

**Department of Community Planning and Economic Development
Planning Division
Preliminary and Final Registered Land Survey (RLS-37)**

Hearing Date: 6/13/05

Applicant: Alliance Housing, Inc., 118 E. 26th St. Rm 202, Mpls. MN 55407

Address of Property: 2740 Minnehaha Ave.

Project Name: Commons at Hiawatha

Contact Person and Phone: Kris Brogan, 3133 Bloomington #3, Mpls., MN 55407, 612-801-4942, krisbrogan@att.net

Staff Contact Person and Phone: J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us

Date Application Deemed Complete: 5/26/05

End of 60-Day Decision Period: 7/25/05

End of 120-Day Decision Period: 9/23/05

Ward: 9 **Neighborhood Organization:** Longfellow / Longfellow Neighborhood Association

Existing Zoning:

- 2510 Minnehaha Ave. (3602924430087): C3S, Community Shopping Center District
- 2740 Minnehaha Ave. (3602924420047): C3S, Community Shopping Center District
- 2520 Minnehaha Ave. (3602924340062): C3S, Community Shopping Center District

Zoning Plate Number: 27

Prior approvals:

- City Planning Commission approved Modification 14 to the Seward South Urban Renewal Plan for the Hiawatha Commons Tax Increment Financing Plan on 9/27/04.
- The Planning Commission approved the following applications on 1/24/05 (BZZ-2124):
 - The Planning Commission approved the rezoning of 2510 Minnehaha Ave. from I1 to C3S on 1/24/05 and the City Council and Mayor approved it on 2/25/05.
 - Conditional use permit for more than 5 units
 - Conditional use permit to exceed the 56-ft. height limitation
 - Site plan review
 - Parking variance for the residential portion of the project

**If you need more information or have special needs, please call the
Minneapolis Planning Department at 612-673-2597.**

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- Preliminary plat (PL-166)
- The Planning Commission approved on 5/9/05 the final plat (PL-166) per Chapter 598

Concurrent Review / Applicable zoning code provisions:

- Preliminary and final Registered Land Survey (RLS-37) per Chapter 598
- The applicant has also applied for the vacation of an easement (V-1458, pending)

Background:

Project description: The Commons at Hiawatha project is a mixed-use, mixed-income project that combines four floors of rental housing over first floor retail and underground parking. The project will be located at the northwest corner of the Minnehaha Mall, which is located at East Lake St., and Hiawatha Ave. and Minnehaha Ave. The applicant, Alliance Housing, Inc. (AHI), will use tax increment financing resources from the City (\$2.7 million) for the project. Of the 80 residential units, 16 will be market rate apartments and 64 will be rented to low-income, single, working adults and low-to-moderate income families looking for housing close to transit, retail, and employment. The site is close to the Seward Industrial Park, the retail stores in the Minnehaha Mall—Target, Cub Foods, and Rainbow Foods as well as other smaller retail and service businesses. The applicants will market the units primarily to people currently working in the area as well as future employees. The project will include 40 efficiencies, 24 one-bedroom apartments, and 16 two-bedroom apartments.

The site is currently an underutilized parking lot this is part of the lot shared by the Minnehaha Mall and Cub Foods. The northern border of the site is the railroad track corridor that is slated to become part of the Midtown Greenway. AHI and the current owners of the Mall (Minnehaha Center LLC) will form a condo association with AHI owning the land and the project except for the first floor commercial space, which the Mall owners will own and operate. The commercial space will be subdivided into up to 10 retail units.

The site is in close proximity to the Hiawatha LRT line and 7 bus routes offering regular service on Lake Street, Hiawatha, and 26th Ave. to all parts of the city and region. Supportive services are also available in the area through agencies such as Employment Action Center and Goodwill/Easter Seals—both of which are nearby.

The intent of the RLS is to work in tandem with the already approved final plat to provide for the orderly development of this mixed use project. The staff of the Public Works Department approved the registered land survey on 5/26/05 and the Assistant City Attorney approved it on 5/4/05.

Neighborhood comment: The applicant notified the neighborhood group about the project on 12/7/04. Attachment 7 includes a letter of support for the project dated 7/17/03 and 5/26/05 from the neighborhood group.

FINAL REGISTERED LAND SURVEY

Findings as Required by the Minneapolis Zoning Code for the Commons at Hiawatha Project at 2740 Minnehaha Ave.:

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

There are no surviving natural features on the site. The registered land survey conforms to all applicable land subdivision regulations with the following exception: Chapter 598 limits new residential lots to no more than 5 sides. This new parcel will have 9 sides, however, this is an unavoidable situation given the unique layout of the land and the existing property lines. Planning staff recommends that the Commission vary the subdivision standard to allow more than five sides

Section 598.230 requires that, “Where no alley are provided, utility easements required by the city engineer shall be not less than five (5) feet on side lot lines and not less than ten (10) feet on rear lot lines.” The Public Works Department staff have indicated that adequate provisions have been made for utilities without providing these easements and Planning staff recommends that the Commission vary the subdivision standards related to utility easements.

The Preliminary Plan Review Committee comprised of City staff reviewed the project on 10/20/04 and made no substantive changes to the project. The staff of the Public Works Department approved the final registered land survey on 5/26/05 and the Assistant City Attorney approved it on 5/4/05.

- 2. 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 registered land survey will not subdivide the existing lot such that the remaining lot will be in violation of any of the requirements of Chapter 598 or the other chapters in the Zoning Code including the floor area ratio limits.

