



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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 20-118	Contact	Theresa Bajda, tbajda@duluthmn.gov	
Type	Vacation of Street	Planning Commission Date		August 11, 2020
Deadline for Action	Application Date	August 3, 2020	60 Days	October 2, 2020
	Date Extension Letter Mailed	July 24, 2020	120 Days	December 1, 2020
Location of Subject		W. Michigan Street from 21 <sup>st</sup> Ave W. to west terminus		
Applicant	Jon Aamodt	Contact	Northland Consulting Engineers - Duluth	
Agent		Contact		
Legal Description		See Attached		
Site Visit Date	July 23, 2020	Sign Notice Date		July 28, 2020
Neighbor Letter Date	July 28, 2020	Number of Letters Sent		26

**Proposal:** The applicant is requesting the vacation of a portion of West Michigan Street between 21<sup>st</sup> Avenue West and to the west at block 346 (see vacation exhibit) with retained utility easement to allow construction of an apartment building at the former Roberts Furniture building.

**Staff Recommendation:** Staff is recommending that the Planning Commission approve the vacation with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-5	Michigan Street	Central Business Secondary
<b>North</b>	F-5	Former Roberts Home Furnishings Building	Central Business Secondary
<b>South</b>	MU-C	Parking Lot/Lower Michigan Street	Central Business Secondary
<b>East</b>	F-5	S 21 <sup>st</sup> Ave West	Central Business Secondary
<b>West</b>	F-5	Michigan Street	Central Business Secondary

**Summary of Code Requirements:**

Vacation of public streets, highways, 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. 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; DOES NOT APPLY
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 #1 – Reuse of previously developed lands. The proposed street vacation allows for future investment to a site that has potential to perform at a higher level than its current state. The vacation will allow construction of a 75-unit market rate apartment building.

Governing Principle #5 – Promote reinvestment in neighborhoods. The proposed street vacation will allow the applicant to construct a 75-unit market rate apartment building and result in an increased tax base for the City of Duluth and St. Louis County.

Housing Policy #4 –Improve the quality of the city’s overall housing stock and neighborhoods. The street vacation would allow construction of a 75-unit apartment building in a desirable area in the Lincoln Park neighborhood.

Future Land Use – Central Business Secondary: An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary central business area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

Recent History – Roberts Home Furnishings operated a home furniture and goods store from 1987 to October 2018. On August 13, 2019, the Planning Commission approved a variance from occupied space setback for a multi-family apartment building to allow for construction of at-ground level parking as part of the apartment building design. The Land Use Supervisor approved this variance for a one-year extension on April 9, 2020.

**Review and Discussion Items:**

Staff finds that:


1. The applicant is requesting to vacate a portion of West Michigan Street with retained utility easement over the entire vacated area as shown in the attached exhibit. This is a portion of former of the Lower Michigan Street.
2. The proposed vacation will allow the applicant and their development partners to construct an apartment building in accordance with local zoning regulations at the former Roberts Home Furnishings site.
3. The City Utilities, Transportation, and Storm Water Engineers indicated support for this proposal. There is an existing gas and water line within the street. The City Engineering office has reviewed the proposed vacation and has indicated that a utility easement shall be retained over the entire portion of area to be vacated.
4. Vacating the street will not affect or deny access to other property owners. West Michigan Street is not used for through traffic on this block due to the configuration of Lower Michigan Street. Access to the existing parking lot on the west side of the existing Roberts Home Furniture building can be accessed from W Superior Street. A public sidewalk off Lower Michigan Street will retain pedestrian access.
5. No other public or City comments have been received at the time of drafting this report.
6. Vacations of streets 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:**

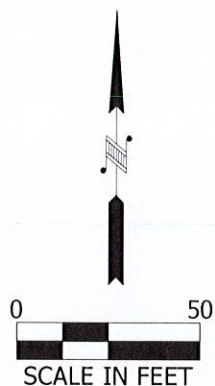
Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation with the following conditions:

