

**Department of Community Planning and Economic Development – Planning Division**  
Preliminary and Final Plat  
PL-258

**Date:** January 23, 2012

**Applicant:** Hines Northstar Crossings Limited Partnership

**Address of Property:** 333 Washington Avenue North and 328 4<sup>th</sup> Street North

**Project Name:** North Loop Green Subdivision

**Contact Person and Phone:** Bob Pfefferle, (612) 247-1269

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

**Date Application Deemed Complete:** December 20, 2011

**End of 120-Day Decision Period:** April 9, 2012

**Ward: 7      Neighborhood Organization:** North Loop Neighborhood Association

**Existing Zoning:** B4S, Downtown Service District

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

**Zoning Plate Number:** 13

**Legal Description:** Those portions of Blocks 10, 57 and 58, Hoag's Addition to Minneapolis; and those portions of Blocks 57 and 58, Town of Minneapolis; and those portions of Blocks 19, 21 and 22 in Bradford and Lewis Addition to Minneapolis; together with those portions of abandoned alleys, abandoned Fourth Avenue North, and abandoned Third Street North, all described as follows:

Lot 3, said Block 57; Lot 6, said Block 10; all in Hoag's Addition to Minneapolis; Those portions of Lots 4 and 5, said Block 10, lying Southeasterly of a line drawn parallel with and 25 feet southeasterly from the center line of the east bound track of the Burlington Northern Railroad, which lies Southwesterly of the Northeasterly right of way of Interstate Highway No. 94; The Northwesterly 62 feet of said Block 58, the Southeasterly line of said Northwesterly 62 feet is prolonged to terminate on the Northeasterly line of said Block 58; That part of Lot 10, Block 58, Town of Minneapolis, shown as Block 21 in the Plat of Bradford and Lewis Addition to Minneapolis; Together with that part of said abandoned Fourth Avenue North lying between a line drawn Northerly from the most Northerly corner of said Block 21, to the most Easterly corner of said Block 19 and the Northeasterly right of way line of Interstate Highway No. 94; Lots 1, 3 and 10; that part of Lot 2 lying Southeasterly of the Northwesterly 23.3 feet of said Lot 2; that part of Lot 9 lying Southeasterly of the Northwesterly 22 feet of said Lot 9; all in said Block 57, Town of Minneapolis; Those portions of Lots 2, 15 and 16, Block 22, Bradford and Lewis Addition to Minneapolis, and that part of said Lot 5, Block 10, Hoag's Addition to Minneapolis,

lying Northeasterly of the Northeasterly right of way line of Interstate Highway No. 94, together with that part of adjoining abandoned alleys in said Block 10 and 22, all which lie Southeasterly of a line hereinafter referred to as .LINE A. described as follows:

Beginning at a point on the Southwesterly line of said Block 10 distant 29.27 feet Northwesterly from the most Southerly corner of said Block 10; thence Northeasterly along a straight line to a point on the Southwesterly line of said Block 22 distant 107.48 feet Northwesterly from the most Southerly corner of said Block 22; thence Northeasterly along the prolongation of last described line 105.27 feet; thence Northeasterly along a non-tangential curve concave to the South having a radius of 1875.86 feet, the chord or said curve is measured 13 degrees 24 minutes 52 seconds to the right from said prolongation of the last described line to the Northeasterly line of said Block 22 and said .LINE A. there terminating. Lot 12, Block 19; Lot 1, Block 22; all in Bradford and Lewis Addition to Minneapolis; That part of abandoned Third Street North lying between .LINE A. and a line described as beginning at the most Southerly corner of Lot 1, Block 57, Town of Minneapolis; thence along the Southwesterly extension of the Southeasterly line of said Lot 1 to the center line of said street; thence Northwesterly along said center line to the Northeasterly prolongation of a line drawn Northeasterly from a point on the Southwesterly line of Block 58, Hoag's Addition to Minneapolis distant 293.1 feet Northwesterly from the most Southerly corner of said Block 58 to a point on the Northwesterly extension of the Northeasterly line of said Block 58 distant 290.15 feet Northwesterly from the most Easterly corner of said Block 58; thence Southwesterly along the last described line to said Northwesterly extension and there terminating;

Together with that part of said abandoned Third Street North lying Northeasterly of the center line of said Street which lies between the Southwesterly extension of the Southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57 and the Southwesterly extension of the Southeasterly line of Lot 3, Block 57, Town of Minneapolis to said center line and there terminating; That part of the Northeasterly half of the abandoned alley in Block 57, Town of Minneapolis, lying Northwesterly of the Southwesterly extension of the Southeasterly line of the Northwesterly 22 feet of Lot 9 in said Block 57, together with that part of the Southwesterly half of said abandoned alley lying Northwesterly of the Northeasterly extension of the Southeasterly line of the Northwesterly 23.3 feet of Lot 2, said Block 57.

Together with an easement for maintaining a building coping encroachment over the Northwesterly 0.2 feet of Lot 4, Block 57, Town of Minneapolis and over the Northwesterly 0.2 feet of Lot 4, Block 57, Hoag's Addition to Minneapolis, as created and more particularly described in the Easement recorded as Document No. 4447168 in the records of the County Recorder, as reformed in the Order and Decree of Registration recorded as Document No. 3204728 in the records of the Registrar of Titles, all in Hennepin County, Minnesota and shown by recital on certificate of title no. 1032399.

