Minneapolis
City of Lakes

CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #1
December 1, 2014
PL-280

LAND USE APPLICATION SUMMARY

Property Location: 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507, 2511 and 2527 Penn Avenue North and 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Avenue North

Project Name: Broadway Flats

Prepared By: Hilary Dvorak, Principal Planner, (612) 673-2639

Applicant: Dean Rose

Project Contact: Dean Rose with Rose Development LLC

Request: Final plat

Required Applications:

Plat	Final plat for the properties located at 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North

SITE DATA

Existing Zoning	C3A, Community Activity Center District
Lot Area	150,406 square feet – 3.45 acres
Ward(s)	5
Neighborhood(s)	Jordan Area Community Council and Northside Residents Redevelopment Council
Designated Future Land Use	Urban Neighborhood
Land Use Features	Commercial Corridor (West Broadway) Community Corridor (Penn Avenue) Neighborhood Commercial Node (West Broadway and Penn Avenue North)
Small Area Plan(s)	West Broadway Alive

Date Application Deemed Complete	October 28, 2014	**Date Extension Letter Sent**	Not Applicable
End of 60-Day Decision Period	Not Applicable	**End of 120-Day Decision Period**	February 25, 2015

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The site is located in North Minneapolis. The site occupies the entire block bounded by West Broadway, Penn Avenue North, 26th Avenue North and Queen Avenue North. The site is primarily vacant with the exception of a parking lot.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is surrounded by residential developments of varying densities, a church and some small scale commercial and office uses. The site is located in the Jordan neighborhood and is adjacent to the Willard-Hay neighborhood.

PROJECT DESCRIPTION. The applicant is proposing to replat several lots into two new lots. The parcels involved in the replat include 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507, 2511 and 2527 Penn Avenue North and 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Avenue North.

The applicant is proposing to construct a new mixed-use building with 103 dwelling units and approximately 17,000 square feet of ground floor commercial space on the parcels located at 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507 and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North.

The Church of St. Anne – St. Joseph Hien, located on the northwest corner of Queen Avenue North and 26th Avenue North, is proposing to expand their existing surface parking lot that is located along Queen Avenue North. The applicant is now proposing to expand the existing 86-space parking lot by 69 parking spaces.

As part of the overall redevelopment of the block the existing public alley will be vacated. Once vacated, the alley will be split down the middle and the land will revert back to the adjacent properties.

RELATED APPROVALS. In October of 2013 the City of Minneapolis approved land use applications to allow for the development of Broadway Flats, a mixed-use development, and an extension of the existing parking lot for The Church of St. Anne – St. Joseph Hien (BZZ-6259 and BZZ-6260).

PUBLIC COMMENTS. No comments have been submitted in regards to this application. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

ANALYSIS

FINAL PLAT

The Department of Community Planning and Economic Development has analyzed the application for a Preliminary and Final Plat based on the following 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. Lot 1 is being created for the proposed mixed-use development and Lot 2 is being created for the Church of St. Anne – St. Joseph Hien parking lot.

   The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be five feet wide on side lot lines and ten feet wide on rear lot lines, where no alley is provided. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to eliminate the drainage and utility easements from both lots. While variances from the zoning code 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.

Given the layout of the proposed development drainage and utility easements are not possible around the interior lot lines. The Public Works Department has agreed that drainage easements are not needed for this development. Given this CPED recommends varying the drainage easement requirement to zero.

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 applicant is proposing to replat several lots into two new lots.

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 land intended for building can be used safely without endangering the 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 is relatively flat and 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 Surface Water and Sewers 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 for the Final Plat:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the final plat application for the properties located 2220 West Broadway and 2413, 2419, 2423, 2425, 2503, 2507, 2511 and 2527 Penn Avenue North and 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Avenue North.

