAL
-  ADJACENT PROPERTY - PROPOSED FOR RESIDENTIAL
-  PROPERTIES ZONED RESIDENTIAL
-  PROPERTIES ZONED LIMITED BUSINESS
-  PROPERTIES ZONED INDUSTRIAL







Notes:

"M." Ind. measured value.  
 "R." Ind. plat record value.  
 Bearing system is assumed datum.  
 Offsets shown to existing structures are measured to the outside building wall line, unless shown or noted otherwise hereon.  
 "Δ" Ind. tree location, size and type as noted.  
 Spot Elevations shown are based on NGVD, 1929 Adj.  
 See BENCHMARK location note below.  
 See Proposed Road & Utility Easement on Sheet 2.

# CERTIFICATE OF SURVEY

Notes:

**BARRETT M. STACK**  
 STILLWATER, MINN. 55082  
 MINNESOTA REGISTERED  
 LAND SURVEYOR  
 Tel. No. 439-5630

Ind. #13774 iron set.  
 Ind. survey monument set, as noted.  
 Underground or overhead, public or private utilities, on or adjacent the parcel, were not located in conjunction with this survey, unless shown or noted otherwise hereon.  
 The publically maintained roadway, locally known as Maine St., encroaches onto the above described overall parcel. No written easement for this appears on Doc. No. 814411 supplied.

**SURVEY MADE EXCLUSIVELY FOR:** Andersen Corporation, 100 Fourth Avenue North, Bayport, MN 55003-1096  
 attn: Dawn DeKeyser, Facilities Management & Real Estate.

**DESCRIPTION:** Overall Parcel Description Supplied: (copy of Doc. No. 814411, Wash. Co. records)

Lot 15 and the Northerly 1/2 of Lot 14, Block 89, Bayport, (formerly South Stillwater) according to the recorded plat thereof.

**Description Report: (Note)**

As shown hereon, the above described Overall Parcel may be impacted by a deed for railroad right-of-way purposes as described in Book 27 of Deeds, Page 588, Wash. Co. records. Elements of this deed are shown on part of a railroad right-of-way map. (see copy enclosed). If this instrument is valid, it will impact both the overall parcel area and, more importantly, eliminate the majority of road frontage to platted Maine Street, as noted hereon. Discuss this matter with an attorney for an opinion on what steps, if any, that may be required to address this matter.

Building Setback lines shown are for the R2-Single Family Urban zoning district (R2-SFU). Overall parcel is currently zoned Commercial and will need to be re-zoned to R2-SFU district.  
 Contact Mr. Mel Horak, City of Bayport Public Works Department, at tel. (651) 275-4404, for additional available information on location and character of existing utilities on or adjacent the parcel.

