



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 15-035	Contact	Steven Robertson, 218 730 5295	
Application Type	Vacation of Street Right of Way	Planning Commission Date	April 14, 2015	
Deadline for Action	Application Date	February 20, 2015	60 Days	April 21, 2015
	Date Extension Letter Mailed		120 Days	June 20, 2015
Location of Subject	11th St, Eastern Ave, & Cherry St within the Boundary of Chandler Park Addition to Duluth			
Applicant	St. Louis County Land & Minerals Dept.	Contact	Karen Zeisler, zeislerk@stlouiscountymn.gov	
Agent		Contact		
Legal Description	See attached			
Site Visit Date	April 4, 2015	Sign Notice Date	March 31, 2015	
Neighbor Letter Date	March 30, 2015	Number of Letters Sent	64	

Proposal

The applicant would like to vacate portions of unimproved West 8th Street and 38th Avenue North. This street right of way is adjacent to tax forfeit property, and the applicant would like to be able to assemble a larger development parcel for sale in the future.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped Right of Way	Traditional Neighborhood
North	R-1	Undeveloped, Residential	Traditional Neighborhood
South	R-1	Undeveloped	Traditional Neighborhood, Preservation
East	R-1	Residential	Traditional Neighborhood
West	R-1	Vacant Residential	Traditional Neighborhood

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.

III-F-1

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

Future Land Use - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

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 applicant would like to vacate portions of unimproved West 8th Street and 38th Avenue North. This street right of way is adjacent to tax forfeit property, and the applicant would like to be able to assemble a larger development parcel.
- 2) The applicant will leave a 20 foot wide utility easement for Minnesota Power. The applicant will also leave the West 7th Street Alley intact to allow for potential future public utilities in the event there is a future need (per City request).
- 3) The applicant owns over 51% of the land surrounding the proposed vacation area. The applicant has stated that they have no current development options for this property. By removing most of the street right of way, it frees up more of the area for a future development.
- 4) 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. This vacation, if approved, will not deprive any currently platted lots of access to a public right of way.
- 5) The City received a phone call from a citizen asking about potential reuse of the property. Any future use of the property would have to conform to the zoning, R-1, which allows primarily for residential development (single and two family dwellings are permitted, and townhomes up to 8 units are allowed with a special use permit). Staff from the ARDC stated that "while the preferred route from the school to West Duluth is through Wheeler Park and then across the stream connecting to the 6th Street Bike/Pedway, there has been some difficulty figuring out a good place to bridge the creek. As mentioned there is not a confirmed alignment for a pathway to the school, but it is something that we will be working towards".
- 6) When right of way is vacated, it typically divided equally between adjacent property owners, as long as they are within the same plat. In this instance, all the right of way being vacated is within the Chandler Park Addition to Duluth, and adjacent property owners are in different plats, so all the right of way will be allocated to the applicant's parcels within the plat.

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

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation, with the condition that a 20 foot utility easement be maintained in the N 38th Avenue West street right of way (as shown in the exhibit).

