



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
	Date Extension Letter Mailed	August 28, 2018	120 Days
Location of Subject	Corner of Central Entrance and Anderson Road		
Applicant	Launch Properties	Contact	Dan Regan/Scott Moe
Agent	Kimley-Horn	Contact	Brian Wurdeaman
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.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
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.

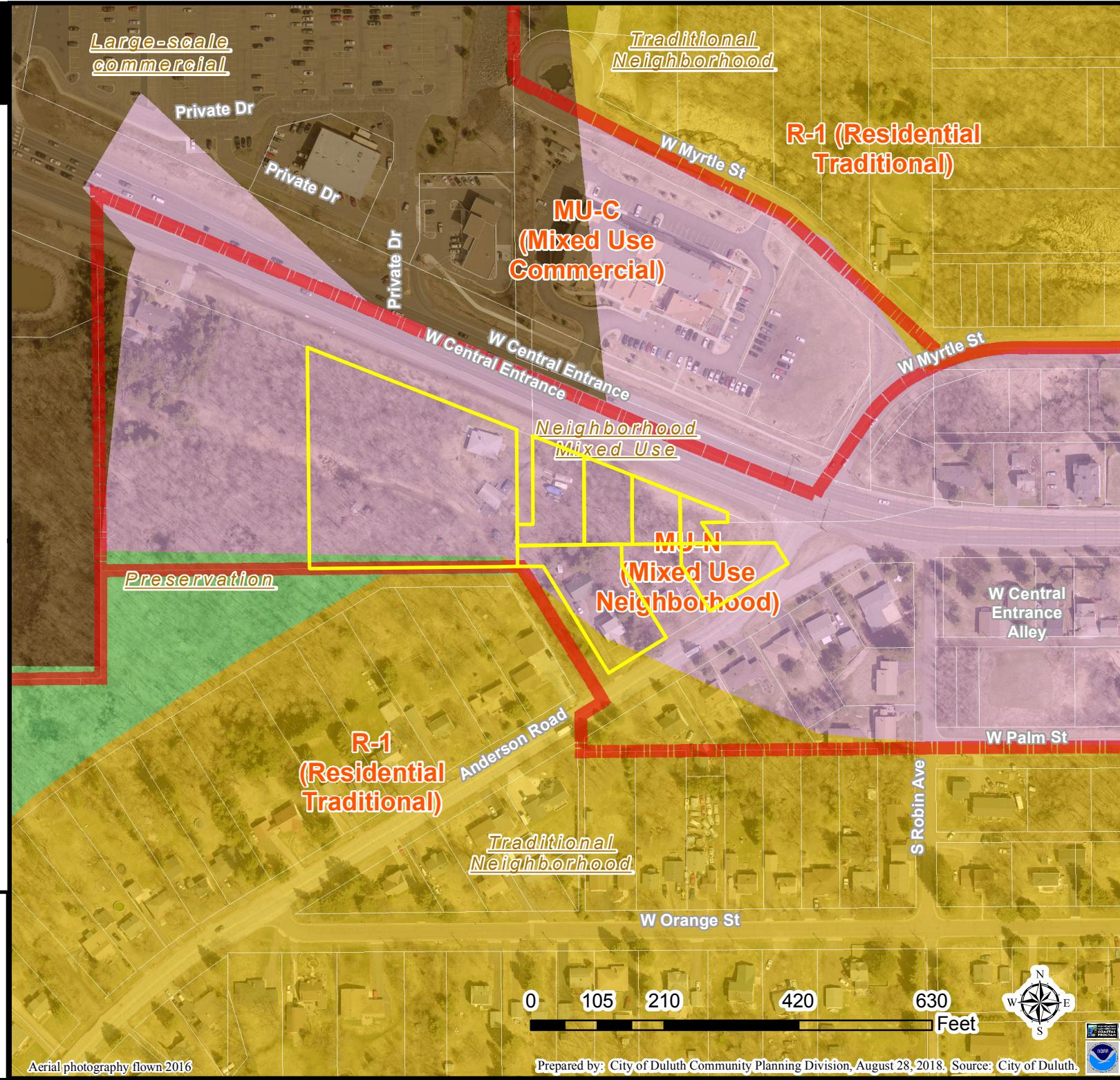
Staff Recommendation

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.



