

Department of Community Planning and Economic Development – Planning Division
Final Plat
PL-235

Date: August 24, 2009

Applicant: Aeon

Address of Property: 714, 718, 720, 722, 726 and 730 East 17th Street

Project Name: Alliance Apartments Addition

Contact Person and Phone: Rosemary Dolata, (612) 341-3148, ext. 229

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: July 30, 2000

End of 120-Day Decision Period: November 27, 2009

Ward: 7 Neighborhood Organization: Elliot Park Neighborhood, Inc.

Existing Zoning: OR2, High Density Office Residence District, R6, Multiple-family District and the DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 20

Legal Description: Not applicable for this development

Proposed Use: 61-unit supportive housing development and surface parking lot

Concurrent Review:
Final Plat (PL-235)

Applicable zoning code provisions: Chapter 598, Land Subdivision Regulations

Background: On June 22, 2009, the City Planning Commission approved land use applications to allow for the construction of a 61-unit supportive housing development and surface parking lot; including a preliminary plat. The development was approved as a cluster development in order to allow more than one residential structure on the zoning lot. In 1996 the Minneapolis City Planning Commission approved a conditional use permit for 124 dwelling units for sober homeless adults. This facility, known as Alliance Apartments, is located at 715 and 719 East 16th Street. Aeon is proposing to construct a new building that will contain an additional 51 dwelling units for sober homeless adults. The new building will be connected to the existing Alliance Apartments building

via a ground level link. In addition to the newly constructed building an existing building that is located on the site will be moved to the eastern boundary of the property, rehabbed and converted into an additional ten dwelling units for sober homeless adults. In addition to the residential component of this development an existing parking lot is being reconfigured which provides parking for Aeon employees that office out of the building located at 1625 Park Avenue

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Required Findings:

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

The applicant is proposing to replat six lots into three new lots. Lot 1 is being created for the proposed parking lot, Lot 2 is being created for the new building and Lot 3 is being created for the existing building that will be moved and rehabbed. Lots 2 and 3 are part of a cluster development. Individual lots within cluster developments are exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be five feet wide on side lot lines and ten feet wide on rear lot lines, where no alley is provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from both lots. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

Given the layout of the proposed development drainage and utility easements are not possible around the rear and interior lot lines. The applicant has indicated that since they own all of the land that drainage easements are not needed. The Pubic Works Department has agreed that drainage

easements are not needed for this development. Given this the Planning Division recommends varying the drainage easement requirement to zero. There will be overhead power lines that will connect the proposed development to the existing power poles in the. The exact location is not known at this time. The Planning Division is recommending that the final plat provide five foot wide utility easements along the side lot lines and ten foot wide utility easements along the rear lot lines where determined necessary by the utility companies.

Section 598.260 Planned unit development and cluster design, requires the design of a subdivision for a cluster development to implement the site plan as approved by the Planning Commission and shall include a deed restriction designating the following:

- 1. The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).**

Aeon will own all of the land so this provision is not necessary.

- 2. Provision for access to each lot that does not have frontage on a public street.**

All lots have frontage on a public street.

- 3. A requirement that an owner's association be created. The duties and responsibilities of the owner's association shall include maintaining the elements of the cluster development as authorized under the zoning ordinance or other applicable regulations.**

Aeon will own all of the land so the creation of an owner's association is not necessary.

- 4. A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.**

Aeon will own all of the land so this provision is not necessary.

- 5. A requirement that any disposition of any of the common property situated within the cluster development shall not be made without the prior approval of the Planning Commission.**

If an amendment is made to the cluster development the proposed amendments shall be reviewed and approved by the City Planning Commission.

- 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 applicant is proposing to replat six lots into three new lots. Lot 1 is being created for the proposed parking lot, Lot 2 is being created for the new building and Lot 3 is being created for the existing building that will be moved and rehabbed. Lots 2 and 3 are part of a cluster development.

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 is flat and does not present the above 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 parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

The Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the final plat:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the final plat application for the properties located at 714, 718, 720, 722, 726 and 730 East 17th Street.

Attachments:

1. Review letter from Public Works
2. Review letter from City Attorney

Department of Community Planning and Economic Development – Planning Division
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3. Copy of the Alliance Apartments Addition