



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
 Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

| | | | | |
|-----------------------------|--|---------------------------------|---|-----|
| File Number | PL 14-092 | Contact | Kyle Deming; kdeming@duluthmn.gov | |
| Application Type | Vacation of Street Easement | Planning Commission Date | August 12, 2014 | |
| Deadline for Action | Application Date | July 10, 2014 | 60 Days | N/A |
| | Date Extension Letter Mailed | N/A | 120 Days | N/A |
| Location of Subject | A portion of 99th Ave. W., east of Grand Ave.; adjacent to 9830 Grand Ave. | | | |
| Applicant | Paul Koski - Granite Works | Contact | 218-626-1625; paul@graniteworksduluth.com | |
| Agent | William Scalzo - Scalzo Architects | Contact | 218-722-4319; wscalzo@scalzoarchitects | |
| Legal Description | See attached | | | |
| Site Visit Date | | Sign Notice Date | July 29, 2014 | |
| Neighbor Letter Date | July 22, 2014 | Number of Letters Sent | 3 | |

Proposal

Vacate the remaining portion of 99th Ave. W. adjacent to the Granite Works property to provide more flexibility in their use of the site.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|-------------------------------|--|
| Subject | MU-B | Vacant | General Industrial |
| North | MU-B | Grand Ave. | General Industrial |
| South | MU-B | Storm water pond and driveway | General Industrial |
| East | MU-B | Granite Works (industrial) | General Industrial |
| West | MU-B | Grand Ave. | General Industrial |

Summary of Code Requirements (reference section with a brief description):

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.

Code requirements are found in UDC Section 50-37.6. 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.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

General Industrial - Areas for manufacturing, processing and other activities that may have off-site impacts and are generally isolated from other uses or buffered from them. Sites should have direct access to major regional transportation facilities and other infrastructure. Large parcels; variable densities; performance standards for environmental effects and nuisance mitigation.

Governing Principle #1: Reuse previously developed lands.
Governing Principle #7: Create and maintain connectivity.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The proposed vacation area is a platted street that has not been improved with a public roadway, utility, pedestrian or drainage facility. No utility pipes or wires are installed in the area proposed for vacation.
- 2) Portions of 99th Ave. W. south of the proposed vacation area were vacated in 2004 (FN 04096, Res. #04-0648)). The City of Duluth acquired the land south of Grand Ave. for redevelopment and had the streets and alleys vacated before selling part of it to Granite Works.
- 3) The applicant owns the land south and east of the Grand Ave. right of way, including the area east and south of the proposed vacation area. Most of the vacation area will accrue to them.
- 4) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way.
- 5) Staff believe this right of way 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; the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 6) No comments from the public or City concerning the vacation.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff recommends that the Planning Commission recommend approval to the City Council, without conditions, based on the findings above, that the petitioned street be vacated.

