



**CITY OF DULUTH**  
Planning Division

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

**STAFF REPORT**

<b>File Number</b>	PL 14-114	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Vacation of Alley	<b>Planning Commission Date</b>	September 9, 2014	
<b>Deadline for Action</b>	<b>Application Date</b>	August 8, 2014	<b>60 Days</b>	N/A
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	104 W Central Entrance			
<b>Applicant</b>	Land and Lease Development LLC	<b>Contact</b>	brianw@lldllc.com	
<b>Agent</b>	N/A	<b>Contact</b>	N/A	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	August 29, 2014	<b>Sign Notice Date</b>	August 25, 2014	
<b>Neighbor Letter Date</b>	August 26, 2014	<b>Number of Letters Sent</b>	40	

**Proposal**

Applicant proposes to vacate the alley east of Lot 12, west of Lots 13-16, Duluth Heights Fifth Addition, maintaining a drainage and utility easement over all of the vacated alley. Applicant will also dedicate drainage and utility easements over the east 5 feet of Lot 12 and the west 10 feet of Lots 13-16. Applicant intends to develop the site with a Dunkin' Donuts.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Commercial	Central Business Secondary
<b>North</b>	MU-C	Commercial	Central Business Secondary
<b>South</b>	MU-C	Commercial	Central Business Secondary
<b>East</b>	MU-C	Commercial	Central Business Secondary
<b>West</b>	MU-N	Residential	Neighborhood Mixed Use

**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):**

Future Land Use - Central Business Secondary: An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary central business area.

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):**

Staff finds that:

- 1.) Applicant owns property on both sides of proposed alley vacation.
- 2.) Alley is currently developed for vehicle travel and has water and sewer lines. City engineering requested that a utility easement be retained over the entire width of the alley, and additional easements of 10 feet on the east for sewer and 5 feet on the west for water be dedicated.
- 3.) Applicant intends to develop the site, including parcels on both sides of the alley, with a Dunkin Donuts.
- 4.) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way, and will not result in any dead-ends. The remainder of the alley to the south connects to the east-west alley parallel to Central Entrance.
- 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 other public, agency, or City comments were received.
- 7.) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process, after City Council approval.

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

Staff recommends that the Planning Commission recommend approval to the City Council that the petitioned alley be vacated, retaining a utility and drainage easement over the entire width of the alley, and dedicating two additional drainage and utility easements.

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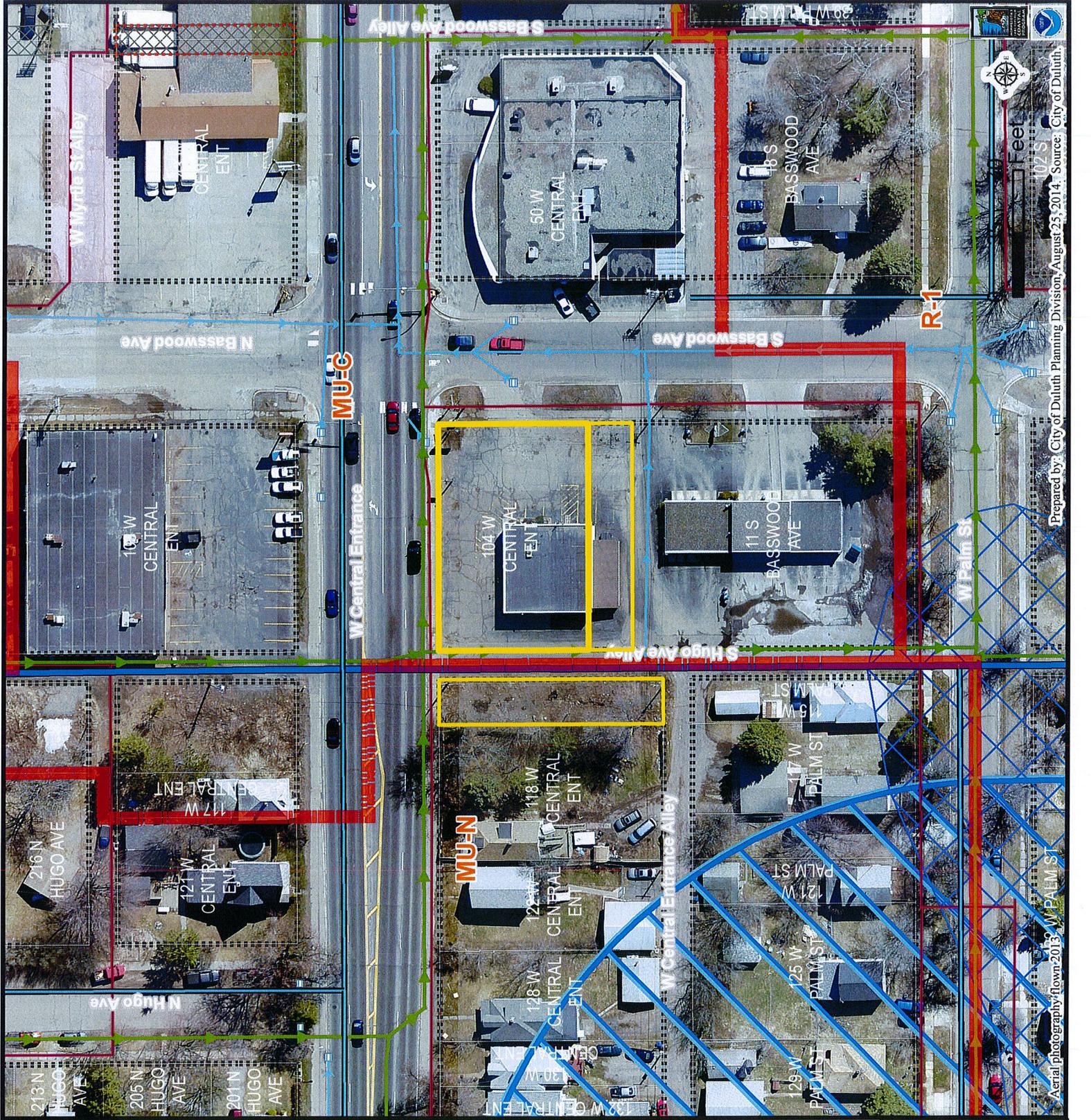
**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**



