



**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 17-106	<b>Contact</b>	Kyle Deming, <a href="mailto:kdeming@duluthmn.gov">kdeming@duluthmn.gov</a>	
<b>Type</b>	Vacate Streets	<b>Planning Commission Date</b>	August 8, 2017	
<b>Deadline for Action</b>	<b>Application Date</b>	July 5, 2017	<b>60 Days</b>	September 3, 2017
	<b>Date Extension Letter Mailed</b>	July 20, 2017	<b>120 Days</b>	November 2, 2017
<b>Location of Subject</b>	South side of Arrowhead Rd. ¼ mile west of Arlington Ave.			
<b>Applicant</b>	Duluth Gospel Tabernacle	<b>Contact</b>	Steven P. Burns	
<b>Agent</b>	LHB Inc.	<b>Contact</b>	Paul Vogel, <a href="mailto:paul.vogel@lhbcorp.com">paul.vogel@lhbcorp.com</a>	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	April 28, 2017	<b>Sign Notice Date</b>	July 25, 2017	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

Vacate Pringle Avenue, Lowndes Avenue, Blodgett Avenue, and Gadsden Avenue in Kensington Place Addition in conjunction with the replatting of most of Kensington Place Addition into the plat of Harbor Light” for development of a new church and other new development.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1 and R-2	Forested undeveloped	Urban Residential and Low-Density Residential
<b>North</b>	RR-1, R-1, MU-C, MU-N	Wetland and undeveloped	Neighborhood Mixed-Use
<b>South</b>	R-1	1-family dwelling neighborhood	Low-Density Residential
<b>East</b>	RR-1	Undeveloped former farmland	Neighborhood Mixed-Use & Low-Density Res.
<b>West</b>	R-1	1-family subdivision, vacant	Low-Density Res. and Preservation

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

Principle #2 - Declare the necessity and secure the future of undeveloped places,

Principle #5 - Strengthen neighborhoods,

Principle #7 - Create and maintain connectivity,

Principle #8 - Encourage mix of activities, uses and densities,

Principle #10 - Take sustainable actions,

Principle #12 - Create efficiencies in delivery of public services

Future Land Use – Urban Residential. Greatest variety of building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space. 8 units/acre and up, Form standards ensure pedestrian orientation and mix of housing, commercial uses that serve neighborhood market.

Future Land Use – Low-Density Residential. Single-family housing with urban services. Typified by curvilinear streets, houses with longer side parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent to the neighborhood. 3-4 units/acre, conservation development an option, required with SLO, limited number of secondary/granny flats

### **History:**

See PL 17-107

## **Review and Discussion Items**

- 1) The applicant is proposing to vacate some of the streets in the existing Kensington Place Addition in conjunction with replatting the property for future development. Streets on the perimeter of the plat will remain and be rededicated. See attached exhibit and legal description.
- 2) The proposed “Harbor Light” plat will create 4 lots that have frontage on either W. Arrowhead Rd. or W. Marble St. The streets proposed for vacation will not be needed to serve development of the land in the plat and are not required for connectivity to other streets in the area.
- 3) With the dedication of pedestrian easements in conjunction with development on the new “Harbor Light” plat, a condition of the Final Plat (PL 17-107), Connectivity Requirements in Sec. 50-23.E. will be met. The streets proposed for vacation will not be needed for pedestrian connections.
- 4) The proposed “Harbor Light” plat dedicates a utility easement for some of the required public utilities needed for development and the applicant will dedicate any additional utility easements needed at the time of development. The streets proposed for vacation will no longer be needed for utility purposes.
- 5) As part of the proposed “Harbor Light” plat the applicant is dedicating drainage easements to allow water to move across the site. Plans for drainage on individual lots will be reviewed and approved by City Engineering at the time of development of each lot. The streets platted for vacation will not be needed for drainage purposes.
- 6) None of the streets proposed for vacation are needed to provide public recreational access to water.
- 7) The rights of way proposed for vacation will not otherwise be needed to promote the public health, safety, or welfare of the citizens of Duluth when the proposed replatting of the property into the “Harbor Light” plat is completed.

- 8) No new citizen comments have been received on this project.
- 9) 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 Planning Commission recommend approval of the proposed Vacation of streets with the following conditions:

1. The vacations shall not be final until the plat of Harbor Light is recorded in the office of the St. Louis County Recorder, such recording to be done concurrently,
2. The vacations must be recorded within 90 days of final approval by City Council or such approval will lapse.



