

Department of Community Planning and Economic Development – Planning Division
Minor Subdivision Application
MS-171

Date: April 23, 2007

Applicant: Flour Sack Flats, LLC

Address of Property: 521 2nd Street SE

Project Name: Flour Sack Flats Phase I

Contact Person and Phone: Steven Thorson – BGS 763-780-8500

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

Date Application Deemed Complete: March 31, 2007

End of 120 Day Decision Period: July 29, 2007

Ward: 3 **Neighborhood Organization:** Marcy-Holmes

Existing Zoning: C3A Community Activity Center District; MR Mississippi River Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 15

Legal Description: See survey.

Existing/Proposed Use: Parcel A (easterly parcel) will be 32,619 square feet and contains a 59 unit condominium building. Parcel B (westerly parcel) will be 360 square feet and is proposed to resolve issues relating to an undocumented retaining wall on the westerly boundary of the site.

Concurrent Review:

Minor Subdivision: To create two parcels out of one parcel made up of three platted lots.

Applicable Code Provisions: Chapter 598 Subdivisions.

Development Plan: Please see attached survey and site plan. A 59 unit condominium building exists on the lot.

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Background: Bluff Street Development received approval to build a 52-unit, 5-story building at 521 Second Street SE from the City Planning Commission at its meeting of March 28, 2005 (BZZ-2237). An application to amend this approval to increase the number of units to 59 was approved by the Planning Commission at its meeting of October 5, 2005 (BZZ-2517).

After commencing construction it was discovered that the retaining walls on the northerly and westerly sides of the site are undocumented. The property lines are not in dispute. Undocumented encroachments are a title problem. Flour Sack Flats has obtained easement agreements for all of the adjoining properties except at the southwesterly corner along the lot located at 204 5th Avenue SE. In order to form a condominium the title must be clear and the applicant has closing scheduled for this July. Therefore, a condition exists where the applicant can not move forward with the condominium with clear title.

The solution to this technical problem is to split the small part of the site, that has the undocumented retaining wall with out an easement agreement, from the larger parcel. However, this would create a substandard parcel that does not meet the minimum lot width and area requirements of the zoning code and would make the building noncompliant with the zoning code setback requirements and possibly the building code. To resolve this issue the applicant will a record a covenant that will require the severed parcel to be conveyed or recombined with the larger parcel and condominium when the title has been cleared. It will not be sold or conveyed to any other party. This will keep the smaller parcel as a part of the larger parcel or zoning lot. This will ensure that a substandard parcel is not created. 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.

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 for a minor subdivision:

1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

Parcel A is in conformance with the requirements of the subdivision ordinance and zoning code, with the exception of number of lot sides exceeding the maximum number of 5 sides and for the west side setback of the building. Parcel B does not conform with the minimum lot area and lot width requirements. However, because there is a covenant that will keep the two parcels together as one zoning lot the overall zoning lot is still in conformance with the requirements of the zoning ordinance and subdivision ordinance.

There are several policies in *The Minneapolis Plan* that support infill development and housing choice.

Policy 4.11 states that “Minneapolis will improve the range of housing types for those with few or constrained choices.” This policy has implementation steps that promote infill housing, a variety of housing types, and mixed income housing. Policy 4.13 states that “Minneapolis will expand the type and range of housing types for residents with substantial choice.” Policy 4.15 states that “Minneapolis will carefully identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and market demand.” The redevelopment of the site for multi-family housing is in conformance with many of the housing policies.

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 proposed subdivision will create two parcels from one parcel that is made up of three lots with an existing 59 unit condominium building (under construction). No change is proposed from the originally approved development. The subdivision is a temporary technical solution to allow clear title, to resolve the status of the undocumented retaining wall, and to allow closing to proceed while these issues are resolved. With the recorded covenant the site will remain as one zoning lot that is in conformance with the zoning code, subdivision ordinance, and approved plans for the site.

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

The site does not present the above noted hazards. A site plan has been approved and building permits have been issued.

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.

No change to the approved site plan or grading plan is proposed. Access is currently off of 2nd Street SE and this will not change.

5. The subdivision makes adequate provision for storm or surface water 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 does not exceed the amount occurring prior to development.

The existing approved utility and drainage plan are adequate for the structures.

RECOMMENDATIONS:

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Recommendation of the Community Planning and Economic Development Department – Planning Division for the minor subdivision:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision application for property located at 521 2nd Street SE subject to the following condition:

- 1) Compliance with previous conditions of approval of the Heritage Preservation Commission and Planning Commission (BZZ-2517) and the approved site plan (PW#7795).
- 2) The applicant record the covenant agreement (draft attached to this staff report) before the City will release the minor subdivision resolution for recording with Hennepin County.

Attachments:

- 1) Statement from applicant.
- 2) Zoning map.
- 3) Survey.
- 4) Site plan and elevations.
- 5) Photos.