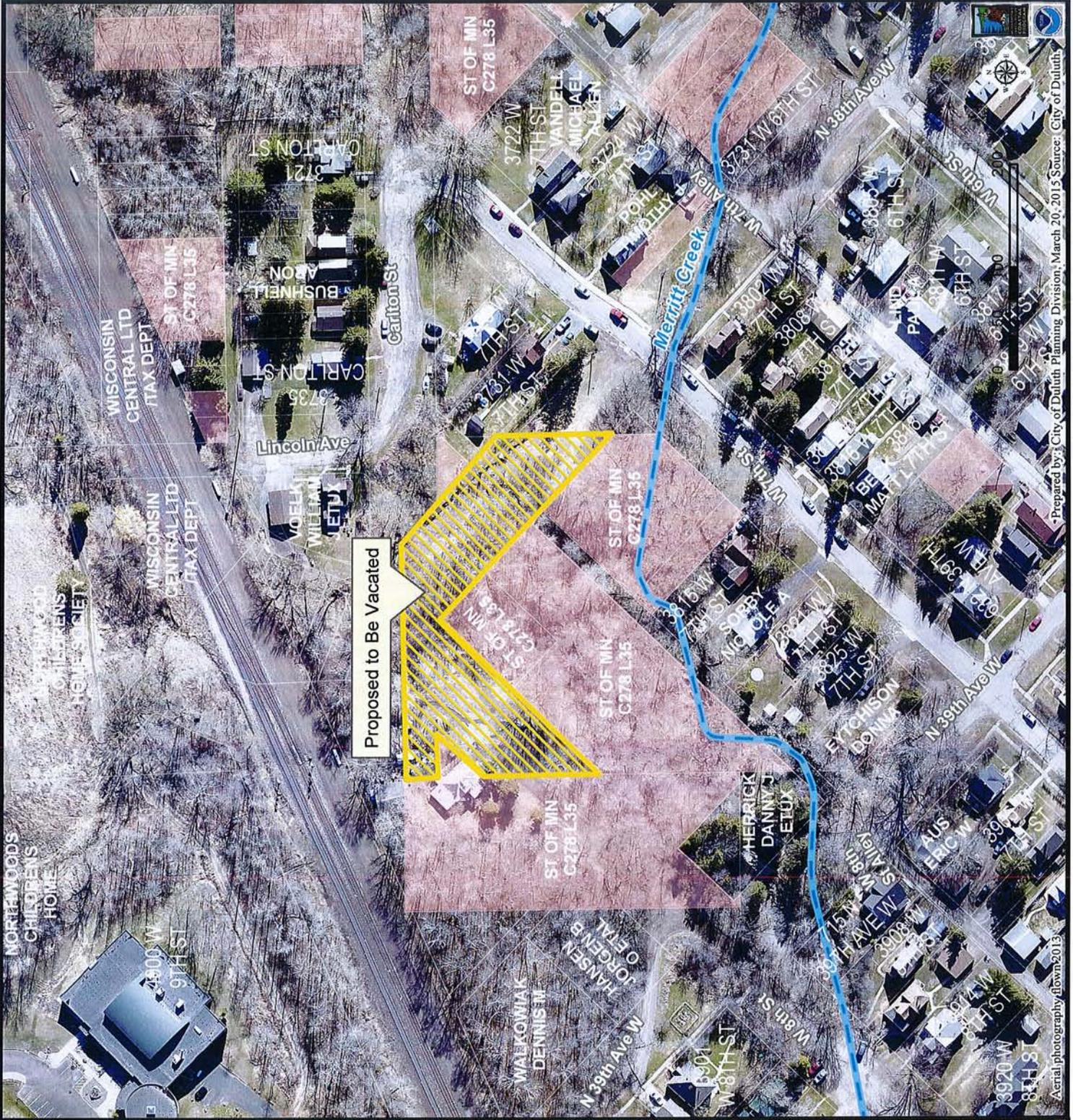
Vacations are approved by the City Council via a resolution. Vacations lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process.

2

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



City Planning
 PL 15-035
 W 8th Street



Aerial photography, flown 2013
 Prepared by: City of Duluth Planning Division, March 20, 2015 Source: City of Duluth

