



# CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #2  
 February 22, 2016  
 RLS-82

## LAND USE APPLICATION SUMMARY

*Property Location:* 1708-1714 W Lake Street  
*Project Name:* Seventeen10 RLS  
*Prepared By:* [Kimberly Holien](#), Senior Planner, (612) 673-2402  
*Applicant:* Seventeen10, LLC  
*Project Contact:* Carol Lansing, Faegre Baker Daniels  
*Request:* To establish separate vertical ownership tracts for a new mixed-use building.  
*Required Applications:* Registered Land Survey

<b>Preliminary and Final Registered Land Survey</b>	To create a separate ownership tract for the below-grade parking in a proposed mixed-use building.
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## SITE DATA

<b>Existing Zoning</b>	CI, Neighborhood Commercial District SH, Shoreland Overlay District
<b>Lot Area</b>	11,050 square feet / 0.25 acres
<b>Ward(s)</b>	7 (adjacent to 10)
<b>Neighborhood(s)</b>	East Isles; adjacent to ECCO
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Commercial Corridor (Lake Street West)
<b>Small Area Plan(s)</b>	<a href="#">Uptown Small Area Plan (2008)</a>

<b>Date Application Deemed Complete</b>	January 21, 2016	<b>Date Extension Letter Sent</b>	N/A
<b>End of 60-Day Decision Period</b>	N/A	<b>End of 120-Day Decision Period</b>	May 20, 2016

**BACKGROUND**

**SITE DESCRIPTION AND PRESENT USE.** The site fronts on Lake Street W in the center of the block that is bound by Knox Avenue S to the west and James Avenue S to the east. The site currently contains two residential structures.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** The site abuts the 1800 W Lake Street development to the west and commercial uses to the east. The properties to the north contain medium and high density residential uses. The properties to the south, across Lake Street W, have commercial zoning and contain residential uses with a range of densities.

**PROJECT DESCRIPTION.** The site is part of a future redevelopment project that consists of a four-story mixed use building. That project will include ground level retail, office uses on the second floor, six residential units on the third floor and one penthouse unit on the fourth floor. The project will include one level of below-grade parking that will serve the adjacent mixed-use development at 1800 W Lake Street. The parking level will include an internal connection to the parking level within the 1800 W Lake Street building. The purpose of the RLS is to create a separate ownership tract for the fourth floor penthouse so that it may be sold as a separate property description. Tract A will primarily encompass the first three floors of the building, the surrounding yards, the elevator shaft and stairwells, and the air space above the building. Tract B will encompass the fourth floor residential unit.

**RELATED APPROVALS.** The following land use approvals have been processed for the subject site:

Planning Case #	Application	Description	Action
BZZ-7117	Conditional use permit, site plan review	CUP and site plan review to add additional square footage to the fourth floor over what was approved under BZZ-7028	Approved by the City Planning Commission on May 11, 2015
BZZ-7028	<ul style="list-style-type: none"> <li>• Conditional use permit to increase the height of the building in the CI, Neighborhood Commercial district and the SH, Shoreland Overlay district.</li> <li>• Variance to decrease the required front yard setback.</li> <li>• Variance to decrease the required west interior side yard.</li> <li>• Variance to decrease the required east interior side yard.</li> </ul>	The construction of a four-story, mixed use building with seven dwelling units and 23,911 square feet of GFA.	Approved by the City Planning Commission on March 16, 2015.

	<ul style="list-style-type: none"> <li>• Variance to decrease the required rear yard.</li> <li>• Variance to reduce the minimum off-street vehicle parking requirement.</li> <li>• Site plan review.</li> </ul>		
RLS-77	Registered Land Survey	RLS to create a separate tract below grade	Approved by the City Planning Commission on February 23, 2015

**PUBLIC COMMENTS.** No correspondence has been received as of the writing of this staff report. Any correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

## ANALYSIS

### PRELIMINARY/FINAL REGISTERED LAND SURVEY

The Department of Community Planning and Economic Development has analyzed the application for a Preliminary and Final Registered Land Survey based on the following findings:

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

Subdivision Regulations:

The proposed Registered Land Survey will allow for redevelopment of the site in a manner that is consistent with the applicable subdivision regulations.