ATTACHMENTS

1. Plat
2. Response from Public Works
3. Response from the City Attorney's Office

PRELIMINARY COPY
UNRECORDED AS OF 11-13-14

BROADWAY FLATS

R.T. DOC. NO._____
C.R. DOC. NO._____

KNOW ALL PERSONS BY THESE PRESENTS: That Broadway Flats, LLLP, a Minnesota limited liability limited partnership, fee owner of the following described property situated in the County of Hennepin, State of Minnesota to-wit:

TORRENS PROPERTY

Lot 12, Block 1, "Wenz Addition to Minneapolis," except that part of said lot described as beginning at the most southerly corner of said lot, thence northwesterly along the southwesterly line of said lot a distance of 20 feet; thence northeasterly to a point on the east line of said lot distant 20 feet north of the most southerly corner of said lot; thence south along the east line of said lot to the point of beginning.

AND

Lots 13, 14, 15, 16, and 17, Block 1, "Wenz Addition To Minneapolis."

AND

That part of the southeasterly half of the vacated east-west alley in Block 1, "Wenz Addition To Minneapolis," lying northwesterly of the northerly extension of the east line of Lot 12, said block, and southeasterly of a line drawn at right angles to the centerline of said vacated alley, which line intersects the most northerly corner of Lot 17, said block.

And that Broadway Flats, LLLP, a Minnesota limited liability limited partnership, fee owner and the City of Minneapolis, a Minnesota municipal corporation, mortgagee of the following described property situated in the County of Hennepin, State of Minnesota to-wit:

TORRENS PROPERTY

Lot 10, Block 1, "Wenz Addition To Minneapolis."

AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis," lying easterly of the centerline of the north-south portion of said alley, northeasterly of the centerline of the east-west portion of said alley, southerly of the westerly extension of the north line of Lot 10, said block, and northwesterly of a line drawn at right angles to the centerline of the east-west portion of said alley, which line intersects the most westerly corner of Lot 11, said block.

And that the City of Minneapolis, a Minnesota municipal corporation, fee owner of the following described property situated in the County of Hennepin, State of Minnesota to-wit:

TORRENS PROPERTY

Lot 11, Block 1, "Wenz Addition to Minneapolis"

AND

That part of the northeasterly half of the vacated east-west alley in Block 1, "Wenz Addition To Minneapolis," lying northwesterly of the southerly extension of the east line of Lot 11, said block, and southeasterly of a line drawn at right angles to the centerline of said vacated alley, which line intersects the most westerly corner of said lot.

AND

Lots 7, 8, and 9, Block 1, "Wenz Addition to Minneapolis."

AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis," lying easterly of the centerline of the north-south portion of said alley, and between the westerly extensions of the north line of Lot 7, said block, and of the south line of Lot 9, said block.

AND

Lot 6, Block 1, "Wenz Addition to Minneapolis"
AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis", lying easterly of the centerline of the north-south portion of said alley, and between the westerly extensions of the north line and of the south line of Lot 6, said block.

AND

Lots 4 and 5, Block 1, "Wenz Addition to Minneapolis"

AND

That part of the vacated alley in Block 1, "Wenz Addition to Minneapolis", lying easterly of the centerline of the north-south portion of said alley, and between the the westerly extensions of the north line of Lot 4, said block, and the south line of Lot 5, said block.

And that Queen Anne Communities, Inc., a Minnesota non-profit corporation, fee owner of the following described property situated in the County of Hennepin, State of Minnesota to-wit:

ABSTRACT PROPERTY

Lot 18, Block 1, "Wenz Addition to Minneapolis"

AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis," described as follows: Beginning at the northwest corner of Lot 18, said block, thence north along the northerly extension of the west line of said lot, to the centerline of the vacated east-west alley; thence easterly and southeasterly along said centerline to the northeasterly extension of the southeasterly line of said lot; thence southwesterly along said northeasterly extension to the most easterly corner of said lot; thence northwesterly and westerly along the northerly line of said lot to the point of beginning.

AND

TORRENS PROPERTY

Lot 19, Block 1, "Wenz Addition to Minneapolis"

AND

Those parts of the vacated alleys in Block 1, "Wenz Addition To Minneapolis," described as follows: Beginning at the southwest corner of Lot 19, said block, thence south along the southerly extension of the west line of said lot, to the centerline of the vacated east-west alley; thence easterly and southeasterly along said centerline to the intersection with the centerline of the vacated north-south alley; thence north along said last described centerline to the intersection with the easterly extension of the north line of said lot; thence west along the easterly extension of the north line of said lot, to the northeast corner of said lot; thence south along the east line of said lot to the most easterly point of curvature of said lot; thence westerly, northwesterly, and westerly along the southerly line of said lot to the point of beginning.