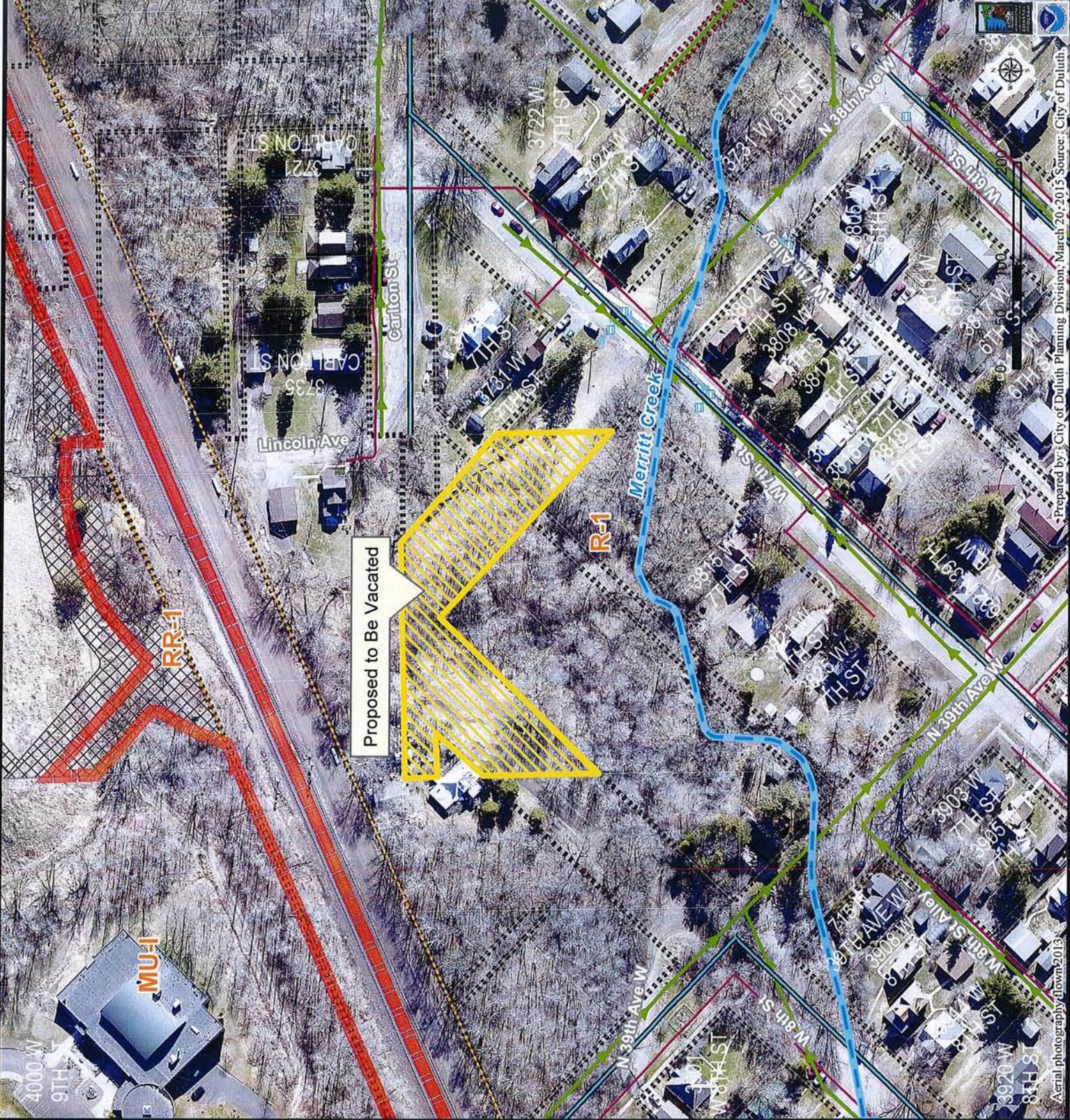
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.



