



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

|                            |                                     |                                 |                                 |                |
|----------------------------|-------------------------------------|---------------------------------|---------------------------------|----------------|
| <b>File Number</b>         | PL 23-075                           | <b>Contact</b>                  | Jenn Moses, jmoses@duluthmn.gov |                |
| <b>Type</b>                | Vacation of Alley                   | <b>Planning Commission Date</b> | May 9, 2023                     |                |
| <b>Deadline for Action</b> | <b>Application Date</b>             | April 5, 2023                   | <b>60 Days</b>                  | June 4, 2023   |
|                            | <b>Date Extension Letter Mailed</b> | April 27, 2023                  | <b>120 Days</b>                 | August 3, 2023 |
| <b>Location of Subject</b> | 1002 E 1st Street                   |                                 |                                 |                |
| <b>Applicant</b>           | St. Luke's Hospital                 | <b>Contact</b>                  | Michael Boeselager              |                |
| <b>Agent</b>               | Erdman Company                      | <b>Contact</b>                  | Neil Bright                     |                |
| <b>Legal Description</b>   | See attached                        | <b>Sign Notice Date</b>         | April 21, 2023                  |                |
| <b>Site Visit Date</b>     | April 27, 2023                      | <b>Number of Letters Sent</b>   | 11                              |                |

**Proposal**

Applicant is proposing to vacate approximate 3' of an alley in order to place footings for a 3-level, 323-stall parking ramp. Footings will be in the same location as the existing footings.

**Staff Recommendation**

Staff is recommending Planning Commission approve the Planning Review subject to conditions.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|----------------------------------------|
| <b>Subject</b> | MU-I                  | Medical                  | Medical District                       |
| <b>North</b>   | MU-I                  | Medical (Parking)        | Medical District                       |
| <b>South</b>   | MU-I                  | Medical                  | Medical District                       |
| <b>East</b>    | MU-I                  | Medical (Parking)        | Medical District                       |
| <b>West</b>    | MU-I                  | Medical                  | Medical District                       |

**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.

UCD Sec. 50-37.6.C – The Planning Commission shall review the proposed vacation, and 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. 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 #4-Support economic growth sectors:** Emerging and growing economic sectors, including medical, add economic, cultural, and social diversity.

**Economic Development Policy #2—**Foster growth of existing employers and strategically recruit new employers to Duluth.

**Future Land Use – Medical District:** An area encompassing the medical campuses and adjacent uses that support them.

**Recent History**

The existing parking ramp was built in the late 1970s. The existing footings were placed under the alley; building code now prevents structural components of buildings to be placed within the right of way.

**Discussion**

Staff finds that:

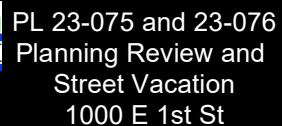
- 1) Applicant proposes a 3-level, 323-stall parking ramp to replace the existing parking ramp. Applicant proposes to use the same location as existing footings, which are placed within the right of way of the alley. While allowed in the 1970s, newer building code regulations do not allow structural elements of a building to be located within right of way.
- 2) Applicant originally applied for a concurrent use permit, but due to building code issues is now requesting vacation of the proposed area. This vacation would be 3' of the existing alley right of way.
- 3) An easement would be maintained for use of the alley at the surface level, to allow for continued vehicle movement.
- 4) Underground utilities such as fiber optic, power, and sanitary sewer exist in the alley. Applicants are carefully tracking any construction impacts to these utilities and will work with Engineering to relocate if necessary.
- 5) This portion of the right of way is not needed for pedestrian or utility purposes, and maintaining a surface-level easement for vehicles preserves this need.
- 6) No public, agency, or City comments have been received.
- 7) Vacations of rights of way and easements 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**

