

## Community Planning and Economic Development Planning Division Report

Registered Land Survey  
RLS-53

**Date:** April 28, 2008

**Applicant:** Egan, Field and Nowak Inc.

**Address Of Property:** 501 Nicollet Mall

**Project Name:** Dain Tower RLS

**Contact Person And Phone:** Brent Peters – Egan, Field and Nowak Inc. 952-358-7370

**Planning Staff And Phone:** Shanna Sether 612-673-2307

**Date Application Deemed Complete:** April 1, 2008

**End of 60-Day Decision Period:** May 31, 2008

**Ward: 7      Neighborhood Organization:** Downtown Minneapolis Neighborhood Association

**Existing Zoning:** B4-2 Downtown Business District

**Existing Overlay Districts:** DP Downtown Parking Overlay District and NM Nicollet Mall Overlay District

**Plate Number:** 19

**Legal Description:** Not applicable for this application.

**Existing Use:** Mixed-use building with commercial uses, offices and off-street parking

**Concurrent Review:**

**Registered land Survey (RLS):** To create separate ownership tracts.

**Applicable zoning code provisions:** Chapter 598 Subdivisions.

**Background:** The building was built in 1991. The applicant has applied for a Registered Land Survey (RLS) to create separate ownership tracts for the commercial uses, offices and parking areas within the building.

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

The Public Works Department has reviewed the RLS and had the following objection, which is to be corrected prior to the signing of mylars:

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- On Sheet 1 of 6, the alley should be labeled “vacated alley” as it is on the ALTA survey of the site.

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

**REGISTERED LAND SURVEY**

**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 requirements of the code for Tracts G and I 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 an agreement that if the site is ever redeveloped for a different use, then the tracts on the ground floor will be replatted into lots or tracts that meet the requirements of the zoning ordinance. 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 approved and the building is under construction. 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.**

Existing utility and drainage provisions are adequate for the existing and proposed structures.

**RECOMMENDATIONS:**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance to reduce 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 501 Nicollet Mall, subject to the following conditions:

- 1) A document that states that if the site is redeveloped, then the site will be replatted, if necessary, 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) Statement from the applicant and subdivision required findings.
- 2) Copy of letter sent to CM Goodman and Downtown Minneapolis Neighborhood Association.
- 3) Letter of approval from the City of Minneapolis' Attorney's office.
- 4) Letter from Public Works.
- 5) Zoning map.
- 6) Survey and RLS.
- 7) Aerial photos.