# City Planning

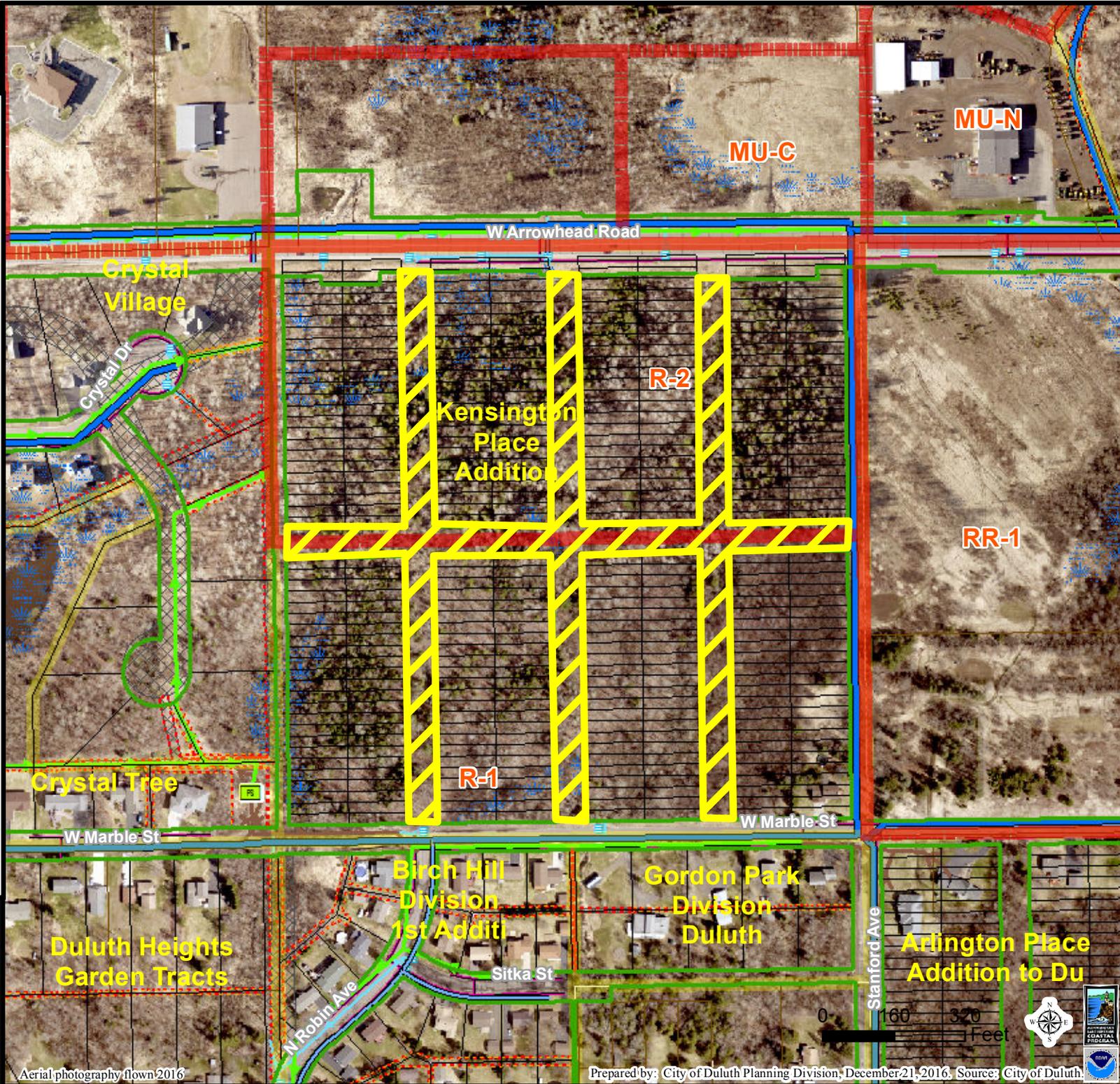
PL 17-106

Vacate streets in  
Kensington Place Addition

## Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Subdivision Boundaries
- Zoning Boundaries
- Water Distribution System**
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main**
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Easement Type**
- Utility Easement
- Other Easement
- Vacated ROW
- Wetlands (NRR1)

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Aerial photography flown 2016