**July 13, 2007 - Sheet 1 Revision Notes:**

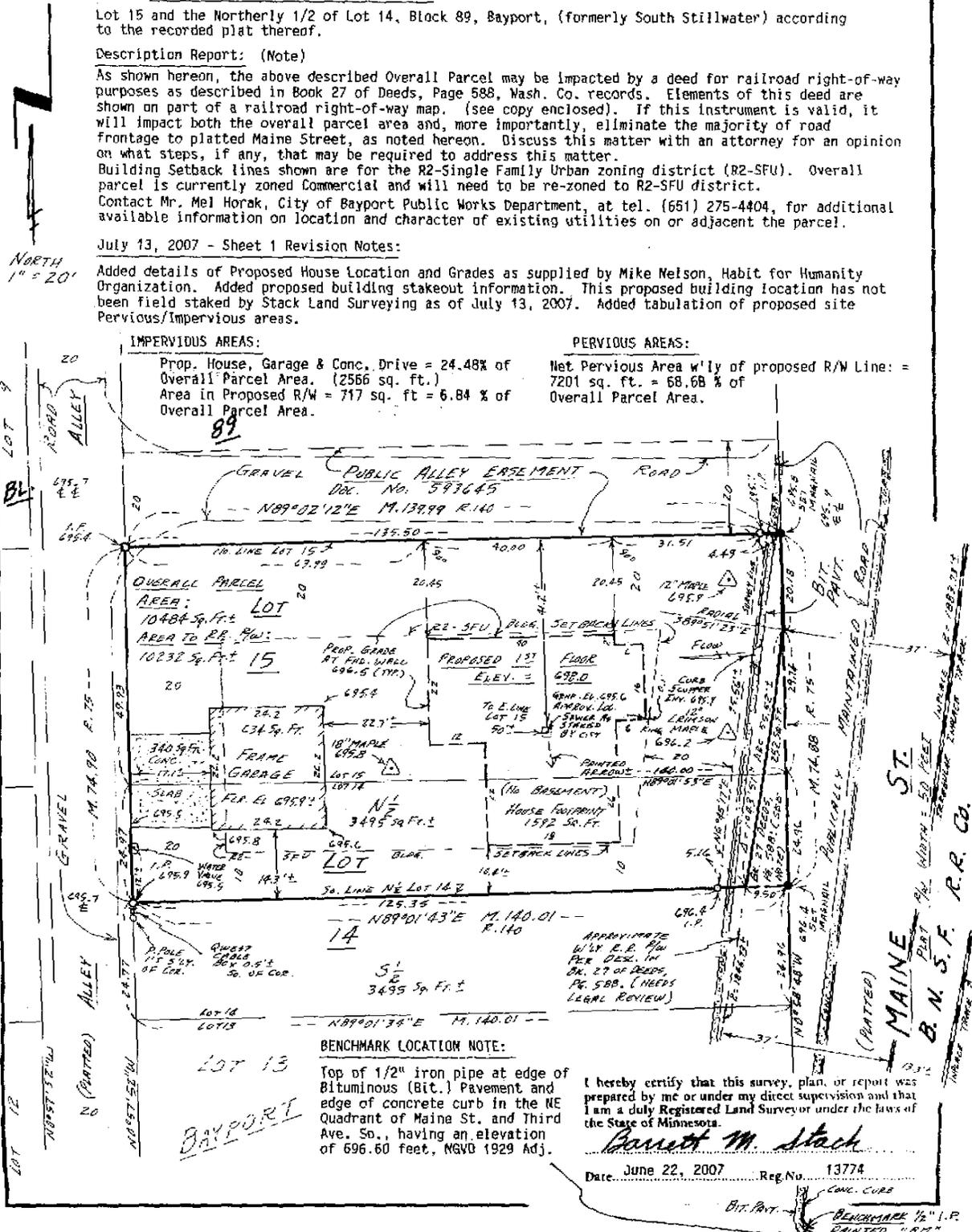
Added details of Proposed House Location and Grades as supplied by Mike Nelson, Habit for Humanity Organization. Added proposed building stakeout information. This proposed building location has not been field staked by Stack Land Surveying as of July 13, 2007. Added tabulation of proposed site Pervious/Impervious areas.

**IMPERVIOUS AREAS:**

Prop. House, Garage & Conc. Drive = 24.48% of Overall Parcel Area. (2566 sq. ft.)  
 Area in Proposed R/W = 717 sq. ft = 6.84 % of Overall Parcel Area.

**PERVIOUS AREAS:**

Net Pervious Area w/ly of proposed R/W Line = 7201 sq. ft. = 68.68 % of Overall Parcel Area.



**BENCHMARK LOCATION NOTE:**

Top of 1/2" iron pipe at edge of Bituminous (Bit.) Pavement and edge of concrete curb in the NE Quadrant of Maine St. and Third Ave. So., having an elevation of 696.60 feet, NGVD 1929 Adj.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*Barrett M. Stack*  
 Date: June 22, 2007 Reg. No. 13774

CONC. CURB  
 BIT. PAVT.  
 BENCHMARK 1/2" I.P.  
 PAINTED "BIT."

Andersen Corporation is seeking to have the property located at 386 South Maine Street rezoned back to R2-Single Family Urban (R2-SFU) from Industrial. Andersen Corporation acquired the property with a single family home and 2 stall garage in 1994. The home was razed in 2000 due to its state of disrepair while the garage remained and is still in use. Immediately adjacent to the property is an industrial building (owned by Andersen Corporation) located to the north, the Bayport Park to the east and additional residential to the south, west and north-west. We believe this rezoning will benefit the city of Bayport by providing consistency with the majority of the adjacent property types and zoning. It is the intent of Andersen to donate this property to the Twin Cities Habitat for Humanity upon the rezoning for use once again as a single family home as outlined in further detail below.