That part of vacated or abandoned Third Street North described as beginning at a point on the Northwesterly extension of the Northeasterly line of Block 58, Hoag's Addition to Minneapolis, distant 290.15 feet Northwesterly from the most Easterly corner of said Block 58; thence Southeasterly along said Northeasterly line a distance of 141 feet, more or less, to the most Northerly corner of Lot 1, Auditor's Subdivision Number 221, Hennepin County, Minnesota; thence Northeasterly, deflecting to the left 97 degrees 15 minutes, a distance of 41.55 feet to the center line of vacated or abandoned Third Street North; thence Northwesterly along said center line to its intersection with the Southwesterly extension of the Southeasterly line of the Northwesterly 23.30 feet of Lot 2, Block 57, Town of

Minneapolis; thence Northeasterly along said extension to the Southwesterly line of said Lot 2; thence Northwesterly to the most Westerly corner of said Lot 2; thence Southwesterly along the extension of the Northwesterly line of said Lot 2 to the center line of vacated or abandoned Third Street North; thence Northwesterly along said center line to its intersection with the Northeasterly extension of a line drawn from a point on the Southwesterly line of Block 58, Hoag's Addition to Minneapolis, distant 293.10 feet Northwesterly from the most Southerly corner of said Block 58 to the point of beginning; thence Southwesterly along the last mentioned extension to the point of beginning.

The Northwesterly 23.30 feet of Lot 2, and the Northwesterly 22 feet of Lot 9, Block 57, Town of Minneapolis, Hennepin County, Minnesota.

**Proposed Use:** Planned Unit Development

**Concurrent Review:**  
**Preliminary and final plat.**

**Applicable zoning code provisions:** Chapter 598, Land Subdivision Regulations.

**Background:** The applicant is proposing to subdivide the property into two lots and six outlots to accommodate an existing building, new development and private roadways. Union Plaza, an existing office building, will be located on Lot 1, Block 1 and Dock Street Apartments, a new residential development, will be located on Lot 1, Block 2. The remaining outlots will be used for access drives, utility corridors and placeholders for future development. The applicant has submitted a Certificate of Appropriateness application for review by the Heritage Preservation Commission (HPC) as the site is located within the Minneapolis Warehouse Historic District. Once the HPC has concluded their review the applicant will be submitting an application to the City Planning Commission for review of the first phase of what will be a Planned Unit Development.

The Public Works Department has identified an error in the final plat in regards to the width of Traffic Street. In 1893, the alley was widened to a street by adding 12 feet to each side of the existing 16-foot wide alley for an overall width of 40 feet. The Public Works Department has requested that the error be corrected before the final plat is recorded with Hennepin County.

**PRELIMINARY AND FINAL PLAT** - PL-258

**Required Findings:**

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

The applicant is proposing to replat several lots into two new lots and six outlots. Lot 1, Block 1 will be occupied by the existing Union Plaza building and Lot 1, Block 2 will be occupied by the proposed Dock Street Apartments building. Outlots A and D will be held for future development, Outlot B will be utilized for a private drive that will provide access through the site, Outlot C will be utilized for access to the proposed and future buildings on the site and Outlots E and F are located underneath

highway bridges and are not expected to be redeveloped. When the outlots are proposed for redevelopment the applicant will need to replat the property. Individual lots within PUD's are exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250.

Section 598.260 Planned unit developments and cluster design, requires the design of a subdivision for a planned unit development to 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).**

The applicant will be filing a Reciprocal Easement Agreement that addresses the relationship and rights of the owners of the lots within the subdivision related to common area, access, maintenance and taxes.

**2. Provision for access to each lot that does not have frontage on a public street.**

A private street will be constructed that runs through the site that will provide access to all of the lots and outlots.

**3. A requirement that an owner's association be created. The duties and responsibilities of the owner's association shall include maintaining the elements of the planned unit development as authorized under the zoning ordinance or other applicable regulations.**

The applicant will be filing a Reciprocal Easement Agreement that addresses the relationship and rights of the owners of the lots within the subdivision related to common area, access, maintenance and taxes.

**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.**

The applicant will be filing a Reciprocal Easement Agreement that addresses the relationship and rights of the owners of the lots within the subdivision related to common area, access, maintenance and taxes.

**5. A requirement that any disposition of any of the common property situated within the planned unit development shall not be made without the prior approval of the Planning Commission.**

If an amendment is made to the Planned Unit Development the proposed amendments shall be reviewed and approved by the City 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 allow for proposed and future redevelopment of the site. There is a mixture of uses in the area including residential, commercial and industrial. A Travel Demand Management Plan (TDMP) was completed for the area included within the boundaries of the proposed plat. Specific travel demand management strategies will be implemented for each phase of the Planned Unit Development to help mitigate 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 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 applicant has indicated that the site will be designed to be used safely without endangering the residents of users of the subdivision or the surrounding area. Each phase of the Planned Unit Development will be reviewed by the City's Public Works divisions for compliance with all applicable ordinances.

**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 parcels created by this application present no foreseeable difficulties for the proposed or future redevelopment. No significant alterations to the land appear necessary.

**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 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 the preliminary and final plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final plat application for the property located 333 Washington Avenue North and 328 4<sup>th</sup> Street North subject to the following conditions:

1. The Reciprocal Easement Agreement shall be recorded with Hennepin County.
2. The width of Traffic Street shall be shown as 40 feet as identified by Public Works.
3. All development shall be approved as part of a Planned Unit Development or the land shall be replatted or otherwise arranged to meet the street frontage requirements of Chapter 598, Land Subdivision Regulations.

**Attachments:**

1. Subdivision memorandum from the applicant and subdivision findings
2. Statement of proposed use for each lot/outlot within the subdivision
3. Draft copy of the Reciprocal Easement Agreement
4. December 13, 2011, letter to Council Member Goodman
5. December 14, 2011, email to the North Loop Neighborhood Association
6. Preliminary and final plat
7. Preliminary plans for the Dock Street Apartments development
8. January 12, 2012, email from the City Attorney's office
9. January 12, 2012, email from the Public Works Department