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 15-079		**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Vacation of Alley Easement		**Planning Commission Date**	June 9, 2015	
Deadline for Action	**Application Date**	May 5, 2015	**60 Days**	July 4, 2015	
	Date Extension Letter Mailed	May 26, 2015	**120 Days**	September 2, 2015	
Location of Subject	southwest of Kenwood Ave and Arrowhead Rd				
Applicant	Kenwood Village LLC		**Contact**		
Agent	Rick McKelvey		**Contact**	952-893-8271, rick.mckelvey@uproperties.com	
Legal Description	Blocks 1, 2, and 11, Myers and Whipples Addition to Duluth				
Site Visit Date	June 2, 2015		**Sign Notice Date**	May 26, 2015	
Neighbor Letter Date	May 27, 2015		**Number of Letters Sent**	52	

Proposal

Proposal to vacate alleys in the area of the proposed Kenwood Village development at the southwest corner of Arrowhead Road and Kenwood Avenue (Block 1, 2, and 11, Myers and Whipples Addition to Duluth). A utility easement will be retained to provide Minnesota Power access to existing utility lines adjacent to existing single-family homes.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N, R-1	Undeveloped right of way	N'hood Mixed Use, Traditional Neighborhood
North	MU-N, R-1	Residential, undeveloped	N'hood Mixed Use, Traditional Neighborhood
South	R-1	Residential	N'hood Mixed Use, Traditional Neighborhood
East	MU-N	Residential, undeveloped	Neighborhood Mixed Use
West	R-1	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 Commision 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.

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

Governing Principle #5: Strengthen neighborhoods. Support neighborhood scale commercial areas.
Governing Principle #6: Reinforce the place-specific. This includes commercial areas providing neighborhood goods and services.
Governing Principle #7: Create and maintain connectivity. Consider the overall transportation system.
Governing Principle #8: Encourage mix of activities, uses, and densities.

Future Land Use - Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

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

Staff finds that:

1.) Applicant owns a majority of the property along these undeveloped alleys. Combined with an adjacent property owner who signed the petition, 60% of the property owners along the lineal footage of the subject alleys are supportive of this proposal.

2.) Kenwood Village has also applied for a Planning Review (PL 15-081) to construct a mixed-use development at the corner of Kenwood Avenue and Arrowhead Road. Alleys will not be needed with this development proposal, nor are they needed to provide access to adjacent properties.

3.) A portion of the alley is needed to provide utilities to existing single-family homes; a utility easement will be retained in this area.

4.) 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.

5.) Vacation of this alley will not create any dead-end rights of way.

6.) City Engineering has stated the vacation and utility easement are acceptable. No other public, agency, or City comments have been 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):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation and utility easement dedication, subject to the following condition:

