

**Minneapolis City Planning Department Report
Alley Vacation (Vac-1274)
Final Plat (PL-53)**

Hearing Date: 8/19/02

Date Application Deemed Complete: Final plat submitted 4/19/02, determined to be complete on 5/31/02. Vacation application determined to be complete 7/16/02

Applicant: Ross M. Fefercorn

Address of Property: Calhoun Park Commercial: 1221 W. Lake St.; Emerson Rowhouses: 3016-26 Emerson Ave. S.

Contact Person and Phone: Applicant: Ross M. Fefercorn, RMF Entities, LLC (voice: 612-835-1718 X 103, cell: 363-6208); Julia McFadden, Astudio (voice: 612-339-5093, facsimile: 339-0499); Public Works: Steve Kotke (voice: 673-2402); MCDA: Daryl Hall (voice: 673-5235)

Staff Contact Person and Phone: J. Michael Orange, City Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us

Ward: 7 **Neighborhood Organization:** Calhoun Area Resident Action Group (CARAG)

Existing Zoning: Calhoun Park: B3S-3; Emerson Rowhouses: B3S-3 and R2B

Proposed Use:

- Calhoun Park: Demolition of existing building on site and construction of two, two-story 25,400 sq. ft. buildings with street-level retail and restaurant/deli, and second-level office fronting on Lake Street.
- Emerson Rowhouses: Construction of six attached rowhouses (averaging 1,450 sq. ft. each) with six detached double-car garages.

Concurrent Review: None other than those included in this report.

Prior approvals:

- **RFP and Development Guidelines:** In April 1999, the City Council approved the Request for Proposals and Development Guidelines for the subject site.
- **Acceptance of proposal to purchase and redevelop the site, March 10, 1999:** The City Council approved RMF Entities' offer to purchase and redevelop the site. The proposal was essentially the same as that currently under review by the Planning Commission.

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- **Public Land Sale/Purchase, March 25, 1999:** The Planning Commission agreed with the Planning Department finding that “the sale and redevelopment of this property is consistent with the Comprehensive Plan and that it will contribute positively to the neighborhood and the City by providing a mixed use development at this location on Lake Street.”
- **City permits:** Attachment X lists the City permits issued for the project.

Background

The applicant, RMF Entities, LLC (Developer), is proposing to build a mixed-use development located on the south side of Lake Street between Fremont and Emerson Avenues. It will have a residential and a commercial component:

Emerson Rowhouses: The project includes the construction of six attached rowhouses (averaging 1,450 sq. ft. each) with six detached double-car garages. Currently, the site is vacant parking lot owned by the City of Minneapolis. The northern four rowhouses will be within the B3S-3 Community Service District. The southern two rowhouses will be within the R2B Single, Two-Family and Townhouse District (Attachment 1b). Rowhouses and cluster developments are permitted uses in the R2B District but they are conditional uses in the B3S District.

According to the draft of the new Zoning Code, the rowhouse site would be rezoned to C1, Neighborhood Commercial District and R2B (Attachment 1a). Rowhouses and cluster developments would be conditional uses in both of these districts.

Calhoun Park Commercial: The project involves the demolition of the existing building located on the northwest corner of the site and construction of two, two-story 25,400 sq. ft. buildings fronting on Lake Street. The City of Minneapolis owns the existing building and site and uses it for the repair and storage of Public Works and Police Department vehicles and equipment. (Attachment 4g includes the letter from the City authorizing the sale of the property to the Developer.) The prior use was as the Jay Kline used car dealership. Both new buildings will provide 9,000 sq. ft. of market-rate retail at street level and 8,700 sq. ft. of office on the second floor. The buildings, according to the developer, “are being designed primarily for retail/office uses and not for food/restaurant uses. The developer and leasing agent will not be pursuing sit-down restaurant establishments as tenants. . . . One of the confirmed tenants, Tom Schmidt’s Urban Retreat Day Spa and Salon, is tentatively planning to include a juice/coffee bar, which may occupy approximately 300-500 s.f. of their tenant space. . . . If . . . Tom Schmidt does not include a food-related component, it is foreseeable that a non-franchised coffee or deli shop tenant may be solicited” (Attachment 4e).

Alley vacation (Vac-1274): The northern third of the alley would be vacated and land would be dedicated to create an L-shaped alley to connect to Emerson Ave.

Final plat (PL-53): The project needs to be replatted.

