



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 18-113	Contact	Steven Robertson	
Type	Vacation of Two Platted Rights of Way	Planning Commission Date		September 11, 2018
Deadline for Action	Application Date	August 7, 2018	60 Days	October 16, 2018
	Date Extension Letter Mailed	August 28, 2018	120 Days	December 15, 2018
Location of Subject	Corner of Central Entrance and Anderson Road			
Applicant	Launch Properties	Contact	Dan Regan/Scott Moe	
Agent	Kimley-Horn	Contact	Brian Wurdeman	
Legal Description	See Attached			
Site Visit Date	September 1, 2018	Sign Notice Date		Need to verify
Neighbor Letter Date	August 24, 2018	Number of Letters Sent		65

Proposal: The applicant is requesting the vacation of two platted, but unimproved, rights of way.

Recommended Action: Recommend to the City Council to Approve.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
Subject	MU-N	Residential/Undeveloped	Neighborhood Mixed Use
North	MU-C	Industrial	Mixed-Use Commercial
South	R-1	Residential	Traditional Neighborhood
East	MU-N	Residential	Neighborhood Mixed Use
West	MU-N/MU-C	Res./Undeveloped/Com.	Neighborhood Mixed Use/Large Scale Com.

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. 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 #5 – Promote reinvestment in neighborhoods.

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

Future Land Use – Neighborhood Mixed Use. Description: 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.

Density/Intensity/Design: Site design should maintain a largely residential building character; Commercial-only uses should be adjacent to non-residential or other mixed use areas

Review and Discussion Items

Staff finds that:

- 1) The applicant is requesting that the City vacate the two rights of way of shown in the attached exhibits; the applicant is proposing to make use of the rights of way for a new proposed commercial development (PL 18-112).
- 2) Neither rights of way are currently needed for public use. The City Engineering office has reviewed the proposed vacations and has indicated they are not needed for street or utility purposes. The western half of the platted but unimproved Apple Street is remaining as a potential future bike or trail access.
- 3) The two rights of way are not needed to provide access to any public water. Vacating the rights of way will not have impacted or deny access to other property owners.
- 4) No new citizen comments have been received on this specific item (other comments have been received on the preliminary plat application PL 18-112). Technical review of the exhibit has not been completed; there may be some minor changes to the legal descriptions of the exhibits.
- 5) 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 recommend approval of the vacation of the rights of way as shown in the attached vacation exhibits.

