



CPED STAFF REPORT

Prepared for the City Planning Commission

CPC Agenda Item #1
 June 9, 2014
 Vac-1623

LAND USE APPLICATION SUMMARY

Property Location: Not applicable
Project Name: Not applicable
Prepared By: [Janelle Widmeier](#), Senior City Planner, (612) 673-3156
Applicant: City of Minneapolis Department of Community Planning and Economic Development (CPED)
Project Contact: Matt Goldstein
Request: Vacate a no-outlet alley located between the properties of 300 2nd Street South and 333 1st Street South.

Required Applications:

Vacation	Of a no-outlet public alley.
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SITE DATA

Legal Description	The remaining no outlet alley in Block 18, Town of Minneapolis, beginning at 3 rd Avenue South between 1 st and 2 nd Streets South, and running southeasterly approximately 208 feet.
Existing Zoning	C3A Community Activity Center District; MR Mississippi River Critical Area Overlay District; DH Downtown Height Overlay District; and DP Downtown Parking Overlay District
Lot Area	Not applicable
Ward(s)	3
Neighborhood(s)	Downtown Minneapolis Neighborhood Association
Designated Future Land Use	Mixed Use
Land Use Features	Activity Center (Mill District); Growth Center (Downtown)
Small Area Plan(s)	Historic Mills Master Plan and Update

Date Application Deemed Complete	Not applicable	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	Not applicable	End of 120-Day Decision Period	Not applicable

BACKGROUND

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The alley that is proposed to be vacated is located between the property of 300 2nd Street South to the south and 333 1st Street South to the north. Respectively, a surface parking lot and a 5-story office building are adjacent to the alley.

PROJECT DESCRIPTION. The City of Minneapolis Department of Community Planning and Economic Development filed an application to vacate the remaining no-outlet alley adjacent to the property of 300 2nd Street South and 333 1st Street South. The vacation is a necessary part of the title registration and clearance process for site assembly and to prevent development from being impeded. CPED originally applied to vacate the portion of the alley adjacent to 300 2nd Street South, which the City currently owns. With the vacation of the south half of the alley, the Public Works Department would have no use for the north half adjacent to the property of 333 1st Street South. Therefore the entire no-outlet alley is being included with the vacation request.

This application was continued from the City Planning Commission meetings of August 26th, September 19th, October 28th, and December 2nd, 2013, and January 13th, March 24th, and May 19th, 2014. It was continued from the August 26, 2013 meeting of the Planning Commission to allow additional time to assess whether or not the vacation of the alley would create or increase the nonconformity of the adjacent property of 333 1st Street South with the building code requirements for fire separation due to the existence of windows on the side of the building abutting the alley. Based on information obtained since then, it has been determined that a nonconformity will not be created or increased. The property owner of 333 1st Street South averred that the building has protected openings, meaning that it is equipped with a sprinkler system. When openings are protected, the maximum area of exterior wall openings is allowed to be greater by the building code. The Public Works Department has indicated that their records show that the northerly portion of the alley, approximately 7.07 feet wide, originated from the property of 333 1st Street South and should be reassembled with said property. Ultimately, Hennepin County will decide how to reassemble the parcels. With 7 feet between the building and property line, the amount of protected openings per floor will not exceed what is allowed by the building code, especially given an interpolated application by the building official of the allowed fire separation distance.

The property owner of 333 1st Street South has requested an access and maintenance easement to retain access to 3rd Avenue South and to allow additional room for maintenance on the south side of the building. City staff allowed this request to be considered. There were complications in drafting the cross easement that resulted in the application being continued to this meeting. It is CPED's understanding that those issues have now been resolved.

DEVELOPMENT PLAN. See attached site plan.

ANALYSIS

VACATION

RESPONSES FROM UTILITIES AND AFFECTED PROPERTY OWNERS. Correspondence from an affected property owner was received and is attached to this report. Staff will forward any additional comments, if any are received, at the City Planning Commission meeting. An easement was

requested by Xcel Energy for facilities that are located within the alley. Of the other utility responses received, there were no objections and no easements requested.

FINDINGS. The Department of Public Works and the Department of Community Planning and Economic Development find that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that they can be vacated if any easements requested above are granted by the petitioner.

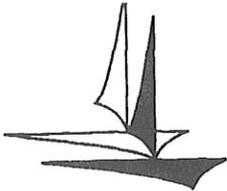
RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Vacation:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the vacation, subject to the retention of easements by Xcel Energy.

ATTACHMENTS

1. Public Works letter
2. Enlarged survey showing alley
3. Map of area to be vacated
4. Aerial photo
5. Site survey
6. Development plan
7. Correspondence



Minneapolis
City of Lakes

August 8, 2013

**Department of
Public Works**

Steven A Kolke, P.E.
City Engineer
Director

350 South 5th Street - Room 203
Minneapolis MN 55415

Office 612 673-3000
Fax 612 673-3565
TTY 612 673-2157

Janelle Widmeier
CPED-Planning
250 4th St. So., Room 100
Minneapolis, MN 55415

RE: Vacating the dead-end alley in Block 18, Town of Minneapolis
(Vacation 1623).

