



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 22-059	Contact	Kyle Deming		
Type	Vacation of Street and Utility Easements	Planning Commission Date			May 10, 2022
Deadline for Action	Application Date	April 5, 2022	60 Days	June 4, 2022	
	Date Extension Letter Mailed	April 27, 2022	120 Days	August 3, 2022	
Location of Subject		Southwest corner of Palm St. and Blackman Ave. extended to Orange St. (Duluth Heights)			
Applicant	KAMI Holdings, LLC	Contact			
Agent	AMCON Construction	Contact	Dennis Cornelius		
Legal Description		See Attached Map			
Site Visit Date		April 27, 2022	Sign Notice Date		April 26, 2022
Neighbor Letter Date		April 28, 2022	Number of Letters Sent		38

Proposal: Vacation of streets and utility easements for the re-platting of the area into the Kara-Mia Addition

Staff Recommendation

Approval of the vacations contingent upon Planning Commission approval of the final plat of Kara-Mia Addition in PL22-061 and it's timely recording.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2 and R-1	Vacant/Undeveloped	Urban Residential
North	R-2 and MU-C	Storm Water Basin & Commercial	Open Space and Central Business Secondary
South	R-1	Vacant/Undeveloped	Urban Residential
East	R-1	Dwellings	Urban Residential
West	R-1	Vacant/Dwellings	Urban Residential/Traditional Neighborhood

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. 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 Principles and Policies:

The following Imagine Duluth 2035 Governing Principles should be considered when reviewing the request:

- Governing Principle #7 – Create and maintain connectivity. The vacation action will be contingent upon re-platting the area to maintain connectivity for people, vehicles, and utilities.
- Governing Principle #9 – Support private actions that contribute to the public realm. Vacation will allow for the re-platting of the land for a lot layout that fits the zoning.
- Governing Principle #12- Create efficiencies in delivery of public services. Vacation and the subsequent re-platting will create a more efficient street and utility layout rather than extending utilities and streets to the 14 platted lots.
- Housing Policy #2 - Provide affordable, attainable housing opportunities. Vacation will support re-platting into a better layout for housing development.
- Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. Vacation will provide for re-platting to support the provision of more housing.

Future Land Use

- Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers. Connected or adjacent to parks and open space. Overall residential density of 8 units/acre and up. Design standards ensure pedestrian orientation and mix of housing.

Zoning

- Residential-Urban (R-2): Multi-family apartments and townhouses, in an urban setting as well as single-family detached dwellings, duplexes and group living accommodations. Intended primarily for locations closer to commercial and mixed-use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed-use neighborhoods.
- Residential-Traditional (R-1): Traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods.

Related files:

- PL 21-178 Wetland Delineation, PL 22-046 Concept Plan, PL 22-053 Wetland Replacement Plan

History:

- In 2001 a 115-unit multi-story retirement community was proposed on 7 acres where the current developer’s apartment building is proposed. The building was never constructed. The City Council rezoned (FN 01135) the site from C-5 (Planned Commercial) to R-3 (Apartment Residential) for that project. The Council also vacated the streets in the area (FN 01137). The Planning Commission approved a wetland permit (FN 01136) to allow 1.8 acres of wetland impact. The wetland delineation and previous wetland permit have expired.

Review and Discussion Items

1. The proposal is to vacate existing streets and utility easements in preparation for re-platting the area into Kara-Mia Addition.
2. The portion of Overland Street east of the proposed vacation area and nearby Stroll Avenue were vacated in 2001 (FN 01137) in preparation for a proposed multi-family building that was never constructed.
3. No streets or utilities have been installed in the streets and utility easements proposed for vacation.
4. With the re-platting of the area, the existing streets will be useless for providing the public access to the land and space for utility connections. Therefore, the Council resolution for this vacation will need to make final approval of the vacation contingent on the recording of the re-plat. Additionally, the utility easements are also useless since, with the other vacations, there are no longer public easements to which these would connect.
5. Vacating the portions of Overland Street and Harding Avenue, as proposed, will not block the intersection of the two streets, should those streets need to be improved in the future.
6. No comments have been received on the proposed vacations.
7. 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.