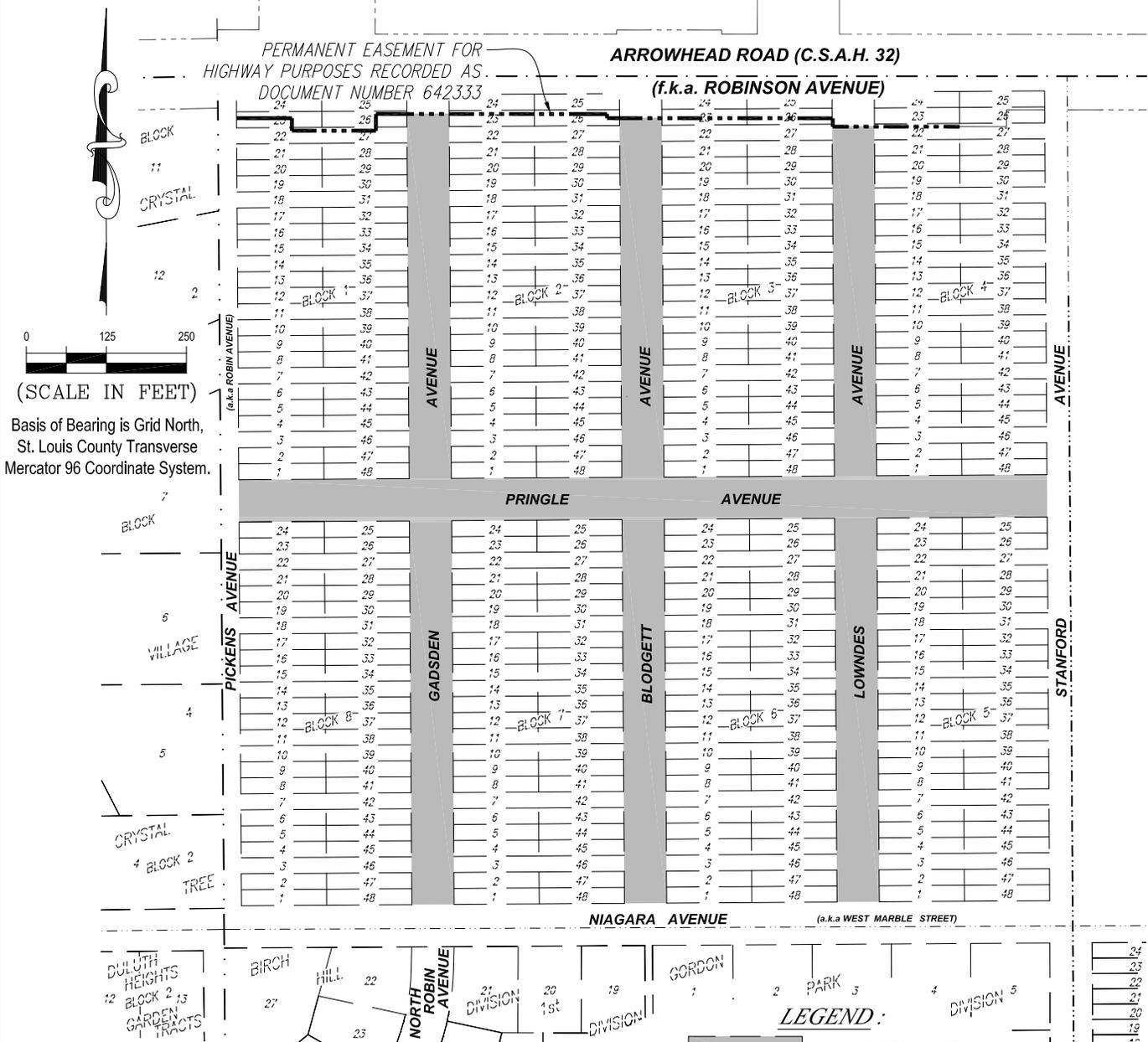
Prepared by: City of Duluth Planning Division, December 21, 2016. Source: City of Duluth



# VACATION EXHIBIT

## AVENUES

### KENSINGTON PLACE ADDITION TO DULUTH



**VACATION DESCRIPTION:**

ALL THAT PART OF PRINGLE AVENUE, KENSINGTON PLACE ADDITION TO DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA. LYING EAST OF PICKENS AVENUE AND WEST OF STANFORD AVENUE.  
 AND  
 ALL THOSE PARTS OF GADSDEN AVENUE, BLODGETT AVENUE AND LOWNDES AVENUE, KENSINGTON PLACE ADDITION TO DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA. LYING NORTH OF THE NORTH LINE OF NIAGARA AVENUE AND SOUTH OF A PERMANENT EASEMENT FOR HIGHWAY PURPOSES RECORDED AS DOCUMENT NUMBER 642333 IN THE ST. LOUIS COUNTY REGISTRAR OF TITLES OFFICE, ST. LOUIS COUNTY, MINNESOTA AND IN THE OFFICE OF THE ST. LOUIS COUNTY RECORDER AS DOCUMENT NUMBER 711299.

I hereby certify that this plan, specification, 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.

Print Name: Paul A. Vogel

License # 44075

Signature:

Date: 07/24/2017

REVISED: 07/24/17

DATE PREPARED: 06/29/17

PROJ NO: 150732

FILE: 150732\VACAT

SHEET 1 of 1 SHEETS



PERFORMANCE DRIVEN DESIGN.

LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

**HARBOR LIGHT VACATION DESESCRIPTION**

**DESCRIPTION:**

All that part of Pringle Avenue, KENSINGTON PLACE ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota. lying east of Pickens Avenue and west of Stanford Avenue.

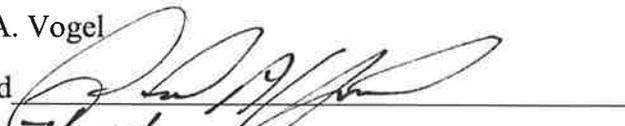
AND

All those parts of Gadsden Avenue, Blodgett Avenue and Lowndes Avenue, KENSINGTON PLACE ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota. lying north of the north line of Niagara Avenue and south of a permanent easement for highway purposes recorded as Document Number 642333 in the St. Louis County Registrar of Titles office, St. Louis County, Minnesota and in the office of the St. Louis County Recorder as Document Number 711299.

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.

Paul A. Vogel

Signed



Date

7/24/2017

License No. 44075