AND

Lot 20, Block 1, "Wenz Addition to Minneapolis"

AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis," lying easterly of the centerline of the north-south portion of said alley, and between the easterly extensions of the north line and of the south line of Lot 20, said block.

AND

ABSTRACT PROPERTY

Lot 21, Block 1, "Wenz Addition to Minneapolis"

AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis," lying easterly of the centerline of the north-south portion of said alley, and between the easterly extensions of the north line and of the south line of Lot 21, said block.

ABSTRACT PROPERTY

AND

Lot 22, Block 1, "Wenz Addition to Minneapolis"

AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis," lying easterly of the centerline of the north-south portion of said alley, and between the easterly extensions of the north line and of the south line of Lot 22, said block.

AND

Lot 23, Block 1, "Wenz Addition to Minneapolis"

AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis," lying easterly of the centerline of the north-south portion of said alley, and between the easterly extensions of the north line and of the south line of Lot 23, said block.

AND

Lot 24, except the Easterly 34 feet thereof, Block 1, "Wenz Addition to Minneapolis"

AND

The East 34 feet of Lot 24, Block 1, "Wenz Addition to Minneapolis", and the East 1/3 of Lots 25 and 26, Block 1, "Wenz Addition to Minneapolis"

AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis," lying westerly of the centerline of the north-south portion of said alley, and between the easterly extensions of the north line of Lot 26, said block, and of the south line of Lot 24, said block.

AND

The front Westerly 1/3 of Lots 25 and 26, Block 1, "Wenz Addition to Minneapolis", also a strip of land six feet wide front and rear of the West side of the Easterly 1/2 of the Westerly 2/3 of Lot 25 and 26, Block 1, in said "Wenz Addition to Minneapolis"

AND

The East 1/2 of the West 2/3 of Lots 25 and 26, except the West 6 feet thereof, Block 1, "Wenz Addition to Minneapolis"

AND

Lots 1, 2 and 3, Block 1, "Wenz Addition to Minneapolis"

AND

That part of the vacated alley in Block 1, "Wenz Addition To Minneapolis," lying easterly of the centerline of the north-south portion of said alley, and between the westerly extensions of the north line of Lot 1, said block, and of the south line of Lot 3, said block.

Have caused the same to be surveyed and platted as BROADWAY FLATS and do hereby dedicate to the public for public use forever the public way as shown on this plat.

In witness whereof said Broadway Flats, LLLP, a Minnesota limited liability limited partnership, has caused these presents to be signed by its proper officer this _____day of_____, 20 ____.

Signed: BROADWAY FLATS, LLLP

_____ _____
Title

STATE OF _____
COUNTY OF_____
The foregoing instrument was acknowledged before me this_____day of_____, 20 ____, by _____, as _____ of Broadway Flats, LLLP, a Minnesota limited liability limited partnership, on behalf of the partnership.

_____
Notary Public,_____ County, _____
My Commission Expires_____

In witness whereof said City of Minneapolis, a Minnesota municipal corporation, as mortgagee, has caused these presents to be signed by its proper officer this _____ day of_____, 20 ____.

Signed: CITY OF MINNEAPOLIS

_____ _____
Title

STATE OF _____
COUNTY OF_____
The foregoing instrument was acknowledged before me this_____day of_____, 20 ____, by _____, as _____ of City of Minneapolis, a Minnesota municipal corporation, on behalf of the corporation.

_____
Notary Public,_____ County, _____
My Commission Expires_____

In witness whereof said City of Minneapolis, a Minnesota municipal corporation, as fee owner has caused these presents to be signed by its proper officer this _____day of_____, 20 ____.

Signed: CITY OF MINNEAPOLIS

_____ _____
Title

STATE OF _____
COUNTY OF_____
The foregoing instrument was acknowledged before me this_____day of_____, 20 ____, by _____, as _____ of City of Minneapolis, a Minnesota municipal corporation, on behalf of the corporation.

_____
Notary Public,_____ County, _____
My Commission Expires_____

In witness whereof said Queen Anne Communities, Inc., a Minnesota non-profit corporation, has caused these presents to be signed by its proper officer this_____day of _____, 20 ____.