Zoning Ordinance:

The configuration of the RLS tracts, as proposed by the applicant, does not meet the street frontage requirement for Tract B. The solution to this technical problem is to record the conditions of approval that indicate that approval of the RLS does not constitute approval of the separate redevelopment of any tract if such tract does not comply with applicable zoning and subdivision ordinances.

Comprehensive Plan:

*The Minneapolis Plan for Sustainable Growth* designates this development area as Urban Neighborhood on the future land use map. West Lake Street is a commercial corridor in this location. The proposed RLS is for property that is subject to a future mixed use development. The project is consistent with the applicable policies of the comprehensive plan, as outlined below:

**Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.**

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

**Land Use Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

- 1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.
- 1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.

**Land Use Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.**

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.
- 1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

With the recommended conditions of approval, the RLS is in conformance with the subdivision regulations, 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 the two proposed tracts on the site. This shall 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.*

The site does not pose any of the above hazards. The applicant will work with Public Works to ensure that the future development complies with all applicable regulations for erosion control, drainage and utilities.

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 arrangement should not pose any difficulties in securing building permits. The site plan for the future development shows driveway access from the alley for the at-grade parking stalls. The below grade parking will be accessed through the adjacent building at 1800 West Lake Street. The applicant has been working closely with the Public Works Department, the Plan Review Section of CPED and the various utility companies to finalize construction plans for the proposed building.

The applicant will continue to work with these entities throughout the construction of the building to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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 applicable erosion and stormwater management plans will be approved with the final site plan and building permits for the project. The creation of different tracts will not affect erosion or stormwater management.

## RECOMMENDATIONS

### **Recommendation of the Department of Community Planning and Economic Development for the Preliminary and Final Registered Land Survey:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the Registered Land Survey application for the properties located at 1708-1714 W Lake Street, subject to the following conditions:

1. This RLS creates tracts (namely Tract B) that, if separately redeveloped, would not meet the requirements of the zoning and subdivision ordinance for lot frontage on a public street. Approval of this RLS does not constitute approval for the separate redevelopment of any tract if such tract does not comply with applicable subdivision ordinances.
2. This action of the Planning Commission shall be recorded with Hennepin County at or prior to such time as the signed RLS is presented for recording with Hennepin County.

## ATTACHMENTS

1. Written description and findings submitted by applicant
2. Correspondence
3. Zoning map
4. Registered land survey
5. Photos

**Seventeen10, LLC**  
**Application for Registered Land Survey**

**January 14, 2016**

**Statement of Proposed Use and Project Description**

The proposed RLS will divide the above grade part of the Seventeen10 development at 1708 and 1714 Lake Street West (the Property) by Registered Land Survey (RLS) into two tracts so that the fourth floor penthouse unit can be sold as a separate property description.

Related approvals:

February 23, 2015: The Planning Commission approved an RLS No. 1838 (Planning File No. RLS-77) to divide the above and below grade portions of the Property. Underground parking will be constructed in the below grade tract and will be connected to and provide replacement parking for the adjacent apartment building at 1800 Lake.

March 16, 2015: The Planning Commission approved a CUP, variances and site plan review for development of the above grade tract with a 4-story mixed use building with retail and enclosed parking at grade level, office space on the second floor, 6 residential units on the third floor, and 1 penthouse residential unit on the fourth level.

May 11, 2015: The Planning Commission approved an amended CUP and site plan review for the Property to increase the floor area of the fourth floor penthouse unit.

Current application: Seventeen10, LLC is requesting approval of a second RLS division of the above grade area into two tracts. Tract A will primarily encompass the first three floors of the building, the surrounding yards, the elevator shaft and stairwells, and the air space above the building. Tract B will encompass the fourth floor residential unit.

### Subdivision Required 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 proposed subdivision will promote redevelopment of the site with land uses in conformance with City zoning ordinances and land use plans. The proposed tracts comply with the subdivision regulations. Proposed Tract B will not have ground-level frontage on the public street. A reciprocal easement agreement ensuring rights of access through Tract A for the benefit of Tract B will be recorded if Tract B is sold into separate ownership as is anticipated.

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 subdivision of the property by RLS will not be injurious to the use and enjoyment of other property in the vicinity, be detrimental to surrounding land uses, or increase congestion in the public streets. The proposed subdivision is necessary to allow the fourth floor penthouse to be sold into separate ownership, creating the opportunity for an owner-occupied unit in this mixed use building. The Seventeen10 development has been approved by the Planning Commission, which already determined that it will not be injurious or detrimental to surrounding property or uses. The proposed subdivision will have no impact on street congestion.

