

# City of Hastings

## Planning Commission Memorandum

**To:** Planning Commission  
**From:** Justin Fortney, Associate Planner  
**Date:** October 22, 2012  
**Item:** **Minor Subdivision** –1660 and 1654 Tierney Dr. – Bruce Jorgenson

**Request:** Bruce Jorgenson seeks a minor subdivision to subdivide a vacant .85 acre parcel into two lots. This action will create two buildable single-family lots (East of 1648 Tierney Drive).

**Background information:** The property received preliminary plat approval to be subdivided into three lots in 2006, but was not finalized. The proposed layout in 2006 is the same as the current proposal.

This parcel was originally one acre in size. The applicant subdivided one parcel (1648 Tierney Drive) from it in 2009 with a house being built that same year. The proposed eastern lot is 9,049 SF and the western lot is 25,233 SF. Both lots meet the minimum lot size and layout requirements.

**Notification:** Notification of the request was mailed to all property owners within 350 feet. The owner and family of 1670 Tierney Drive, (Gustafsons and granddaughter Laura Nitti), state opposition to the subdivision in the attached letter. Below the letter are comments from staff.

### **Comprehensive Plan Classification**

The property is designated U-I – Urban Residential in the 2030 Comprehensive Plan. U-I allows 1 to 3 units per net acre.

### **Zoning Classification**

The subject property is zoned R-1 – Low Density Residential. Single - Family homes are permitted uses in the R-1 District.

### **Adjacent Zoning and Land Use**

The following land uses abut the property:

<b>Direction</b>	<b>Existing Use</b>	<b>Zoning</b>	<b>Comp Plan</b>
North	Park/ water detention	PI	P (park)
East	Residential	R-1	U-I
South	Residential	R-1	U-I
West	Residential	R-1	U-I

### **Minimum Setback Requirements for the R-1 District:**

Front 20'  
Side 7'  
Rear 20'

**Lot Size**

The property meets the minimum lot size requirement. The minimum lot size in the R-1 district is 9,000 square feet.

**Lot Width**

The property meets the minimum lot width requirement. The minimum lot width for a lot in the R-1 district is 75 feet.

**Sewer Interceptor Fee**

The applicant shall pay \$910 in sewer interceptor fees for the two new lots. The payment is due prior to recording of the minor subdivision.

**Park Dedication**

The applicant shall pay \$4,400 in park dedication fees for the two new lots. The payment is due prior to recording of the minor subdivision.

**Landscaping**

One boulevard tree and front yard tree is required to be planted for each unit.

**Recommended Action**

Staff recommends approval of the minor subdivision with the following conditions:

- 1) Conformance with the Planning Commission staff report and plans dated October 22, 2012.
- 2) Approval is subject to a one-year sunset clause; if the minor subdivision is not recorded within one year of City Council approval, the approval is null and void.
- 3) Payment of the sewer interceptor fee in the amount of \$910.00
- 4) Payment of park dedication fee in the amount of \$4,400
- 5) Planting of one boulevard and front yard tree for each unit at time of construction, consistent with the City Code.

**Attachments**

- Aerial photograph
- Survey
- Opposition letter from 1670 Tierney Drive









October 17, 2012

City of Hastings/Planning Commission

I would first like to apologize for not being able to appear at this meeting as we are residences of Florida.

I want the members of the Planning Commission to be aware that Donald Gustafson/ Owner of Hastings Construction originally donated the portion of Land in question to the City of Hastings for the sole purpose of Parkland. Had he known that the City would subsequently declared it excess land and auction it off, his properties at 1670 and 1680 Tierney Drive would have included the proposed lot 1, being that he was the original owner and developer of that land at the time. It really bothered him that he would have to buy back land that he donated. It just didn't sit right with him as he had donated many parcels of land to the city of Hastings.

As former developers we are well aware of taking into consideration the layout of existing properties in regards to a proposed plot. The current subdivision was originally a three lot subdivision which did not appear to be a problem as to how a house would be placed on the western most lot. However dividing the property into 4 lots now places a structure behind our properties which we object to. We would like the subdivision to remain 3 lots not 4.

We also ask that you take the existing properties at 1670 and 1680 Tierney Drive Hastings, MN into your highest consideration when approving a site plan for the existing most western lot in this subdivision adjacent to our property. We just want to alleviate any potential problem of the back yards of 1670 and 1680 Tierney Drive to the side yard of the existing most western lot in the original subdivision.

Please keep us informed our address is 225 Charleston Court Naples FL 34110. Our Daughter/Granddaughter Laura Nitti resides in the property at 1670 Tierney Drive and can speak on our behalf. Please also communicate with her. If you have any questions please contact us at 239-597-3110.

Thank you for your time and consideration

Cory Gustafson/Cheryl Gustafson/Donald Gustafson

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**Staff Comments:**

Only three lots in total will have been created from this vacant property, the first was created in 2009 and the other two are now being considered.

Our records show that in 1979 this one-acre parcel along with 19 other acres were acquired by the City through an eminent domain process to alleviate past flooding issues. The 20 acres of property come from several owners including Hastings Construction Co., which Donald Gustafson was a part of.

Owners of the 20 acres would have been compensated for the land. After the large ponding basin was designed and constructed, unused portions of the 20 acres were sold including the subject parcel.

No records have been found indicating that this property was dedicated as parkland.