

Minneapolis City Planning Department Report

Preliminary Plat

PL - 138

Vacations of Streets, Alleys and Easements

Vac-1421a through Vac-1421u

Date: October 7, 2003

Applicant: City of Minneapolis

Address Of Property: Property bounded by and inclusive of Emerson Ave N on the east, 10th Ave N on the south, Humboldt Ave N on the West, and a line roughly equivalent to 12th Ave N on the north. The vacation applications include vacations of some drainage and utility easements outside of this area, i.e. along Gertrude Brown Place, along 8th Ave between Emerson Ave N and Van White Memorial Blvd, along parcel boundaries in the area bounded by 7th St N, Lyndale Ave N, Emerson Ave N, and a line roughly equivalent to 9th Ave N.

Date Application Deemed Complete: The application will be complete upon receipt of all responses from utility companies on October 4, 2003.

End of 60 Day Decision Period: December 3, 2003

Contact Person: Lois Eberhart
ph: (612) 673-5041
fax: (612) 673-5293

Planning Staff: Thomas Leighton
ph: 612-673-3853
fax: 612-673-2728
e-mail: thomas.leighton@ci.minneapolis.mn.us

Ward: 5 **Neighborhood:** Sumner Glenwood

Existing Zoning: R4

Proposed Use: Planned residential development

Previous Actions:

- The City Council approved the Near Northside Community Redevelopment Plan in June, 1999.
- The City Council approved the Near Northside Master Plan in March, 2000.
- An Environmental Assessment Worksheet was completed for the project in the Fall of 2000. In September, 2000, the City Council determined that no further action was required.

Minneapolis City Planning Department Report
PL-138, Vac-1421

- The Hollman Housing Transition District Tax Increment Finance Plan was approved in June, 2001.
- Right of Way plats and vacations approved for first two rental phases of Heritage Park project on June 4, 2001, and September 23, 2002, with final plats approved on July 9, 2001, and December 9, 2002.
- Development plats and related development applications approved for first two rental phases of Heritage Park project on July 9, 2001, and April 14, 2003, with final plat approvals on October 22, 2001, January 14, 2002, and April 28, 2003.
- Right of Way plats and vacations for the first ownership phase of Heritage Park project have been submitted, but have not yet been approved.

Background:

The Heritage Park project is being developed in phases. The overall project area of 73 acres is to include 900 housing units, and will include a mix of housing types throughout the site, including single family homes, duplexes, triplexes, accessory dwellings and a variety of multiple-family structures.

The complete development will include at least 440 rental units (150 market-rate, 90 affordable and 200 public housing replacement units), 360 ownership units (250 market-rate and 110 affordable), and 100 public housing units for seniors (replacement units for two demolished high rise buildings). The public housing units will be mixed within buildings with affordable and market-rate rental households. Affordable and market rate housing units will be indistinguishable from one another.

These development applications define the street layout and blocks for a future for-sale housing phase of the Heritage Park development. The developer will take responsibility for platting lots that are suitable for development within the blocks defined by the subject plat. The subject application includes the following.

- **Preliminary plat.** The plat is titled CITY OF MINNEAPOLIS HERITAGE PARK PLAT 2. The platted area is bounded by and inclusive of Emerson Ave N on the east, 10th Ave N on the south, Humboldt Ave N on the West, and a line roughly equivalent to 12th Ave N on the north. It defines roughly six blocks or portions thereof that will be available for the development of for-sale housing. All blocks are designated as outlots in the plat, and must be re-platted in conjunction with a complete development plan and development applications. New streets include a) an 11th Avenue connection between Emerson and Humboldt Avenues, connecting the Heritage Park development to Humboldt Avenue and the community to its west, b) Fremont Avenue N between 10th and 11th Avenues, and c) Fremont Avenue N platted north from 11th Avenue and turning east to make a connection with Van White Memorial Boulevard.
- **Vacation applications.** The applicant has requested the withdrawal of vacation applications Vac-1421a and Vac-1421u. A total of 19 distinct vacation applications remain in two general categories. Fifteen are related to the subject plat, vacating public rights of way and easements as necessary for appropriate re-platting of the property. These are Vac-1421d through Vac-

Minneapolis City Planning Department Report
PL-138, Vac-1421

1421p, Vac-1421r, and Vac-1421s. The remaining vacation applications—Vac-1421b, Vac-1421c, Vac-1421q, and Vac-1421t—are for vacations of public drainage and utility easements in property that has already been platted for the Heritage Park development. The fact that these public easements remain reflects an omission in the vacation applications that accompanied the development of these prior stages.

