

**Department of Community Planning and Economic Development - Planning Division**  
Preliminary & Final Registered Land Survey  
RLS-48

**Date:** April 23, 2007

**Applicant:** Stuart Ackerberg

**Address Of Property:** 2930 and 2936 Emerson Avenue South

**Contact Person And Phone:** David Craigie with Rehder & Associates, Inc., (651) 452-5051

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

**Date Application Deemed Complete:** March 16, 2007

**End of 120 Day Decision Period:** July 14, 2007

**Ward: 10      Neighborhood Organization:** Lowry Hill East Neighborhood Association

**Existing Zoning:** C3A, Community Activity Center District with the PO Pedestrian Oriented Overlay District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 24

**Legal Description:** Please see attached RLS

**Existing Use:** Mixed-use development including 44 dwelling units and approximately 11,700 square feet of commercial space

**Concurrent Review:** Registered Land Survey (RLS) – 48. The purpose of this RLS is to create different ownership tracts on the zoning lot. The RLS will create different tracts for the residential portion and commercial portion of the building.

**Background:** In September of 2005 the Minneapolis Planning Commission approved applications for a Mixed-use development including 44 dwelling units and approximately 11,700 square feet of commercial space.

The applicant is proposing to subdivide the building into eight different tracts of land and then create one common interest community (CICs) or condominium plat for the residential units. The configuration of the tracts 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

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County requirements for CICs, plats, and RLSs.

The solution to this technical problem is to record an agreement that if the CIC is ever dissolved, then the tracts on the ground floor will be replatted into lots or tracts that meet the requirements of the zoning ordinance. While Tracts B, D and E will not have frontage nor meet the minimum lot area requirement, Tract C will not have frontage and Tract F will not 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.

**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. While Tracts B, D and E will not have frontage nor meet the minimum lot area requirement, Tract C will not have frontage and Tract F will not 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 construction of the building is almost complete and the site 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.**

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The construction of the building is almost complete and the site fully 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 construction of the building is almost complete and the site fully 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 2930 and 2936 Emerson Avenue South subject to the following conditions:

1. A document that states that if the CIC is 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. Letter from the City Attorney
2. Zoning map
3. Description of the tract use
4. RLS