

**Department of Community Planning and Economic Development – Planning  
Division  
Final Plat  
PL-181**

**Date:** May 22, 2006

**Applicant:** Hi-Lake Center, LLC and Wellington Management Inc.

**Addresses of Property:** 2104 – 2218 East Lake Street

**Project Name:** Hi-Lake Center

**Contact Person and Phone:** Peter Hilger, Portfolio Design, 2340 N. Lexington Avenue,  
Roseville, MN 55113, (651)631-1300

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** March 20, 2006

**End of 60-Day Decision Period:** Not applicable for this application.

**End of 120-Day Decision Period:** July 17, 2006

**Ward:** 9    **Neighborhood Organization:** East Phillips Neighborhood Assn.

**Existing Zoning:** C2 (Neighborhood Corridor Commercial District), PO (Pedestrian Oriented) Overlay District

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

**Zoning Plate Number:** 27

**Lot area:** 346,141 square feet or 7.9 acres

**Legal Description:** Not applicable for this application.

**Proposed Use:** Subdivide an existing 7.9 acre parcel into two separate lots in order to construct a new mixed-use building with a grocery store at the first level with 3 stories of residential units located above, as part of a Planned Unit Development (PUD).

**Concurrent Review:**

- Final Plat (PL-181)

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

**Development Plan:** The site plan was previously approved per BZZ-2639.

**Background:** The applicant proposes to subdivide an existing vacant 7.9 acre parcel into two parcels in order to construct a new 15,428 square foot mixed use building with an Aldi grocery store and 36 units of housing at the southwest corner of the site located at 2104 – 2218 East Lake Street. The proposed mixed-use building is being constructed as part of a PUD that as proposed would include the following improvements to the site: **(1)** The demolition of the existing Subway facility with drive-thru; **(2)** as previously mentioned, the construction of a new 15,428 square foot Aldi grocery store with 36 units of housing and a 34 car underground parking garage exclusively for the residential units at the southwest corner; **(3)** construction of a new addition to the existing Pineda Taco building to include additional retail suites on the east and west side of the building. The proposed addition would “engulf” the existing structure in order to accomplish a new look consistent with the rest of the shopping center. Subway would relocate to one of the new retail suites without a drive-thru facility; **(4)** new site improvements, including parking configurations and circulation. The subdivision would result in the creation of a 57,386 square foot lot and a 288,752 square foot lot. The entire property is currently zoned C2 and is located within the PO district.

The Planning Commission approved the preliminary plat, conditional use permit, variance and site plan applications at the October 31, 2005, City Planning Commission meeting.

The plat was referred to Mn/DOT as the subject properties are located adjacent to a County and State highway. The letter received in response is attached for reference.

The City Attorney’s office has indicated that it appears that the required monuments have been placed and that the required affirmations are stated on the face of the plat. It is the opinion of the City Attorney’s Office that the plat is satisfactory and meets statutory requirements.

## **FINAL PLAT –**

### **Required Findings:**

**1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

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 5 feet wide on side lot lines and 10 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.

The site would be a fully developed property should the land use applications be approved with some existing and proposed buildings up to the property lines. The existing drainage and utilities would not match the required easement locations and are not necessary, so Staff recommends granting the variance.

## **ZONING CODE**

With the approval of the conditional use permit, variance, site plan review, preliminary and final plat this development would meet the applicable requirements of the C2 zoning district.

## **MINNEAPOLIS PLAN**

According to the *Minneapolis Plan*, the site is located on a Commercial Corridor and in a designated Transit Station Area (TSA), identified in the comprehensive plan as those areas generally within one-half mile of light rail transit stations. Staff has identified the following policies and implementation steps that apply to the proposal:

**Relevant Policy: 9.36** Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

### ***Relevant Implementation Steps:***

- Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

- Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.
- Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood.

**Relevant Policy: 9.37** Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

**Relevant Implementation Steps:**

- Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semipublic outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).
- Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED).
- Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

**Relevant Policy: 9.39** Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

**Relevant Implementation Steps:**

- Allow reductions in minimum off-street parking requirements.
- Support shared use of parking by commercial uses with different peak periods of parking demand.
- Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.
- Limit the amount of street frontage for new off-street parking lots and require landscaping between parking lots and public sidewalks.

The development proposal is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

**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.**

Staff does not believe that the proposed plat for the development would be injurious to the use and enjoyment of surrounding property nor be detrimental to present and potential surrounding land uses, nor add any congestion in the public streets.

**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 site does not have steep slopes on the property.

**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 lots being created by this plat present no foreseeable difficulties for the proposed development. No significant alterations to the land appear necessary.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater 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.**

Public Works will review and approve drainage and sanitary system plans before issuance of building permits.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the final 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 application and the drainage/utility easement variance for property located at 2104 – 2218 East Lake Street.

**Attachments:**

1. Memo from Public Works
2. Letter from the City Attorney's office
3. Letter from MN Dot
4. Final plat
5. Zoning map