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 site is a previously-developed urban site and is relatively flat. The building site can be safely redeveloped and maintained without danger to the users of the subdivision or the surrounding area. The site is not subject to flooding. Any soil conditions that require environmental or other remediation will be addressed in accordance with applicable regulations. Redevelopment will also comply with all applicable regulations for erosion control, drainage and utilities.

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 development and tract arrangement should pose no difficulties in securing building permits or in providing driveway access to the building. Development of the site is subject to approval of final site plan and building construction plans.

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.*

Stormwater management and erosion control plans will be reviewed and approved as part of the final site plan and building permit review process. Subdivision of the Property by RLS will not affect implementation of the required stormwater and erosion control measures.

## Lansing, Carol

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**From:** Lansing, Carol  
**Sent:** Tuesday, January 12, 2016 2:49 PM  
**To:** president@eastisles.org; nrp@eastcalhoun.org; Lisa.Goodman@minneapolismn.gov  
**Subject:** RLS Application for 1708-1714 West Lake Street

Andrew Degerstrom  
President of East Isles Residents Association

Monica Smith  
Coordinator of East Calhoun Community Organization

Lisa Goodman  
Seventh Ward Council Member

Dear Andrew, Monica and Lisa,

On behalf of the property owner and applicant, Seventeen10, LLC, I am notifying you that we are submitting an application to divide the above grade part of the Seventeen10 development at 1708 and 1714 Lake Street West by Registered Land Survey (RLS) into two tracts so that the fourth floor penthouse unit can be sold as a separate property description. This RLS application is based on the building and site plans approved by the Planning Commission on March 16, 2015 and May 11, 2015, and does not request any changes to the approved project plans.

To recap the zoning and subdivision application history:

February 23, 2015: Planning Commission approved an RLS to divide the above and below grade portions of the property. Underground parking will be constructed in the below grade tract and will be connected to and provide replacement parking for the adjacent apartment building at 1800 Lake.

March 16, 2015: Planning Commission approved a CUP, variances and site plan review for development of the above grade tract with a 4-story mixed use building with retail and enclosed parking at grade level, office space on the second floor, 6 residential units on the third floor, and 1 penthouse residential unit on the fourth level.

May 11, 2015: Planning Commission approved an amended CUP and site plan review to increase the floor area of the fourth floor penthouse unit.

Current application: Requesting approval of a second RLS division of the above grade area into two tracts. Tract A will primarily encompass the first three floors of the building, the surrounding yards and the air space above the building. Tract B will encompass the fourth floor residential unit.

I am the contact person for the RLS application and my contact information is below. Please let me know if you have any questions or would like any additional information at this time. Thank you.