Signed: QUEEN ANNE COMMUNITIES, INC.

_____ _____
Title

STATE OF _____
COUNTY OF_____
The foregoing instrument was acknowledged before me this_____day of_____, 20 ____, by _____, as _____ of Queen Anne Communities, Inc., a Minnesota non-profit corporation, on behalf of the corporation.

_____
Notary Public,_____ County, _____
My Commission Expires_____

I Jason E. Rud do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on the plat have been, or will be correctly set within one year; that all water boundaries and wet lands as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on the plat; and all public ways are shown and labeled on the plat.

_____
Jason E. Rud, Licensed Land Surveyor
Minnesota License No. 41278

STATE OF MINNESOTA
COUNTY OF _____
The instrument was acknowledged before me this _____ day of_____, 20 ____, by Jason E. Rud, Licensed Land Surveyor.

_____
Notary Public, Anoka County, Minnesota
My Commission Expires_____

MINNEAPOLIS, MINNESOTA
I, The Secretary of the Planning Commission of the City of Minneapolis, Minnesota, do hereby certify that on this _____ day of _____, 20____, the City of Minneapolis acting by and through its City Planning Commission duly approved the plat of BROADWAY FLATS, and duly authorized such action of the Commission by its Secretary. The prescribed ten-day period for appeal has elapsed without receipt of an appeal, as provided by Title 22, Section 598.320 of the Minneapolis Code of Ordinances.

_____Secretary of Planning Commission

MINNEAPOLIS, MINNESOTA
I hereby certify that this plat of BROADWAY FLATS was approved by the City Planning Commission of the City of Minneapolis at a meeting thereof held this _____ day of_____, 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

CITY CLERK OF MINNEAPOLIS, MINNESOTA

_____City Clerk

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA
I hereby certify that taxes payable in _____ and prior years have been paid for land described on this plat, dated _____day of_____, 20____.

Mark V. Chapin, County Auditor By _____ Deputy

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA
Pursuant to MN. STAT. Sec. 383B.565 (1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor By_____

REGISTRAR OF TITLES, HENNEPIN COUNTY, MINNESOTA
I do hereby certify that the within plat of BROADWAY FLATS was filed in this office this _____ day of _____, 20 _____ at_____o'clock _____M.

Martin McCormick, County Registrar of Titles By_____ Deputy

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA
I do hereby certify that the within plat of BROADWAY FLATS was recorded in this office this _____ day of _____, 20 _____ at_____o'clock _____M.