Andersen Corporation is pleased to partner with Twin Cities Habitat for Humanity on a very special home construction project in Bayport. In 2003 Andersen Corporation celebrated its centennial. To honor that milestone, the company and the Andersen-related foundations made a commitment to fund and build 100 Habitat homes over five years in honor of the company's 100 years in the building industry. The effort began in June of 2003 and the company will complete the five-year project with the Bayport site being the location of the 100<sup>th</sup> home.

Since the 100-home project began, Andersen and the related foundations have donated \$5 million to build the homes. In addition, they donated all the windows, and most importantly, the employees of Andersen Corporation donated more than 52,000 volunteer hours to building homes locally as well as nationally. Being able to complete this enormous effort in the company's hometown is a particularly meaningful opportunity.

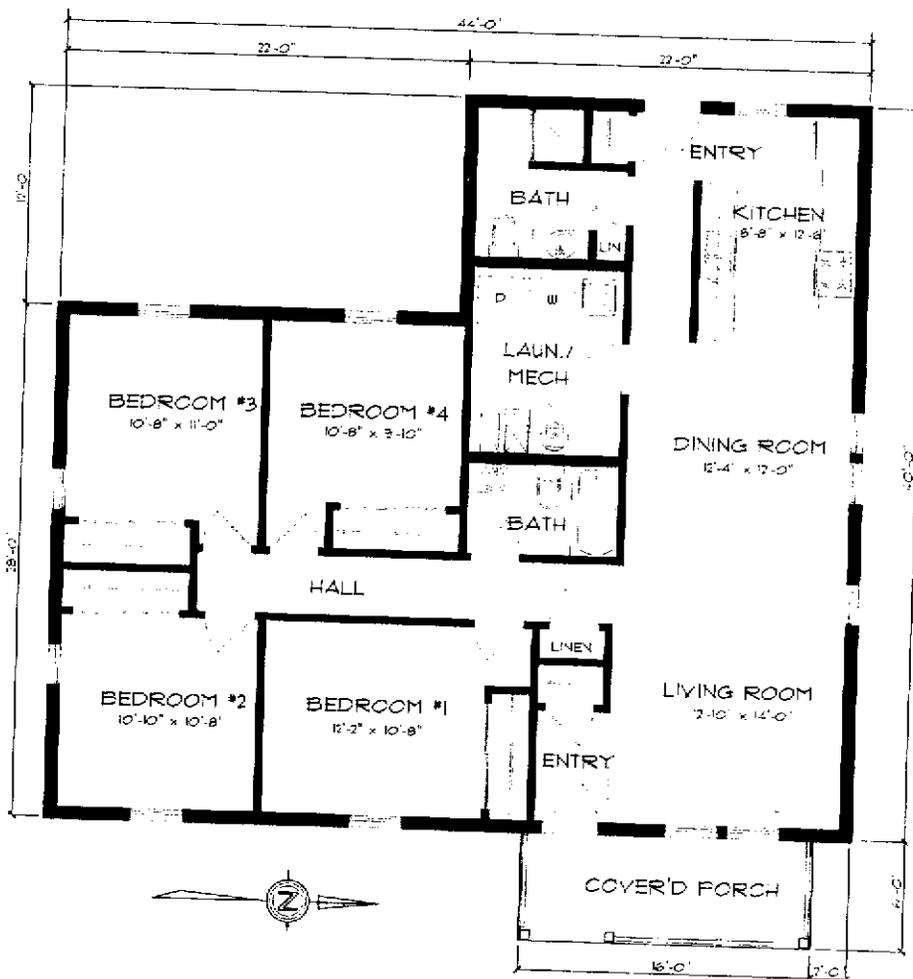


Twin Cities Habitat for Humanity, (TCHFH) proposes a 4 bedroom, 2 bath, 1,510 square foot, slab on grade, ranch style home at 386 Maine Street, Bayport. We plan to utilize and have incorporated into the site plan, the existing two stall garage. Habitat homes meet or exceed Energy Star standards by featuring high quality Andersen Windows, Whirlpool Energy Star appliances and 92% energy efficient heating system.