Carol Lansing

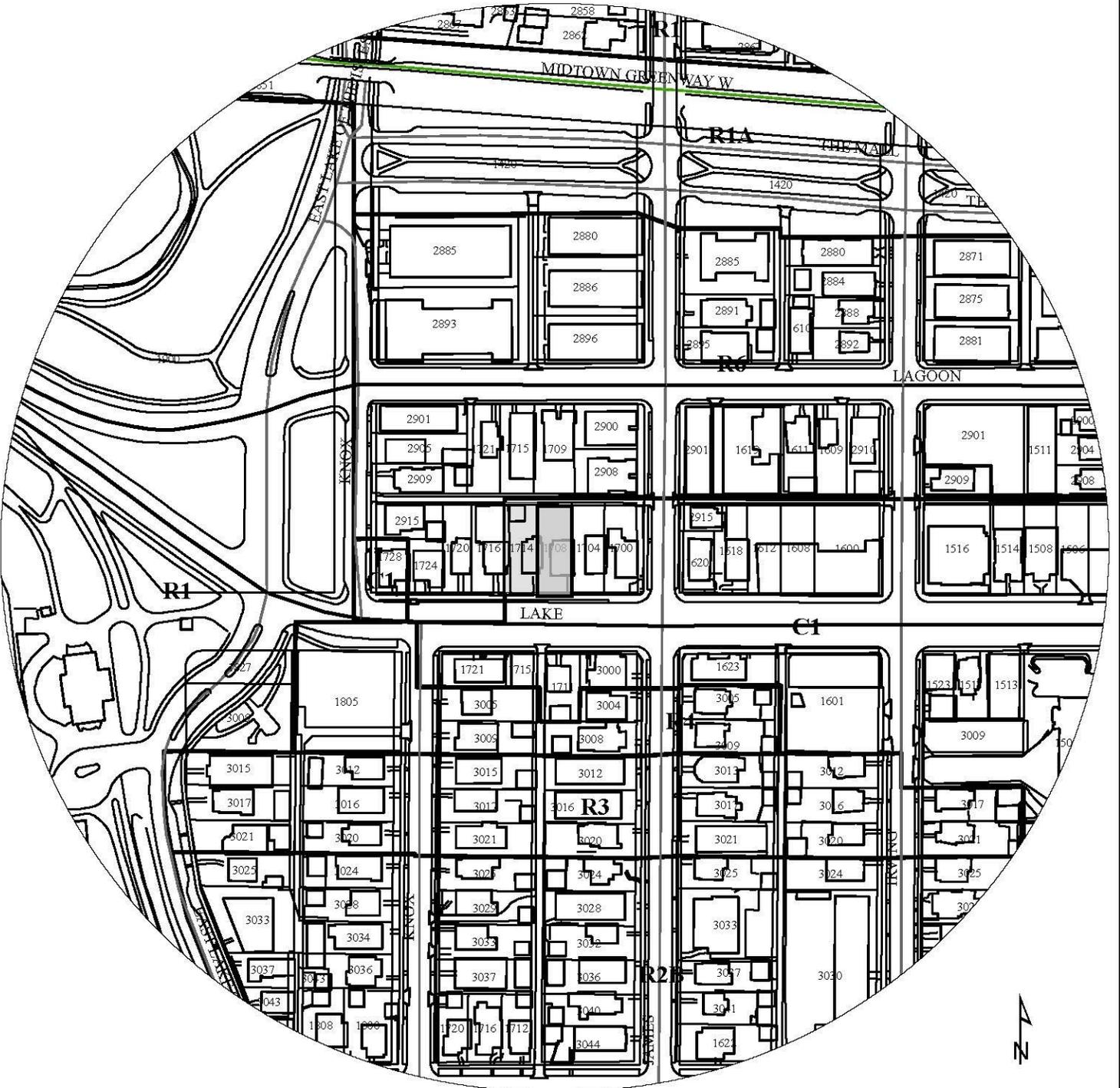
*Counsel*

carol.lansing@FaegreBD.com Download vCard

D: +1 612 766 7005

**Faegre Baker Daniels LLP**

2200 Wells Fargo Center | 90 