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Neighborhood review: The applicant has contacted the CARAG neighborhood group. Attachment 5 contains a letter of support for the project.

Findings

A. Vacation (Vac-1274)

The project includes the vacation of that part of the public alley lying south of the north 172 feet and north of the easterly extension of Lot 9, Block 11, Calhoun Park Addition.

Responses from Utilities and Affected Property Owners: The only easements requested are as follows:

- Xcel Energy: The company requests an easement for the existing overhead power lines located therein.
- Quest: The utility has facilities in the area and requests an easement.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

B. Subdivision

Required Findings:

- 1. Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.80 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

The plat is in conformance with the design requirements of the Zoning Code and the Land Subdivision Regulations. Policy 16 of the physical environment chapter of the comprehensive plan indicates that general commercial areas should be located adjacent to retail centers on essential streets. The Hennepin-Lake community commercial node is located one block west of the proposed development, and Lake Street is an essential street. The site is located in the Southside Reinforcement Area. Policy 44 of the same chapter states that the intensity of land use in this reinforcement area should be increased at the commercial nodes and remain about the same in the residential areas.

- 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.**

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Refer to preceding discussions regarding compatibility with surrounding uses, parking and traffic.

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 is flat, 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 proposed access from Emerson and Fremont Avenues South has been reviewed and approved by Public Works. Both streets are one-way streets that will direct traffic away from the neighborhood.

5. **The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water 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 for dedication 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 has reviewed and approved the drainage and utility plans for this project.

Recommendations of the Minneapolis City Planning Department

Alley vacation (Vac-1274): The City Planning Department recommends that the City Planning Commission approve the alley vacation application for 1221 W. Lake Street.

Preliminary plat (PL-53): The City Planning Department recommends that the City Planning Commission approve the final plat application for 1221 W. Lake Street.

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Attachments:

1. Zoning and lot lines in the area
2. Prior approvals for the project
3. Legal description
4. Final plat
5. City Attorney's letter
6. Area to be vacated and legal description