City Planning
 PL 15-035
 W 8th Street

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



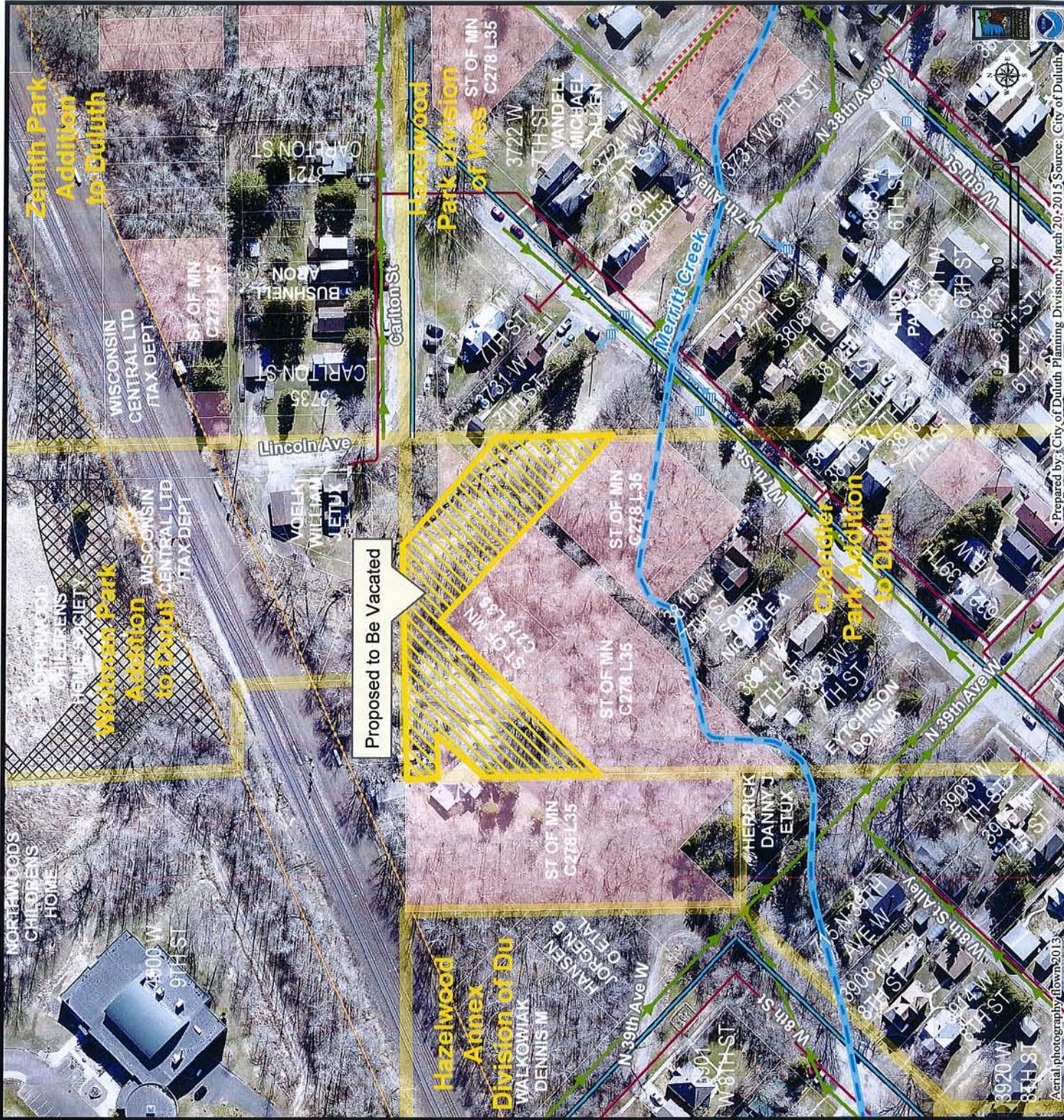
Prepared by: City of Duluth Planning Division, March 20, 2015 Source: City of Duluth

Aerial photography from 2013

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.