TCHFH is a licensed Residential Building Contractor in the State of Minnesota with over 20 years of experience. In the past 20 years TCHFH has built over 650 single and multi-family homes in the seven county Minneapolis/St. Paul area.

The Habitat construction model is based on volunteer labor and homeowner sweat-equity. The site is supervised full time by a TCHFH Construction Site Supervisor. We sub contract all mechanical, plumbing and electrical work to licensed contractors. Those contractors may offer to TCHFH reduced fee or In-Kind services. Many of the high quality products used in the construction of TCHFH homes are either donated or deeply discounted by the supplier.

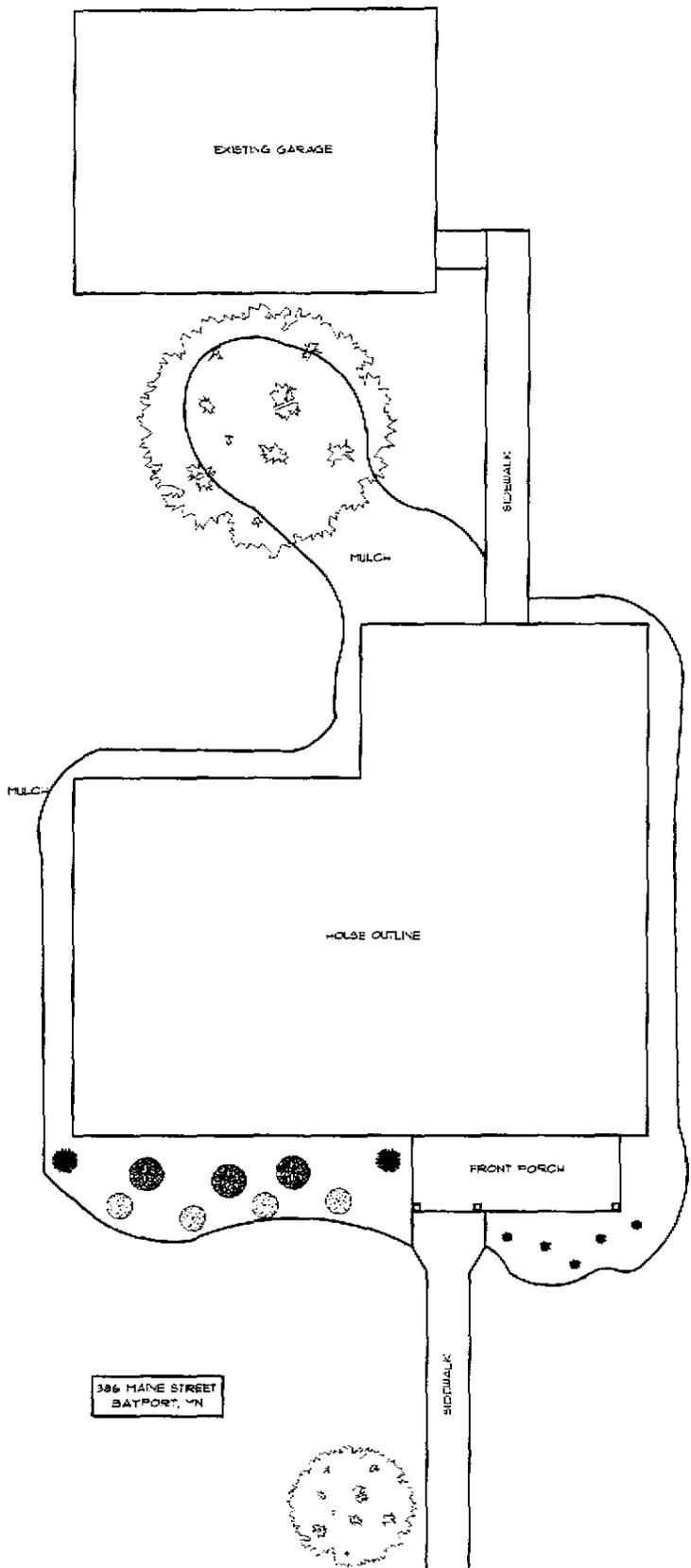
July 20<sup>th</sup>, 2007



|  |   |   |
|--|---|---|
| <p>TWIN CITIES HABITAT for HUMANITY</p> <p>3001 4TH ST SE<br/>MINNEAPOLIS, MN 55414-3301</p> <p>OFFICE: 612-331-4090<br/>FAX: 612-331-1540</p> | <p>SINGLE FAMILY HOME<br/>BAYPORT, MN</p> | <p>MODEL: 13R4-2</p>                            |
|  |   | <p>TOTAL FINISHED<br/>SQUARE FOOTAGE = 1510</p> |

