

**Department of Community Planning and Economic Development – Planning Division**  
Final Plat  
PL-267

**Date:** December 3, 2012

**Applicant:** Jared Schenk, GEM Realty Capital

**Address of Property:** 1313 5<sup>th</sup> Street SE

**Project Name:** UTEC Mixed-Use

**Contact Person and Phone:** Gretchen Camp, BKV Group, (612) 373-9122

**Planning Staff and Phone:** Kimberly Holien, (612) 673-2402

**Date Application Deemed Complete:** November 20, 2012

**End of 60-Day Decision Period:** January 20, 2013

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

**Existing Zoning:** C2, Neighborhood Corridor Commercial District, PO, Pedestrian Oriented Overlay District, UA, University Area Overlay District.

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 15

**Legal Description:** See attached survey

**Proposed Use:** Mixed-use development with 317 dwelling units and 44,255 square feet of ground floor commercial space.

**Concurrent Review:** Final Plat

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

**Background:** The development site is located on the east half of the block bounded by 5<sup>th</sup> Street SE, 14<sup>th</sup> Avenue SE, 6<sup>th</sup> Street SE and 12<sup>th</sup> Avenue SE. The site is currently occupied by UTEC, a multiple tenant building in the former John Marshall High School, and a large surface parking lot. The applicant is proposing to demolish the existing building and construct a mixed-use development that ranges from four stories to six stories. An Historic Review Letter was issued by Planning Division staff on May 29, 2012, indicating that the property does not meet the City's thresholds for historical significance. The development will include 317 dwelling units, approximately 44,255 square feet of ground floor commercial space, 70 parking spaces at grade level and 307 underground parking spaces.

This project was originally approved by the City Planning Commission at its meeting on August 27, 2012 and a revised project was approved on October 29, 2012. The project is a Planned Unit Development with 317 dwelling units and 44,255 square feet of ground floor commercial space. The preliminary plat was approved on August 27, 2012. As part of an application for a PUD, any land proposed for the development is required to be platted into one or more lots suitable for the PUD. The applicant has submitted the final plat accordingly.

## **FINAL PLAT**

### **Findings as required by the Minneapolis Zoning Code for the preliminary 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 currently consists of approximately 13 underlying platted lots. 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.

#### **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 should 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 site is basically flat and does not present any other 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.**

The proposed lot is buildable with minimal alterations and will have frontage on three public 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 has reviewed the project for appropriate drainage and stormwater management. The amount of stormwater runoff from the site should be minimized.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the final plat for the property located at 1313 5<sup>th</sup> Street SE, subject to the following condition:

- 1) The plat shall include a deed restriction as required by section 598.260 of the subdivision ordinance.

### **Attachments:**

- 1) Zoning map
- 2) Final Plat