South Seventh Street | Minneapolis, MN 55402-3901, USA



PROPERTY ADDRESS

1708-14 W Lake Street

FILE NUMBER

RLS- 82

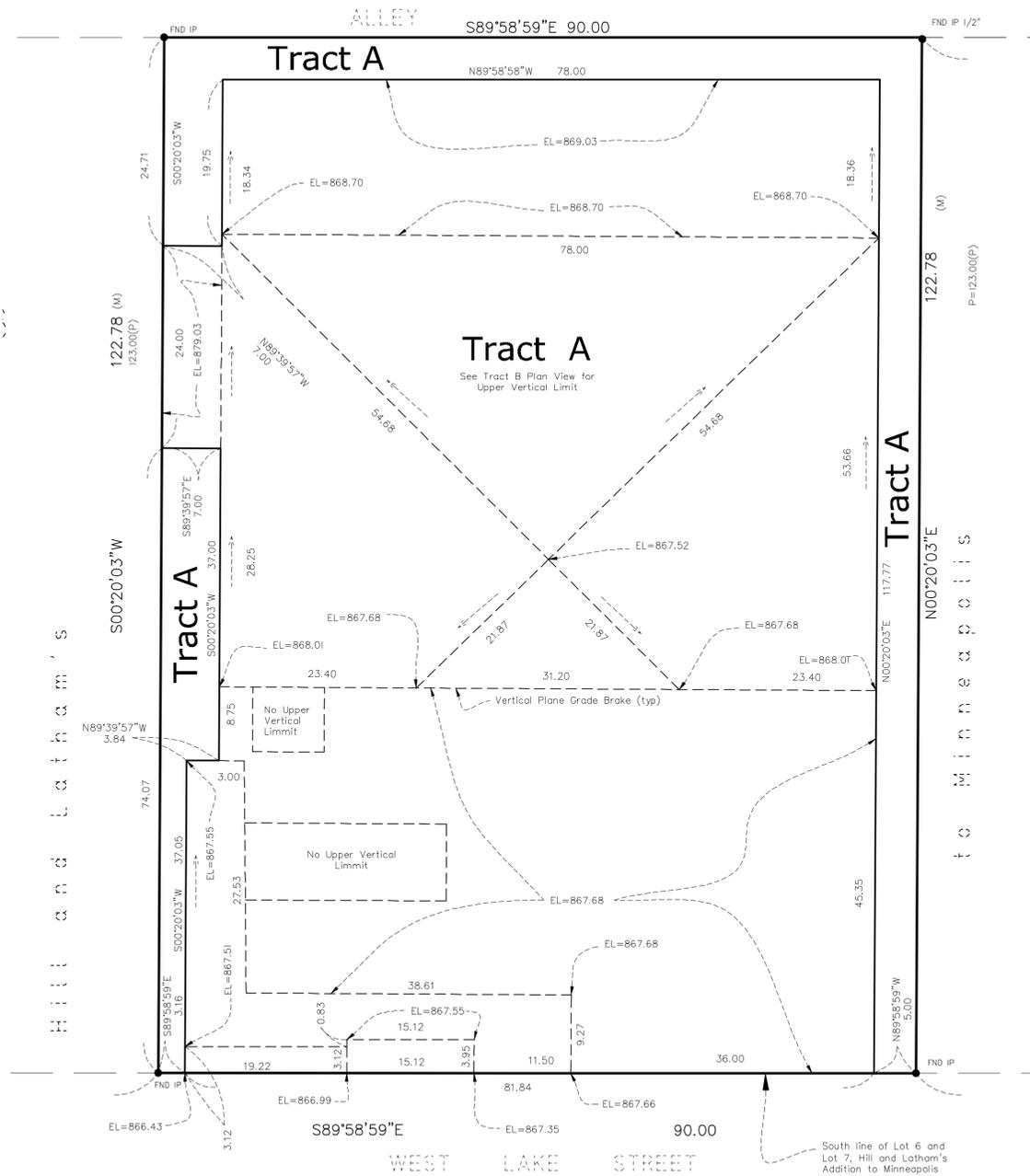
# REGISTERED LAND SURVEY NO.