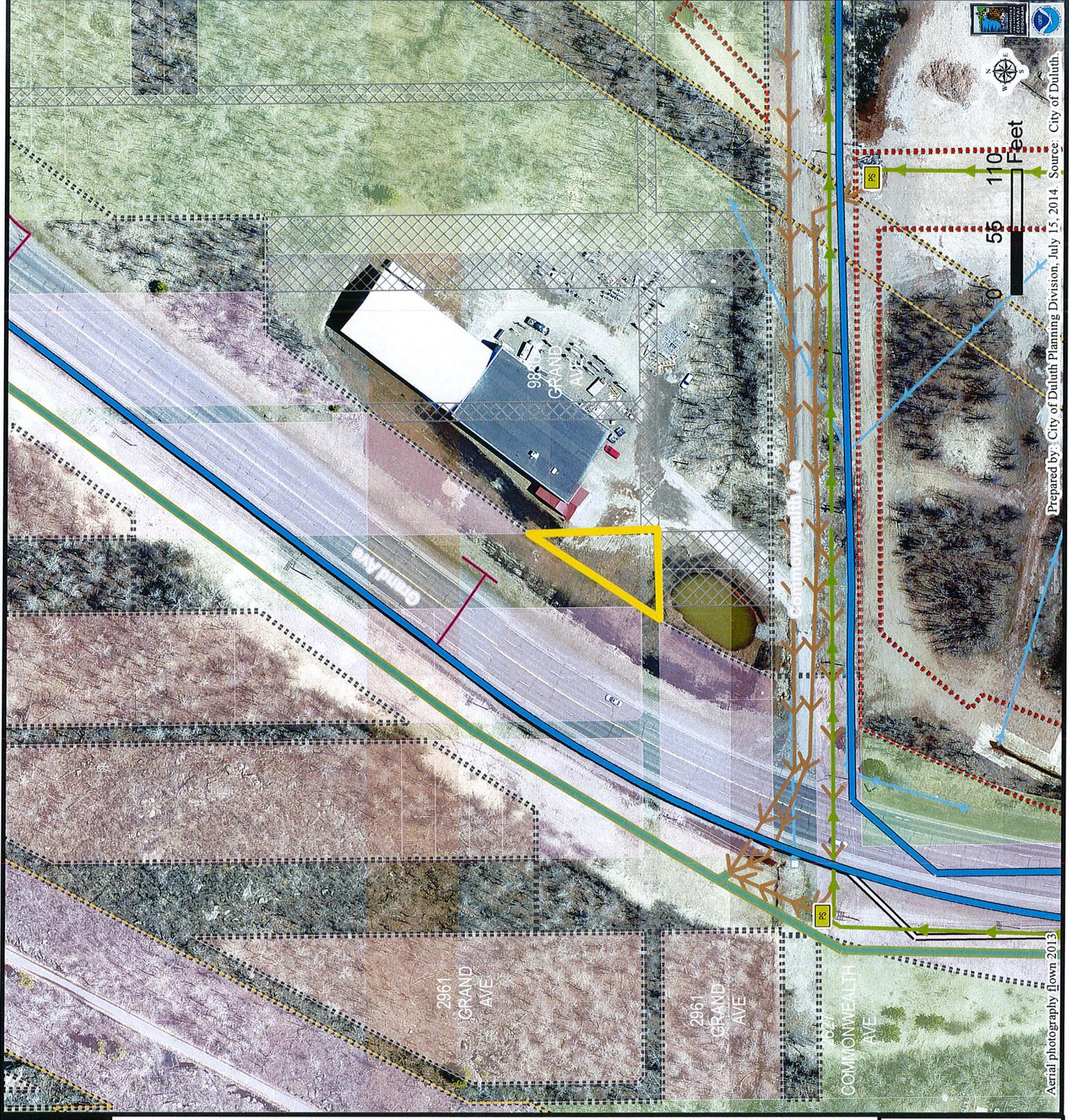
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Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