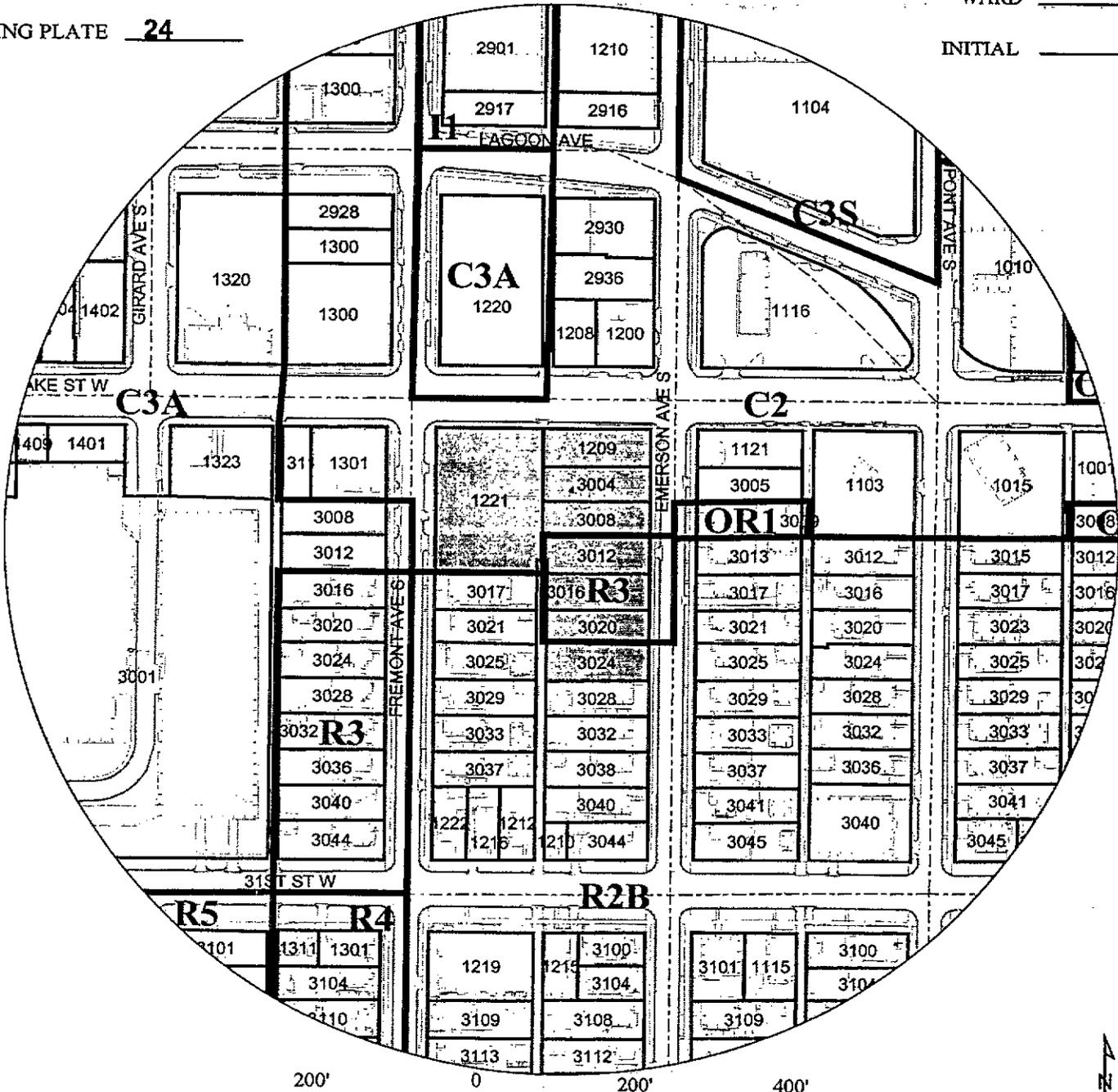
7625 Metro Blvd #145, Mpls

Name of Applicant

TELEPHONE

Address of Applicant

APPLICATION _____ 2002 _____ CITY PLANNING _____ 2002
 BD. OF ADJUST _____ 2002 _____ CITY COUNCIL _____ 2002
 ZONING MAP CHANGE _____ 2002 _____ WARD 10th
 ZONING PLATE 24 _____ INITIAL _____