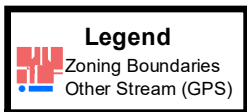
Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission recommend to City Council approval of the petitioned alley vacation with the following condition:

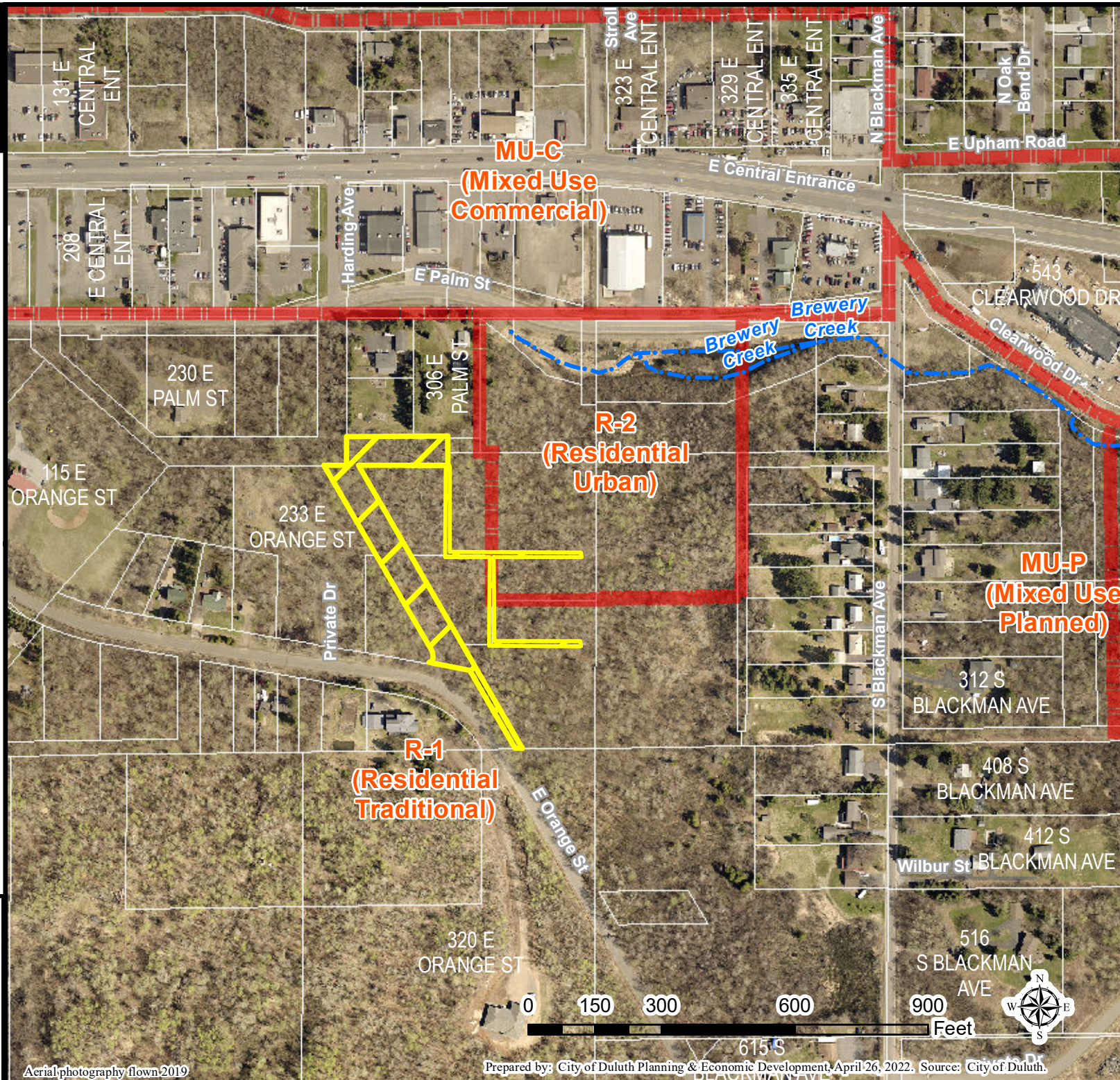
- 1) The vacation not be recorded unless the final plat of Kara-Mia Addition is approved by Planning Commission and recording of the vacations be concurrent with the recording of the plat.
- 2) The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PL 22-059
Vacate Harding Ave. &
Overland St. and
utility easements
Kami Holdings LLC