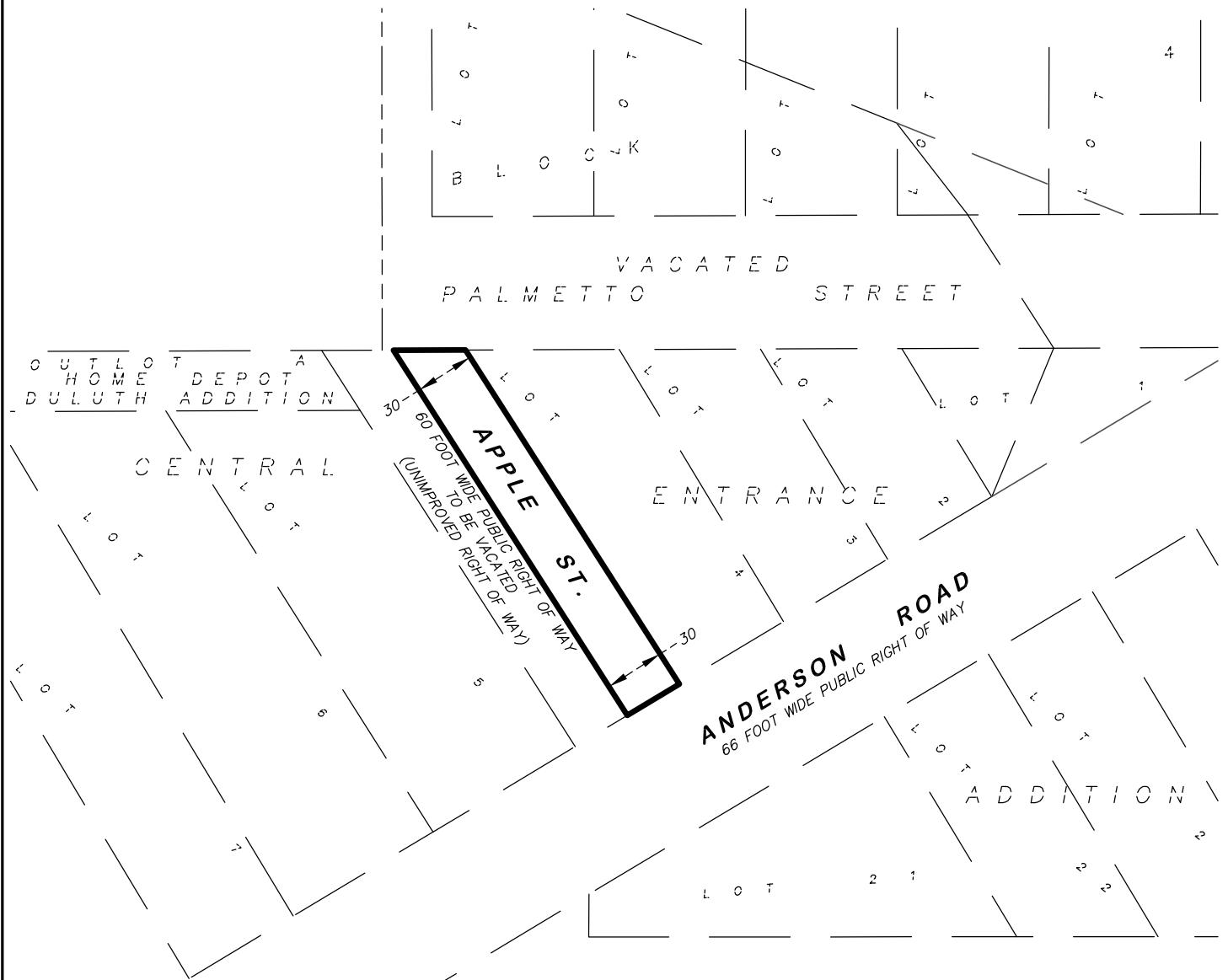


PL 18-112
Preliminary Plat





APPLE STREET VACATION EXHIBIT

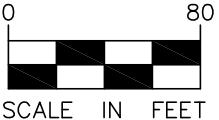
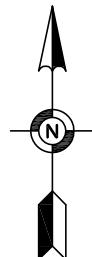


DESCRIPTION OF APPLE STREET TO BE VACATED:

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:

