

Department of Community Planning and Economic Development – Planning Division
Minor Subdivision Application
MS-154

Date: October 3, 2006

Applicant: Steven Lex

Address of Property: 5143 Vincent Avenue North

Project Name: Not applicable.

Contact Person and Phone: Steven Lex 320-229-0104

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: August 1, 2006

End of 120-Day Decision Period: November 29, 2006

Ward: 4 **Neighborhood Organization:** Shingle Creek

Existing Zoning: R1A Single-family District and SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 1

Legal Description: See survey.

Existing Use: Parcel A will be approximately 7,264 square feet and contains a legally nonconforming duplex. Parcel B will be approximately 5,500 square feet and is proposed for a new single-family home.

Concurrent Review: Minor Subdivision.

Applicable Code Provisions: Chapter 598 Subdivisions.

Development Plan: Please see attached survey. A two-family home exists on the site.

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Background: This subdivision was continued from the August 28, 2006, meeting of the City Planning Commission to allow staff to look into neighborhood concerns over site conditions. The Shingle Creek Neighborhood Association raised concern that the property sinks, was part of the Ryan Creek creek bed, is a wetland, and whether the site is suitable for building (please see attached letter). Staff has investigated these items. City maps do not identify the site as a wetland. The Shingle Creek Watershed Management Commission has provided historical maps that indicate that Ryan Creek did not flow through the site. The Building Plan Review Section of the Inspections Department has indicated that many other houses on the street have been built on pilings and it is reasonable to assume that it may be necessary on this site or that soil correction may be necessary. This does not necessarily mean that the site is unbuildable, but that it will probably be more expensive than a site that does not have soil conditions.

The proposed subdivision will create two parcels out of parts of three platted lots. Parcel A will be approximately 7,264 square feet and contains a legally nonconforming duplex. Parcel B will be approximately 5,500 square feet and is proposed for a new single-family home. The duplex has a side entrance on the south side, so a 15 foot setback is required on this side of the house. The plan provides the required setbacks. The R1A District requires that lots be 40 feet wide and have 5,000 square feet of lot area. Both parcels exceed the minimum required lot width and lot area.

The applicant proposes a new single-family home on the southerly parcel. No plans are available at this time, but administrative site plan review and compliance with the Shoreland Overlay District is required before building permits may be issued. The drive at the rear of the site is required to be paved and the fencing removed or replaced per zoning code standards.

Required Findings:

1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

Both parcels will be in conformance with the requirements of the subdivision ordinance and zoning code. The comprehensive plan shows this area as appropriate for residential development.

2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The proposed subdivision will adjust the common lot line between parcels to create one parcel for an existing two-family home and one for a new single-family home. This will not be out of character with the area and will not add congestion to the public streets.

3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.

The site may have flooding, water table, drainage, or soil conditions that may require pilings or soil corrections before a structure may be built. The Building Plan review Section of the Inspections Department has indicated that many other houses on the street have been built on pilings.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

No significant change to the grade is proposed and alley access is existing. Soil correction or pilings may be necessary for a structure to be built on the site.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

Existing utility and drainage provisions are adequate for the site.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the minor subdivision:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision application for property located at 5143 Vincent Avenue North.

Attachments:

- 1) Letter from neighborhood group.
- 2) Letter from shingle Creek Watershed Management Commission.
- 3) Zoning map.
- 4) Hennepin County map.
- 5) Survey.
- 6) Photos.