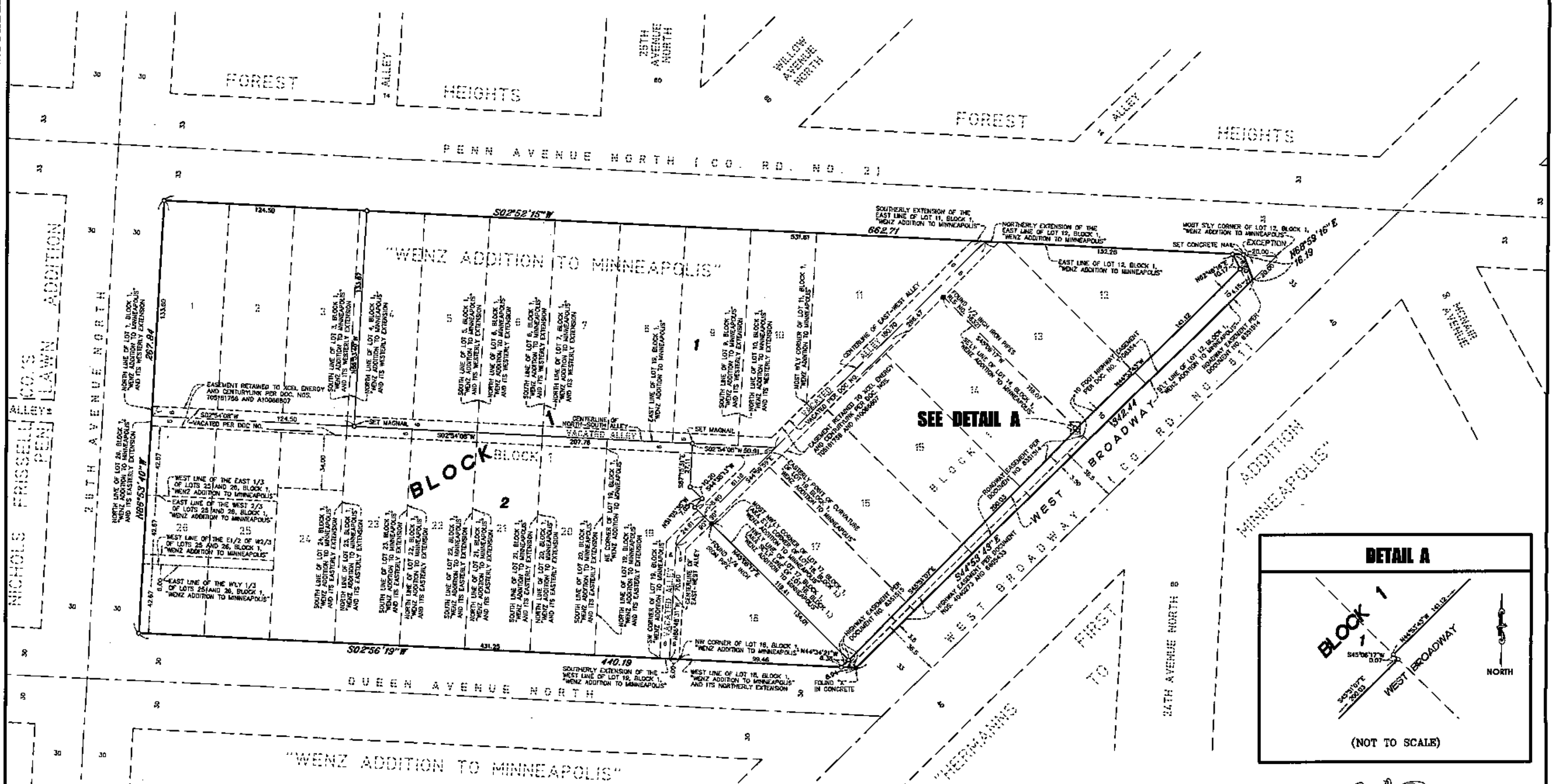
Martin McCormick, County Recorder By_____ Deputy

E.G. RUD & SONS, INC.
EST. 1937
Professional Land Surveyors

PRELIMINARY COPY
UNRECORDED AS OF 11-13-14

BROADWAY FLATS

R.T. DOC. NO.____________
C.R. DOC. NO.____________



For the purpose of this plat the southerly line of Lot 12, Block 1, "WENZ ADDITION TO MINNEAPOLIS" is assumed to bear South 44 degrees 53 minutes 43 seconds East.

o Denotes 1/2 inch x 14 inch iron monument set and marked RLS No. 41578. (unless otherwise noted)

● Denotes found 1/2 inch iron pipe. (unless otherwise noted)

NORTH

GRAPHIC SCALE

30 0 15 30 60 120

(SCALE IN FEET)

E.G. RUD & SONS, INC.
EST. 1977 Professional Land Surveyors

SHEET 2 OF 2 SHEETS

Department of Public Works
Engineering Design Division/Right-of-Way Section
309 2nd Avenue South, Room 200
673-2428

Date: November 4, 2014

To: Hilary Dvorak – CPED Planning
Erik Nilsson – City Attorney

From: Robert Boblett, Right of Way

Subject: Broadway Flats – Final plat

We have reviewed the final plat of the Broadway Flats Addition, and we have no right of way issues.

The developers may want to consider adding drainage and utility easements since the alleys were all vacated in 2013.

Dvorak, Hilary A.

From: Nilsson, Erik A.
Sent: Friday, November 14, 2014 3:09 PM
To: Dvorak, Hilary A.
Subject: Broadway Flats plat

Hilary-

The Broadway Flats plat submission is approved.

I will send you an approval letter. Thank you-

Erik E. Nilsson | Assistant Minneapolis City Attorney | Phone: 612.673.2192 | Fax: 612.673.3362

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