No input was received from the public on the subject plat and vacations. Staff from the Public Works Department has reviewed the plat and has no objections to it.

I. REQUIRED FINDINGS FOR PRELIMINARY PLAT

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.

As a result of maintaining the continuity of 10th and 11th Avenues, and respecting existing adjacent land uses, blocks do not meet the minimum dimensions as specified in the land subdivision ordinance. The minimum block length is 600 feet. The proposed blocks are all between 300 and 400 feet on their longest dimensions. They do meet lot width standards, and thus can support development “of a minimum width to provide two tiers of lots,” as required by the land subdivision ordinance.

Streets have been designed by Public Works staff. Street widths conform to the requirements of the land subdivision regulations.

Variance of a requirement of the Land Subdivision Regulations for block dimensions is permitted if the City Planning Commission makes the following two findings.

a. There are special circumstances or conditions affecting the specific property such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.

The applicant is the City Of Minneapolis, which wishes to make this land available for development. The street configuration builds on City and project goals related to connectivity. Historically, the North Minneapolis “projects” replaced by this development were quite isolated from the surrounding neighborhood because of the use of super-blocks, and lack of street connections. This condition is being remedied in this development by using both 10th and 11th Avenues as connecting links to the neighborhood to the west of Heritage Park.

Because of the constraints of nearby active industrial land uses, lots platted for much of this area will need to be platted to the east-west street rather than to the north-south street. Grade changes constrain the development of property on proposed outlots B and C, necessitating the addition of a public street (Fremont Avenue) between 10th and 11th Avenues.

b. 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.

Minneapolis City Planning Department Report
PL-138, Vac-1421

Primary public objectives are achieved in this proposal. The land is made available for additional housing development. Adequate connections are built for automobile and pedestrian traffic. Developable lots can be configured to provide frontage on public streets and alleys.

Note that this plat concerns an area that will be part of a larger planned residential development. If this plat was submitted in conjunction with the development approvals for this planned residential development, the variance of this land subdivision requirement would not be necessary because planned residential requirements do not need to meet the requirements of section 298.240 of the land subdivision regulations. The variance requirement is necessary only because the land is being platted in two stages.

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.

The plat application is a step in the implementation of the approved Near Northside Master Plan. New development will be contiguous to existing industrial and multifamily residential uses to the north, and an industrial property on the east side of Humboldt Ave between 10th and 11th Avenues. Industrial properties are zoned I1, which requires that all industrial activity takes place within a building. These businesses are subject to zoning code performance standards.

Along the north side of the Siyeza facility at 1000 Humboldt Avenue N, the subject plat shifts 11th Avenue to the north to allow space for the industrial facility to appropriately screen the north façade of its building.

The new residential development is not anticipated to have any detrimental effects on the surrounding properties.

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.

Considerable geotechnical investigation has informed the proposed design of the site. The proposed street grid and residential development concentrate the housing on the soils most usable for building construction. City staff in the Public Works Department, along with the City's consultant, SRF Consulting Group, have given extensive attention to these issues in the design of the proposal.

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.

Lots are to be defined in a subsequent subdivision.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater 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 to be dedicated 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.**

City staff in the Public Works Department, along with the City's consultant, SRF Consulting Group, have given extensive attention to these issues in the design of the proposal. Subsequent development applications will require the submission of a stormwater management plan for the area.

STAFF RECOMMENDATION ON PRELIMINARY PLAT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and approve the application for a preliminary plat for CITY OF MINNEAPOLIS HERITAGE PARK PLAT 2, and a variance of the land subdivision regulations pertaining to length of blocks to allow the block design as proposed.

II. REQUIRED FINDINGS FOR VACATIONS OF PUBLIC STREETS, ALLEYS AND EASEMENTS

The time period for receipt of comments from utilities does not expire until October 4, 2003. If new information is received before this time that affects the application, it will be presented to the Planning Commission with modification to the staff recommendation as warranted.

Findings for street vacation application 1421a as required by the Minneapolis Zoning Code

The application has requested the withdrawal of this application.

Findings for street vacation application 1421b as required by the Minneapolis Zoning Code

The application is a request to vacate the drainage/utility easement along the north side of Gertrude Brown Place.

Responses From Utilities And Affected Property Owners: Retention of easements is requested by CenterPoint Energy Minnegasco. Other potentially affected utilities have not requested easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421b:

Minneapolis City Planning Department Report
PL-138, Vac-1421

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation subject to the retention of an easement for Centerpoint Energy Minnegasco.