1.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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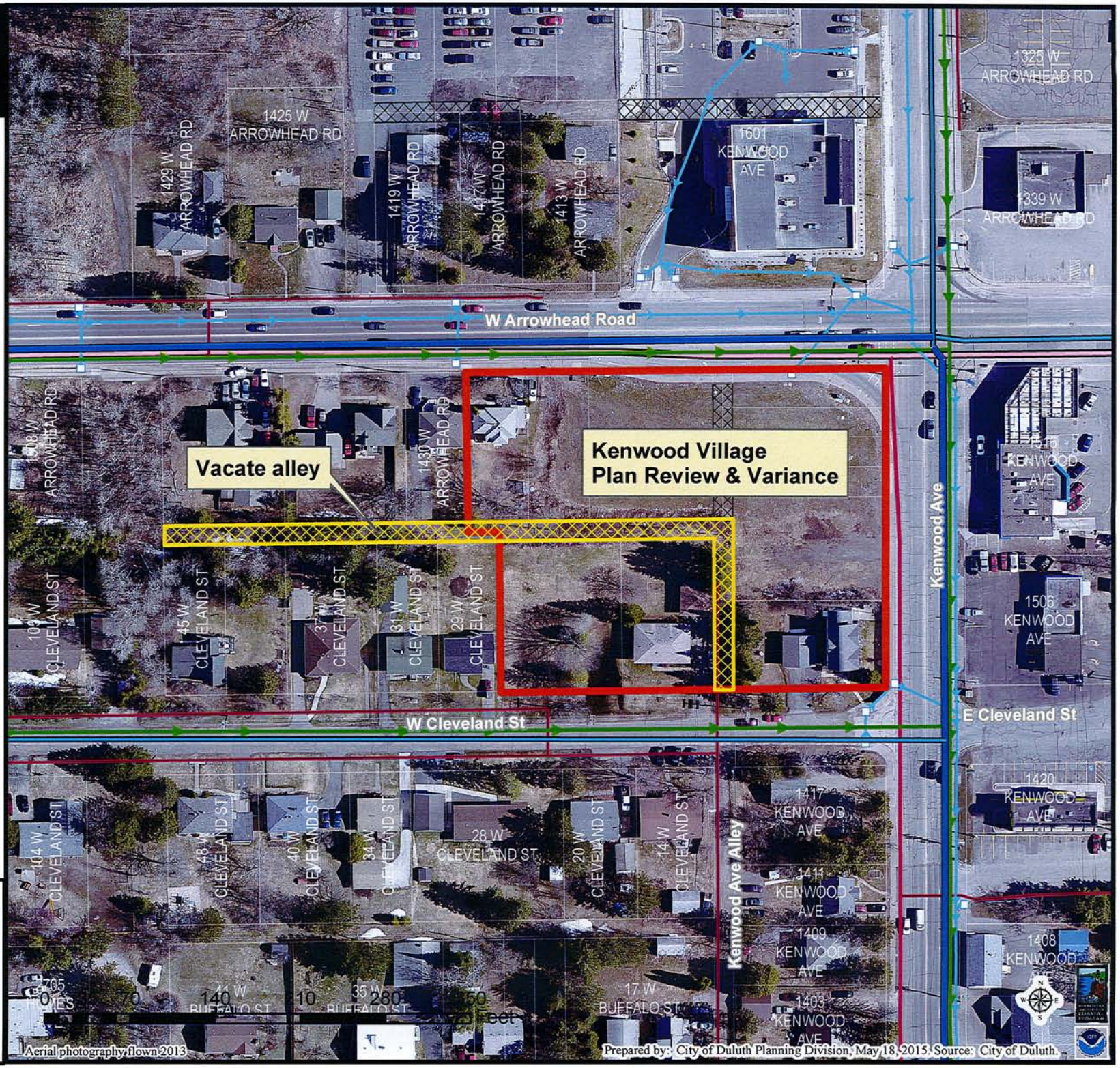
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

City Planning

PL 15-078, 15-079, & 15-081
Kenwood Village



Legend

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
- Vacated ROW

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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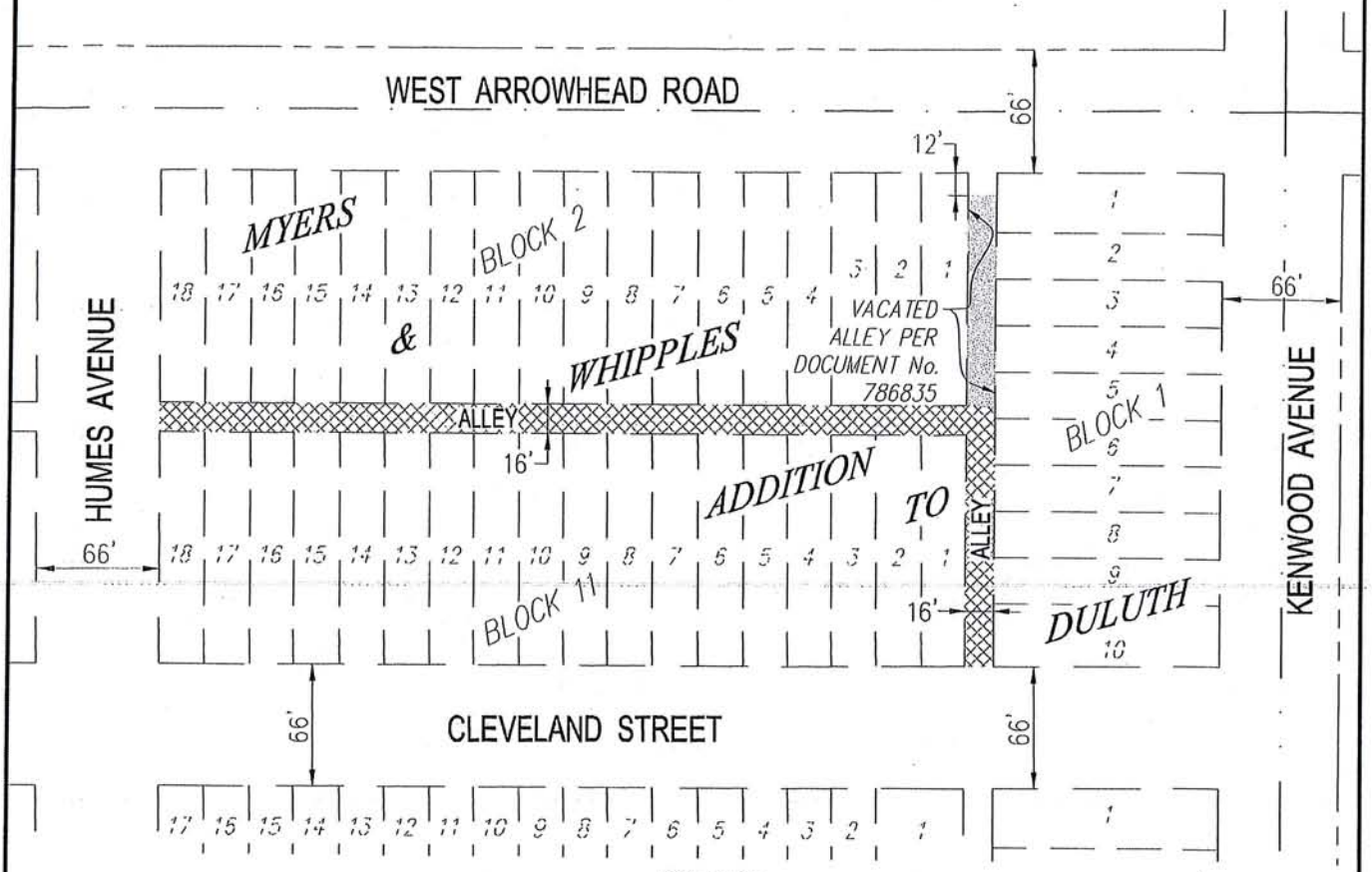
VACATION EXHIBIT