Dear Ms. Widmeier:

Public Works staff has reviewed this vacation petition and recommends Approval of said petition.

The area to be vacated is legally described as follows:

That part of the alley located in Block 18, Town of Minneapolis described as the rear 7-½ feet of Lots 8, 9 and 10, and the rear 7-½ feet of Lots 1, 2 and 3, all in said Block 18, Town of Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota.

Sincerely,

Don Elwood, P.E.
Director, Transportation Planning & Engineering

Cc: Dennis Morris





3rd Ave. S.

1st Street S.

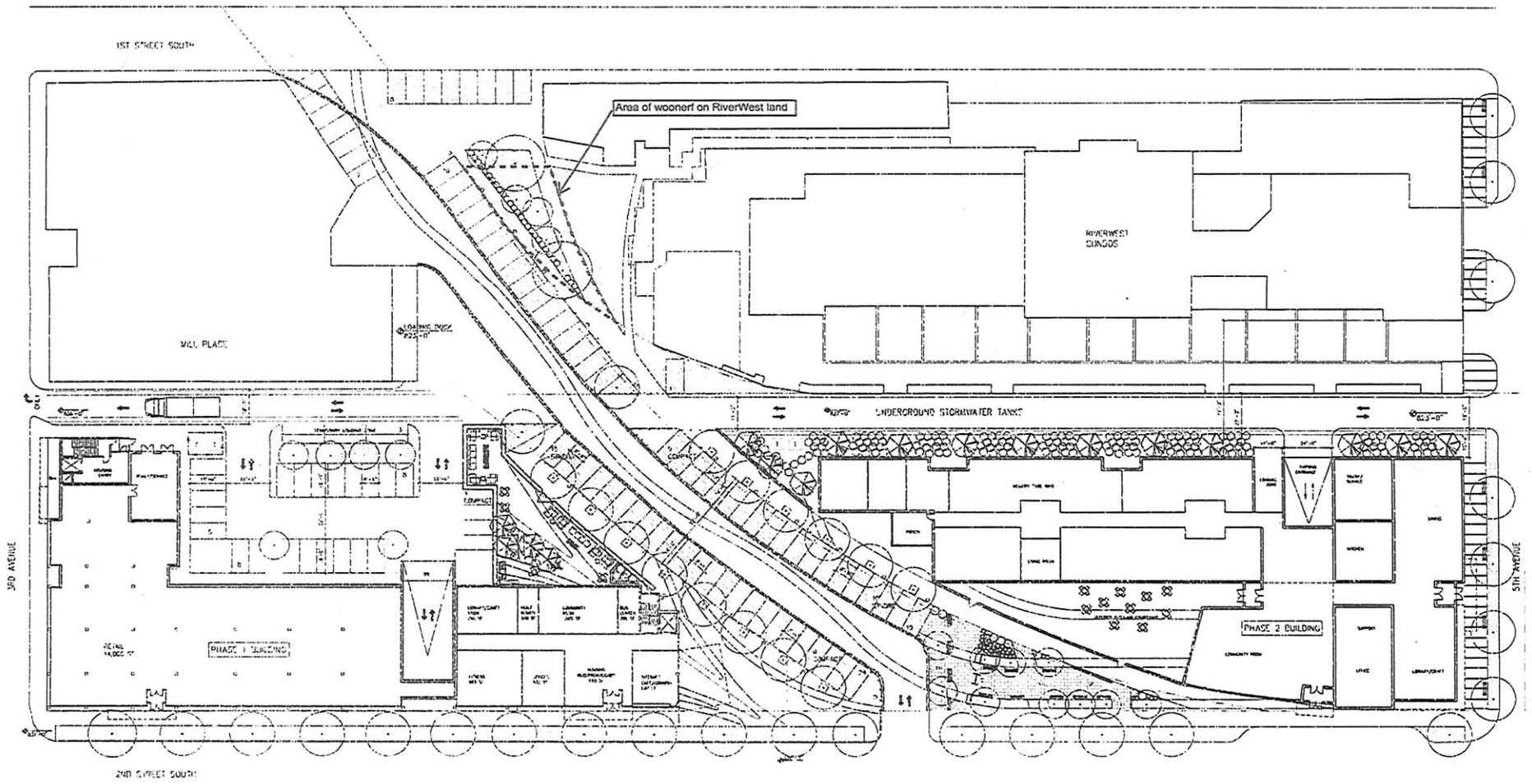
2nd Street S.

Alley proposed
to be Vacated

N



50 feet 20 m



1 MCC SITE PLAN
 1/2" SCALE
 01-29-11

3.C.

Widmeier, Janelle A.

From: keith nelson <knelsonphd@msn.com>
Sent: Sunday, September 08, 2013 2:37 PM
To: Widmeier, Janelle A.
Subject: Opposition to Vacating the alley near RiverWest

Janelle,

I am opposed to vacating the alley adjacent to 300 Second Street South. For me the proposed narrow, curbsless, vehicular traffic way raises safety concerns.

Keith Nelson