

**Department of Community Planning and Economic Development – Planning Division**  
**Registered Land Survey**  
**RLS-64**

**Date:** March 5, 2012

**Applicant:** RS Eden

**Addresses of Property:** 822 South Third Street

**Project Name:** Emanuel Housing

**Contact Person and Phone:** Bridget Hust with Hust Law Firm, PLLC, (612) 746-3999

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

**Date Application Deemed Complete:** January 27, 2012

**End of 120-Day Decision Period:** May 26, 2012

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

**Existing Zoning:** B4N, Downtown Neighborhood District with the DP Downtown Parking Overlay District and the B4H Downtown Housing Overlay District

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

**Zoning Plate Number:** 20

**Legal Description:** Lots 2, 3, 4 and 5, Block 44, Town of Minneapolis, Hennepin County, Minnesota. A portion of the above-described property is registered land described as follows: All that part of Lot 2 lying in the Northwest Quarter of the Northeast Quarter of Section 26, Township 29, Range 24; Lots 3 and 4; The Southeasterly 44 feet of Lot 5; That part of Lot 2 lying West of the quarter section line dividing the Northwest Quarter from the Northeast Quarter, Section 26, Township 29, Range 24, Block 44, Town of Minneapolis.

**Proposed Use:** Supportive Housing Facility

**Concurrent Review:**  
**Registered Land Survey (RLS-64)**

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

**Background:** In August of 2011 the Minneapolis Planning Commission approved land use applications for a 101-unit supportive housing facility with ground floor commercial space. The applicant is proposing to subdivide the property into different tracts of land for ownership purposes.

The configuration of the tracts as proposed by the applicant does not meet the lot frontage and lot area requirements for some of the proposed tracts on the ground level. The tracts above the ground level are not a concern, but those on the ground level are subject to the same requirements as platted lots. Therefore, a condition exists where the applicant does not have an option that will meet both City and County requirements for CICs (common interest community), plats, and RLSs.

The solution to this technical problem is to record an agreement that if the CIC is ever dissolved, then the tracts on the ground floor will be replatted into lots or tracts that meet the requirements of the zoning ordinance. While some of the tracts will meet the subdivision requirements, several tracts will not have frontage nor meet the minimum lot area requirement. However, all of the tracts will be tied to the overall zoning lot that does have frontage and does meet the minimum lot area requirements. Planning staff consulted with the City Attorney and both believe that this approach is appropriate and meets the requirements of the zoning code and subdivision ordinance.

**REGISTERED LAND SURVEY** – RLS-64

**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.**

With the recommended condition of approval, the RLS is in conformance with the subdivision regulations, zoning code, and comprehensive plan. While some of the tracts will meet the subdivision requirements, several tracts will not have frontage nor meet the minimum lot area requirement. However, all of the tracts will be tied to the overall zoning lot that does have frontage and does meet the minimum lot area requirements. If the CIC is dissolved in the future, then the site must be replatted to create new tracts or lots that are in compliance with the requirements of the zoning code and subdivision ordinance.

**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.**

The parcels created by this application present no foreseeable difficulties for this development. 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 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 Registered Land Survey application for the property located at 822 South Third Street subject to the following condition:

1. A document that states that if the CIC is dissolved in the future, then the site will be replatted 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 of proposed use of all portions of land to be divided
2. January 27, 2012, letter to Council Member Goodman
3. January 27, 2012, email to the Downtown Minneapolis Neighborhood Association
4. Survey
5. Registered Land Survey
6. Grading/elevation plan
7. Emanuel Housing development plans
8. February 14, 2012, letter from the City Attorney's office
9. February 22, 2012, memo from the Department of Public Works