



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 15-049	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	March 26, 2015	60 Days	May 25, 2015
	Date Extension Letter Mailed		120 Days	July 24, 2015
Location of Subject	20th Avenue E Between 4th Street and Woodland Avenue			
Applicant	City of Duluth	Contact	Cindy Voigt, cvoigt@duluthmn.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	59	

Proposal

The Applicant is proposing to vacate a portion of 20th Avenue East between 4th Street and Woodland Avenue (66 feet wide by about 108 feet long). When the intersection of Woodland Avenue and 4th Street is improved, a portion of Heritage Park will be impacted. Vacating 20th Avenue East improves the safety of the area and allows for an improvement to the park property, as 1/2 of the newly vacated 20th Avenue East will be added to the park property.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1, R-2	Street right of way	Urban Residential
North	R-1	Residential	Traditional Neighborhood
South	R-1, R-2	Residential	Urban Residential
East	R-1	Residential	Urban Residential
West	R-2	Park	Urban Residential

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. J-1

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

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.

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 is proposing to vacate a portion of 20th Avenue East between 4th Street and Woodland Avenue (66 feet wide by about 108 feet long). When the intersection of Woodland Avenue and 4th Street is improved, a portion of Heritage Park will be impacted. Vacating 20th Avenue East improves the safety of the area and allows for an improvement to the park property, as 1/2 of the newly vacated 20th Avenue East will be added to the park property.

2) The portion of the right of way requesting to be vacated is currently improved to city standards. However, the street does not add meaningful access to any property, and is not an intragrel part of the city's transportation system.

3) The adjacent property owner at 2001 East 4th Street has signed, with the City, the vacation petition. The property owner will still have access to the property from 4th Street and the alley behind the home. In addition, the vacation exhibit is designed to still provide the property owner to access the garage from an unvacated portion of 20th Avenue East.

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. City Engineering and Parks and Recreation Department heads both co-signed the application for this project.

7) 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.

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

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the vacation of a portion of 20th Avenue East, without conditions.

2

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



City Planning
 PL 15-049
 20th Avenue E



**Proposed vacation of street
 (Rough Approximation)**



300 Feet

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

Aerial photography: flown 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 15-049
20th Avenue E

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

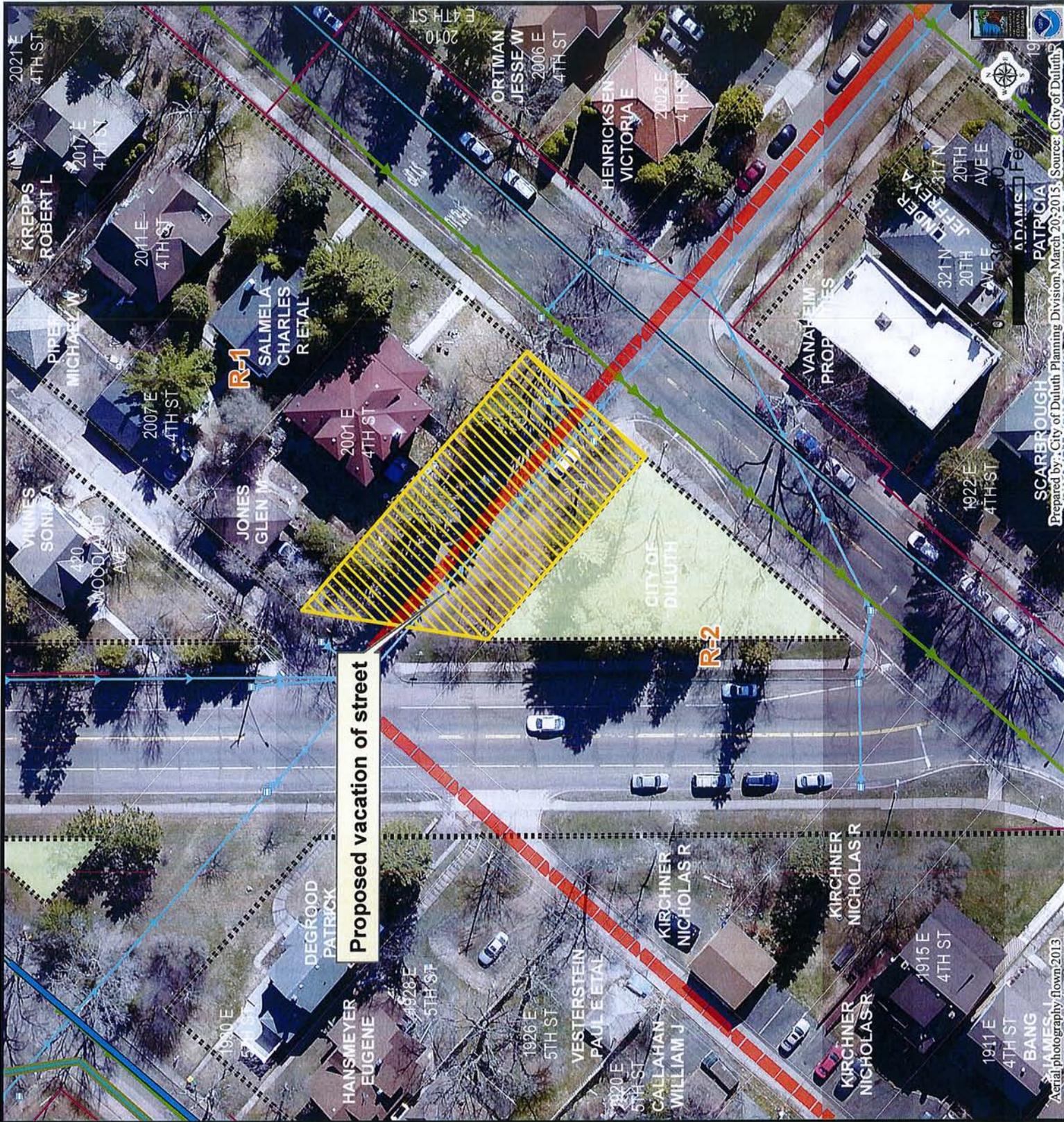
Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

