

Department of Community Planning and Economic Development - Planning Division
Preliminary & Final Registered Land Survey
RLS-46

Date: February 5, 2007

Applicant: Union Land III, LLC

Address Of Property: 1101 Main Street NE

Contact Person And Phone: Frank Dunbar 763-377-7090

Planning Staff And Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: December 28, 2006

End of 120 Day Decision Period: April 27, 2006

Ward: 3 **Neighborhood Organization:** Sheridan

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 9

Legal Description: Please see attached RLS.

Existing Use: The 56-unit Crescent Trace condominiums with ground floor commercial.

Concurrent Review: Registered Land Survey (RLS).

Background: A rezoning, conditional use permits, variances, and site plan review (BZZ-2076 & BZZ-2573) were approved to allow a mixed use development with 56 condominium units in 2004 and 2005 called Crescent Trace. A preliminary plat (PL-165) was approved by the City Planning Commission on December 13, 2004.

The applicant had intended to file the final plat and then create two common interest communities (CICs) or condominium plats; one for the residential units, and the other for the commercial tenant. The Hennepin County Registrar of Tiles and Surveyor required that a Registered Land Survey (RLS) be completed with individual tracts for the individual CICs rather than a plat. The configuration of the RLS tracts, as required by the County to facilitate the two CICs as proposed by the applicant, does not meet the lot frontage and lot area requirements for some of the proposed tracts on the ground level. The tracts above the ground level are not a concern, but those on the ground level are subject to the same requirements as platted lots. Therefore, a condition exists where the applicant does not have an option that will meet both City and County requirements for CICs, plats, and RLSs.

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The solution to this technical problem is to record an agreement that if the CICs are ever dissolved, then the tracts on the ground floor will be replatted into lots or tracts that meet the requirements of the zoning ordinance. In addition, they have agreed to remove Tract C (as shown on the drawing attached to this staff report and that is a landlocked parcel in the parking lot), which does not meet the area and frontage requirements of the code. While Tracts D, G, and E will not have frontage and Tract F will not have frontage nor meet the minimum required lot area, they will all be tied to the overall zoning lot that does have frontage and does meet the minimum lot area requirements. Planning staff consulted with the City Attorney and both believe that this approach is appropriate and meets the requirements of the zoning code and subdivision ordinance.

The City Attorney has reviewed and approved the final RLS title documents.

As of the writing of this report, staff has not received any correspondence from the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

Required Findings:

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

With the recommended conditions of approval, the RLS is in conformance with the subdivision regulations, zoning code, and comprehensive plan. The applicant will remove Tract C (as shown on the attached drawing) and while Tracts D, G, and E will not have frontage and Tract F will not have frontage nor meet the minimum required lot area, they will all be tied to the overall zoning lot that does have frontage and does meet the minimum lot area requirements. Planning staff consulted with the City Attorney and both believe that this approach is appropriate and meets the requirements of the zoning code and subdivision ordinance.

- 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 purpose of the RLS is to delineate ownership and location of various tracts on the site. This shall have no impact on surrounding properties.

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

The building is built and the site is fully developed. The site does not pose 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 building is built and the site has been developed. Access is existing and adequate.

- 5. The subdivision makes adequate provision for stormwater 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 will not exceed the amount occurring prior to development.**

The building is built and the site has been developed.

RECOMMENDATION

Recommendation of the Community Planning and Economic Development Department - Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the RLS application for the property located at 1101 Main Street NE subject to the following conditions:

- 1) Elimination of landlocked substandard Tract C show in the parking area on the drawing attached to this staff report.
- 2) A document that states that if the CICs are dissolved in the future, then the site will be replatted to create new tracts or lots that are in compliance with the requirements of the zoning code and subdivision ordinance shall be recorded with Hennepin County before the signed RLS will be released for recording with Hennepin County.

Attachments:

1. Zoning map.
2. Site plan.
3. RLS.
4. Photo.