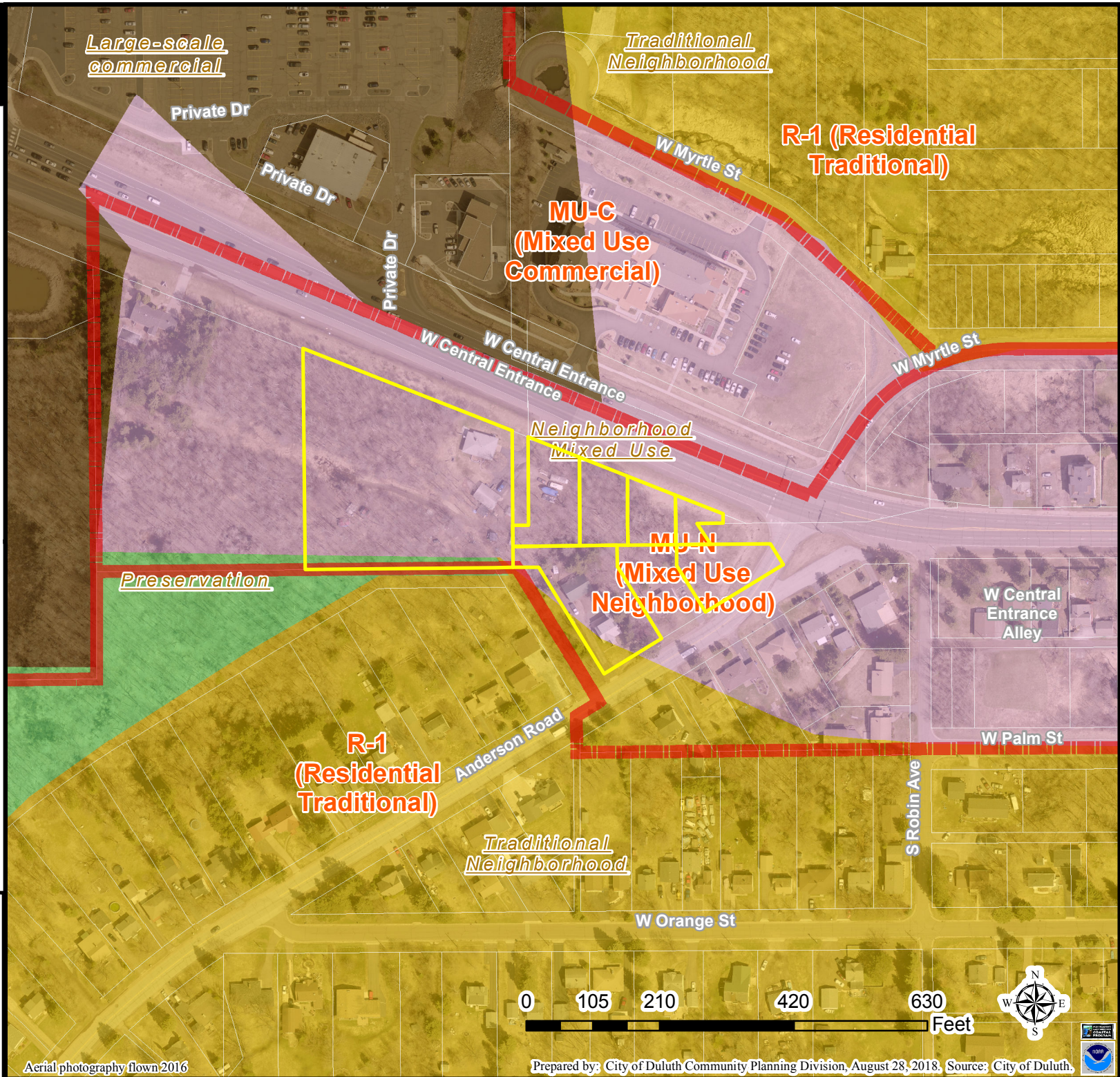


PL 18-113 Partial Vacation of Apple Street

PL 18-112 Preliminary Plat



PL 18-112
Preliminary Plat



Legend



Zoning Boundaries

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.



ELLISON
DONALD G

CARL
LAWRENCE E

CARL
LAWRENCE E

WOOD JAMES F

WOOD JAMES F

WOOD JAMES F

WOOD JAMES F

TUOMINEN
CHRIS
J ETUX

KUTASEVICH
STEVEN D &
PENELOPE

BRATEK
JACOB J &
JULIEN C

GARRAMONE
EVE M

HILDRETH
ELIAS L &
CASEY L

WHITE
HEATHER L

WOOD MICHAEL
K & DANA K

PETRICH
WADE &
TRACI

HIGHLAND
STEVE R

VATALARO
CLARA

BUSHEY
LAWRENCE A

CARLSON
CRAIG A

ONKUZU LYNN M

JPK TR
DULUTH
LLC

MN DEPT OF
TRANSPORTATION

NATIONAL RETAIL
PROPERTIES, LP

CITY OF DULUTH

CITY OF DULUTH

ST OF MN
C278 L35

W Central Entrance

UNKNOWN

W Myrtle St

W Myrtle St

3" MDPE

3" MDPE

2" MDPE

2" MDPE

8 inch
Vitreous Clay
Pipe - 255'

8 inch
Vitreous Clay
Pipe - 269'