Easement Type

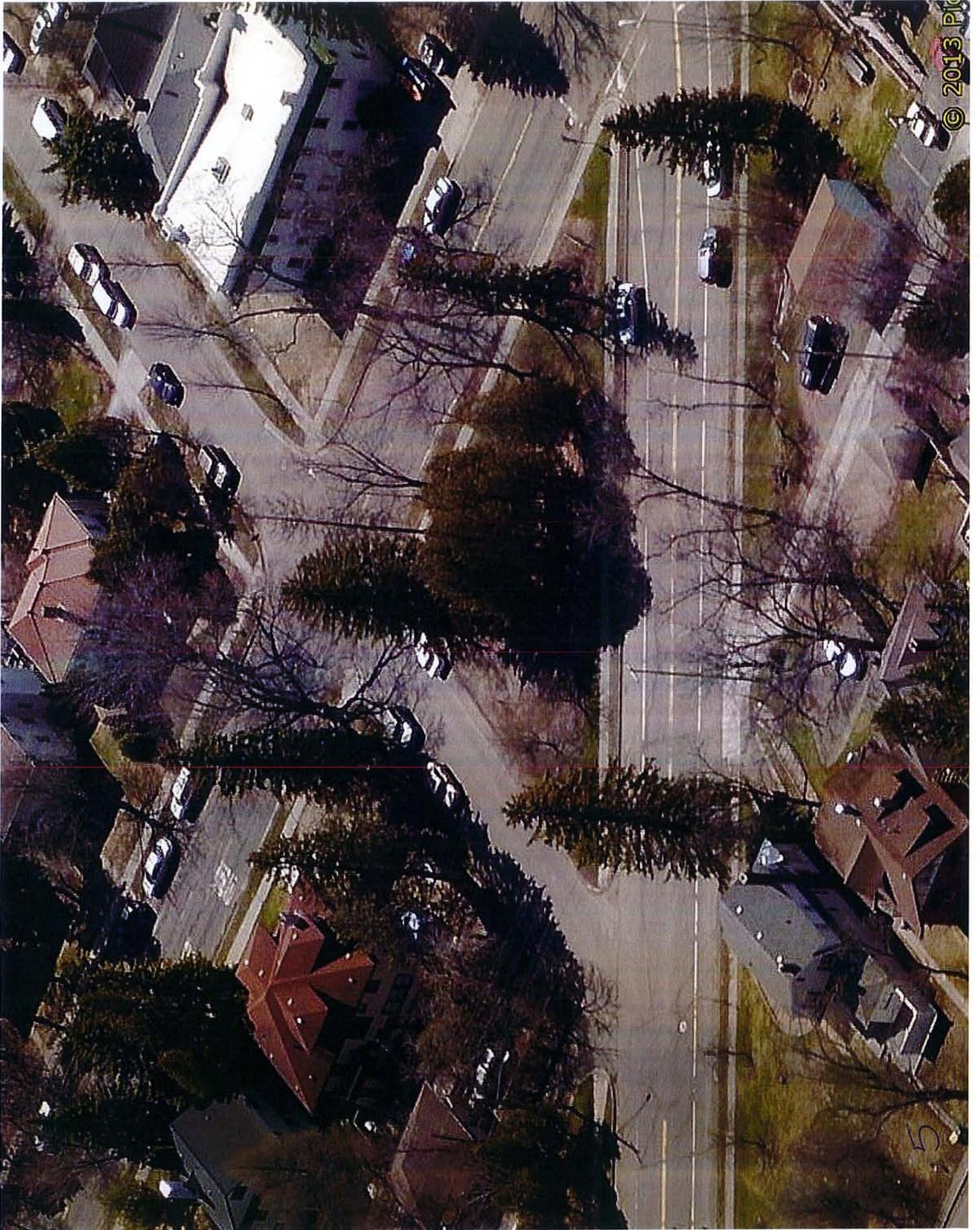
- Utility Easement
- Other Easement

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.



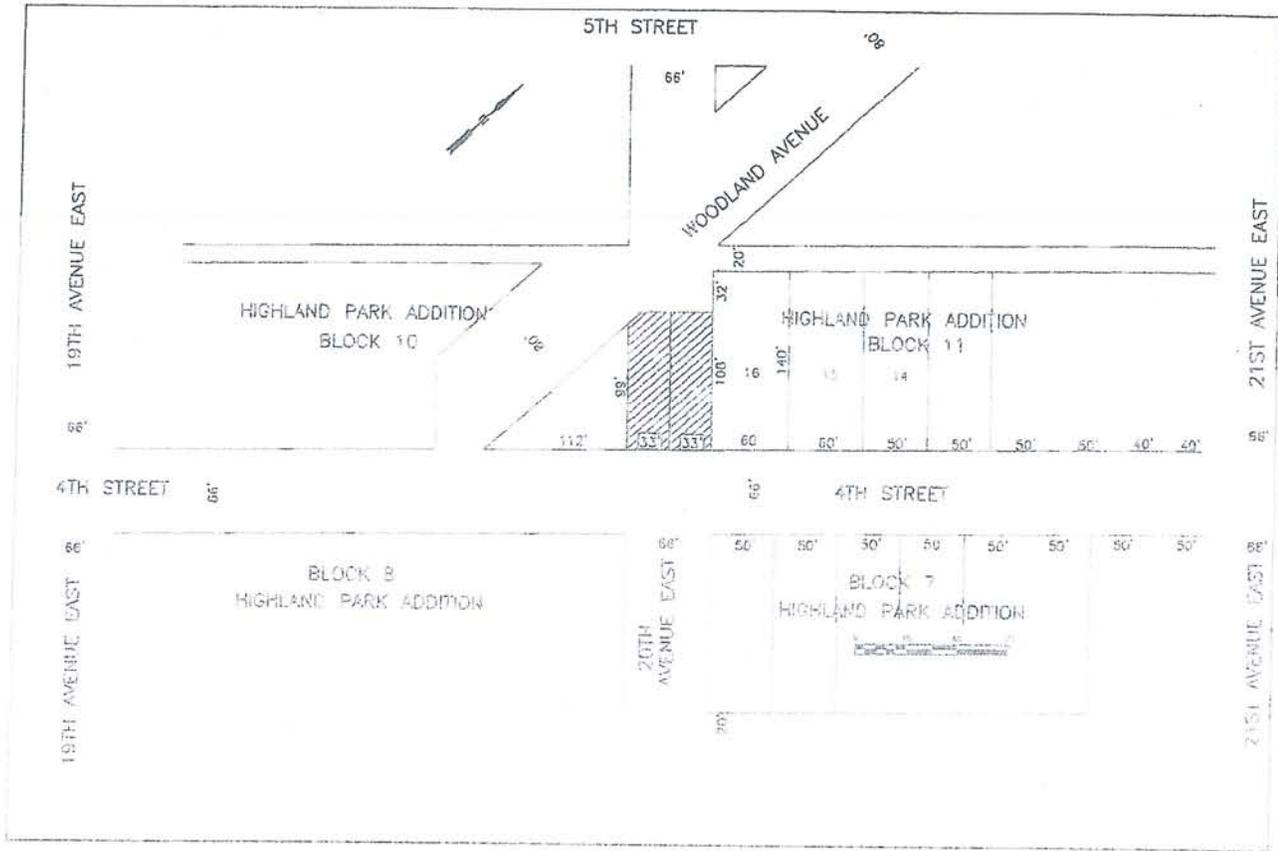
Prepared by: City of Duluth Planning Division, March 20, 2015. Source: City of Duluth

Aerial photography: flown 2013



© 2013 Pk

5



PLAT SHOWING THE VACATION OF 20TH AVENUE EAST, THAT PORTION LYING BETWEEN 4TH STREET AND WOODLAND AVENUE, ADJOINING LOT 16, BLOCK 11, HIGHLAND PARK ADDITION.

