

Department of Community Planning and Economic Development - Planning Division
Minor Subdivision Application
MS-140

Date: January 23, 2006

Applicant: TCM Properties, Inc.

Address of Property: 3228 South 5th Avenue

Project Name: Not applicable.

Contact Person and Phone: Sue Basiago, 952-886-0149

Planning Staff and Phone: Janelle Widmeier, 612-673-3156

Date Application Deemed Complete: December 14, 2005

End of 60-Day Decision Period: February 12, 2006

Ward: 8 **Neighborhood Organization:** Central

Existing Zoning: R2B Two-family District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 25

Legal Description: See survey.

Existing Use: A duplex.

Concurrent Review: Minor subdivision.

Development Plan: The survey showing the existing duplex is attached.

Background: The house at 3228 5th Avenue South is an existing side-by-side duplex. The applicant is proposing a “party-wall” split to allow separate ownership of the two units of the existing duplex. Only lots with an existing side-by-side two-family dwelling of one or more stories may be subdivided along the party wall to allow separate ownership of each side of the building provided that covenants are recorded that set forth the requirements for exterior maintenance of the building and grounds, the requirements for reconstruction if one or both sides of the building are damaged or destroyed, and state that the parcels may be used separately as long as the existing building is continued and that thereafter the lots shall be combined to make a single parcel or otherwise be enlarged to conform to the requirements of the land subdivision regulations. The covenants must be recorded with the county.

Required Findings:

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

The subdivision is in conformance with the design requirements of the zoning code and the land subdivision regulations. 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 site contains a side by side duplex with a garage. No new units will be added.

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

The site does not present the above hazards. No building sites are being created. The duplex is existing.

- 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 change to existing access or grading is proposed.

- 5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with rules, regulations and standards of the city engineer and the requirements of the 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 existing and proposed development.

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 application for minor subdivision down a party wall for property located at 3228 South 5th Avenue.