Findings for street vacation application 1421c as required by the Minneapolis Zoning Code

The application is a request to vacate the drainage/utility easement along the south side of 8th Ave N between Emerson Ave N and Van White Memorial Blvd.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421c:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421d as required by the Minneapolis Zoning Code

The application is a request to vacate the part of Emerson Ave N lying south of Van White Memorial Blvd and north of vacated 11th Ave N.

Responses From Utilities And Affected Property Owners: Retention of easements is requested by CenterPoint Energy Minnegasco as described: The east half, and the south 30 feet of the west half of that part of Emerson Ave N to be vacated. Other potentially affected utilities have not requested easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421d:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation subject to the retention of an easement for Centerpoint Energy Minnegasco for the east half, and the south 30 feet of the west half of that part of emerson Ave N to be vacated.

Findings for street vacation application 1421e as required by the Minneapolis Zoning Code

The application is a request to vacate a walkway easement running 165' east of Emerson Ave N in the vicinity of vacated Howell Dr.

Minneapolis City Planning Department Report
PL-138, Vac-1421

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421e:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421f as required by the Minneapolis Zoning Code

The application is a request to vacate a part of Dakota Circle not required for 11th Ave as proposed in the subject plat.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421f:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421g as required by the Minneapolis Zoning Code

The application is a request to vacate a part of Dakota Circle not required for 11th Ave as proposed in the subject plat.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421g:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421h as required by the Minneapolis Zoning Code

The application is a request to vacate drainage/utility easements east of Humboldt Ave N between Banneker Ave and Dakota Circle.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421h:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421i as required by the Minneapolis Zoning Code

The application is a request to vacate drainage/utility easements east of Humboldt Ave N in the vicinity of Dakota Circle.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421i:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421j as required by the Minneapolis Zoning Code

The application is a request to vacate drainage/utility easements east of Humboldt Ave N in the vicinity of Dakota Circle.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421j:

Minneapolis City Planning Department Report
PL-138, Vac-1421

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421k as required by the Minneapolis Zoning Code

The application is a request to vacate drainage/utility easements east of Dakota Circle.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421k:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421l as required by the Minneapolis Zoning Code

The application is a request to vacate a drainage/utility easement west of Emerson Ave N in the vicinity of vacated 11th Ave N.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421l:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421m as required by the Minneapolis Zoning Code

The application is a request to vacate a drainage/utility easement west of Emerson Ave N in the vicinity of vacated 11th Ave N.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421m:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421n as required by the Minneapolis Zoning Code

The application is a request to vacate a drainage/utility easement west of Emerson Ave N in the vicinity of vacated 11th Ave N.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421n:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421o as required by the Minneapolis Zoning Code

The application is a request to vacate drainage/utility easements west of Emerson Ave N in the vicinity of vacated Howell Dr.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421o:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421p as required by the Minneapolis Zoning Code

The application is a request to vacate drainage/utility easements west of Emerson Ave N in the vicinity of vacated Howell Dr.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Minneapolis City Planning Department Report
PL-138, Vac-1421

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421p:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421q as required by the Minneapolis Zoning Code

The application is a request to vacate the drainage/utility easement along the south side of Gertrude Brown Place.

Responses From Utilities And Affected Property Owners: Retention of easements is requested by CenterPoint Energy Minnegasco. Other potentially affected utilities have not requested easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421q:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation subject to the retention of an easement for Centerpoint Energy Minnegasco.

Findings for street vacation application 1421r as required by the Minneapolis Zoning Code

The application is a request to vacate a drainage/utility easement west of the vacated Howell Dr.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421r:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421s as required by the Minneapolis Zoning Code

The application is a request to vacate a part of the drainage/utility easement in Outlot A, Bethune First Addition in the vicinity of the west end of the Bethune School parking lot.

Minneapolis City Planning Department Report
PL-138, Vac-1421

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421s:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421t as required by the Minneapolis Zoning Code

The application is a request to vacate all of the drainage/utility easements in block 1 & 2, Cecil Newman Plaza in the vicinity of the former Smith and Rawlins Circles.

Responses From Utilities And Affected Property Owners: Potentially affected utilities have not objected to the subject vacation, nor have they requested the retention of easements.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and is not part of a public transportation corridor, given that the street network is being reconstructed as defined by the preliminary plat.

Recommendation Of The City Planning Department on Vacation Application 1421t:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and **approve** the proposed vacation.

Findings for street vacation application 1421u as required by the Minneapolis Zoning Code

The application has requested the withdrawal of this application.