Anderson Road

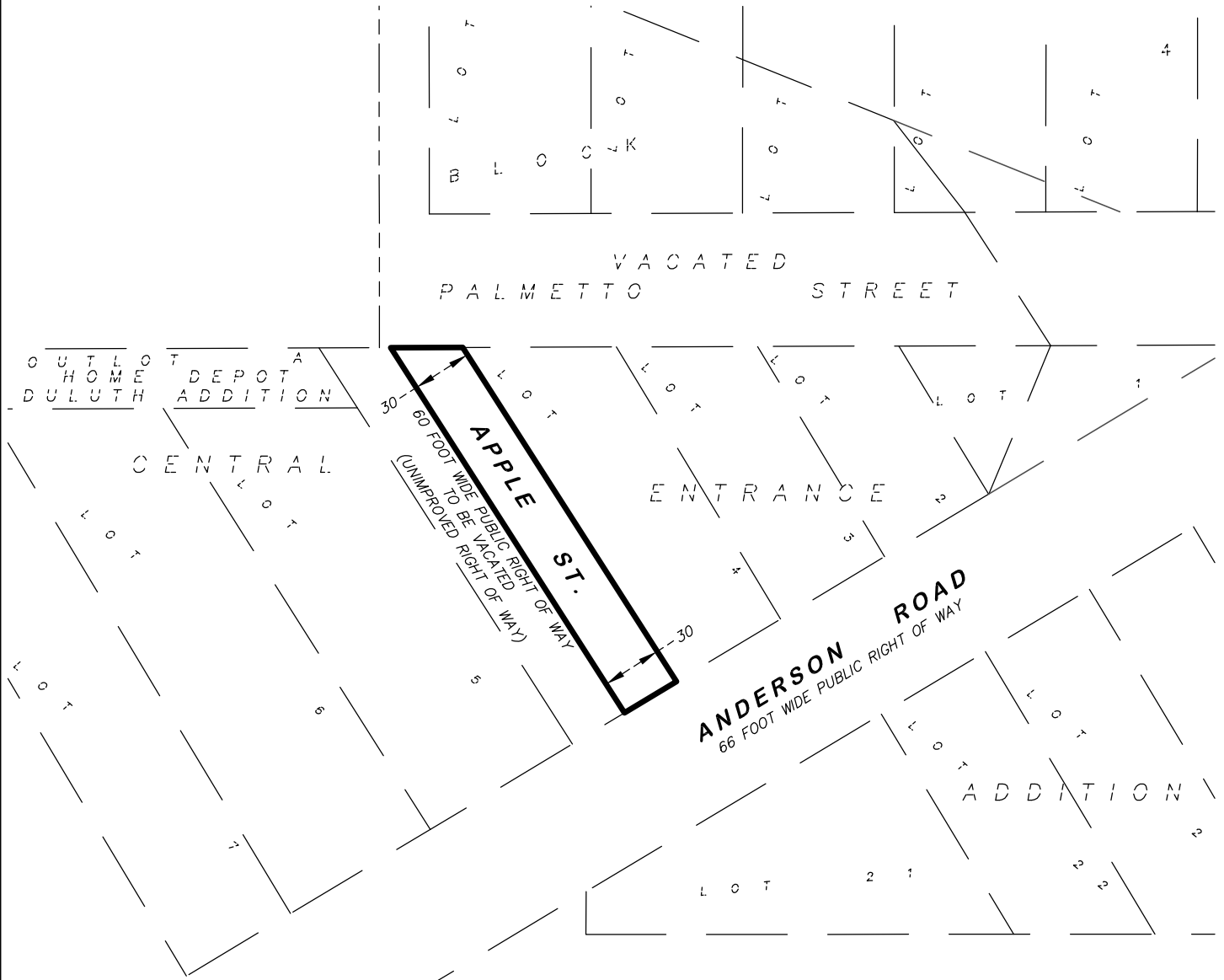
411 A

421 A

408 A

501 A

APPLE STREET VACATION EXHIBIT

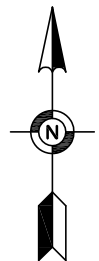


DESCRIPTION OF APPLE STREET TO BE VACATED:

The East Half of Apple St. dedicated in the plat of CENTRAL ENTRANCE ADDITION, St. Louis County, Minnesota, lying northerly of the north line of Anderson Road.

Approved this _____ day of _____, 2018.

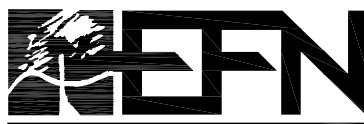
Approved by: _____, City of Duluth Engineer



ALLEY VACATION EXHIBIT FOR:

**Kimley-Horn and
Associates, Inc.**

**SITE LOCATION: 421 Anderson Road
Duluth, Minnesota 55811**



Egan, Field & Nowak, Inc.