PLANTING KEY

|  |                             |
|--|-----------------------------|
|  | (NEW) SPIREA GOLDMOUND PINK |
|  | (NEW) FLOWERS               |
|  | (NEW) SPREADING YEW         |
|  | (NEW) CAROUSEL BARBERRY     |
|  | (NEW) RIVER BIRCH TREE      |
|  | EXISTING TREE               |



LANDSCAPING PLAN

MAINE STREET

ALLEY

Sheet 2

STACK LAND SURVEYING  
9090 North Fairy Falls Road  
Stillwater, MN 55082  
(651) 439-5630  
June 29, 2007

Andersen Window Corporation  
100 Fourth Avenue North  
Bayport, MN 55003-1096

attn.: Dawn DeKeyser  
Facilities Management & Real Estate.

**PROPOSED PUBLIC ROADWAY AND UTILITY EASEMENT DESCRIPTION:**  
(to be conveyed to the City of Bayport by Quit Claim Deed)

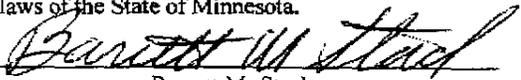
An easement for public roadway and utility purposes, over, under and across all that part of Lot 15 and the Northerly 1/2 of Lot 14, Block 89, Bayport, (formerly South Stillwater) Washington County, Minnesota, lying easterly of the following described line, to wit:

Beginning at a point on the southerly line of said Northerly 1/2 of Lot 14, distant 14.66 feet westerly of the southeast corner thereof; thence northerly, along the line being described, to a point in the northerly line of said Lot 15, distant 4.49 feet westerly of the northeast corner thereof, and said line being described there terminate.

The above described easement is granted subject to and together with any other valid easements, reservations, restrictions or prior conveyances that my encumber or impact said easement description.

Note: See details of this proposed easement description on Sheet 1.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.



Barrett M. Stack

Date: 6-29-07 License No. 13774

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# MEMORANDUM

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**DATE:** August 13, 2007

**TO:** Planning Commission (August 20<sup>th</sup> meeting)  
Mike McGuire, City Administrator

**FROM:** Sara Taylor, Assistant City Administrator/Planner

**SUBJECT:** Public hearing to consider rezoning 398 Maine Street South from I-Industrial to R2 Single-family Urban

## A. *BACKGROUND*

The property is located at 398 Maine Street South and is legally described as Lot 13 and the southerly ½ of Lot 14, Block 89, Washington County, Minnesota. The subject property is zoned I-Industrial and is surrounded by a mixture of land uses, including 386 Maine Street South, which is also being considered for rezoning to R2 Single-family Urban, an industrial facility owned and operated by the Andersen Corporation, single-family residential homes, and railroad right-of-way/vacant land. The property currently is being used for residential purposes and contains a single-family home and 1-car garage.

Andersen Corporation has submitted an application requesting that the property directly to the north of this property be rezoned from I-Industrial to R2-Single-family Urban, to allow construction of a new single-family home. If approved, this rezoning would isolate the subject property with an industrial zoning classification. To provide consistency with zoning classification and land use, the city is requesting consideration to rezone this property to R2 Single-family Urban.

Notice of the Planning Commission's public hearing was mailed to all property owners within 350' of the subject property and published in the Stillwater Gazette on August 7, 2007. The following informational items are attached:

- zoning and land use map of the area surrounding the subject property
- photos of the subject property

## B. *STAFF COMMENTS*

Although the property currently contains a single-family home for residential use, it is currently zoned I-Industrial. This means that the home is considered to be legally non-conforming. Per the Bayport City Code, legally non-conforming uses and structures are permitted to continue being used, but the use cannot be intensified or the structure cannot be altered beyond normal maintenance. As such, the current I-Industrial zoning would limit any potential remodeling or additions to the structure.

