



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 17-111	Contact	Jenn Moses, jmoses@duluthmn.gov
Type	Vacation of Alley	Planning Commission Date	August 8, 2017
Deadline for Action	Application Date		60 Days
	Date Extension Letter Mailed		120 Days
Location of Subject	Northeast Corner of W Central Entrance and Myrtle Street		
Applicant	Launch Properties c/o Scott Moe	Contact	
Agent	Kimley-Horn and Associates	Contact	Brian Wurdeman
Legal Description	PIDs 010-0890-08890, 010-0890-08930, 010-0890-08890, 010-0890-09120		
Site Visit Date	July 19, 2017	Sign Notice Date	July 24, 2017
Neighbor Letter Date	July 25, 2017	Number of Letters Sent	27

Proposal

Applicant proposes to vacate an undeveloped alley between Myrtle Street and Teak Street, running parallel to West Central Entrance, in Duluth Heights Sixth Division. A utility easement would be retained over the eastern portion of the alley.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant	Neighborhood Mixed Use
North	R-1	Undeveloped	Traditional Neighborhood
South	MN-N	Residential	Neighborhood Mixed Use
East	MU-N	Residential	Neighborhood Mixed Use
West	MU-C	Commercial	Neighborhood Mixed Use

Summary of Code Requirements

Vacation of public rights of way and/or easements require a Planning Commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

UDC Section 50-37.6C. The Planning Commission shall review the proposed vacation, and the council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway or easement proposed for vacation:

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #7 – Create and maintain connectivity: Connectivity should be provided for vehicular and non-vehicular modes.

Future Land Use – Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

History: The development site formerly contained two houses; one has been moved to another location and another house was demolished.

Note that this application has not been deemed complete due to outstanding wetland permitting in progress.

Review and Discussion Items

Staff finds that:

- 1) Applicant is proposing to vacate an undeveloped alley running parallel to W Central Entrance. Although platted in 1891, this alley has never been developed or needed for a public purpose other than the provision of utilities.
- 2) All properties abutting the alley have access via existing public streets.
- 3) A gas line currently exists within this alley. The city will retain a utility easement over the eastern portion of the alley, where the gas line serves existing property. Applicant will work with City Engineering to remove the gas line within the alley on the western portion, and utilities for any development on this site will be private.
- 4) Staff has coordinated with Minnesota Power, who has power lines within the alley. Minnesota Power is working with the applicant on designs for relocation of any existing power lines outside the retained utility easement.
- 5) With retention of a utility easement, this right of way is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians, or the efficient supply of utilities or public services in the city.
- 6) This right of way is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
- 7) No public, agency, or City comments have been received.
- 8) Vacations of streets lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the vacation and retention of a utility easement, with the following conditions:

1. Applicant pay for and relocate any remaining and needed Minnesota Power lines per Minnesota Power direction.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



City Planning

PL 17-110, 111, 121
Central Entrance &
Anderson Rd/Myrtle St



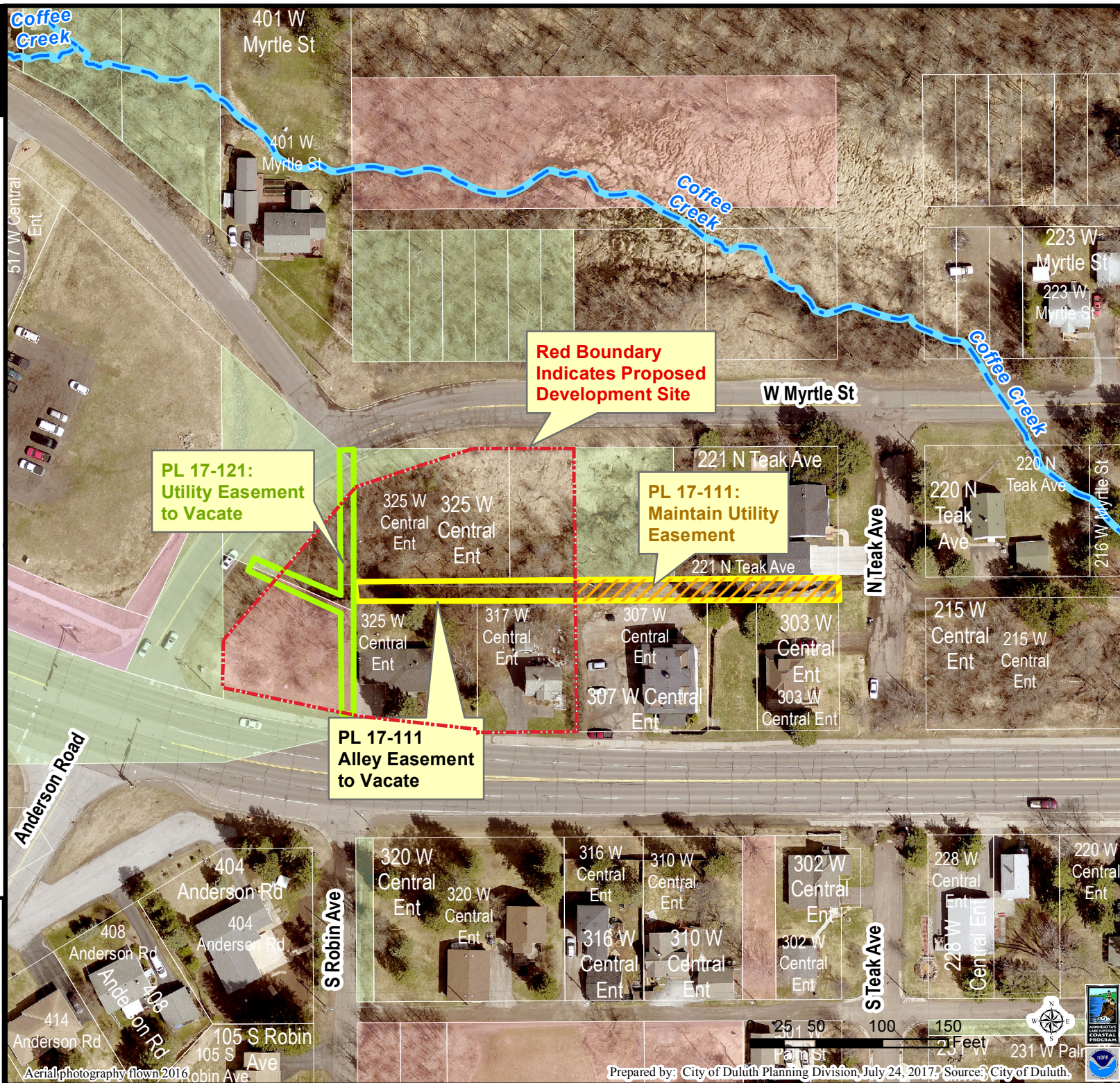
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2016