City Planning
 PL 15-035
 W 8th Street



Aerial photography from 2013

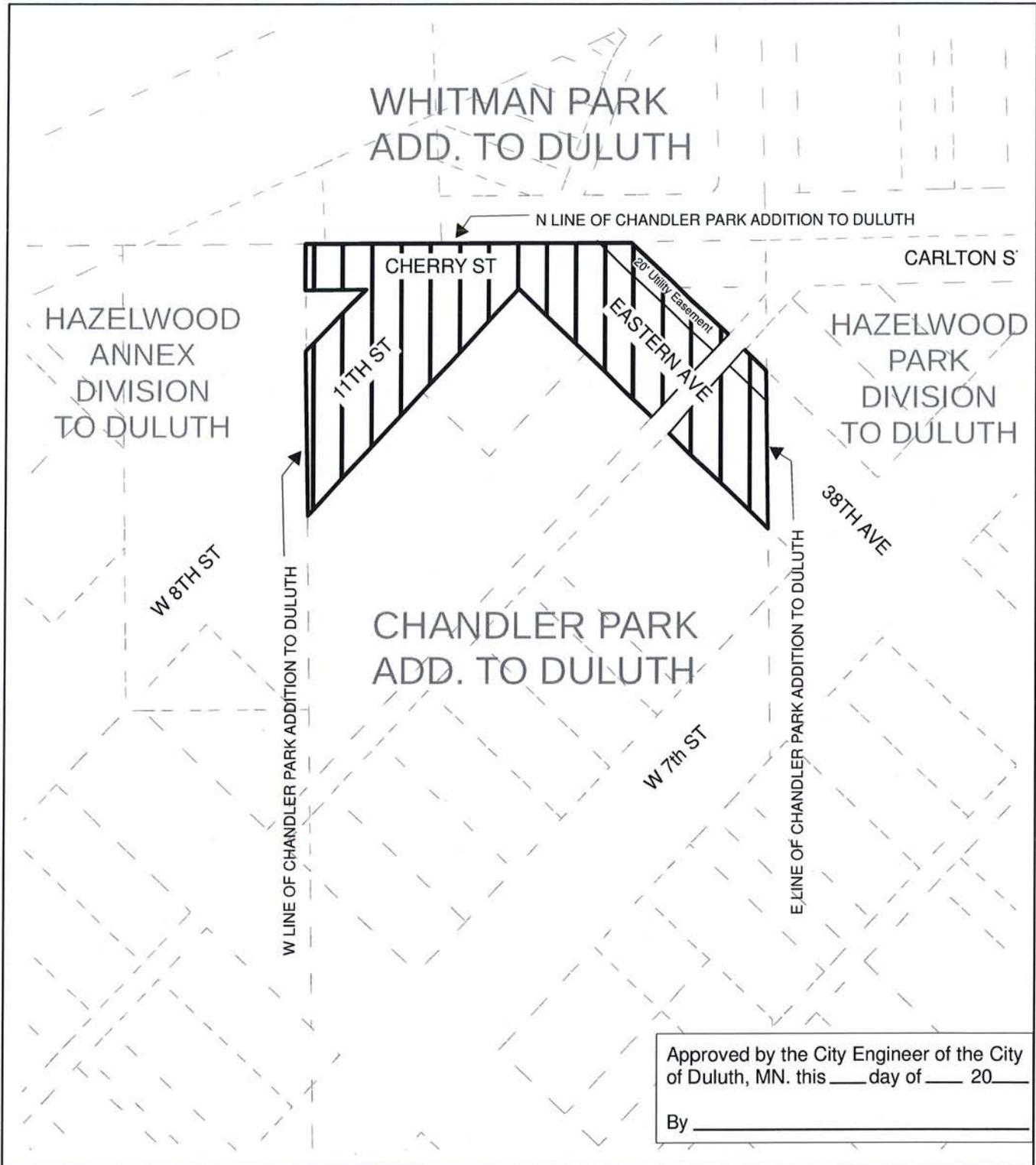
Prepared by: City of Duluth Planning Division, March 20, 2015 Source: City of Duluth

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.



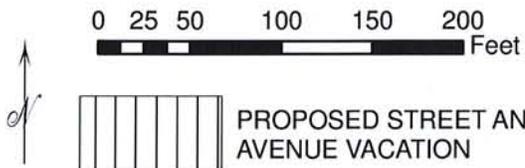
© 2013 Pict...