land surveyors since 1872

1229 Tyler Street NE, Suite 100
Minneapolis, Minnesota 55413

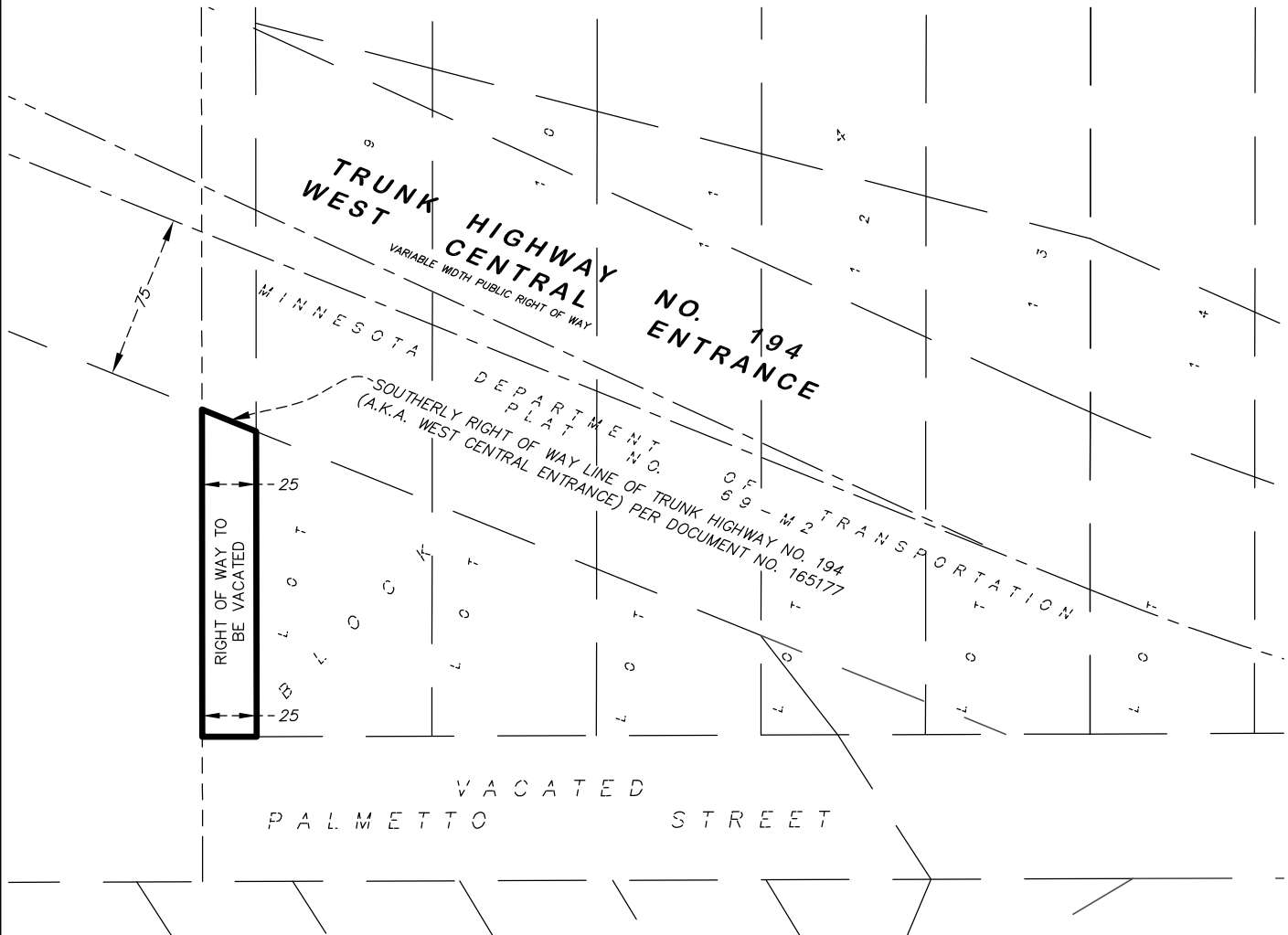
PHONE: (612) 466-3300

FAX: (612) 466-3383

WWW.EFNSURVEY.COM

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RIGHT OF WAY VACATION EXHIBIT

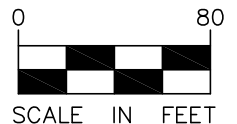
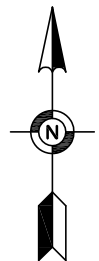


DESCRIPTION OF RIGHT OF WAY TO BE VACATED:

All that part of the 25.00 foot wide right of way lying westerly of Block 4, as dedicated in the plat of MAPLE GROVE ACRE TRACTS OF DULUTH, MINNESOTA which lies southerly of the southerly right of way line of Trunk Highway No. 194 as now located and established as described in Document No. 165177.

Approved this _____ day of _____, 2018.

Approved by: _____, City of Duluth Engineer



ALLEY VACATION EXHIBIT FOR:

**Kimley-Horn and
Associates, Inc.**

**SITE LOCATION: 604 West Central Entrance
Duluth, Minnesota 55811**



Egan, Field & Nowak, Inc.

land surveyors since 1872

1229 Tyler Street NE, Suite 100
Minneapolis, Minnesota 55413

PHONE: (612) 466-3300

FAX: (612) 466-3383

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