PART OF ALLEYS
MYERS & WHIPPLES ADDITION TO DULUTH



LEGEND

= VACATION AREA

= PREVIOUSLY VACATED AREA

VACATION DESCRIPTION:

ALL THOSE PARTS OF ALLEYS APPURTENANT TO BLOCK ONE (1), TWO (2) AND ELEVEN (11), MYERS & WHIPPLES ADDITION TO DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA EXCEPT THE NORTH TWELVE (12) FEET APPURTENANT TO LOT ONE (1), BLOCK ONE (1) AND LOT ONE (1), BLOCK TWO (2) AND FURTHER EXCEPTING THAT PART VACATED BY CITY COUNCIL RESOLUTION 04-0603R, ADOPTED SEPTEMBER 27TH, 2004 AND RECORDED AS DOCUMENT NO. 786835 ON OCTOBER 26TH, 2004 IN THE OFFICE OF THE REGISTRAR OF TITLES, ST. LOUIS COUNTY, MINNESOTA.

0 40 80

(SCALE IN FEET)

Basis of Bearing is Grid North, St. Louis County Transverse Mercator 96 Coordinate System.

APPROVED BY: _____
CITY ENGINEER

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.

Print Name: Paul A. Vogel License # 44075

Signature: _____ Date: 5/04/2015

DATE PREPARED: 5/04/15

PROJ NO: 140719

FILE: 140719vALLEY

SHEET 1 of 1 SHEETS

LHB PERFORMANCE DRIVEN DESIGN.
LHBcorp.com
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RECEIVED MAY 0 5 2015

FILE: ...\140719\Drawings\Survey\140719vALLEY VACATION.dwg

VACATION DESCRIPTION:

All those parts of Alleys appurtenant to Block One (1), Two (2) and Eleven (11), MYERS & WHIPPLES ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota EXCEPT the north Twelve (12) feet appurtenant to Lot One (1), Block One (1) and Lot One (1), Block Two (2) and FURTHER EXCEPTING that part vacated by City council Resolution 04-0603R, adopted September 27th, 2004 and recorded as Document No. 786825 on October 26th, 2004 in the Office of the Registrar of Titles, St. Louis County, Minnesota.

I hereby certify that this survey, plan, 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.

Paul A. Vogel

Signed

Date 5/04/2015 License No. 44075

PAUL A. VOGEL
LICENSED
LAND
SURVEYOR
No.44075
STATE OF MINNESOTA

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RECEIVED MAY 05 2015