

**Excerpt from the  
CITY PLANNING COMMISSION MINUTES  
Minneapolis Community Planning & Economic Development (CPED)**

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**MEMORANDUM**

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DATE: July 14, 2016

TO: Zoning and Planning Committee

FROM: Jason Wittenberg, Manager, Community Planning & Economic Development – Land Use, Design and Preservation

SUBJECT: Planning Commission decisions of June 13, 2016

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The following actions were taken by the Planning Commission on June 13, 2016. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

**Committee Clerk**

Lisa Kusz - 612.673.3710

**Commissioners present**

John Slack, Vice President | Alissa Luepke Pier, Secretary  
Lisa Bender | Rebecca Gagnon | Ryan Kronzer | Nick Magrino | Sam Rockwell | Amy Sweasy | Scott Vreeland

**Commissioner absent**

Matthew Brown, President

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**1. Right-of-Way Vacation, Ward 2**

Staff report by [Hilary Dvorak](#), Vac-1493.

The City Planning Commission adopted staff findings for the application by the Regents of the University of Minnesota.

**A. Vacation (Vac-1493) for a portion of 23rd Ave SE, lying between University Ave SE and 4th St SE.**

Action: The City Planning Commission recommended that the City Planning Commission **deny** the vacation of the right-of-way of a portion of 23<sup>rd</sup> Ave SE, lying between University Ave SE and 4<sup>th</sup> St SE.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Sweasy and Vreeland

**Absent:** Brown

**Not Approved by the Commission**

Staff Dvorak presented the staff report.

**Commissioner Bender:** What is the timeline for the Public Works process?

**Staff Dvorak:** The timeline for the study is July 2016 through January of 2017.

**Commissioner Rockwell:** I'd like a better understanding of why if a street is going to continue to be used as a street why they're seeking a vacation.

**Staff Dvorak:** I think that can be better answered by the applicant.

President Slack opened the public hearing.

**Sandy Cullen (511 Washington Ave):** I'm the Assistant Director for Parking and Transportation Services for the University of Minnesota. I'd like to address the 23<sup>rd</sup> Ave vacation request and maybe clarify a couple things. Specifically, the map in your packet, the red portion is really only the westerly portion of the road. The University of Minnesota already owns the easterly portion of the road and the adjacent sidewalk that is adjacent to the LRT station. The purpose of this request, the U of MN already maintains this road and adjacent area as if it were our own street. We own the street all the way up to 6<sup>th</sup> St and if I may show you a jurisdictional map of the streets in the area, this shows that 23<sup>rd</sup> Ave north of University Ave, the easterly portion up to 4<sup>th</sup> St is owned by the U of MN and everything north of 4<sup>th</sup> St is owned by the University. The University built this street as part of the TCF Bank Stadium construction so we already own the rest of the road and the road that connects this street north of University Ave. This is kind of a remnant parcel that didn't get settled when we built the stadium. What we're trying to do with this little parcel is to settle the parcel and get it attached to everything else.

**Commissioner Luepke-Pier:** Could you just explain the colors on the map?

**Sandy Cullen:** The pink is U of MN, the yellow is city streets, the blue is Hennepin County roads and then the freeway is green.

**Commissioner Luepke-Pier:** Why would the University want to own more street?

**Sandy Cullen:** We don't want to own more streets, it's just that since this little piece is contiguous to most of the street that we already own, we just thought it made sense to clean it up since we're already maintaining it as if it were our own. It provides circulation to our properties.

**Commissioner Kronzer:** What is the University's long range plan for this street?

**Sandy Cullen:** That it stay a street. It provides access to the stadium.

**Commissioner Sweasy:** Is there a particular hardship to wait until Public Works is done with their study in January?

**Sandy Cullen:** With relation to that study, we're trying to protect the integrity of the transit way. That study isn't going to address the jurisdictional issues of this little parcel. We didn't feel that there'd be a difference as to whether that study is completed or not.

**Not Approved by the Commission**

**Commissioner Magrino:** In your application, it says that you wanted to expand the roadway.

**Sandy Cullen:** I don't know why I said expand. I think that was a mistake. We want to maintain the roadway, we don't want to expand it. We don't have any current plans to change the roadway.

**Erik Amel (1 Seymour Ave SE):** I put up a graphic of the area, showing a piece of Prospect Park. I'm the Secretary for the Prospect Park Association Board of Directors. Our neighborhood would endorse the time to do the study. The reason that we don't have a public comment registered in the staff report is because very little reasonable notice was served to our neighborhood. It would seem to be courtesy of the U of MN to wrap the neighborhood into this process in the sense that this street is in our neighborhood. We should be at the table for this. To say that it's basically a street with limited public use except for that of the University, I would suggest that it's a street and it introduces the notion to me that if it was vacated that I think that I believe the University would have edits even if they're saying that they would maintain it as a street that they would have the right to develop it any way they would want to. Thank you.

**Jeff Barnhardt (2800 University Ave SE):** We own several linear feet along 4<sup>th</sup> St between 29<sup>th</sup> and Malcomb. We also own or control about 25 acres now in the study area including property north of the transit way. You have probably heard of Green Fourth Street. It wasn't my idea, but I've been participating. There are financial asks, maintenance asks. The pitch has been for us that we're going to have a five block view corridor from Malcomb Ave down to the stadium. As we talk about a pedestrian friendly street and something that's supposed to be very homogenous all the way through, I'm concerned. I don't care about the 23<sup>rd</sup> east to west road, I'm concerned why Fourth Street would be vacated when we're in the middle of this parking study and that I might be looking at the back of a development, a super block, with no assurances that the U of MN that has basically partnered with a private developer. I want to see the stadium. The U of MN created that and it's beautiful. I just think that the assumptions moving forward with Green Fourth change in my mind, yet somehow we have a four block street now instead of five and I'm not sure what it's going to be in the future. I request that you consider waiting until the traffic study is done. Thank you.

President Slack closed the public hearing.

**Commissioner Luepke-Pier:** I'd like to move staff recommendation (Rockwell seconded). I don't see the harm in waiting until the Public Works study is done. I think it'd be unwise to proceed without that. I don't feel any reason justifies overruling the staff recommendation on this item.

**Aye:** Bender, Gagnon, Kronzer, Luepke-Pier, Magrino, Rockwell, Sweasy and Vreeland

**Absent:** Brown