

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

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**MEMORANDUM**

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DATE: February 14, 2007

TO: Steve Poor, Manager, Community Planning & Economic Development -  
Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development -  
Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development  
Planning Division

SUBJECT: Planning Commission decisions of November 27, 2006

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The following actions were taken by the Planning Commission on November 27, 2006. 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:

Commissioners Present: President Motzenbecker, El-Hindi, Huynh, LaShomb, Norkus-Crampton, Schiff and Tucker – 8

Not Present: Henry-Blythe (excused), Krueger and Nordyke

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**2. Schafer Richardson Inc. (Vac-1497, Ward: 5), A 20 foot wide alley in Blocks 15 & 16, Bradford & Lewis' Addition to Minneapolis. (Jim Voll). This item was continued from the October 3, 2006 and November 27, 2006 meetings.**

**A. Vacation:** Application by Schafer Richardson Inc. to vacate the following public right-of-way (Vacation file 1497): All of the public alley located between 7th and 10th Aves N and 3rd and 4th Sts N located in Blocks 15 and 16, Bradford and Lewis' Addition to Minneapolis.

**Action:** Notwithstanding staff recommendation, the City Planning Commission determined that the alley is not needed for a public purposed and is not needed for public transportation,

subject to necessary easements, and recommended that the City Council **approve** the vacation application, subject to the following conditions:

1. Fire vehicle access is to be maintained
2. The requisite easements are to be set with Public Works.

Staff Voll presented the staff report.

Commissioner Tucker: Has the Fire Department said anything about this at all?

Staff Voll: The Fire Department, at first, did not want to approve it. Then Schafer Richardson provided them with a letter saying they will meet all the Fire standards and the Fire Department responded back that they're ok with it if they meet the standards. When you get into looking at the details, you can't meet the standards without that easement. I took that back to the Fire Department and talked to their staff and they said that they would support the vacation if they could meet the standards. If you can't meet the standards for a fire lane then they would not support it.

Commissioner Tucker: Do we have fire access easements elsewhere in the city?

Staff Voll: I can't tell you where they are, but I have talked with the Public Works Department, Mr. Morris, and he says we have done that in other instances.

Commissioner Tucker: Ok, thank you.

President Motzenbecker opened the public hearing.

David Frank (615 1<sup>st</sup> Ave NE) [not on sign-in sheet]: I think this is big enough for the Commissioners to see. I apologize for those watching and those in the audience. First, just one or two minutes on the vision. This is a part of town that is very long on concrete, asphalt and loading docks. It's a very urban experience, close to the most urban experience that the Twin Cities has to offer and that's why I choose to live there. It's also a good thing to provide green space to relieve some of that very hard urban experience. To that end, as you can see in this overall site plan, matches what was in Jim's staff report and in your packets. From 10<sup>th</sup> to 7<sup>th</sup>, half way between 3<sup>rd</sup> and 4<sup>th</sup>, our request in front of you this evening is to vacate the former railroad right-of-way and turn it into a green spine. I printed out the findings required for Planned Unit Developments, of which there are two, one on either side of the alley at the moment the 710, 720, 730 PUD, the Bassett Creek PUD and their specific words in the findings about the site amenities including the locations and functions of open space and the preservation or restoration of the natural environment or historic features. That's what this is about. This is about providing something special. This is about providing residence and providing a nearby place to walk that is green that is some relief from the otherwise hard-scape urban environment. This isn't about us owning more property. The reason to do this... there is no intent to put any buildings here, we have enough room to put those already...this is about providing a green environment that the public, because it's owned by the city at the moment and of course the city does a terrific job at many things; one of those isn't providing a lot of green landscaping in alleys that were originally there for railroads and now are there primarily for car and vehicular access. To Commissioner Tucker's question, there is a letter approving our request as long as we can meet the standards, from the Fire Marshall in the packet. The proposal is to, along the railroad right-of-way in the

alley, green it up significantly and to provide access to the buildings that need it. Many of the buildings, including the ones to be built in the future, will not have garage or loading access off the alley. You can see here that 720 and 730 have access now and into the future on 4<sup>th</sup> Street. The Bassett Creek buildings to be built and the existing parking lot will have access from 3<sup>rd</sup> Street. The vision is to provide some green in a very hard urban environment. To the specifics as Jim mentioned them. I believe that we're clear on how this would work. The 710 garage could be accessed with no access easements from the adjacent property owners. It would come very close to the existing building, it would mean moving some existing landscaping around and it can be done. There's an architectural drawing in your packet that demonstrates how that could work. At the other end, for the Bassett Creek garage which is accessed like this at the moment. As Jim points out, the existing buildings come to the property line. Ten feet to a new property line would not be enough. We have reason to believe that we can get an easement from the Salvation Army that will solve that issue. The last issue is the fire access. I would request of you that in the recommendation to the City Council, that the city consider holding back a fire access easement 20 feet wide to provide fire access now and into the future. We would certainly support that. That is the intent here, it's not to build anything here and it's not to block anything off. It's exactly the opposite. That is our hope. That is our request.