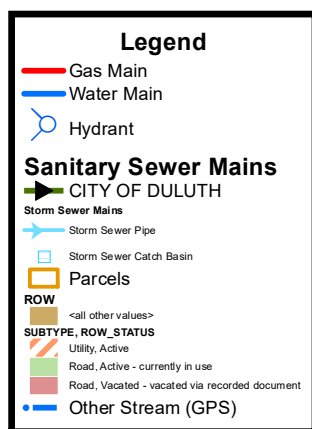
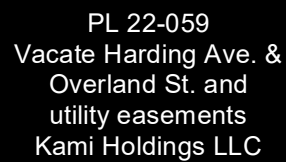


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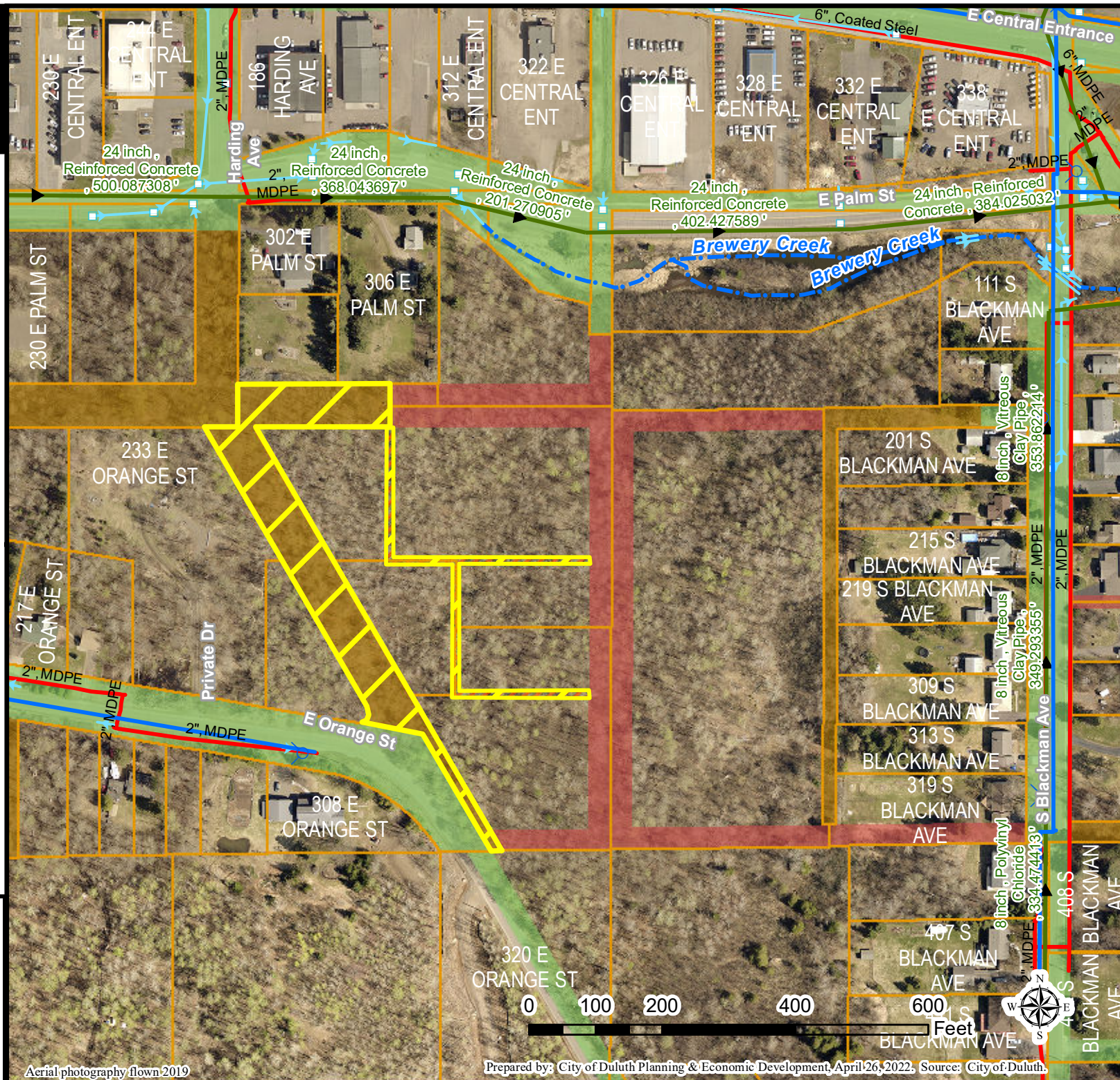


