



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

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

<b>File Number</b>	PL 17-053	<b>Contact</b>	Steven Robertson, 218-730-5295	
<b>Type</b>	Vacation	<b>Planning Commission Date</b>	April 10, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	9-28-16 (3-20-18*)	<b>60 Days</b>	May 19, 2018
	<b>Date Extension Letter Mailed</b>	April 3, 2018	<b>120 Days</b>	July 18, 2018
<b>Location of Subject</b>	503 North 50 <sup>th</sup> Avenue West			
<b>Applicant</b>	Menards, Inc.	<b>Contact</b>	Nick Brenner, Corporate Counsel	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>		<b>Sign Notice Date</b>	March 27, 2018	
<b>Neighbor Letter Date</b>	March 29, 2018	<b>Number of Letters Sent</b>	51	

**Proposal**

The applicant would like to vacate unimproved platted rights of way and easements. As a part of the vacation process, the applicant is also submitting a companion application to replat their property (PL 16-120). The applicant plans minor modifications to the storage area behind the existing Menards building and would like to clean up underlying property ownership before proceeding.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	I-G, R-1	Commercial	General Mixed Use
<b>North</b>	MU-B	Business Park	General Mixed Use
<b>South</b>	R-P	Residential/Hwy35	Urban Residential/Transportation
<b>East</b>	MU-B	Business Park	General Mixed Use/Light Industrial
<b>West</b>	R-P, MU-N	Residential	Urban Residential

**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 #1 - Reuse previously developed lands,  
Governing Principle #8 - Encourage mix of activities, uses and densities,

Future Land Use – General Mixed use. The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

I-G Zoning Purpose Statement: general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses, as shown in Table 50-19.8. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development.

**Review and Discussion Items**

- 1) The applicant would like to vacate unimproved platted rights of way and easements. As a part of the vacation process, the applicant is also submitting a companion application to replat their property (PL 16-120). At the conclusion of this process, the applicant or the city may rezone the property from I-G to MU-B in accordance with the comprehensive plan future land use, which allows this land use as a permitted use (per 50-19.8 Permitted Use Table).
- 2) The applicant intends to make minor modifications to the existing storage facility behind the existing Menards building. The City has asked them to clean up existing property lines prior to applying for a building permit, as structures should not be located across parcel lines or over rights of way and easements.
- 3) The applicant is required to vacate existing easements and platted rights of way before a new plat can be recorded on the same site.
- 4) The platted rights of way and easements have never been developed or needed for a public purpose, and are not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
- 5) No agency, public or City comments have been received.
- 6) 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 proposed vacations as shown in the attached exhibits.

Exhibits must be signed by the City Engineer before being submitted to the City Council for final approval.