Planning staff concur with the applicant’s response: “The project will provide medium to high density housing at a location with convenient commercial and transportation services. The project will provide infill development without burdening existing services or the residential and commercial neighborhood. The conditional use will add housing and population close by retail and other services and enhance their well being. . . .The

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conditional use will promote housing redevelopment redevelop by making more productive use of the underused portion of the existing surface parking lot. Close proximity to an LRT station will enable workers to easily access the housing project and the adjacent retail and commercial services and pay affordable rents. Access to downtown will be particularly easy and the project will offer affordable housing for downtown service and other workers in an amenity rich environment. . . . The location and design will make pedestrian and bicycle access to these retail services the most convenient possible way for residents to use the services.”

Adequate access roads, parking, and drainage will be provided. The project includes sufficient cross easements to permit full access via Minnehaha Ave. and through the Minnehaha Mall parking lot. This also includes truck access for service and trash collection. The project will be located in an already developed commercial district which already has public utilities, a fully developed street system with adequate access to that system, a nearby LRT line, and all other facilities needed for the project. The project will enable the community to make better use of existing facilities by providing infill housing in an underused surface parking lot.

- 3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The registered land survey poses no hazards as regards floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

- 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 registered land survey creates lots that would allow the issuance of building permits, curb cuts, and any needed encroachment permits.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

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The project will require the approval by the City Engineer of a stormwater management plan for the entire project.

RECOMMENDATION

**Recommendation of the Community Planning and Economic Development Department—
Planning Division for the preliminary and final registered land survey application:**

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary and final registered land survey application for the Commons at Hiawatha Project with a variance from the limitation on the number of sides to the lot at 2740 Minnehaha Ave. and a variance from the required utility easements at 2740 Minnehaha Ave.

ATTACHMENTS

1. Zoning and parcel map
2. Overlay districts
3. Uses in the general area
4. Site plan and landscape plan
5. Aerial photo
6. Registered land survey
7. Letters from the neighborhood organization
8. Letters from the Assistant City Attorney (staff of the Public Works Department gave an oral approval on 5/26/05)
9. RLS resolution

RESOLUTION
of the
CITY PLANNING COMMISSION
of the City of Minneapolis

Whereas, the City of Minneapolis has heretofore established the Minneapolis City Planning Commission to review and approve all plats of land located within the City of Minneapolis and by resolution to certify approval thereof; and

Whereas, a Registered Land Survey is required to be processed in the same manner as a Subdivision plat; and

Whereas, the registered land survey described as Commons at Hiawatha was on 6/13/05, submitted to the City Planning Commission of the City of Minneapolis and the Minneapolis City Council, and after study and review thereof was found to meet all the requirements of law relating thereto, including all applicable Minnesota Statutes and the Minneapolis Platting Regulations, and is therefore entitled to be recorded with the Registrar of Titles of Hennepin County, Minnesota; and

Whereas, the registered land survey as proposed conforms with the conditions of the resolution relating to Land Subdivision Regulations adopted by this Commission on October 12, 1999, and;

Whereas, by Laws of 1965, Chapter 670, effective January 1, 1966, it is required that a resolution from the municipality in which the land is located accompany any registered land survey to entitle same to be recorded or filed;

NOW, THEREFORE, BE IT RESOLVED BY THE MINNEAPOLIS CITY PLANNING COMMISSION AS FOLLOWS:

That the registered land survey (RLS-37) known as Commons at Hiawatha including property in the State of Minnesota and County of Hennepin, to wit:

That part of Outlot A, MINNEHAHA INDUSTRIAL PARK, according to the recorded plat thereof, lying westerly of a line described as commencing at the most westerly corner of said Outlot A; thence on an assumed bearing of North 71 degrees 47 minutes 06 seconds East, along the southeast line of said Outlot A and the north line of AUDITOR'S SUBDIVISION NO. 119, files of the County Recorder, a distance of 102.29 feet to a point 386.63 feet easterly of the most westerly corner of said AUDITOR'S SUBDIVISION NO. 119, as measured along said north line of AUDITOR'S SUBDIVISION NO. 119; thence South 64 degrees 11 minutes 06 seconds West a distance of 191.39 feet; thence South 27 degrees 05 minutes 11 seconds East a distance

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of 60.77 feet; thence South 89 degrees 10 minutes 51 seconds East a distance of 260.23 feet; thence North 64 degrees 27 minutes 55 seconds East a distance of 188.12 feet to the point of beginning of the line to be described; thence North 0 degrees 08 minutes 10 seconds East a distance of 160.36 feet; thence northeasterly a distance of 32.33 feet along a tangential curve concave to the southeast, having a radius of 40.00 feet and a central angle of 46 degrees 18 minutes 32 seconds; thence North 46 degrees 26 minutes 42 seconds East, tangent to said curve, a distance of 61.72 feet to the northeast line of said Outlot A and said line there terminating. All in Hennepin County, Minnesota,

the boundaries of which lot are marked by Judicial Landmarks placed as shown upon a plat of which a certified copy is filed in the office of the Registrar or Titles, was on 6/13/05, duly submitted to the Minneapolis City Planning Commission and the Minneapolis City Council, and after the review and study thereof, was found to meet all requirements of law relating thereto, including all applicable Minnesota Statutes and the Minneapolis Platting Regulations, meets the requirements of the Laws of 1965, Chapter 670, effective January 1, 1966, and said registered land survey is therefore entitled to be recorded forthwith with the Registrar of Titles of Hennepin County, Minnesota.

Approval of the registered land survey is conditioned upon development of all land within the plat in accordance with the development plan submitted to and approved by the Planning Commission in conjunction with the registered land survey on 6/13/05.

A Certified copy of this resolution may be submitted with said registered land survey to the Registrar of Titles of Hennepin County, Minnesota, for recording as provided by law.

Adopted by the City Planning Commission of the City of Minneapolis, Minnesota, this 13th day of June, 2005.