**City Planning**  
 PL 14-111 and 14-114  
 104 W Central Entrance

**Legend**

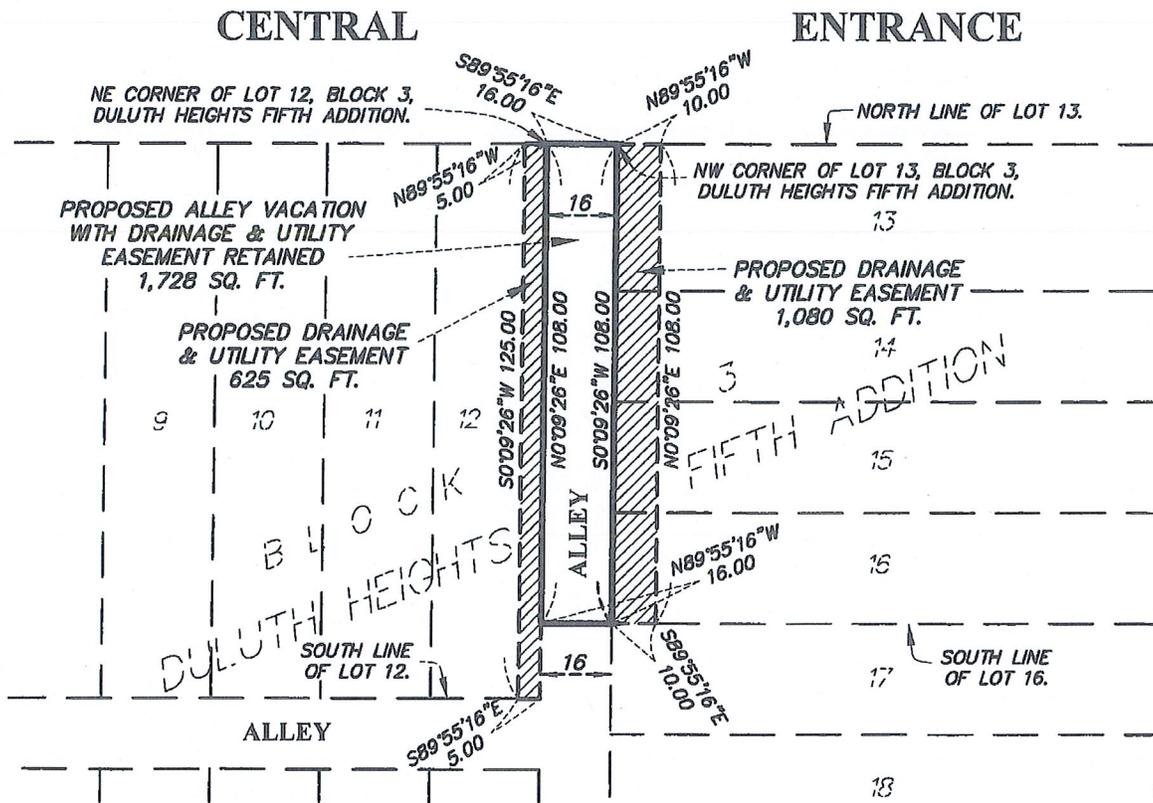
- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Water Distribution System**
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- 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
- Right-of-Way Type**
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Shoreland Overlay Zone**
- Cold Water
- Natural Environment
- General Development
- 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.

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# SKETCH & DESCRIPTION



**PROPOSED ALLEY VACATION:**

That part of the 16 foot wide Alley, as platted and dedicated in Block 3, DULUTH HEIGHTS FIFTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota, lying northerly of the westerly extension of the south line of Lot 16, said Block 3 and lying southerly of the westerly extension of the north line of Lot 13, said Block 3. A drainage and utility easement is to be retained over all of the vacated Alley.

**PROPOSED DRAINAGE & UTILITY EASEMENT:**

An easement for drainage and utility purposes over, under and across the east 5.00 feet of Lot 12, Block 3, DULUTH HEIGHTS FIFTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

**PROPOSED DRAINAGE & UTILITY EASEMENT:**

An easement for drainage and utility purposes over, under and across the west 10.00 feet of Lots 13, 14, 15 and 16, Block 3, DULUTH HEIGHTS FIFTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

Approved by the City Engineer of the City of Duluth, MN this 26 day of August, 2014.

By: *[Signature]*

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.  
Signed this 7th day of August, 2014.

*[Signature]*  
Randy M. Morton, License No. 21401  
Revised: August 25, 2014

SCALE: 1 INCH = 40 FEET  
BEARING SHOWN ARE ON AN ASSUMED DATUM.



303 East 19th Street  
PO Box 656  
Hibbing, MN 55746  
(218) 262-5528  
www.jpjeng.com

PART OF LOTS 12, 13, 14, 15 AND 16, BLOCK 3, DULUTH HEIGHTS FIFTH ADDITION, ST. LOUIS COUNTY, MN

For: Land & Lease Development

PROJECT NUMBER	14-998
SHEET NUMBER	1 of 1 Sheets

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T:\Land & Lease Development\14-998 Boundary Survey Duluth.dwg\700\14-998 Vacation Sketch.dwg 8/25/2014 4:53 PM