Legend

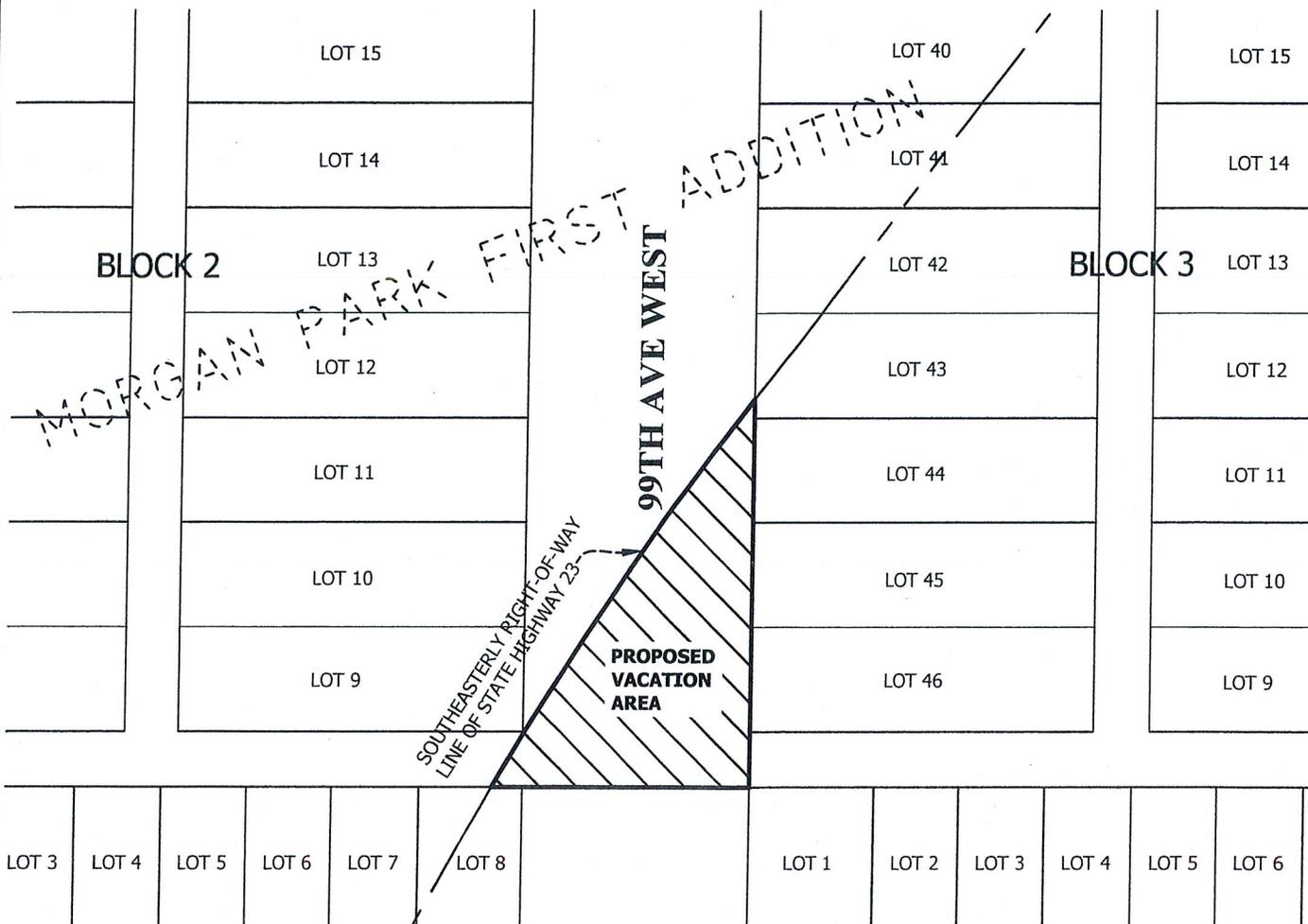
- Trout Stream (GPS)
- Other Stream (GPS)
- Water Distribution System**
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main**
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Right-of-Way Type**
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Floodplain Type**
- General Flood Plain
- Flood Way
- Flood Fringe

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.



Aerial photography flown 2013

VACATION SKETCH



VACATION DESCRIPTION:

That part of MORGAN PARK FIRST ADDITION, a duly recorded plat on file and of record in the St. Louis County, Minnesota, recorders office, described as follows:

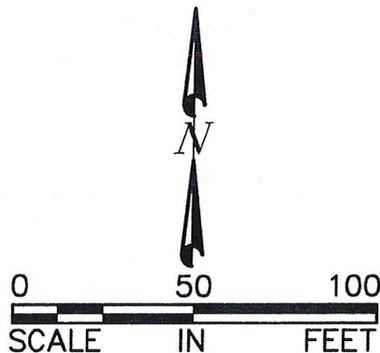
An area lying west of the west line of Block 3 and its southerly extension, in said MORGAN PARK FIRST ADDITION; lying north of the westerly extension of the north line of Lot 1, Block 3 to the southeasterly right-of-way of State Highway 23; lying southeasterly of southeasterly right-of-way of State Highway 23.

SURVEYOR NOTES:

- 1) This is not a boundary survey.
- 2) JPJ Engineering has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Approved by the City Engineer of the City of Duluth, MN this 30 day of July, 2014

By [Signature]



CERTIFICATION:

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 Professional Land Surveyor under the laws of the State of Minnesota.

Benjamin H. Anderson
 Minnesota License Number 45498
 Date: July 23, 2014



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 Suite 105
 Duluth, MN, 55802
 Ph: (218) 720-6219
 Website: www.jpjeng.com

VACATION SKETCH

GRANITE WORKS

| |
|----------------|
| PROJECT NUMBER |
| SHEET NUMBER |
| 1 of 1 |

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