

Staff Report

Application: Metes and Bounds Subdivision

Applicant: Dave Tutch

Agenda Item: 8(a)

Background: The proposed metes & bounds subdivision is located at 40055 Evergreen Drive. Lot 2 of Andrews Lake Park.

The lot that is proposed to be subdivided is 80,670 square feet (1.85 acres). The proposed subdivision would create two lots. Tract A will be 40,320 square feet in size and Tract B will be 40,353 square feet in size. The lot will be split such that Tract A is the northern half of the lot, and Tract B would be the southerly portion. Each proposed Tract will have frontage along Evergreen Drive.

Applicable Ordinances: The process and requirements for subdivisions are currently described under Section IX of the ordinance.

5.10 Commercial Transition/Light Industrial (CT)

2. Lot and Use requirements

| | |
|--|--------|
| Lot width– feet, minimum | 100 |
| Buildable lot area – square feet, minimum | 20,000 |
| Setback, right of way, City road- feet, minimum | 30 |
| Setback, right of way, County or State road, feet, minimum | 30 |
| Setback, between buildings – feet, minimum | 10 |
| Setback, side next to residential district – feet, minimum | 30 |
| Setback, side yard – feet, minimum | 30 |
| Setback, rear – feet, minimum | 30 |

9.4 Design Layout Standards - Minimum.

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, City Attorney, City Engineer, Planning Commission and Council, except as waived by variance approved by the Board of Adjustment.

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration required. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs, lands with slopes exceeding 12 percent or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sights, or any other feature of the

- natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. All non-conforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by motion of the Planning Commission.
 3. Each lot shall be adjacent to public sewer or shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
 4. Provisions for water based recreation where near shore aquatic conditions are unsuitable for direct access.
 5. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without variance.
 6. Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties if those properties were to be developed as per the Emily Zoning and Subdivision Ordinance.
 7. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall not contain bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.
 8. Each lot shall have a minimum of 33 feet of frontage on a designated right of way.

Other applicable standards are contained in Section 9 of the Ordinance.

Staff Findings:

1. The land is properly zoned there are no unique characteristics that would indicate that there are any constraints to building structures on either of the proposed tracts.
2. Both tracts meet the minimum building area requirement (20,000 square feet), both tracts are approximately 40,000 square feet.
3. The survey indicates that all structure setbacks can be met, and each tract meets the minimum lot width of 100 feet. The minimum lot width of each lot is approximately 140 feet.
4. The lot layouts are such that both lots can be accessed from Evergreen Road, and will not impede the future growth of the City. This subdivision will not cause undue hardship on any adjacent or nearby landowner.
5. Each proposed lot meets the minimum frontage requirement (33 feet). Each lot has approximately 140 feet of frontage.

Planning Commission Direction: The Planning Commission can develop findings to recommend approval of this preliminary plat, develop findings to recommend denial of the preliminary plat, or table the application to gather additional information.

Staff Recommendation: The findings presented tend to support the approval of the proposed Metes and Bounds Subdivision or "Lot Split." Staff recommends approval of this application.