R.T. DOC. NO. \_\_\_\_\_

HENNEPIN COUNTY, MINNESOTA

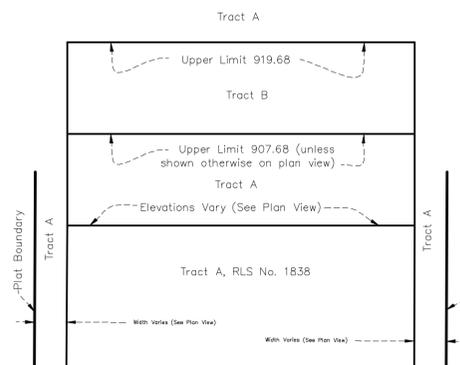
## Site Plan & Plan View

## Tract B Plan View



## Elevation View

No Scale

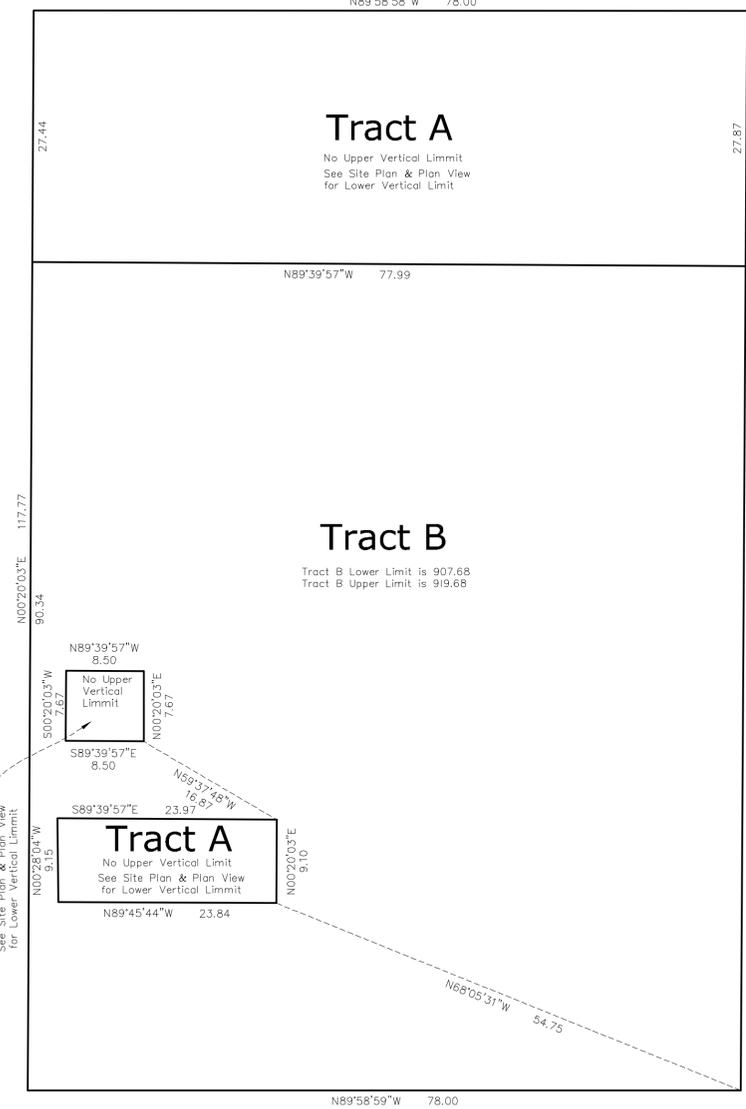


Bearings are based on the south line of Lot 6 and Lot 7, Hill and Latham's Addition to Minneapolis \ Uj | Uj Ugg a YXVVF|b| cZ C. - s) . 0 - '9

SCALE IN FEET

Benchmark:  
Elevations are based on a spike in the southwest side of the power pole located just south of the westerly extension of the south line of the alley. Located in Knox Ave, as shown hereon. Labeled "BM" Elevation = 862.00 feet (NGVD 1929)

- SURVEY MONUMENT SET 1/2 INCH BY 14 INCH MARKED RLS 44565
- SURVEY MONUMENT FOUND AS NOTED
- - - SLOPING UPWARD VERTICAL PLANE
- EL ELEVATION
- P DIMENSION PER PLAT OF HILL AND LATHAM'S ADDITION TO MINNEAPOLIS
- M MEASURED DIMENSION
- BM BENCHMARK
- TRACT A LIES BELOW THE VERTICAL PLANE AS DEFINED ON THE TRACT B PLAN VIEW
- TRACT A HAS NO LOWER LIMIT EXCEPT AS SHOWN ON THE SITE PLAN AND PLAN VIEW
- TRACT B LIES ABOVE AND BELOW THE VERTICAL PLANES AS DEFINED ON THE TRACT B PLAN VIEW



**SURVEYORS CERTIFICATION**  
I Rory L. Synsteliem hereby certify that in accordance with the provisions of Minnesota Statutes 508.47, Subd. 4, I have surveyed the following described property situated in the county of Hennepin, State of Minnesota, to wit:

Tract B, Registered Land Survey No. 1838

I hereby certify that this Registered Land Survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota and this Registered Land Survey is a correct representation of said parcel of land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Rory L. Synsteliem, Land Surveyor, Minnesota License No. 44565

MINNEAPOLIS, MINNESOTA

I, the Secretary of the Planning Commission of the City of Minneapolis, Minnesota, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2015, said City of Minneapolis acting by and through its City Planning Commission duly approved this Registered Land Survey, and duly authorized such action of the Commission by its Secretary. The prescribed ten-day period for appeal has elapsed without receipt of appeal, as provided by Title 22, Section 598.320 of the Minneapolis Code of Ordinances.