- 1.) Approval of the vacation of West Michigan Street with retained utility easement as shown in the attached exhibit.
- 2.) The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse. The vacation shall not be final until the plat is recorded in the office of the St. Louis County Recorder.
- 3.) 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

# LEGEND

POB	POINT OF BEGINNING
—	CENTER LINE
- - -	RIGHT OF WAY LINE
—	PLAT LINE
	VACATION OF W. MICHIGAN STREET WITH RETAINED UTILITY EASEMENT

LINE	BEARING	DISTANCE
L1	S41°39'38"W	210.19
L2	S48°20'20"E	14.04
L3	N41°39'38"E	117.84
L4	N48°19'27"W	60.00



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	103.63	310.00	19°09'10"	N68°07'22"E	103.14

## SURVEYOR'S NOTES

- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- THIS IS NOT A BOUNDARY SURVEY.

## VACATION EXHIBIT

CLIENT: RACHEL DEVELOPMENT

REVISIONS:

ADDRESS: 2102, 2104 & 2112 W SUPERIOR STREET, DULUTH, MN 55806

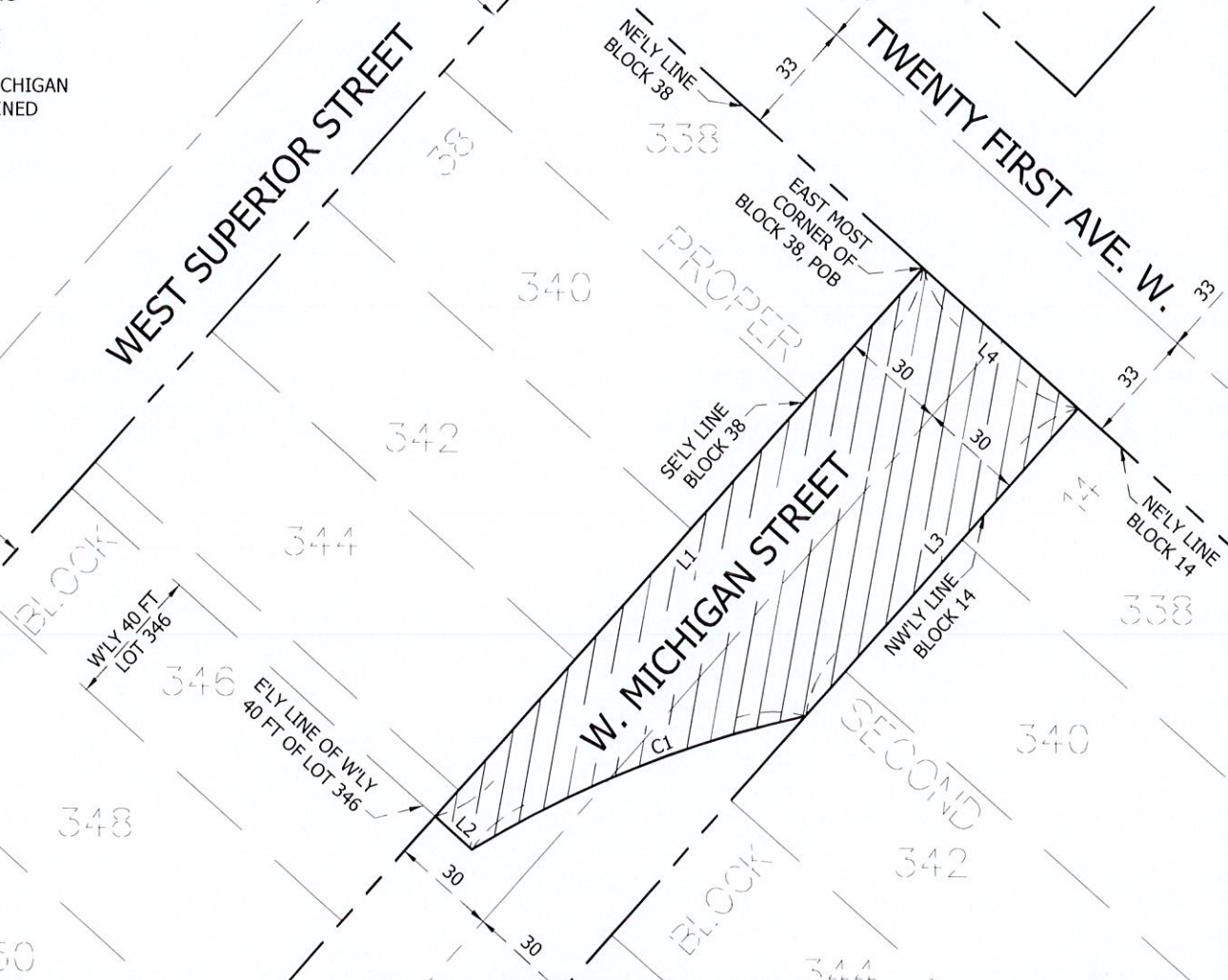
DATE: 07-02-2020

JOB NO: 20-032

SHEET 2 OF 2

**ALTA**  
LAND SURVEY COMPANY

PHONE: 218-727-5211  
LICENSED IN MN & WI  
WWW.ALTLANDSURVEYDULUTH.COM





LEGAL DESCRIPTION OF VACATION OF W. MICHIGAN STREET WITH RETAINED UTILITY EASEMENT

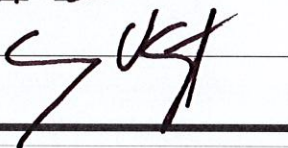
All that part of West Michigan Street adjacent to and abutting Blocks 14 and 38, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Beginning at the East most corner of said Block 38; thence on an assumed bearing of South 41 degrees 39 minutes 38 seconds West, along the Southeasterly line of said Block 38 for a distance of 210.19 feet to the Easterly line of the Westerly 40.00 feet of Lot 346, said Block 38; thence South 48 degrees 20 minutes 20 seconds East, along the Southeasterly