

Department of Community Planning and Economic Development - Planning Division
Vacation
Vac-1527

Date: October 15, 2007

Applicant: Ames & Fischer Co. II, LLP

Address Of Property: 800 8th Avenue N

Contact Person And Phone: Michael Rohde, 612-332-1157

Planning Staff And Phone: Michael Wee, 612-673-5468

60 Day Review Decision Period: Not applicable

Ward: 7 **Neighborhood Organization:** North Loop Association

Existing Zoning: I2 (Right-of-Way)

Existing Overlay Districts: IL Overlay District and Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 19

Legal Description: A 66' x 100' of 8th Avenue as follows as revised: That part of 8th Avenue North (formerly "Seward Street") as dedicated in the plat of BASSETT, MOORE & CASE'S ADDITION TO THE TOWN OF MINNEAPOLIS, Hennepin County, Minnesota, according to the recorded plat thereof, which lies southwesterly of a line draw from a point on the southeasterly line of Lot 12, Block 5, said BASSETT, MORE & CASE'S ADDITION TO THE TOWN OF MINNEAPOLIS, distant 65.00 feet southwesterly of the most easterly corner of said Lot 12 to a point on the northwesterly line of Lot 7, Block 2, said BASSETT, MOORE & CASE'S ADDITION TO THE TOWN OF MINNEAPOLIS, distant 65.00 feet southwesterly of the most northerly corner of said Lot 7, and which lies northeasterly of a line drawn from the most southerly corner of said Lot 12 to the most westerly corner of said Lot 7.

Together with the following described property granted for street purposes in Document No. 1011865 filed December 31, 1920:

The Northwestely thirty (N.W.30) feet, of the front one hundred (100) feet, of Lot seven (7), Block two (2), Bassett, Moore, & Case's Addition to the Town of Minneapolis, according to the plat thereof on file and of record in the office of the Register of Deeds of Hennepin County, Minnesota.

Proposed Use: To provide a small parking lot to an existing mixed use building located adjacent to the proposed vacation.

Concurrent Review: No other applications are required at this time. The site is used for parking to meet the parking requirements of a sports and health facility that was granted a CUP for extended hour

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on March 26, 2007 (BZZ-3438).

Background: Eighth Avenue N. extended from Washington Avenue N to 2nd Street N. at one time. The north half of this section of 8th Avenue N was vacated in December 15, 1899, and the northern half of the south half was vacated on October 11, 1935; leaving the remaining 100 feet from Washington Avenue N. as the dead-end stub of 8th Avenue N. It is this dead-end stub that the applicant is requesting to vacate. Measuring 66' wide by 100' deep, adjacent properties have been using the ROW for parking, without realizing that these parking spaces are encroachment to the ROW. The applicant has continuously maintained for the snow removal on subject ROW for many years.

The adjacent 30' x 100' (Deed Doc. No. 1011865) located to the east of said dead-end stub is an easement granted to the city for street purposes only. The applicant is also requesting to vacate this easement. Public Works indicated that once this easement is vacated, it reverts back to the original owner, which is the building owner to the east (730 Washington Avenue N).

The initial legal description submitted by the applicant has been revised to reflect the proposed vacation. Hennepin County requested such revision and subsequently reviewed the revised version with no objection for such to be vacated.

In March 26, 2007, one of the applicant's tenants submitted a CUP application (BZZ-3438) for extended hours to operate a sports and health facility located at 800 Washington Avenue N. This application provided documents that parking requirements are met with its existing parking spaces in front of the business. A letter from Mike Rohde, property manager, confirmed these parking spaces are owned by Ames & Fisher and can be used by its tenant. Staff understood, incorrectly, that the applicant owned the site intended for the sports and health facility parking. Information as to the easement and ROW was not known when the CUP was submitted and approved. The property is located within an Industrial Living Overlay and Downtown Parking Overlay Districts. Being in the DP Overlay District, vacation of the right-of-way will necessitate additional land use applications including conditional use permit for an accessory parking lot. Even without the parking at the right-of-way, the existing sport and health facility would still be in compliance for parking requirements as the property has a parking ramp attached to the mixed use building at 800 Washington Avenue N. that can accommodate over 600 spaces.

Development Plan: The development plan is attached.

Responses from Utilities and Affected Property Owners: There are few comments from various agencies that are against the proposed vacation. They are:

- *Hennepin County:* The "description of easement to be vacated" should be revised to eliminate the "and, also that part of Washington Avenue North vacated adjoining the above described land." Washington Avenue North is County State Aid Highway 152.

On September 11, 2007, Karl Holtz of Hennepin County Right of Way Division reviewed the revised legal description to reverse his initial position and support the vacation petition.

- *Public Works:* Staff recommends denial of the petition to vacate a dead-end stub of 8th Avenue N, for the following reason: The right-of-way has been targeted as a potential "Pedestrian

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Access Connection” by Public Works – Traffic Department, in conjunction with the North Loop Neighborhood Association and the Mayor’s “Great City Design Team.”

- *MCI*: “It has been determined that MCI does maintain facilities in this area and does not intend to waive any rights of easements as defined in your letter.”

Findings: The site being proposed for vacation is a dead-end stub of 8th Avenue N. that is 100 feet deep from Washington Avenue N. Adjacent buildings include a mixed use commercial-residential to the west and a storage facility to the east of said right-of-way. This site has been used for parking by these buildings for loading and unloading.

The Public Works Department has recommended denying the petition for the reason that this right of way could be used as a future pedestrian access connection. Planning staff is in agreement with the recommendation to deny the vacation as this is one of the remaining sites in the surrounding area where future pedestrian access could be possible to connect to Mississippi River from Washington Avenue. While a pedestrian study is being developed in conjunction with Public Works, staff believes it would be reasonable to retain the right of way at this time.

RECOMMENDATION

Recommendation of the Community Planning and Economic Development Department – Planning Division:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the petition to vacate a 66’ x 100’ dead-end stub of 8th Avenue North located north of Washington Avenue N. and the 30’ x 100’ easement located immediately to the east of the ROW.

Attachments:

1. Map and Aerial photo.
2. Plans
3. Legal Description
4. Site Plan