VACATION OF EASTERN AVE (38TH AVE) AND 11TH ST (8TH ST) CHANDLER PARK ADDITION TO DULUTH



Approved by the City Engineer of the City of Duluth, MN. this ____ day of ____ 20____

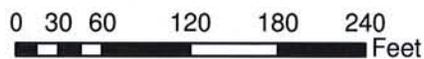
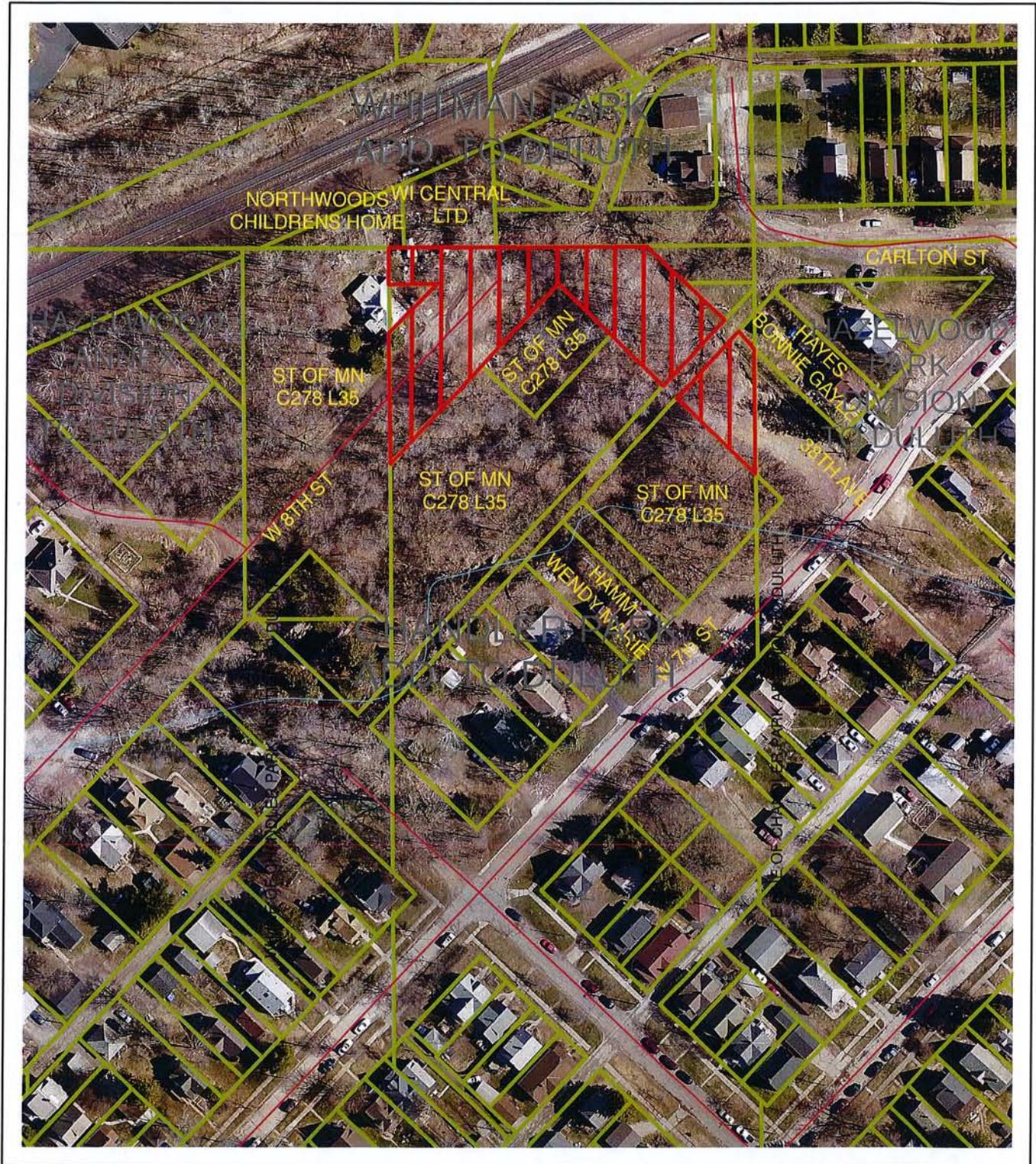
By _____



