

Department of Community Planning and Economic Development – Planning Division
Vacation of right-of-way
Vac-1590

Date: October 17, 2011

Applicant: VSB Equities, LLC

Address of Property: Not applicable for this application

Project Name: The south 6 feet of 50th Street East between 34th Avenue South and 35th Avenue South

Contact Person and Phone: Joseph Bisanz with VSB Equities, LLC, (612) 324-2573

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: Not applicable for this application

End of 60-Day Decision Period: Not applicable for this application

Ward: 12 **Neighborhood Organization:** Nokomis East Neighborhood Association

Existing Zoning: C1, Neighborhood Commercial District and R5, Multiple-family District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 39

Legal Description: The south 6 feet of 50th Street East between 34th Avenue South and 35th Avenue South

Proposed Use: Building addition

Concurrent Review:

Vacation 1585: Petition to vacate the south 6 feet of 50th Street East between 34th Avenue South and 35th Avenue South.

Applicable zoning code provisions: Not applicable for this application

Background: The applicant, who owns the property located at 5001 34th Avenue South, has petitioned to vacate the south 6 feet of 50th Street East between 34th Avenue South and 35th Avenue South (see aerial photograph). There are two properties with street frontage along 50th Street East between 34th Avenue South and 35th Avenue South; the applicant's property which is located at 5001 34th Avenue South and a multiple-family residential property which is located at 3425 50th Street East.

The applicant is proposing to replace an existing deck on the north side of his building with a four-season building addition. The existing deck is located in the right-of-way. However, because it is not a

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permanent structure it is permitted with an encroachment permit from the City of Minneapolis. The proposed building addition would be a permanent structure and therefore would not be allowed with an encroachment permit.

VACATION (Vac1590) – The south 6 feet of 50th Street East between 34th Avenue South and 35th Avenue South.

Development Plan: The applicant intends to use the area to be vacated for an addition to the existing building.

Responses from Utilities and Affected Property Owners: Of the utility companies that have responded none have requested an easement. The owner of the adjacent property located at 3425 50th Street East submitted a letter in opposition to the project. The letter is included in this report.

Findings: The Public Works Department finds that the area proposed for the vacation is needed for a public purpose and is part of a public transportation corridor. Both the Traffic and Parking Services and the Transportation Planning and Engineering Divisions of Public Works believe that there is a future use for the right-of-way.

The width of 50th Street East, from Lake Nokomis to Hiawatha Avenue, is 100 feet in width. The applicant is proposing to vacate the south six feet of 50th Street East between 34th Avenue South and 35th Avenue South. If this vacation were to occur this one block of 50th Street East would only be 94 feet in width. If in the future a street project or a pedestrian project were to occur along 50th Street East this block would have to be designed differently due to the narrower roadway width.

The Community Planning and Economic Development Department – Planning Division finds that the area proposed for the vacation is needed for a public purpose and is part of a public transportation corridor. The Planning Division believes that there is ample room on the applicant's own property for an addition that would not require the vacation of public right-of-way.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **deny** the application to vacate the south 6 feet of 50th Street East between 34th Avenue South and 35th Avenue South.

Attachments:

1. Vacation petition, maps and site drawings

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2. September 29, 2011, letter from Don Elwood, Director of Transportation Planning & Engineering
3. October 7, 2011, letter from the property owner of 3425 50th Street East
4. Responses from the utility companies
5. Aerial photo of the site
6. Rendering of the proposed building addition