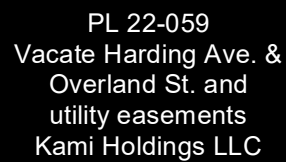
Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, April 26, 2022.

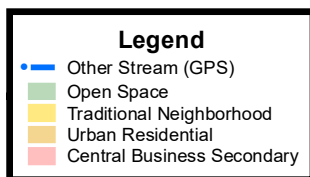


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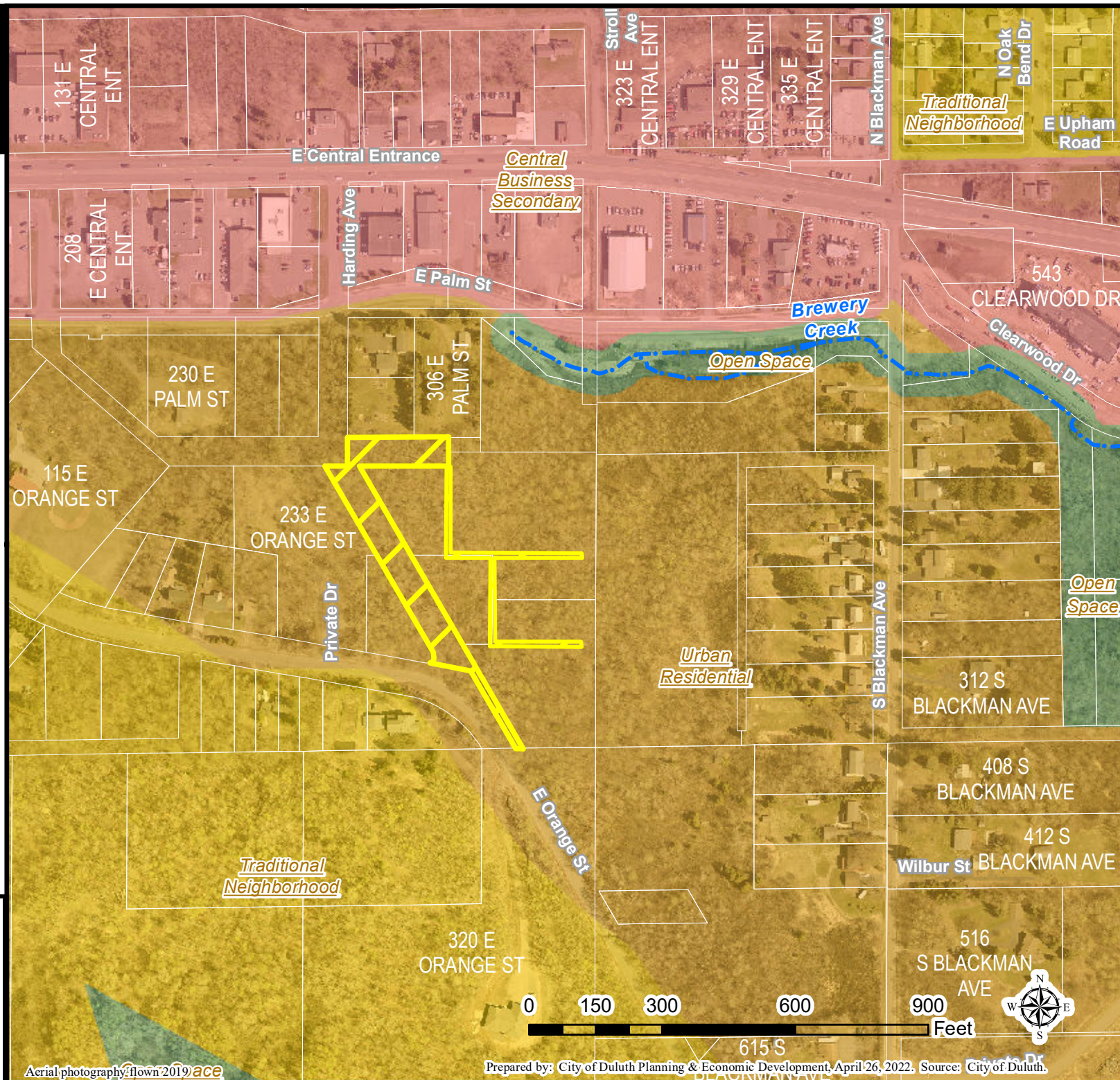