Secretary of the Planning Commission

MINNEAPOLIS, MINNESOTA

I hereby certify that this Registered Land Survey was approved by the City Planning Commission of the City of Minneapolis at a meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 2015. 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, Subd. 2. City Clerk of Minneapolis, Minnesota

By: \_\_\_\_\_, Assistant 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 Registered Land Survey. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Mark V. Chapin, Hennepin County Auditor

By: \_\_\_\_\_, Deputy

SURVEY DIVISION, Hennepin County, Minnesota  
Pursuant to Minnesota Statutes Section 383B.565 (1969), this Registered Land Survey has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Chris F. Mavis, Hennepin County Surveyor

By: \_\_\_\_\_

REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within Registered Land Survey No. \_\_\_\_\_ was filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Martin McCormick, Registrar of Titles

By: \_\_\_\_\_, Deputy

# REGISTERED LAND SURVEY NO. 1838

R.T. DOC. NO. 5297512

HENNEPIN COUNTY, MINNESOTA

CTF. NO. 1411801

### SURVEYORS CERTIFICATION

I Rory L. Synsteliem hereby certify that in accordance with the provisions of Minnesota Statutes 508.47, Subd. 4, I have surveyed the following described property situated in the county of Hennepin, State of Minnesota, to wit:

Lot 6 and Lot 7, Hill and Latham's Addition to Minneapolis,

I hereby certify that this Registered Land Survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota and this Register Land Survey is a correct representation of said parcel of land.

Dated this 1st day of September, 2015

*[Signature]*  
Rory L. Synsteliem, Land Surveyor, Minnesota License No. 44565

### MINNEAPOLIS, MINNESOTA

I, the Secretary of the Planning Commission of the City of Minneapolis, Minnesota, do hereby certify that on this 10th day of September, A.D. 2015, said City of Minneapolis acting by and through its City Planning Commission duly approved this Registered Land Survey, and duly authorized such action of the Commission by its Secretary. The prescribed ten-day period for appeal has elapsed without receipt of appeal, as provided by Title 22, Section 598.320 of the Minneapolis Code of Ordinances.

*[Signature]*  
Secretary of the Planning Commission

### MINNEAPOLIS, MINNESOTA

I hereby certify that this Registered Land Survey was approved by the City Planning Commission of the City of Minneapolis at a meeting thereof held this 10th day of September, 2015. 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, Subd. 2.

City Clerk of Minneapolis, Minnesota  
By: *[Signature]*, Assistant City Clerk

### RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 2015 and prior years have been paid for land described on this Registered Land Survey. Dated this 13th day of October, 2015.

Mark V. Chapin, Hennepin County Auditor  
By: *[Signature]*, Deputy

### SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this Registered Land Survey has been approved this 13th day of October, 2015