extension of said Easterly line of the Westerly 40.00 feet of said Lot 346 across said W. Michigan Street 14.04 feet; thence Northeasterly 103.63 feet, along a non-tangential curve concave to the Southeast, have a radius of 310.00 feet and a delta angle of 19 degrees 09 minutes 10 seconds, the chord of said curve bears North 68 degrees 07 minutes 22 seconds East for a chord distance of 103.14 feet to the Northwesternly line of said Block 14; thence North 41 degrees 39 minutes 38 seconds East, along said Northwesternly line of said Block 14 for a distance of 117.84 feet to the Northeasterly line of said Block 14; thence North 48 degrees 19 minutes 27 seconds West, along the Northwesternly extension of said Northeasterly line of said Block 14 across said W. Michigan Street 60.00 feet to the point of beginning.

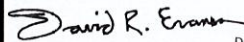
Said parcel contains 10,192 square feet or 0.23 acres.

Approved by the City Engineer of the  
City of Duluth, MN this 30 day  
of AUG 2020

By



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.

  
David R. Evanson  
DATE: 07-02-2020 MN Lic. No. 49505

**VACATION EXHIBIT**

CLIENT: RACHEL DEVELOPMENT

REVISIONS:

ADDRESS: 2102, 2104 & 2112 W SUPERIOR  
STREET, DULUTH, MN 55806

DATE: 07-02-2020

JOB NO: 20-032

SHEET 1 OF 2

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PL20-118  
Vacation of W Michigan St

### Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
  - CITY OF DULUTH
  - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Vacated ROW
- Easement Type
  - Utility Easement
  - Other Easement
  - Zoning Boundaries

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Aerial photography flown 2019





**PL20-118**  
**Site Visit: July 23, 2020**

