

**Department of Community Planning and Economic Development – Planning Division**  
Final Subdivision Application  
PL-200

**Date:** May 21, 2007

**Applicant:** Sherman Associates, Inc., 233 Park Ave. S., Suite 200, Mpls., MN 55415

**Address of Property:** 900 Washington Ave. S., 901 and 911 2<sup>nd</sup> St. S.

**Project Name:** Parcel F Project: Zenith Condominiums and Aloft Hotel

**Contact Person and Phone:** Bernadette Hornig, Sherman Associates, Inc.; 612-604-0863,  
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**Planning Staff and Phone:** Tara Beard 612-673-2351

**Date Application Deemed Complete:** April 10, 2007

**End of 120-Day Decision Period:** August 8, 2007

**Ward:** 7      **Neighborhood Organization:** Downtown Minneapolis Neighborhood Assoc.

**Existing Zoning:**

- C3A, Community Activity Center District
- Downtown Height Overlay District
- Downtown Parking Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 19

**Legal Description:** See survey.

**Proposed/Existing Use:** Replatting of three parcels, made up of 36 lots, into three lots. The new lots will support three new buildings as a part of an approved planned unit development including a hotel and two condominium buildings with some retail. The proposed Lot 1 will be 34,393 square feet. The proposed Lot 2 will be 31,425 square feet. The proposed Lot 3 will be 37,091 square feet.

**Concurrent Review:** Final Plat Subdivision to replat three parcels, made up of thirty-six lots, into three lots.

**Applicable Code Provisions:** Chapter 598 Subdivisions.

**Development Plan:** Please see attached survey and site plan.

**Background:** The City Planning Commission approved a preliminary plat, a conditional use permit for a planned unit development, a conditional use permit to allow surface parking in the Downtown Parking Overlay district, a variance to allow a roof sign, and a site plan review (BZZ-3091) on July 16, 2006. The new platting allows for the three proposed buildings to each be on their own lot. Because proposed underground parking will be attached to Building B, but will be built adjacent to Building C, the property line proposed between the two buildings puts Building C immediately adjacent to the property line. Because of the uses and design along Building C at said property line, building code compliance could not be reached without approval of a no-build easement a certain distance from Building C above grade. This easement was approved by City Building Officials (see attachment).

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

**Required Findings for a final plat 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.**

All lots will be in conformance with the requirements of the zoning code and comprehensive plan. All will be in conformance with the requirements of the subdivision ordinance. As required by section 598.260 of the subdivision ordinance, the design of a subdivision for a planned unit development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

- (1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
- (2) Provision for access to each lot that does not have frontage on a public street (this provision does not apply as all proposed lots have street frontage).
- (3) 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.
- (4) 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.
- (5) 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.

**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 three lots out of three parcels made up of 36 lots with three new buildings. The development plan has been approved by the City Planning Commission and the proposed uses will not be detrimental to other property and land uses, nor will it add substantially to congestion in the public streets.

**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.**

A stormwater management plan was required for the proposed development. There are no steep slopes on the properties. All land intended for building sites can be 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.**

There are no foreseeable difficulties in constructing the proposed development on the site.

**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.**

Utility and drainage needs will be met for the proposed buildings. A stormwater management plan was required for the development.

**RECOMMENDATION:**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the final plat subdivision:**

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat subdivision application for properties located at 900 Washington Ave. S., 901 and 911 2<sup>nd</sup> St. S, subject to the following conditions:

1. As required by section 598.260 of the subdivision ordinance, the design of a subdivision for a planned unit development shall implement the site plan as approved by the planning commission and shall include a deed restriction designating the following:

(1) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).

(2) 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.

(3) 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.

(4) 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) Zoning map.
- 2) Final plat.
- 3) Site Plan
- 4) No-Build Easement approval