Chris F. Mavis, Hennepin County Surveyor  
By: *[Signature]*

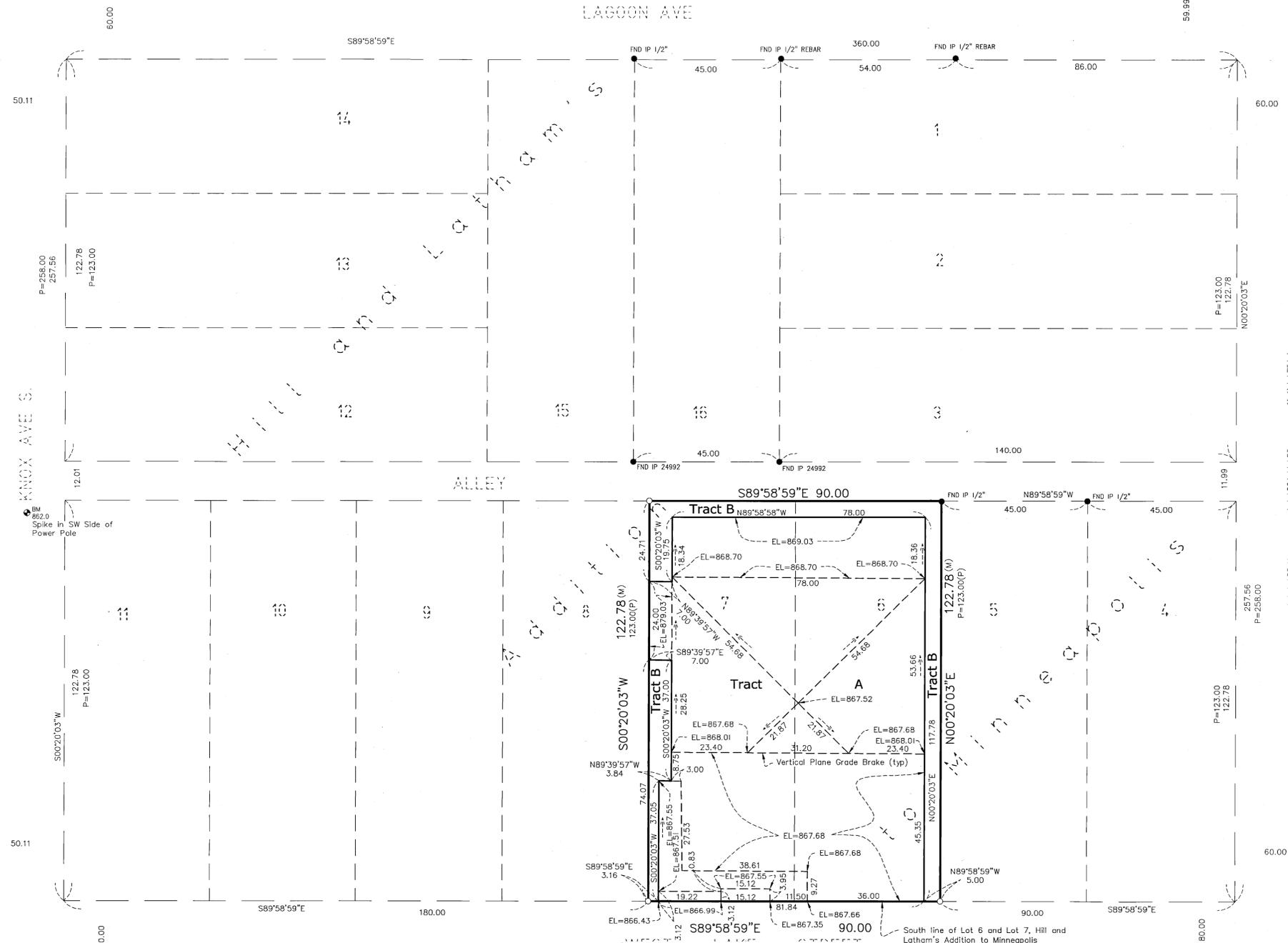
### REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within Registered Land Survey No. 1838 was filed in this office this 13th day of October, 2015 at 2:47 o'clock P.M.

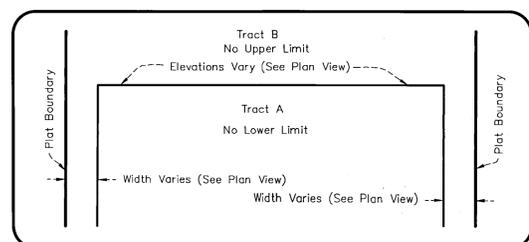
Martin McCormick, Registrar of Titles  
By: *[Signature]*, Deputy

**HT** Engineering · Surveying  
**PO** Landscape Architecture  
HANSEN THORP PELLINEN OLSON, Inc.

## Site Plan & Plan View



## Elevation View



- SURVEY MONUMENT SET 1/2 INCH BY 14 INCH MARKED RLS 44565
- SURVEY MONUMENT FOUND AS NOTED
- ↗ SLOPING UPWARD VERTICAL PLANE
- EL ELEVATION
- P DIMENSION PER PLAT OF HILL AND LATHAM'S ADDITION TO MINNEAPOLIS
- M MEASURED DIMENSION
- BM BENCHMARK
- TRACT A LIES BELOW THE VERTICAL PLANE AS DEFINED ON THE PLAN VIEW
- TRACT B LIES ABOVE THE VERTICAL PLANE AS DEFINED ON THE PLAN VIEW
- TRACT A HAS NO LOWER LIMIT
- TRACT B HAS NO UPPER LIMIT

Bearings are based on the south line of Lot 6 and Lot 7, Hill and Latham's Addition to Minneapolis having an assumed bearing of S89°58'59"E

SCALE IN FEET

**Benchmark:**  
Elevations are based on a spike in the southwest side of the power pole located just south of the westerly extension of the south line of the alley. Located in Knox Ave, as shown hereon. Labeled "BM" Elevation = 862.00 feet (NGVD 1929)

15-073