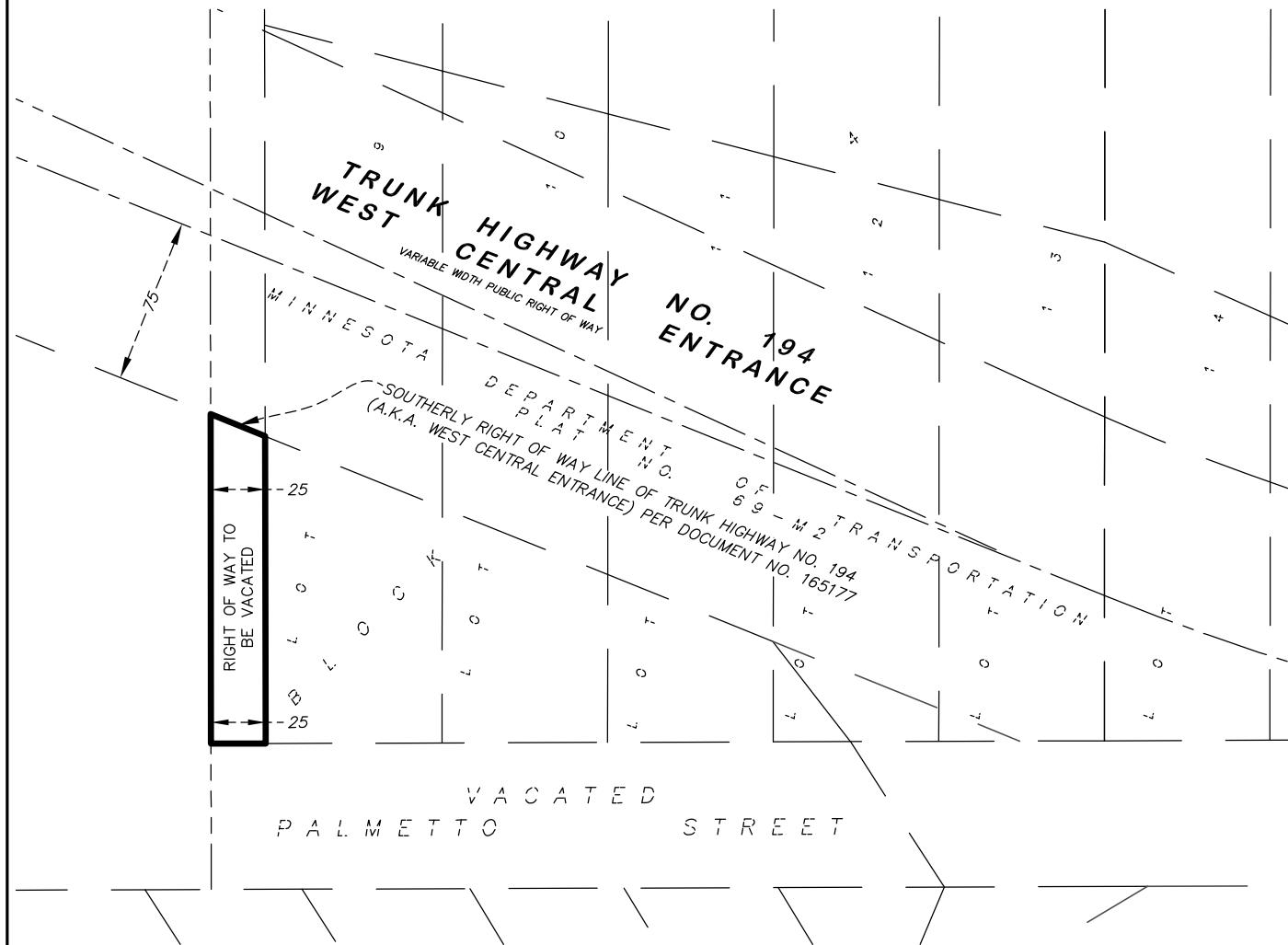
**Kimley-Horn and
Associates, Inc.**

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



1229 Tyler Street NE, Suite 100
Minneapolis, Minnesota 55413
PHONE: (612) 466-3300
FAX: (612) 466-3383
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RIGHT OF WAY VACATION EXHIBIT

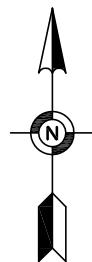


DESCRIPTION OF RIGHT OF WAY TO BE VACATED:

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



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