PETITION FOR AMENDMENT		APPEAL FOR VARIATION		BOARD ACTION	
PRESENT ZONING	PROPOSED ZONING				

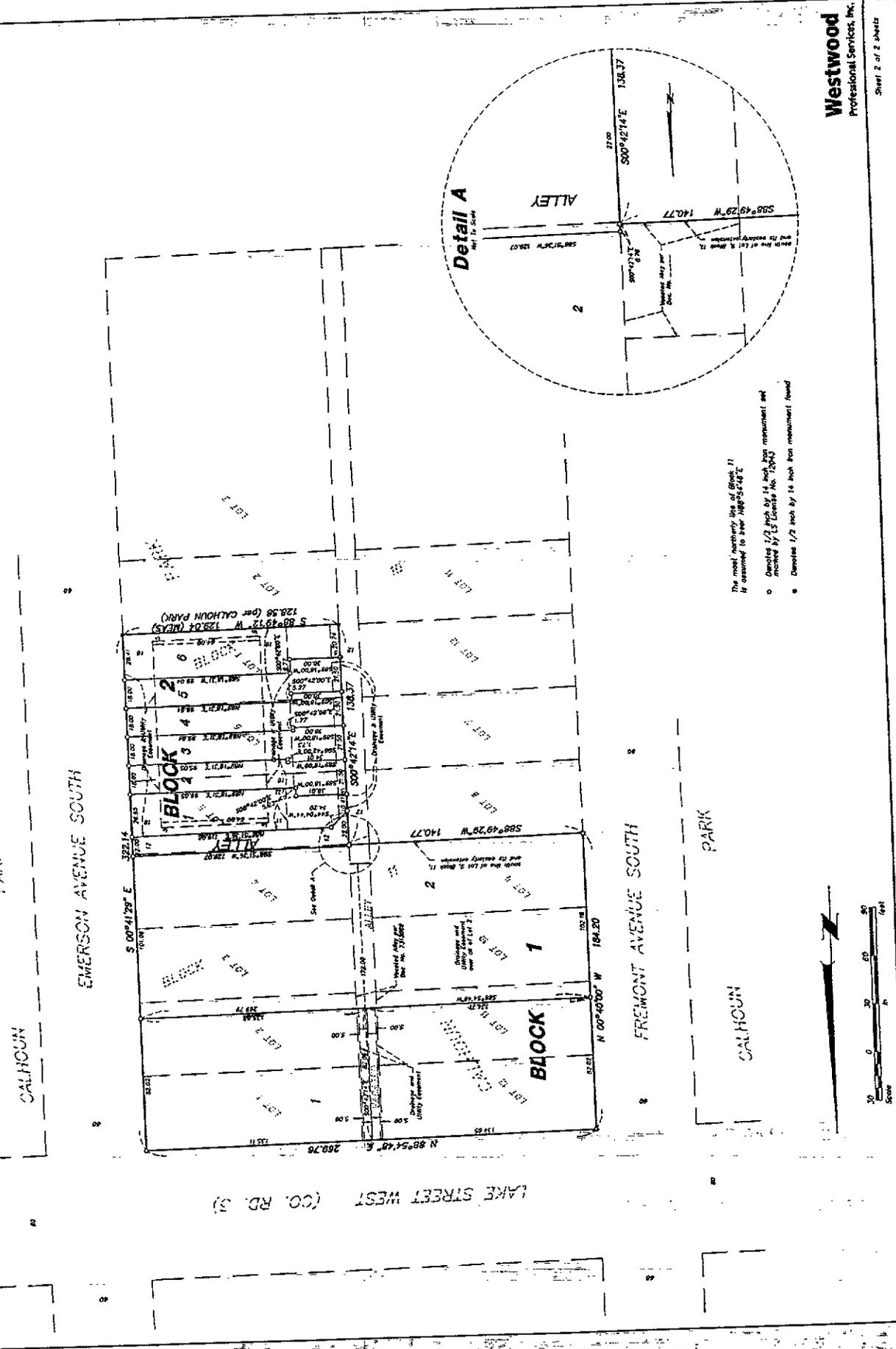
PROPERTY ADDRESS
 1221 West Lake Street

FILE NUMBER
PL-53

Calhoun Commercial and Emerson Townhomes Project				
Updated: 8/9/02				
Permit	CPC	Z & P	City Council	Final Plans
C-2018	10/25/99 approved			
PR-556	10/25/99 approved		ZA extended permits to 11/24/01; City Council extended permits to 9/1/02	
V-4553	10/25/99 approved			
V-4554	10/25/99 denied			Not yet submitted
Appeal by Ross Fefercom of V-4554 denial by CPC		11/16/99 approved	11/24/99 approved with conditions. ZA extended permits to 11/24/01; City Council extended permits to 9/1/02	
Vac-1274	10/25/99 approved; later discovered legal was wrong and some portion not vacated. Final portion pending 8/19/02	approved 11/2/99; pending decision on final portion on 8/27/02	approved 2/7/00	
PL-53	Preliminary plat approved 10/25/99; final plat pending at 8/19/02 CPC hearing			
ZA = Zoning Administrator				

CALHOUN PARK 2ND ADDITION

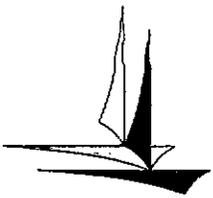
R.T. DOC. NO.
C.R. DOC. NO.



The most westerly line of Block 1
is assumed to bear $N88^{\circ}54'48''E$
 • Denotes 1/2 inch by 14 inch iron monument set
 • Denotes 1/2 inch by 14 inch iron monument found

Westwood
Professional Services, Inc.

Sheet 2 of 2 sheets



Minneapolis
City of Lakes

Office of the City Attorney

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City Attorney

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May 31, 2002

The Minneapolis City Council
Room 307, City Hall
350 South Fifth Street
Minneapolis, MN 55415

Minneapolis Planning Commission
Room 210, City Hall
350 South Fifth Street
Minneapolis, MN 55415

Re: Plat Application by Calhoun Park Companies called "Calhoun Park 2nd Addition" located at
1221 West Lake Street

Dear Members of the City Council and Planning Commission:

Pursuant to the request of the Minneapolis Planning Department, I have examined a copy of the final plat for the proposed subdivision, by Calhoun Park Companies called "Calhoun Park 2nd Addition" located at 1221 West Lake Street.

It appears that the required monuments have been placed, the dedications are sufficient and the required affirmations are stated on the face of the plat. The various records provided to me indicate that all the land contained within the area of the proposed plat is held in fee by the Calhoun Park Companies, LLC, a Minnesota limited liability company. It is my opinion that the plat and title are satisfactory and meet statutory requirements.

This opinion is for the sole benefit of the Minneapolis City Council and Minneapolis City Planning Commission. Other persons are advised that they must seek their own legal counsel relative to the matters herein discussed.

