

Community Planning and Economic Development Planning Division Report
Final Plat Subdivision
PL-263

Date: December 3, 2012

Applicant: Minneapolis Leased Housing Associates IV, Limited Partnership (Dominium Inc.)

Address of Property: 100 3rd Avenue SE, 300 2nd Street SE, and 400 2nd Street SE (also known as 301 Main Street SE)

Project Name: A Mill Artist Lofts

Plat Name: Doughboy Shores

Contact Person And Phone: Owen Metz – Dominium Inc. 763-354-5618

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

Date Application Deemed Complete: November 19, 2012

End of 60 Day Decision Period: January 18, 2013

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

Existing Zoning: C3A Community Activity Center District

Existing Overlay Districts: SH Shoreland Overlay District, MR Mississippi River Critical Area Overlay District, and UA University Area Overlay District

Proposed Zoning: Not applicable for this application.

Plate Number: 15

Legal Description: See survey.

Proposed Use: Planned unit development with 255 dwelling units.

Concurrent Review: Final Plat

Appropriate Section(s) of the Code: Chapter 598 Subdivisions.

Background: In August of 2006, the City Planning Commission approved a planned unit development for the East Bank Mills development. This was a proposal to rehabilitate the existing A Mill buildings and construct six new residential towers with 960 dwelling units and approximately 85,000 square feet of office and commercial space (BZZ-3137). These approvals expired. The current property owner, BNC Bank, proposes to sell part of the site to the applicant, Minneapolis Lease Housing Associates IV, Limited Partnership (Dominium) for rehabilitation of the site into 255 dwelling units in the existing buildings. The remainder of the site has or will be sold to Doran Construction. Phase I of the Doran

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site, the 180 unit Mill and Main apartment building, was approved by the City Planning Commission at its meeting of February 6, 2012 (BZZ-5456) and is under construction. Phase II has not yet been submitted for review by the City Planning Commission, but is undergoing Heritage Preservation Commission review.

The A Mill Artists Lofts project will redevelop the historic Pillsbury A Mill complex by rehabilitating existing milling and warehousing structures into 255 units of housing. On April 23, 2012, the City Planning Commission approved a conditional use permit for a planned unit development (BZZ-5522), a variance of the maximum allowable floor area ratio, a variance of the screening requirements, site plan review, and a preliminary plat (PL-263). The approval of the conditional use permit and the floor area ratio was appealed to the City Council. On May 25, 2012, the City Council denied this appeal and upheld the City Planning Commission approval, with additional conditions of approval.

The final plat has changed from the preliminary that was reviewed and approved by the City Planning Commission to add two outlots that will remain part of the planned unit development. Outlot A will be jointly owned (50/50) by affiliates of Dominion and Doran and will cover the part of the grand staircase between the Red Tile Elevator and Mill and Main Phase II. Dominion and Doran will jointly pay the costs of constructing and maintaining the area. The approval of the outlot does not obligate Minneapolis Building Plan Review to issue any building permit. Outlot B will cover the common area of the planned unit development in the vacated 5th Avenue SE.

As of the writing of this staff report, the City Attorney has not reviewed and approved the final plat title documents. Staff will postpone this application if they are not reviewed and approved by the time of the December 3, 2012, City Planning Commission meeting.

Required Findings:

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.

The proposed lots are in conformance with the zoning ordinance and comprehensive plan. Plats that are part of a planned unit development are exempt from the public street frontage and subdivision design standards of Sections 598.230-598.250. However, the subdivision is in conformance with the street frontage requirement of the subdivision ordinance. In addition, there will be cross access agreements with the adjacent Doran properties and the Soap Factor for access through the vacated 5th Avenue SE right-of-way.

While planned unit developments are exempt from the design standards of the subdivision ordinance, the proposed plat creates a lot for the White Elevators that does not have a development plan for future use. In addition, the HPC required a maintenance plan for the elevators. Further, the lot is integrated into planned unit development's landscaping and stormwater management plans. Therefore, a condition of approval was placed on the conditional use permit for the planned unit development that if Lot 3 is to be sold to anyone other than Minneapolis Leased Housing Associates IV, Limited Partnership, that planning staff be notified before the sale to determine that the proposed sale will not place the site out of conformance with the required zoning code, subdivision ordinance, and HPC requirements before the sale proceeds.

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 four lots and two outlots out of several tax parcels, underlying platted lots, and vacated right-of way. Lots 1-3 and Outlots A and B are part of the proposed planned unit development. Lot 4 is not part of the planned unit development, but is necessary to prevent the creation of remnant parcels, some without frontage, created by the sale of the property for this project and the adjacent Doran projects.

This plat 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 with the approval of the associated site plan, TDMP, stormwater management and erosion control plans, and the recommended conditions of approval for the associated land use applications.

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.

The site does not present the above noted 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.

A site plan addressing these issues is required before building permits may be issued. Access is from 3rd Avenue SE and the vacated 5th Avenue SE.

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.

A stormwater management and erosion control plan is required as part of the site plan approval process before building permits may be issued.

RECOMMENDATION:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the final subdivision plat for property located at 100 3rd Avenue SE, 300 2nd Street SE, and 400 2nd Street SE (also known as 301 Main Street SE) subject to the following conditions:

1) Outlots A and B are part of the approved planned unit development and may not be removed from the planned unit development without an amendment to the planned unit development.

Attachments:

- 1) Letters.
- 2) Zoning maps.
- 3) Site plans.
- 4) Preliminary plats.
- 5) Final plat.
- 6) Photo.