As noted above, Andersen Corporation has submitted an application to the city requesting that the parcel directly north of the subject property be rezoned to R2-Single-family Urban to allow construction of a new single-family home. Because city staff feels that this parcel and the subject property are better suited for residential uses, the city feels that rezoning these properties is appropriate. It should be noted that no alterations are being proposed that would affect the current condition of the property. However, rezoning the property would eliminate the legally non-conforming status of the home, and allow the property owner more flexibility for any potential remodeling in the future.

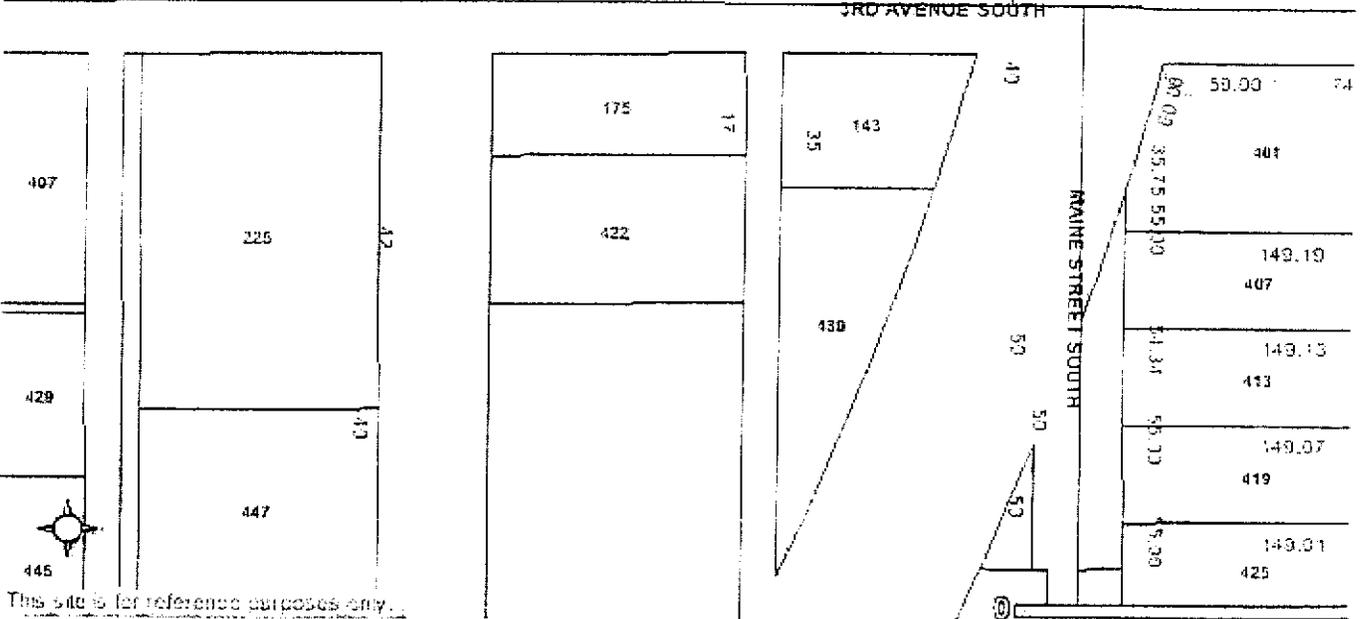
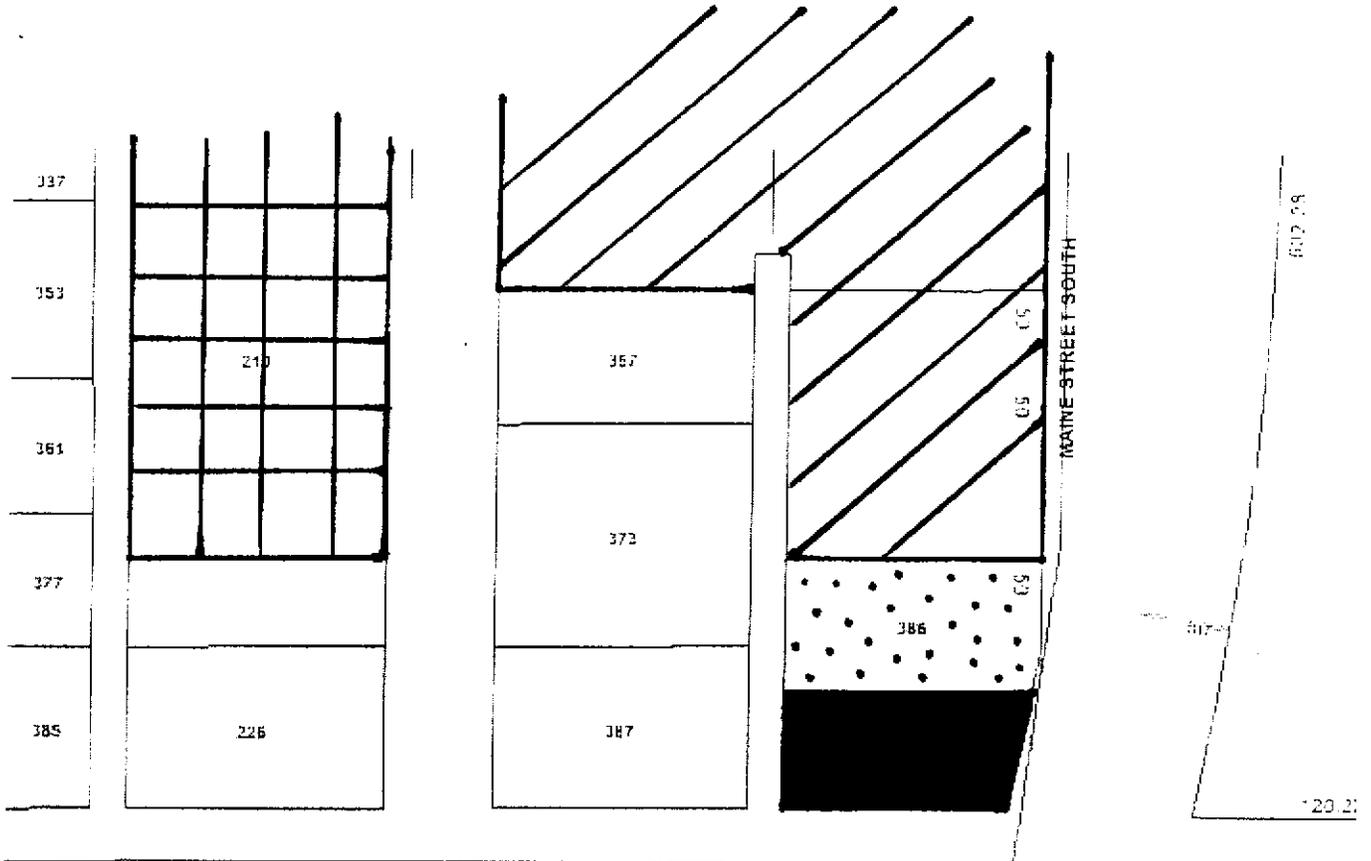
It should be noted that a portion of public right-of-way may encroach onto this property. However, a land survey would need to be completed to determine the extent of the encroachment. Since no improvements or expansion to the house are planned at this time, the city feels that it is unjustified to require that a land survey be completed only for the encroachment. It has been the city's policy to resolve this type of encroachment on other properties when a building permit application is submitted for a project that would require a land survey.

**C. *SUGGESTED FINDINGS OF FACT***

A majority of the parcels in the immediate vicinity of the subject property are zoned and used for residential purposes. The subject property currently contains a single-family home and is used for residential purposes. Therefore, rezoning the property would not have a negative impact on the neighborhood.

**D. *RECOMMENDATION***

Staff recommends approval to rezone 398 Maine Street South from I-Industrial to R2-Single-family Urban. Suggested findings of fact are as stated in section "C" of the staff report. The Planning Commission is asked to make a recommendation on the request for City Council consideration. The City Council will consider the request at its meeting on September 10, 2007.



This site is for reference purposes only.

KEY

-  SUBJECT PROPERTY - PROPOSED FOR RESIDENTIAL
-  ADJACENT PROPERTY - PROPOSED FOR RESIDENTIAL
-  PROPERTIES ZONED RESIDENTIAL
-  PROPERTIES ZONED LIMITED BUSINESS
-  PROPERTIES ZONED INDUSTRIAL



