

**Department of Community Planning and Economic Development**  
Drainage and Utility Easement Vacation  
Vac-1617

**Date:** April 22, 2013

**Applicant:** Fountain Residential Partners

**Address of Property:** 2635 4<sup>th</sup> Street SE

**Contact Person and Phone:** Eric Galatz, (612) 335-1609

**Planning Staff and Phone:** Kimberly Holien, (612) 673-2402

**End of 60-Day Decision Period:** Not Applicable

**Ward: 2      Neighborhood Organization:** PPERRIA

**Existing Zoning:** R5, Multiple-family Residence District, PO, Pedestrian Oriented Overlay District and UA, University Area Overlay District.

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 22

**Legal Description:** Drainage and utility easements as shown on and dedicated by the plat of Parten Addition, recorded January 16, 1990, in the office of the Hennepin County Recorder as Document No. 5616757 and recorded January 11, 1990, in the office of the Hennepin County Registrar of Titles as Document No. 2066502.

**Proposed Use:** Planned Unit Development with 194 dwelling units.

**Concurrent Review:** Easement vacation.

**Development Plan:** On October 29, 2012 the City Planning Commission approved a Planned Unit Development consisting of 194 dwelling units in two buildings on the subject site (BZZ-5740 and PL-270). The development is being platted as two lots with a center outlot that aligns with 27<sup>th</sup> Avenue SE. The westernmost lot, Lot 1, Block 1, will contain a residential building with 55 units and 119 bedrooms. The easternmost lot will contain two buildings with a shared parking garage and a combined total of 139 dwelling units and 284 bedrooms. The land use approvals for the project are now final and are not impacted by this vacation request.

**Background:** The applicant is requesting to vacate drainage and utility easements located on the eastern portion of the property at 2635 4<sup>th</sup> Street SE as identified in the attached diagram. These are periphery easements that were dedicated in 1990 when the land was last platted. There are no facilities located in the easement areas. The easternmost building proposed as part of the Planned Unit

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Development per BZZ-5740 will be located over the north and south portions of the easement. A sidewalk and landscaping will be located over the eastern portion of the easement.

As of the writing of this staff report no comments have been received from the neighborhood group. Staff will forward comments, if any, to the Planning Commission.

**Responses from Utilities and Affected Property Owners:** Of the responses received, there were no objections and no easements requested.

**Findings:** The Public Works Department and Community Planning and Economic Development Department find that the drainage and utility easements proposed for vacation are not needed for a public purpose and can be vacated. Various divisions of Public Works have also reviewed and approved the proposed development plan per BZZ-5740 as part of the Preliminary Development Review process and as noted above, the applicant has received land use approvals for the proposed Planned Unit Development.

### **RECOMMENDATION**

#### **Recommendation of the Department of Community Planning and Economic Development:**

The Community Planning and Economic Development Department recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the vacation of the drainage and utility easements.

#### **Attachments:**

1. Aerial photo
2. Plat map
3. Public Works response