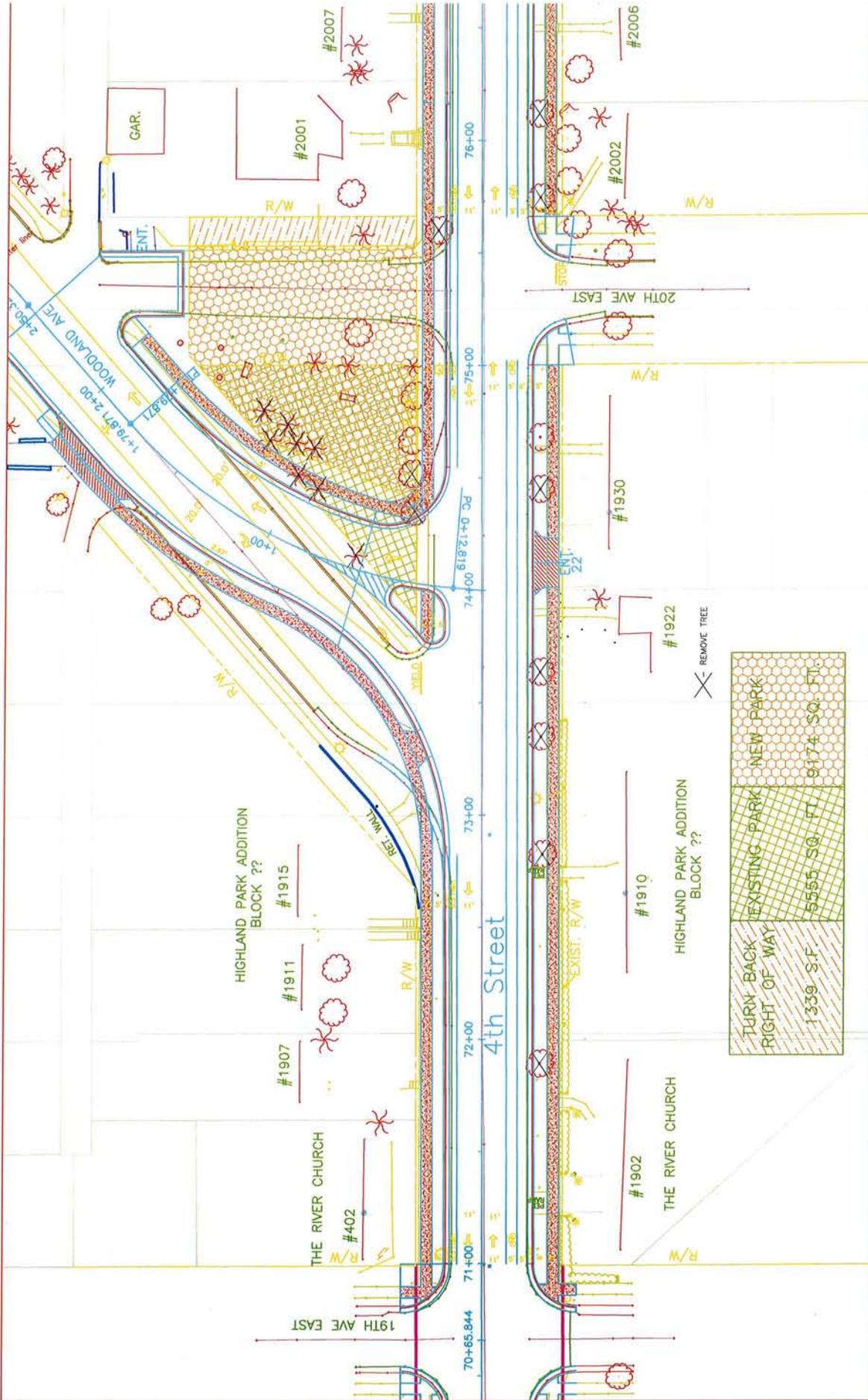
 PORTION TO BE VACATED AS SHOWN ON THE ABOVE PLAT.


 CITY ENGINEER

4-6-15
 DATE



7



2