

Department of Community Planning and Economic Development – Planning Division
Final Registered Land Survey
RLS-39

Date: April 24, 2006

Applicant: The Ackerberg Group

Address of Property: 3100 West Lake Street

Project Name: Lake Calhoun City Apartments

Contact Person and Phone: Mary Armstrong with The Ackerberg Group, (612) 924-6504

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

Date Application Deemed Complete: March 31, 2006

End of 60-Day Decision Period: Not applicable for this application

End of 120-Day Decision Period: July 29, 2006

Ward: 10 **Neighborhood Organization:** Cedar Isles Dean Neighborhood Association

Existing Zoning: OR2, High Density Office Residence District and SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 23

Legal Description: Not applicable for this application

Proposed Use: 163-unit apartment development and office building

Concurrent Review:

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Applicable zoning code provisions: Chapter 598, Land Subdivision Regulations

Background: The site is currently occupied by the Lake Pointe Corporate Center office building, a small detached parking garage and a surface parking lot. The existing office building will remain on the site. The applicant is proposing to demolish the parking garage and the surface parking lot and construct a 163-unit apartment development. There will be a total of 157 apartments and 6 rental townhouses. There will be a total of 310 parking spaces located in an underground parking garage and 30 surface parking spaces for visitors. The office building and the residential building will be connected to one

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another via a one-story link. The office tenants will utilize one level of the parking garage and the residents will utilize the remaining parking spaces.

Development Plan: The site plan is attached.

FINAL REGISTERED LAND SURVEY – RLS-39

Required Findings:

1. The subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

LAND SUBDIVISION REGULATIONS

The subdivision is in conformance with the design requirements of the land subdivision regulations.

ZONING CODE

With the approval of the final registered land survey this development would be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

The site is located on West Lake Street which is a designated Commercial Corridor. In addition, the site is located on the south side of the Midtown Greenway, an existing greenway. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Support the development of residential dwellings of appropriate form and density (Policy 9.5).
- Support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services (Policy 9.28).
- Support a mix of uses on Commercial Corridors – such as retail sales, office, institutional, higher-density residential, and clean low-impact light industrial – where compatible with the existing and desired character of the street (Implementation Step for Policy 9.28).

The applicant is proposing to demolish a small parking garage and the surface parking lot and construct a 163-unit apartment development. The site is located on a designated Commercial Corridor where the plan calls for higher-density housing developments to be located.

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 Planning Department does not believe that an office building and a 163-unit apartment development would be injurious to the use and enjoyment of other property in the area. Constructing a new residential development on the site would provide additional opportunities for housing within the

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neighborhood. A development such as this would increase the property's value, contribute to the building of the city's infrastructure and contribute to the city's tax base.

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

Although there is a grade change on the site, the Planning Division believes that the site can be developed upon and used safely.

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 tracts created by this registered land survey present no foreseeable difficulties for this development. No significant alteration to the land appears necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

The Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

RECOMMENDATIONS

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final Registered Land Survey for the property located at 3100 West Lake Street subject to the following conditions:

1. A deed restriction designating the following shall be recorded with the final RLS:
 - The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
 - Provision for access to each lot that does not have frontage on a public street.

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- A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
- A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.
- A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

Attachments:

1. Letter from the City Attorney's Office
2. Letter from Public Works
3. Final plat
4. Site plan