

**Department of Community Planning and Economic Development**  
Final Plat  
PL-265

**Date:** August 12, 2013

**Applicant:** Bigos-Calhoun Greenway, LLC, Attn: W. Vasilis, 8325 Wayzata Boulevard, Golden Valley, MN 55426, (763) 367-7400

**Address of Property:** 3140 Chowen Avenue South and 3129 Ewing Avenue South

**Project Name:** Dwell – Bigos Calhoun Greenway Expansion

**Contact Person and Phone:** Egan, Field & Nowak, Inc., Attn: Brent Peters, 1229 Tyler Street NE, Suite 100, Minneapolis, MN 55413, (612) 466-3383

**CPED Staff and Phone:** Becca Farrar - Hughes, Senior City Planner, (612) 673-3594

**Date Application Deemed Complete:** June 11, 2013

**End of 60-Day Decision Period:** August 10, 2013

**End of 120-Day Decision Period:** Not applicable for this application.

**Ward:** 13            **Neighborhood Organization:** West Calhoun Neighborhood Council

**Existing Zoning:** R6 (Multiple-family) district

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

**Zoning Plate Number:** 23

**Lot area:** 197,950 square feet or approximately 4.54 acres

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

**Proposed Use:** Establish a PUD for a new 185-unit residential development.

**Concurrent Review:**

- Final plat application (PL-265) to consolidate several existing platted lots into one lot for a Planned Unit Development (PUD).

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

**Development Plan:** The site plan was previously approved per BZZ-5578.

**Background:** The applicant proposes to consolidate several existing underlying platted lots into one lot for the properties located at 3140 Chowen Avenue South and 3129 Ewing Avenue South as required by Section 527.60 of the Zoning Code. On June 25, 2012, the applicant received Planning Commission approval for a new 6-story, 72-foot tall, 185-unit residential development on the properties located at 3140 Chowen Avenue South and 3129 Ewing Avenue South. The

subject site is located just south of the Midtown Greenway. The development was made possible due to the acquisition of the parcel located on Ewing Avenue South via the City of Minneapolis (that acquired the tax-forfeited property from Hennepin County) and then combining it with the parcel located on Chowen Avenue South. The development became a unified development with the existing Calhoun Greenway development which is a 4-story, 42-foot tall, 151-unit residential development located on the site. A conditional use permit for a Planned Unit Development (PUD) was required in order to develop the site as proposed and an alternative was also necessary in order to allow more than one principal residential structure on a zoning lot. Site plan review, as well as a preliminary plat, were also required for the development.

The building was constructed with 5 stories of wood framing over a concrete lower level and first floor. A total of 398 off-street parking stalls were approved within the PUD for a total of 336 dwelling units that included: 76 existing stalls below grade, 202 new below grade and 120 new surface spaces. Bicycle parking was provided at one space per unit. The exterior of the building was composed of brick, stucco and painted fiber-cement panels on the upper floors. The applicant also provided both indoor and outdoor site amenities including a fitness room, outdoor pool, fire pit and barbeque areas.

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. The Public Works Department has also reviewed the plat and believes it is also satisfactory.

**FINAL PLAT – PL - 265**

**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 applicant is proposing to consolidate several existing platted lots into one lot for a Planned Unit Development (PUD).

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 five feet wide on side lot lines and ten 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.

Given the layout of the site, and the fact that there is an existing structure on the premises, the drainage and utilities would not match the required easement locations and are not necessary, so Staff recommends granting the variance in this specific circumstance.

### **ZONING CODE**

The use of the site as a PUD is conditional in the R6 district. With the prior approval of the conditional use permit, site plan review, preliminary plat and the current approval of the final plat, this development meets the applicable requirements of the R6 zoning district.

### **MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:**

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as urban neighborhood. Urban neighborhoods are a “predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.” The property is located in close proximity to the designated major retail center at Calhoun and Excelsior. Further, the site is located between West Lake Street and Excelsior Boulevard which are both designated Commercial Corridors. West Lake Street transitions to a Community Corridor at Abbott Avenue South heading west to the city boundary. The proposal to construct a new 6-story, 72-foot tall, 185-unit residential development on the subject site that complements the existing 4-story, 42-foot tall, 151-unit residential development as a unified PUD is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.3 states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation steps: (1.3.1) “Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings; and (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.8 states, “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.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Housing Policy 3.1 states, “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Housing Policy 3.2 states, “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Urban Design Policy 10.4 states, “Support the development of residential dwellings that are of high quality design and compatible with surrounding development.” This policy includes the following applicable implementation step: (10.4.2) “Promote the development of new housing that is compatible with existing development in the area and the best of the city’s existing housing stock.”

Urban Design Policy 10.8 states, “Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.

The proposal is in conformance with the above noted policies and implementation steps of the Comprehensive Plan.

There is an additional plan that must be considered when evaluating the proposal, the *Midtown Greenway Land Use & Development Plan*, which was adopted by the City Council on February 23, 2007. The *Midtown Greenway Land Use & Development Plan*, includes parcels on each side of the Midtown Greenway from the western boundary of the City to Hiawatha Avenue and designates the subject site as a high-density housing site (40-120 dwelling units per acre) on the future land use plan and also calls for a “Transit-Oriented” development intensity, with larger scale buildings that may exceed five stories. The proposed use is consistent with the adopted *Midtown Greenway Land Use & Development 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 applicant is proposing to consolidate several existing platted lots into one new lot. Staff finds that the proposed plat would not be injurious to the use and enjoyment of surrounding property, nor would it be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets. There are various conditions of approval on the PUD site plan that should address any negative impacts of the development.

**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 developed and does not present the above 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 parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

**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.**

Public Works shall review and approve all drainage and sanitary system plans before building permits are issued.

### **RECOMMENDATIONS**

#### **Recommendation of the Department of Community Planning and Economic Development – for the final plat:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the final plat application and the drainage and utility variance for the properties located at 3140 Chowen Avenue South and 3129 Ewing Avenue South.

#### Attachments:

1. Correspondence – City Attorney, PW
2. Zoning Map
3. Plans –Final plat, approved Site Plan