

Department of Community Planning and Economic Development - Planning Division
Vacation
Vac-1533

Date: October 15, 2007

Applicant: Luxor Properties, LLC

Address Of Property: 4654 Russell Avenue N.

Contact Person And Phone: William McCrum, 651-690-2350

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

60 Day Review Decision Period: Not applicable

Ward: 4 **Neighborhood Organization:** Victory

Existing Zoning: R1A Single-Family District

Existing Overlay Districts: None

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 1

Legal Description: All that part of the alley platted in Block 10, Sidle Park Addition to Minneapolis to wit; beginning at the northeast corner of Lot 30, said addition, thence south 60.73 feet, thence east on an assumed bearing to the west line of Lot 2, said Addition, thence north to the northwest corner of Lot 1, said Addition, then west to the point of beginning. All according to the plat of record at the Hennepin County Records office, Minneapolis, Minnesota.

Proposed Use: To provide land to the applicants for a proposed rear access to a detached garage for Lot 30, Block 10, Sidle Park Addition, Hennepin County, Minnesota. This vacation is a condition of approval recommended by the Department of Public Works and adopted by the Planning Commission before issuance of a minor subdivision resolution. The southern lot (Lot 29) has its access to its detached garage from an existing east-west alley.

Concurrent Review: No other applications are required at this time. A rezoning approval was granted by the Planning Commission on March 26, 2007 from I1 to R1A district (BZZ-3439). A minor subdivision was also granted approval on the same day to create two lots (MS-168) for the purpose of moving two single-family dwellings into these lots.

Background: The property located at 4654 Russell Avenue N was granted approval from the Planning Commission for rezoning and minor subdivision on March 26, 2007. The rezoning was from I1 Light Industrial District to R1A Single-family District; and the minor subdivision was to create two lots for the purpose of allowing the applicant to move two single-family dwellings to these lots. The newly created north lot will use the unpaved north-south alley portion as an access drive to a detached garage;

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while the newly created south lot will use an existing east-west public alley to access its detached garage. The northerly 45 feet or so of the north-south alley is unpaved and Public Works recommended that this section of the alley be vacated in order to allow an access to the north lot. The Planning Commission adopted this recommendation as one of the conditions of approval and minor subdivision resolution can not be released until such recommendation is complied with and implemented.

The alley is 14 feet wide and with the northerly 45 feet of the alley right-of-way being unpaved. The proposed alley vacation is the 60.73-foot leg of the alley measured from the north end. This will allow an alley access to the north lot into a proposed detached garage. Once vacated, the alley will become the north parcel's driveway. Section 541.300 of the zoning code requires driveways to be hard-surfaced.

Generally, once an alley is vacated, it will be split equally to the properties adjoining it on either side. The applicant is requesting to gain ownership of the entire vacated alley and then work on providing an easement to adjoining property at 4655 Queen Avenue N. which has an existing detached garage using the same alley for its access. The applicant is also aware that once vacated, he would be responsible for its maintenance, including snow removal.

A copy of the Planning Commission action from its March 26, 2007 meeting is attached.

Development Plan: The development plan is attached.

Responses from Utilities and Affected Property Owners: Xcel Energy will reserve its easement right "under and across the south 5 feet all that portion of the platted alley subject to this action." Other utility companies do not have requirements on subject alley. No comments were received from the neighborhood group. Residents in the surrounding area have called to make inquiries and clarification of the proposed vacation. The alley vacation originated from the recommendation by Public Works through the CPTF. Recommendation from Public Works included a revision of the legal description as indicated below with the condition of approval.

Findings: While this vacation will contribute to an odd shape for the north lot, contrary to restricting parcels more than 5 sides for residential properties, it is inevitable because of its unique location and the necessity for an alley vacation as required by CPTF. The alley being considered for vacation has no use for city departments but Xcel Energy will keep its easement right. The CPED – Planning Division finds that the area proposed for vacation is not needed for a public purpose and it is not part of a public transportation corridor. The vacation would allow the applicant to provide an alley access to a detached garage for the north lot at 4654 Russell Avenue N. The south lot has its alley access through an east-west easement that already exists. The applicant must work with its neighbor at 4655 Queen Avenue N. to grant them an access easement to an existing detached garage.

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 **approve** the alley vacation at 4654 Russell Avenue N. subject to the following conditions:

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1. An access easement shall be provided that will ensure access to the property located at 4655 Queen Avenue N.

2. A corrected legal description as described below shall be reflected:

“All that part of the alley platted in Block 10, Sidle Park Addition to Minneapolis, to wit; beginning at the northeast corner of Lot 30, said Addition, thence east 14 feet to the northwest corner of Lot 1, said Addition, thence south 60.72 feet to a point on the west line of Lot 2, said Addition, thence west 14 feet to the east line of Lot 29, said Addition, thence north 60.73 feet, to the point of beginning. All according to the plat of record on file at the Hennepin County Recorders office, Minneapolis, Minnesota.”

3. Easement right in favor of Northern States Power Company (dba Xcel Energy) shall be reserved “over, under and across the south 5.00 feet all that portion of the platted alley subject to this action.”

Attachments:

1. Zoning Map
2. Development Plans
3. Comments from Public Works and Map
4. Comments from Xcel Energy and Map
5. March 26, 2007 CPC Action