All that part of the 80 foot wide 11th Street and all that part of the 80 foot wide Eastern Avenue and all that part of the 33 foot wide Cherry Street lying South of the North line of Chandler Park Addition to Duluth, according to the recorded plat thereof, St. Louis County, Minnesota. Excepting that part lying East of the Northwestern extension of the Northeastly right of way of Eastern Avenue, lying within the boundary of said plat and retaining the Northeast 20 feet of the 38th Ave platted right of way as a utility easement.

Said parcel contains 32,670 square feet or 0.75 acres, more or less.

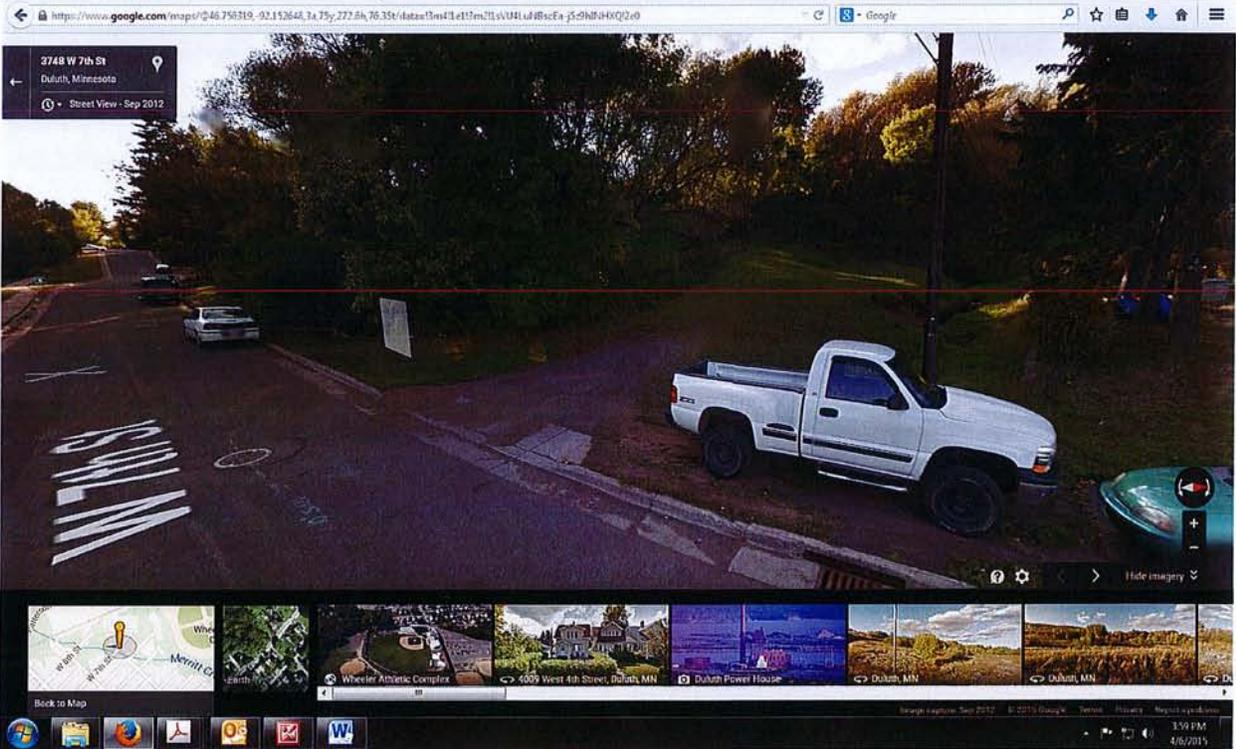
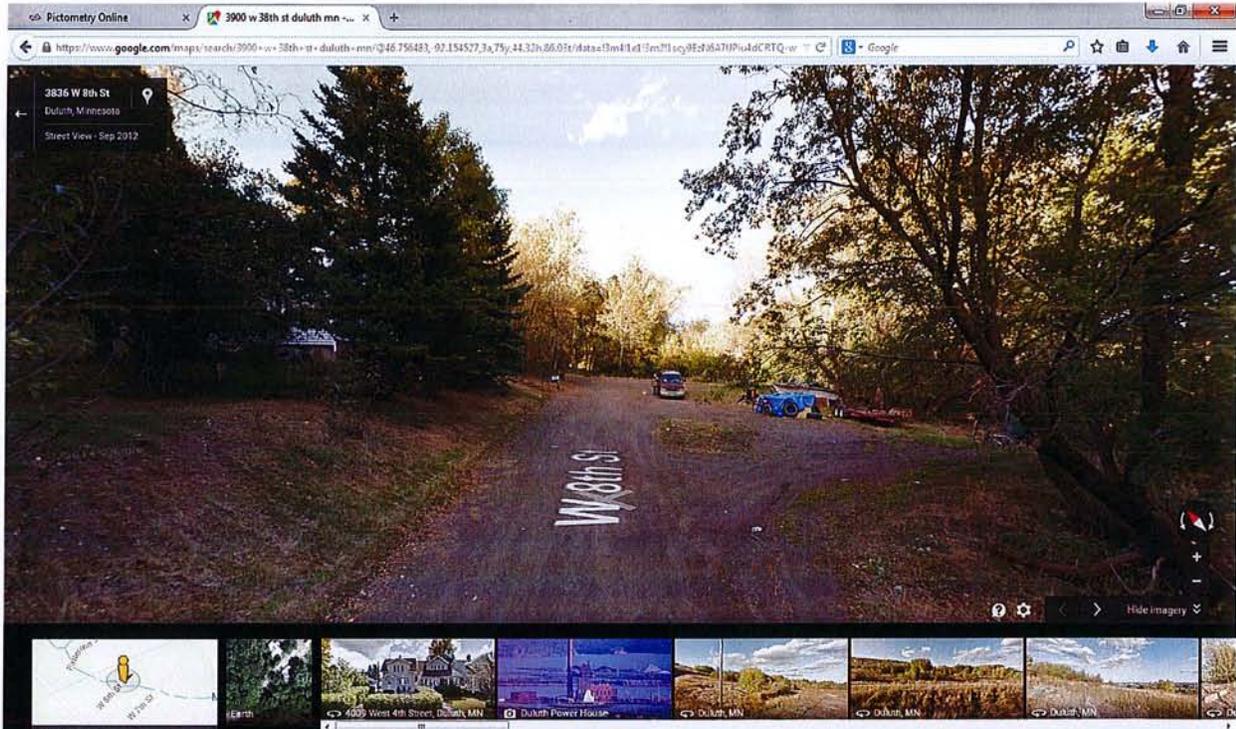
VACATION OF EASTERN AVE (38TH AVE) AND 11TH ST (8TH ST) CHANDLER PARK ADDITION TO DULUTH



PROPOSED STREET AND AVENUE VACATION

All that part of the 80 foot wide 11th Street and all that part of the 80 foot wide Eastern Avenue and all that part of the 33 foot wide Cherry Street lying South of the North line of Chandler Park Addition to Duluth, according to the recorded plat thereof, St. Louis County, Minnesota. Excepting that part lying East of the Northwestern extension of the Northeastly right of way of Eastern Avenue, lying within the boundary of said plat and retaining the NE 20 feet of the 38th Ave platted right of way as a utility easement.

Said parcel contains 32,670 square feet or 0.75 acres, more or less.



6