Prepared by: City of Duluth Planning Division, July 24, 2017. Source: City of Duluth.



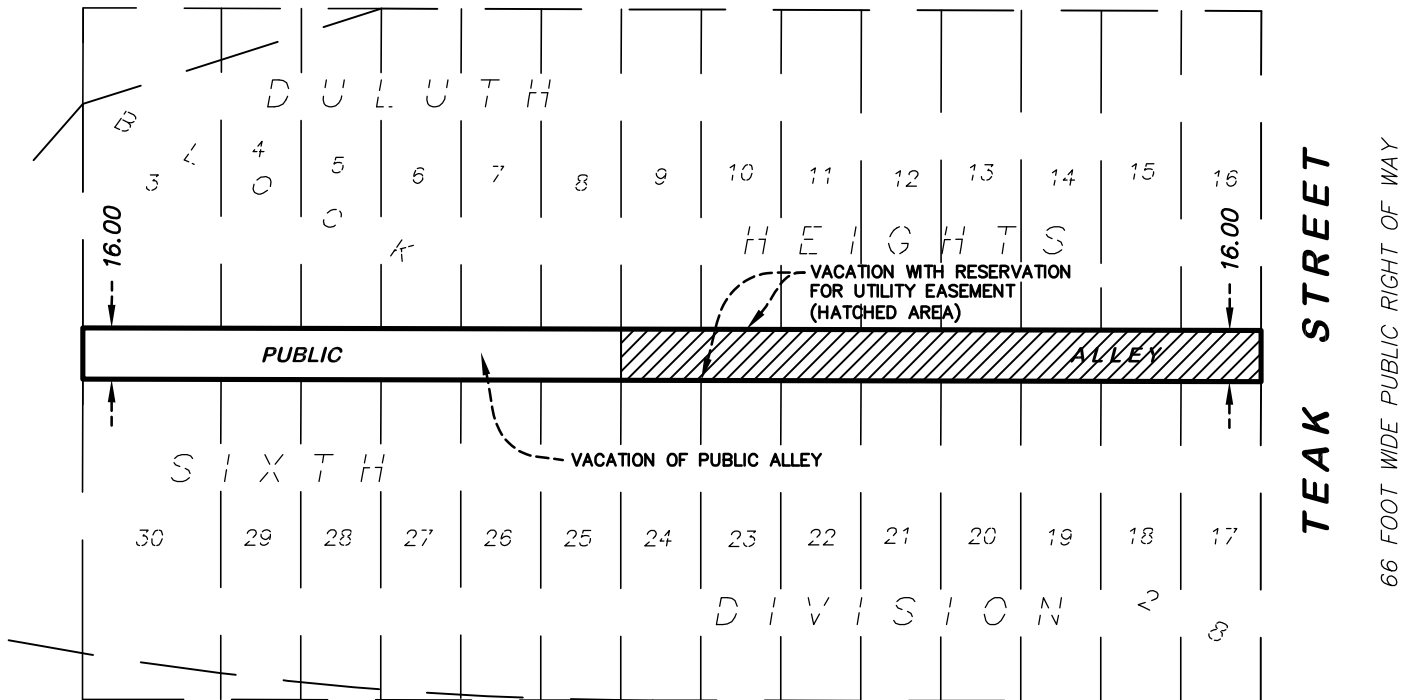
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ALLEY VACATION EXHIBIT

MYRTLE STREET

66 FOOT WIDE PUBLIC RIGHT OF WAY



WEST CENTRAL ENTRANCE TRUNK HIGHWAY NO. 194

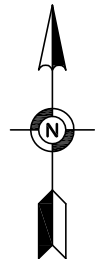
VARIABLE WIDTH PUBLIC RIGHT OF WAY

DESCRIPTION OF ALLEY TO BE VACATED:

All that part of the 16.00 foot wide alley dedicated in Block 28, DULUTH HEIGHTS, SIXTH DIVISION. Reserving a utility easement over all that part of said vacated alley lying easterly of the east line of Lot 25 and its northerly extension.

Approved this _____ day of _____, 2017.

Approved by: _____, City of Duluth Engineer



ALLEY VACATION EXHIBIT FOR:

Kimley-Horn and Associates, Inc.

SITE LOCATION: 317 & 325 West Central Entrance
Duluth, Minnesota 55811



Egan, Field & Nowak, Inc.

land surveyors since 1872

1229 Tyler Street NE, Suite 100
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PHONE: (612) 466-3300

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careful examination of the survey and plan to determine
same to be correct and monuments placed as shown.

 Geo. Lewis P. Brown
 Professional Surveyor St Louis Mo. Allen