

Department of Community Planning and Economic Development—Planning Division
Registered Land Survey
RLS-66

Date: August 13, 2012

Applicant: Uptown Gassen LLC

Address of Property: 1312 Lake Street West

Project Name: City Walk Uptown

Contact Person and Phone: Carol Lansing – Faegre Baker Daniels LLP (612) 766-7005

Planning Staff and Phone: Janelle Widmeier (612) 673-3156

Date Application Deemed Complete: July 13, 2012

End of 120 Day Decision Period: November 11, 2012

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association (adjacent to Calhoun Area Residents Action Group)

Existing Zoning: C3A Community Activity Center District and PO Pedestrian Oriented Overlay District

Plate Number: 24

Legal Description: Not applicable for this application.

Proposed Use: Mixed-use building with 92 dwelling units and ground floor commercial uses

Concurrent Review: Registered Land Survey (RLS).

Applicable Section(s) of the Municipal Code: Chapter 598, Subdivisions.

Background: This Registered Land Survey (RLS) is part of a project to construct a new 7-story mixed use building with 92 dwelling units and ground floor commercial uses located at the property of 1312 Lake Street West. In February of this year, the City Planning Commission approved a conditional use permit, variances, and a site plan review to allow the project (BZZ-5455). At that meeting, they also recommended that the City Council approve vacating a portion of the adjacent Lagoon Avenue street right-of-way. On April 13, 2012, the City Council approved the vacation (Vac-1582).

The applicant now proposes an RLS to facilitate financing of the City Walk Uptown project. The City Attorney has reviewed and approved the final RLS title documents. The Public Works Department has

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requested that Tract F include the adjacent alley in the Lagoon Avenue right-of-way. Tract F is also located in the Lagoon Avenue right-of-way. It is being included in the RLS because the land would accrue to the subject property if that part of Lagoon Avenue were ever vacated and Tract F is a separate tract to denote the location of the right-of-way. The alley, adjacent to the subject site that is in the block bound by Lake Street West, Girard Avenue South, Lagoon Avenue and Fremont Avenue South, was previously vacated. Lagoon Avenue was constructed over previously platted lots and an alley. When part of Lagoon Avenue was vacated this year, the vacation included part of the alley. Although the alley was previously vacated, the Registrar of Titles has not accepted that that vacation included the alley extending into the existing Lagoon Avenue right-of-way. Public Works has determined that the original alley vacation was intended to include that part of the alley that extends into the street right-of-way. Therefore they are processing a correction of the alley vacation resolution. The correction requires City Council approval. It has been scheduled for the August 9th Zoning & Planning Committee meeting. From there, it will likely proceed to the August 19th City Council meeting and the action will likely be published on August 25th. A closing date for the project will likely be set in September, but an exact date is unknown at this time. Because the vacation will not be approved before the August 13th Planning Commission meeting and it is possible it won't be finalized before a closing is scheduled, two versions of the RLS are attached to this report for approval. One version does not include the alley with Tract F, while the other one does.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

Findings as required by the Minneapolis Subdivision Ordinance:

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 requirement for Tracts A and B, the lot area and width requirement for Tracts D and F, and the prohibition against lots with more than five sides for Tracts 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 tracts to facilitate financing from different lenders. This would 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 preliminarily approved and the above noted items will be addressed with the approval of the final site plan and building construction plans. 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 will be approved with the final site plan and building permits for the project. The creation of different tracts will not effect erosion or stormwater management.

RECOMMENDATION:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the preliminary and final Registered Land Survey application for property located at 1312 Lake Street West, subject to the following conditions:

1. This RLS creates certain tracts (namely, Tracts A, B, C, D and F) that, if separately redeveloped, would not meet the requirements of the zoning and subdivision ordinances for street frontage, lot area and width, and the prohibition against lots with more than five sides 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.

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Attachments:

1. Statements from the applicant
2. Map
3. RLS
4. Aerial photo