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Vacate Harding Ave. &
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Those portions of Overland Street and Harding Avenue, as dedicated on the plat of CARLINE GARDENS, on file and of record in the office of the County Recorder lying northerly of the following described line:

Commencing at the southeast corner of said plat of CARLINE GARDENS; thence on an assumed bearing of South 89 degrees 42 minutes 30 seconds West along the south line of said plat a distance of 177.85 feet to its intersection with a line drawn parallel to and 12.00 feet westerly from the easterly right-of-way line of Harding Avenue to the point of beginning of said line; thence North 29 degrees 54 minutes 14 seconds West along said parallel line, a distance of 103.07 feet; thence westerly 192.10 feet on a tangential curve, concave to the south, having a radius of 220.08 feet and a central angle of 50 degrees 00 minutes 35 seconds to the most southerly corner of Lot 3, Block 5 of said CARLINE GARDENS and said line there terminating.

Except that part lying westerly of the southerly extension of the east line of Block 3 of said CARLINE GARDENS and lying northerly of the northerly line of Block 5 of said plat and it's easterly extension.

Also excepting that part of Overland Street previously vacated per Document Number 717764.0, on file and of record in the office of the County Recorder.

And also a 10 foot wide easement for utility purposes across those parts of Lots 1 through 10, Block 4 of CARLINE GARDENS, on file and of record in the Office of the County Recorder lying 5 feet on each side of the following described centerline:

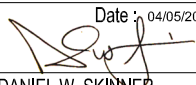
Beginning at the northeast corner of Lot 1 of said Block 4; thence southerly along the easterly line of said Lot 1 and its southerly extension to the southeast corner of Lot 2 of said Block 4; thence easterly along the southerly line of Lot 3 of said Block 4 to the southeast corner of said Lot 3 to a point hereinafter referred to as POINT A; thence continuing easterly along the southerly lines of Lots 4 and 5 of said Block 4 to southeast corner of said Lot 5 and said centerline there terminating.

And together with a 10 foot wide easement for utility purposes over that part of said Block 4 lying 5 feet on each side of the following described centerline:

Beginning at aforementioned POINT A; thence southerly along the easterly line of Lots 7 and 8 of said Block 4 to the southwest corner of Lot 9; thence easterly along the southerly line of said Lot 9 to the southeast corner of said Lot 9 and said centerline there terminating.

APPROVED BY THE CITY ENGINEER OF THE CITY OF
DULUTH, MINNESOTA, THIS _____ DAY OF
_____, 2022, BY _____.

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.

Date: 04/05/2022

DANIEL W. SKINNER
MINNESOTA LICENSE NO. 40827



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Job Number: 18306.000

VACATION EXHIBIT in
CARLINE GARDENS

Sheet 2 of 2 Sheets