

Community Planning and Economic Development Planning Division Report

Registered Land Survey
RLS-55

Date: November 17, 2008

Applicant: Mill Development LLC

Address Of Property: 100-501 Main Street SE and 300-400 2nd Street SE

Project Name: East Bank Mills

Contact Person And Phone: Maureen Michalski – Schafer Richardson 612-359-5842

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

Date Application Deemed Complete: October 2, 2008

End of 120 Day Decision Period: January 30, 2009

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

Existing Zoning: C3A Community Activity Center District

Existing Overlay Districts: MR Mississippi River Critical Area and SH Shoreland Overlay Districts.

Plate Number: 14

Legal Description: See attached survey.

Proposed Use(s): Eleven buildings with 960 dwelling units and approximately 85,000 square feet of office and commercial space received approval in August of 2006 (BZZ-3137).

Concurrent Review:

Registered land Survey (RLS): To create separate ownership tracts.

Applicable zoning code provisions: Chapter 598 Subdivisions.

Background: The City Planning Commission approved the following applications to allow 11 buildings with 960 dwelling units and approximately 85,000 square feet of office and commercial spaces at its meeting of on August 14, 2006, with conditions (BZZ-3137):

Rezoning: From I1 Light Industrial and ILOD to C3A Community Activity Center District.

Conditional Use Permit for a Planned Unit Development: To allow 960 dwelling units.

Variance: To increase the Maximum allowable Floor Area Ratio from 3.24 to 5.0.

Variance: To increase the maximum allowable floor area of individual retail sales and services tenants from 8,000 square feet (with bonuses) to up to 33,000 square feet.

Variance: To reduce the required northerly interior side yard from 15 feet to 11.

Variance: To reduce the minimum required drive aisle from 22 feet to 20 feet.

Site Plan Review.

Site and building preparation work has been ongoing, but as of this date no new construction has commenced. The applicant has received extensions of the approvals until August 14, 2009, for Phase I (and for the subsequent phases if Phase I commences). The applicant has applied for a Registered Land Survey (RLS) to create separate ownership tracts within the site.

The City Attorney has reviewed and approved the final RLS title documents.

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

Required Findings:

- 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 is in conformance with the subdivision regulations, zoning code, and comprehensive plan with the recommended condition of approval. This RLS is required as a condition of the previous planned unit development approval, which was found to be in conformance with the 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 ownership and location of various tracts on the site. This should 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.**

A final site plan is required to be approved by city staff before construction may begin that will address drainage and utility easements. None other the other hazards are known to exist at the site.

- 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 are required to be approved by city staff before construction may commence, but no known site difficulties exist that would prevent the applicant from obtaining building permits. 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.**

Erosion control and stormwater management plans will be approved with the final site plan and building permits for the project before construction may commence.

RECOMMENDATION:

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the preliminary and final Registered Land Survey application for property located at 300-400 2nd Street SE and 100-501 Main Street SE, subject to the following condition:

- 1) The conditional use permit for the original planned unit development approvals (BZZ-3137) shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before the final RLS mylars are released from the City of Minneapolis for recording.

Attachments:

- 1) Statements from the applicant.
- 2) Zoning map.
- 3) Site plan and RLS.
- 4) Aerials.