

## Community Planning and Economic Development Planning Division Report

Registered Land Survey  
RLS-60

**Date:** August 2, 2010

**Applicant:** Phoenix Lofts Inc. c/o Schafer Richardson, Inc.

**Address Of Property:** 222 - 2<sup>nd</sup> Street SE

**Project Name:** Phoenix Lofts

**Contact Person And Phone:** David Frank – Schafer Richardson 612-359-5844

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

**Date Application Deemed Complete:** July 7, 2010

**End of 120 Day Decision Period:** November 4, 2010

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

**Existing Zoning:** C3A Community Activity Center District

**Existing Overlay Districts:** MR Mississippi River Critical Area and SH Shoreland Overlay Districts.

**Plate Number:** 14

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

**Existing Use:** Mixed-use building with 80 dwelling units and 4,400 square feet of first floor retail.

**Concurrent Review:**

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

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

**Background:** The City Planning Commission approved a mixed-use building with 90 dwelling units (now 80) and first floor retail at its meeting of May 23, 2005, (BZZ-2324). The City Planning Commission approved a Registered Land Survey to create separate ownership tracts within the building, at its meeting April 14, 2008, (RLS-52). One tract was for the residential portion of the building and the other was for the commercial area. The applicant now proposes an RLS to split the commercial tract into three separate tracts within the building. The City Attorney has reviewed and approved the final RLS title documents. 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.

**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 and lot area requirements of the code for Tract A, B, C, and D 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 approved and the building is built. 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 were approved with the final site plan and building permits for the project. The creation of ownership tract 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 222 - 2<sup>nd</sup> Street SE, subject to the following conditions:

- 1) This RLS creates certain tracts (namely, Tracts A, B, C, and D) that, if separately redeveloped, would not meet the requirements of the zoning and subdivision ordinances for street frontage 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 and floor plan.
- 4) Photo.