Commissioner Tucker: I had a question about the possibility of reconnecting 8<sup>th</sup> Ave N. Where does that fit into this?

David Frank: It's an independent consideration. It's something else we'd like to do that's not on the agenda at the moment. However, as you can see in the illustrative plan, we've put it there because we think it's a great idea. Part of that property is Salvation Army property at the moment. If you continue the right-of-way of 8<sup>th</sup> through, half of it would be in the Cameron parking lot and half of it would be Salvation Army property on this side of the alley. We own it all on this side. It's a long-term plan.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: This is kind of a strange duck to me and I am having a lot of trouble trying to sort out what's right and wrong about this. I tend to support vacations because I think if the alley is not providing much traffic flow then why are we as tax payers taking care of it? We may as well get it off the system. There is a fire access issue and an easement issue. I'm going to move approval of this vacation and I'm going to get the language screwed up I'm sure, but with the condition that the fire vehicle access must be preserved and that the easement rights must be approved by Public Works (El-Hindi seconded). If those conditions aren't met, and people should be aware that this goes up to the City Council ultimately so if we mess it up here along the way it will get fixed hopefully. The public purpose of having some greenery is good. All we need to do is ensure the fire vehicle access and the easement rights to achieve it. Since I don't see the Salvation Army here or any of the neighbors saying that the alley is providing some fundamental great use, I don't see any reason why we shouldn't do that.

Commissioner Tucker: I agree that it probably should be vacated and would serve a public purpose. I think we do want to make sure, of course, that the fire access is there and perhaps if we pass this we can send along a note to the City Council that before they approve it these accesses or cross-easements are arranged to the satisfaction of the Fire Department. I'm wondering if the person from Public Works can answer any questions about any of these

easements that one can put on an alley. I wonder if it would be better for us to continue this item until that's all arranged.

Dennis Morris: I was just discussing with Mr. Voll that reserving a fire lane easement may conflict with what the applicant is proposing. A fire lane easement requires drivability. The fire trucks have to be able to drive on the surface. If it's a green space, it will have to be constructed in a manner in which it can support a fire truck. The easement could be reserved as part of the vacation, I guess I question if we're at the point where you understand if one can be built or not. I'm not certain if that's been addressed.

President Motzenbecker: Thanks. Can the applicant clarify for us.

David Frank: I don't believe it's in conflict at all. We've had some staff level conversations with Fire folks who seem confident that what we're talking about can maintain a drivable surface and still be significantly green.

Commissioner El-Hindi: Is the fire easement or the fire vehicular access requirement for the actual width 12 feet or 20 feet?

Staff Voll: There's two numbers I talked about. One is a 12 foot minimum driveway. That's just the minimum driveway width for all properties in the industrial district. That's one issue that the buildings have to have to get vehicles in and out to the garages if they have access on to the alley. The Fire Department, their fire access easement or fire lane or whatever you want to call it has to be 20 feet. That's what they need to get the rigs in there. To answer your question, the 12 foot is the zoning code requirement that has really nothing to do with Fire and the 20 feet is the Fire Department. We don't always see that here because a lot of times they can get to the building on the street. It's where we get these issues where they can't get to a part of a building on the street that we start to see this issue. It's happened on bigger sites, but you don't see that here a lot.

Commissioner Tucker: I wanted to propose a substitute motion to continue this. I think we need to get some of these issues resolved and get it a little cleaner before we send it along with the message that we're trying to get a green space along there but it's just a little too confused right now.

Commissioner Schiff: I was going to support the idea of passing it forward and allowing Public Works and the Fire Department to talk to each other and do the work they need to do. It still needs to go through the Council for approval. I really like the concept that Schafer Richardson is advancing here. It's really nice. We've approved fire lanes before that use plantings. All along the Hiawatha corridor there are several developments by Timbercraft that use pervious planters for their fire lanes. We've done it before; we can do it here again.

Commissioner LaShomb: I think the basic problem is that if we continue this, that means that the Fire Department and Public Works are going to come in here in a couple of weeks and tell us something, I guess. If they don't do that, the Fire Department sent a letter saying they were comfortable with the access issue and they're not here to tell us otherwise. Public Works is interested in the access issue of utilities, fundamentally. My reaction is that I'm not sure what I am going to know in two more weeks about this than I know now. The basic point of what I was trying to do was to say we agree that we ought to do this vacation, but with the condition that the fire access be approved and consistently maintained and that we do the Public Works easement.

Sometime between now and City Council the Fire Department and Public Works can figure out what that language means. Laying things over for two weeks doesn't solve a problem for me. What it basically does is adds another item to the agenda in the next meeting, which I don't think is necessary. So, I am going to oppose the substitute motion.

President Motzenbecker: Ok. So we have a motion and a second to approve the vacation with the condition that the fire vehicle access be maintained and that the requisite easements are set with Public Works. All those in favor? Opposed?

The motion carried 6-0.