

**Department of Community Planning and Economic Development – Planning Division**  
**Minor Subdivision Application**  
**MS-191**

**Date:** January 5, 2009

**Applicant:** Joseph Totley

**Address of Property:** 916 26<sup>th</sup> Avenue NE and 2536-38 Central Avenue NE

**Contact Person and Phone:** Joseph Totley, (763) 789-3334

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** December 5, 2008

**End of 120-Day Decision Period:** April 4, 2009

**Ward:** 1      **Neighborhood Organization:** Holland, adjacent to Audubon Park

**Existing Zoning:** C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 10

**Legal Description:** See survey.

**Existing Use:** Parcel A (northerly parcel) will be approximately 4,177 square feet and there is an existing unoccupied building. Parcel B (southerly parcel) will be approximately 19,188 square feet and contains a mixed use building.

**Concurrent Review:**

**Minor Subdivision:** To allow for a land sale of a portion of Parcel B to Parcel A.

**Applicable Code Provisions:** Chapter 598 Subdivisions.

**Development Plan:** Please see attached survey.

**Background:** The subdivision consists of two parcels. The property owner of 2536 and 2538 Central Avenue NE has agreed to sell approximately 2 feet by 27.8 feet of the existing parcel to the property owner at 916 26<sup>th</sup> Avenue NE. The majority of land to be sold lies underneath the existing building located at 916 26<sup>th</sup> Avenue NE. The applicants have stated that the purpose of the minor subdivision is to clear up the title due to a mistake in previously recorded land sale. Both parcels will meet all of the requirements of the zoning code and the subdivision ordinance.

**MINOR SUBDIVISION**

**Required Findings:**

**1. Subdivision is in conformance with the land subdivision regulations and the applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

Both parcels will be in conformance with the requirements of the subdivision ordinance and comprehensive plan. The portion of land to be sold lies mostly underneath the existing vacant industrial building of which the property is to be sold to at 916 26<sup>th</sup> Avenue NE. Both will be in conformance with the requirements of the zoning code.

**2. 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 reallocate approximately 56 square feet from the property located at 2538 Central Avenue NE to 916 26<sup>th</sup> Avenue NE. This will not be out of character with the area and will not affect the congestion of the public streets.

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

The site does not present the other above noted hazards.

**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.**

The portion of land to be sold is located underneath the existing building at 916 26<sup>th</sup> Avenue NE. No new construction or change to the grading is proposed.

**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.**

CPED – Planning Division Report  
MS-191

Existing utility and drainage provisions are adequate for the existing development.

**RECOMMENDATIONS:**

**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 to allow for a land sale for a portion of 2536-38 Central Avenue NE to 916 26<sup>th</sup> Avenue NE in the C2 Neighborhood and PO Pedestrian Oriented Overlay District.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant
- 2) Zoning map
- 3) Hennepin County map
- 4) Surveys
- 5) Photos
- 6) Oblique aerials