

Department of Community Planning and Economic Development
Plat
PL-272

Date: February 19, 2013

Applicant: Everwood Company LLC

Address of Property: 1215-1219 Marshall Street Northeast

Project Name: Grain Belt Terraces

Contact Person and Phone: Collin Kaas, Kaas Wilson Architects (612) 879-6000

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

Date Application Deemed Complete: February 6, 2013

End of 60-Day Decision Period: April 7, 2013

Ward: 3 **Neighborhood Organization:** Sheridan Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District and R5 Multiple-family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 9

Legal Description: Not applicable for this application

Proposed Use: Planned unit development with 151 dwelling units and offices

Concurrent Review: Final plat.

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

Development Plan: The project consists of two new 4-story multiple-family dwellings with a total of 151 units, rehabilitation of an existing building, and construction of a plaza. A site plan is attached.

Background: The purpose of this subdivision is to create one lot for a planned unit development. On January 22, 2013, the planning commission approved a conditional use permit for a planned unit development, variances, site plan review and preliminary plat applications to allow the development. The appeal period for those applications has expired and no appeals were received. The planning commission also recommended that the city council approve rezoning the site to OR2 High Density Office Residence District. The rezoning petition will be placed on the agenda for the February 14th meeting of the Zoning and Planning Committee meeting of the city council. The Public Works Department and the City Attorney's office have reviewed the final plat. All issues they identified have been addressed.

SUBDIVISION: Final plat.

Findings as required by the Minneapolis Zoning Code for the final plat:

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

The subdivision is in conformance with the applicable zoning code regulations and policies of the comprehensive plan. The land is proposed to be platted into one lot. A subdivision for a PUD is required to include a deed restriction as required by section 598.260 of the subdivision ordinance.

598.260. Planned unit development and cluster design. Individual lots within planned unit developments and cluster developments shall be exempt from the public street frontage requirement of section 598.230 and the design requirements of sections 598.240 and 598.250. The design of a subdivision for a planned unit development or cluster 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.
- (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.

Although a deed restriction addressing the above conditions is required, the proposed development will only be platted as one lot making most of the conditions irrelevant to this PUD. Selling part of the land in the PUD at a future date would require planning commission approval for a subdivision application. A deed restriction could be required at that time if needed. Also, a title search will make any future owner of the property aware of the conditional use permit for the PUD because it is required to be recorded with Hennepin County.

The subdivision is in conformance with the applicable design requirements of the land subdivision regulations and design standards except for Section 598.230(5). Section 598.230 (5) requires utility easements to be 5 feet wide adjacent to an interior side lot line and 10 feet wide adjacent to a rear lot line when no alleys are provided. In order to be in conformance with the land subdivision regulations, a variance of Sections 598.230(5) is required to allow the reduction of drainage and utility easements where the lot abuts adjacent property. While variances from the zoning code

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require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

No utility easements would be provided along the interior side and rear lot lines. One lot is proposed. The site is adjacent to three public streets where all utilities can be accessed for the site. Additional access for utilities is not needed. Granting the variance would not have any effect on surrounding properties. Staff is recommending that the planning commission grant the utility easement variance to 0 feet.

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 plat would have no impact on the surrounding area.

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, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The grade change of the site is not significant and does not present the other noted hazards. The variance would not have any effect on surrounding uses.

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 lot is buildable with minimal alterations and has frontage on multiple streets.

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**

practical, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

The Public Works Department will review the project for appropriate drainage and stormwater management. Provisions to minimize the amount of stormwater runoff from the site include a rain gardens and an infiltration system.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development for the Plat:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the final plat for the property located at 1215-1219 Marshall Street Northeast.

Attachments:

1. Zoning map
2. Final plat
3. Site plan