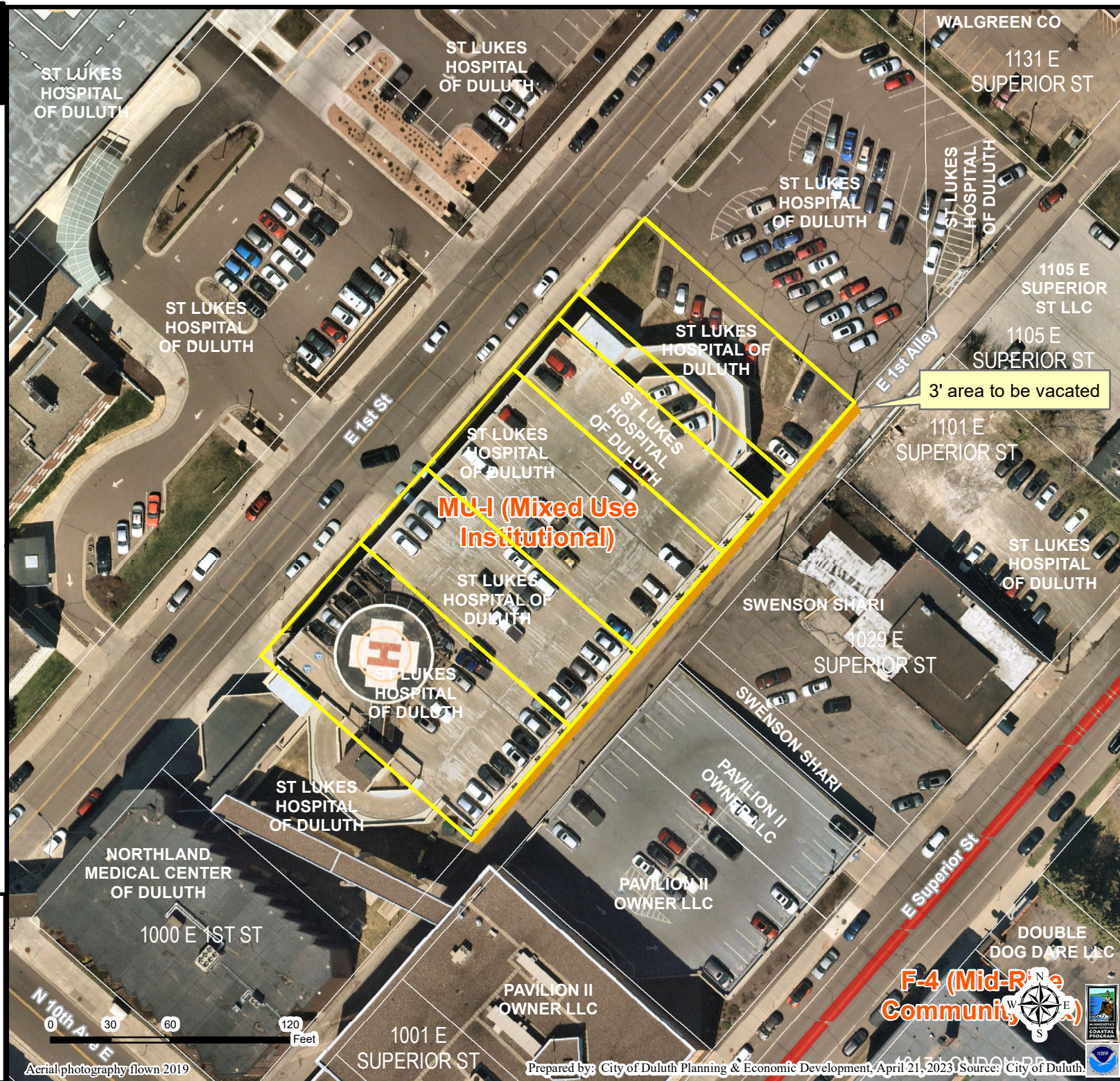
Based on the above findings, Staff recommends that Planning Commission approve the MU-I Planning Review with the following conditions:

1. The Council must approve the vacation with at least a 6/9's vote.
2. Conditions related to relocation, maintenance, and or operations of adjacent utilities may be included as part of the City Council consideration of the proposed vacation.
3. Applicant must present a vacation exhibit meeting the City Engineer's requirements within 90 days of Planning Commission's recommendation or the application will be denied.
4. The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.





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.









Building a Better World  
for All of Us®

St. Lukes Parking Ramp  
Proposed Concurrent Use Area  
Description

PIN: 010-3830-01880  
010-3830-01900  
010-3830-01930  
010-3830-01960  
010-3830-01980  
010-3830-01990  
010-3830-01720

SEH No. STLUH 170162

Proposed Description:

A 3 foot wide strip of land over, under, and across that part of the platted alley located between Blocks 16 and 19, that part of platted alley located between Blocks 17 and 18, and that part of the platted intersection of 11<sup>th</sup> Avenue East and said platted alley, as platted and existing prior to the vacation of said 11<sup>th</sup> Avenue East, all according to the recorded plat of PORTLAND DIVISION OF DULUTH, St. Louis County, Minnesota, more specifically described as being:

Southeasterly of a line beginning at the most southerly corner of Lot 5, Block 19 of said plat and terminating at the most southerly corner of Lot 1, said Block 18, as platted and located prior to the vacation of said 11<sup>th</sup> Avenue East;

Northwesterly of a line parallel with and 3 feet southeasterly of a line beginning at the most southerly corner of Lot 5, Block 19 of said plat and terminating at the most southerly corner of Lot 1, said Block 18, as platted and located prior to the vacation of said 11<sup>th</sup> Avenue East;

Northeasterly of the southeasterly extension of the southwesterly line of said Lot 5, Block 19; and

Southwesterly of the southeasterly extension of the southwesterly line of said Lot 1, Block 18.

Containing 0.025 acres. Subject to easements, restrictions, and reservations of record.

**CERTIFICATION**

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Chris A. Larsen, PLS  
Minnesota License No. 45848

April 4, 2023  
Date

X:\PT\S\STLUH\170162\9-survey\93-doc\15-proposed-desc\Concurrent Use Description - Block 16-19 Alley Portland Div.docx

Engineers | Architects | Planners | Scientists

**Short Elliott Hendrickson Inc.**, 418 West Superior Street, Suite 200, Duluth, MN 55802-1512  
SEH is 100% employee-owned | [sehinc.com](http://sehinc.com) | 218.279.3000 | 888.722.0547 | 888.908.8166 fax