

Community Planning and Economic Development Planning Division Report

Registered Land Survey
RLS-62

Date: October 4, 2010

Applicant: Brighton Development Corporation

Address Of Property: 610 28th Street West

Project Name: Lyndale Green/Salem Lutheran Church

Contact Person And Phone: Jesse Osendorf – Brighton Development Corporation 612-332-5664

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

Date Application Deemed Complete: September 8, 2010

End of 120 Day Decision Period: January 6, 2011

Ward: 6 **Neighborhood Organization:** Whittier

Existing Zoning: C2 Neighborhood Corridor Commercial and R2B Two-family Residential Districts

Plate Number: 24

Legal Description: Not applicable for this application.

Proposed\Existing Use: Church and four-story, 63-unit, mixed-use building with ground floor retail.

Concurrent Review:

Registered Land Survey (RLS): To create ownership tracts.

Appropriate Section(s) of the Municipal Code: Chapter 598, Subdivisions.

Background: This Registered Land Survey (RLS) is part of a project to renovate the existing Salem Lutheran Church building, for the Lyndale United Church of Christ and Salem English Lutheran Church congregations, which will share the building. In 2009, the City Planning Commission approved a minor subdivision to create separate parcels; one for the existing church and one for a new residential development. At this same meeting variances and a site plan review (BZZ-4475) were approved for the church renovation. Also, the commission approved a rezoning from the R2B Two-family Residential District to C2 Neighborhood Corridor Commercial District, a conditional use permit for 61 dwelling units, a variance of the number of compact parking spaces, and a site plan review to allow the four-story mixed-use Lyndale Green building with 61 dwelling units and ground floor retail (BZZ-4476). In August of 2010, the City Planning Commission approved a conditional use permit and site plan review amendment to allow the number of dwelling units to be increased to 63 units (BZZ-4866).

CPED – Planning Division Report
RLS-62

The applicant now proposes an RLS to create separate ownership tracts; one for the church and the others for the Lyndale Green building and site. 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 on this revised proposal, 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.**

The configuration of the RLS tracts, as proposed by the applicant, does not meet the lot frontage requirement for Tracts A and D, and the prohibition against lots with more than five sides for Tracts Tract A, B, F and E on the ground level. Tracts on the ground level are subject to the same requirements as platted lots. The solution to this technical problem is to record the conditions of approval that indicate that approval of the RLS does not constitute approval of the separate redevelopment of any tract if such tract does not comply with applicable zoning and subdivision ordinances. With the recommended conditions of approval, the RLS is in conformance with the subdivision regulations, zoning code, and comprehensive plan.

- 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 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.**

Site and construction plans have been preliminarily approved and the above noted items will be addressed with the approval of the final site plan and building construction plans. 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 applicable erosion and stormwater management plans will be approved with the final site plan and building permits for the project. The creation of ownership tracts will not effect erosion or stormwater management.

RECOMMENDATION:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Registered Land Survey:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the preliminary and final Registered Land Survey application for property located at 610 28th Street West, subject to the following conditions:

- 1) This RLS creates certain tracts (namely, Tracts A, B, D, F and E) that, if separately redeveloped, would not meet the requirements of the zoning and subdivision ordinances for street frontage and the prohibition against lots with more than five sides at ground level. Approval of this RLS does not constitute approval for the separate redevelopment of any tract if such tract does not comply with applicable zoning and subdivision ordinances.
- 2) This action of the Planning Commission shall be recorded with Hennepin County at or prior to such time as the signed RLS is presented for recording with Hennepin County.

Attachments:

- 1) Statements from the applicant.
- 2) Map.
- 3) RLS.
- 4) Aerial photo.