Very truly yours,

COREY M. CONOVER
Assistant City Attorney
612.673.2182

CMC:egi

c: Michael Orange

www.ci.minneapolis.mn.us

Affirmative Action Employer

STREET AND ALLEY VACATION

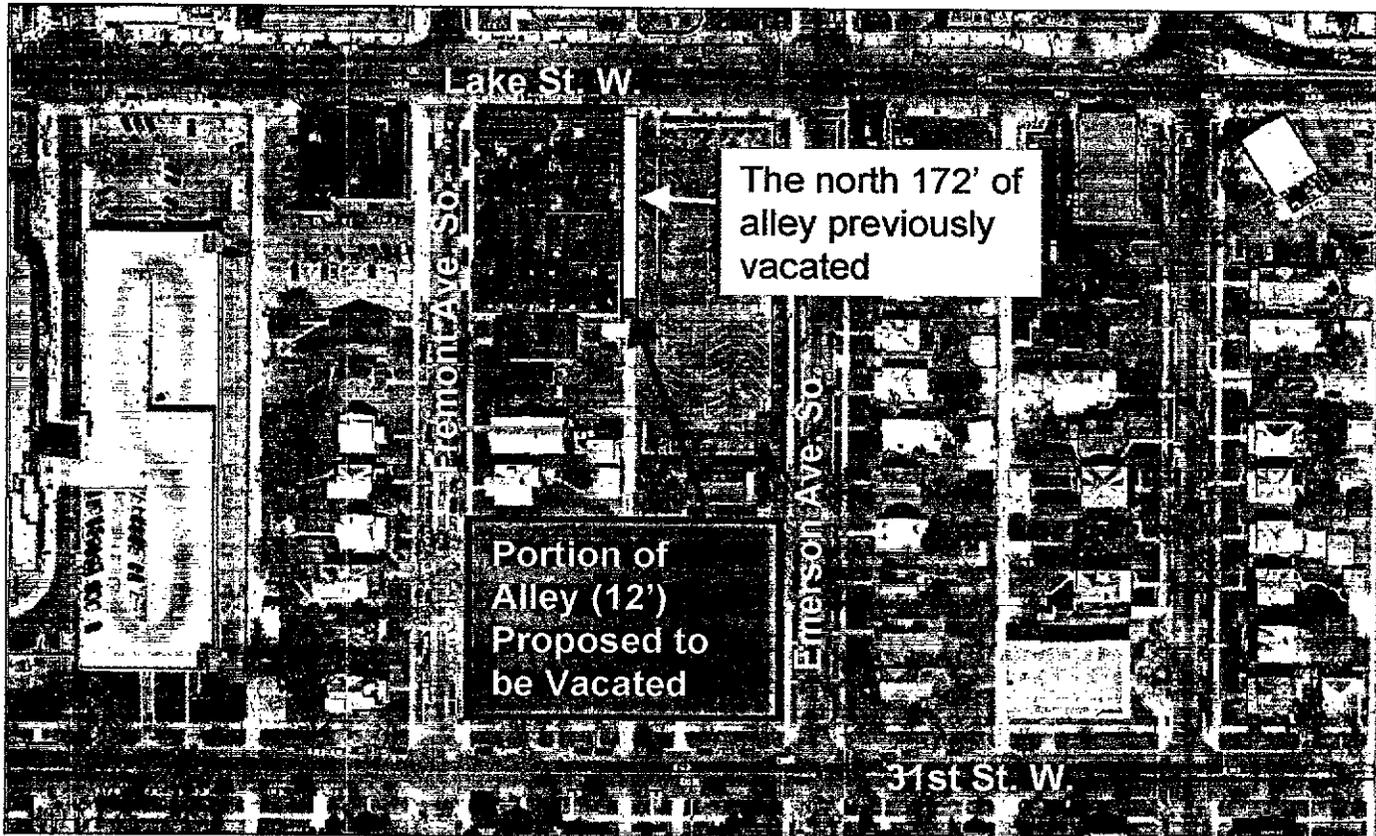
Review and Comment

Petitioner: Calhoun Park Companies, LLC
Address: 7625 Metro Blvd., Ste. 145, Edina, MN 55439
Contact Person: Ross M. Fefercorn --- Phone (952) 835-1718 Ext. 103

Vacation File No.
1386

Date Filed: Apr. 19, 2002

Legal Description: That part of the public alley lying south of the north 172 feet and north of the easterly extension of Lot 9, Block 11, Calhoun Park Addition.



Comments: _____

By: _____ Date _____