City of Duluth
Planning Division

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Planning Commission Agenda
Council Chambers, 3rd Floor Duluth City Hall
Wednesday, February 17, 2016 5:00 PM

I. Call to Order and Roll Call

II. Public Hearings
- A. PL 16-010 Vacation and Rededication of Pedestrian Easement for Rockridge School at 4849 Ivanhoe Street by Duluth School District ISD 709

III. Other Business
- A. Additional Discussion on Preliminary New Rules and Standards for Vacation Rental by Owner, Air BNB, and Home Away/Home Share (One Year Moratorium, Per Ord. 10390, Effective Date July 17, 2015)
- B. Potential Revisions to the UDC (Draft Discussion Topics):

  -50-15.6.E MU-W Development Standards. Clarify the 200 Foot Rule.
  -50-18.1.D Shorelands. Exception for Removing Invasive Plants in the Shoreland Areas, and Revised Setbacks for Ground Mounted Solar Equipment.
  -50-19 Use: Theater in F-3, Brewery/Craft in F-4 and/or I-G.
  -50-20.5 Accessory Uses. Clarifying Use Specific Standards for Accessory Structures (Storage/Shipping Containers).
  -50-20.7 Adaptive Reuse of a Local Historic Landmark. Adding Adaptive Reuse in the R-P District.
  -50-21.3 Exceptions and Encroachments (Table). Clarifying Setback for Open, Uncovered Porch.
  -50-22.4 Form District Standards, Cap Types. Clarify Roof Pitch of Form Districts.
  -50-24.2 Parking: Middle/High School (Increase Parking Requirements).
  -50-29 Sustainability Standards (Table). Clarify some of the standards.
  -50-37.9.C Variance: Ensuring compliance with state statute.
  -50-38.3 Non-Conforming Buildings. Ensuring compliance with state statute.

IV. Communications
- A. Adjournment

CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL 16-010		**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Easement Vacation and Rededication		**Planning Commission Date**	February 17, 2016	
Deadline for Action	**Application Date**	February 5, 2016	**60 Days**	April 5, 2016	
	Date Extension Letter Mailed	February 9, 2016	**120 Days**	June 4, 2016	
Location of Subject	4849 Ivanhoe Street				
Applicant	ISD #709		**Contact**	Kerry Leider, Kerry.Leider@isd709.org	
Agent	N/A		**Contact**	N/A	
Legal Description	See attached				
Site Visit Date	N/A		**Sign Notice Date**	February 3, 2016	
Neighbor Letter Date	February 5, 2016		**Number of Letters Sent**	28	

Proposal

ISD #709 would like to vacate a pedestrian easement over Lots 1-5, LAKESIDE GARDENS, to enable the buyer of the property to build a single family home. A pedestrian easement will be rededicated over a portion of vacated Norwood Street.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Vacant	Traditional Neighborhood
North	R-P	Vacant/Former School (Empty)	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Vacant	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.

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

Governing Principle #7 - Create and maintain connectivity

Future Land Use - Traditional Neighborhood: 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.

History: This site is part of the property that contains the former Rockridge Elementary School. In 2011, the Comprehensive Plan Future Land Use Map changed this area to the designation of "Traditional Neighborhood." In 2014, the area was rezoned to Residential-Planned.

The purpose of this pedestrian easement, at the time of dedication, was to maintain pedestrian connectivity between neighborhoods.

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

Staff finds that:

1.) This site is part of the property that contains the former Rockridge Elementary School. ISD #709 has a purchase agreement from a buyer for this portion of the property. The prospective buyer, in order to build a single family home on the property, would like to vacate an existing pedestrian easement and rededicate a pedestrian easement along Norwood Street. The existing easement is undeveloped and currently does not serve pedestrians.

2.) As part of the planning considerations during the R-P concept plan process, this easement was deemed an important east-west neighborhood connection. The proposed easement to be dedicated will provide an alternate east-west connection through the former school property, in tandem with the pedestrian easement already in place along the eastern portion of vacated Norwood Street. The rededicated easement will also serve to better connect residents from west to the pedestrian easement leading north to Hawk Ridge.

3.) There are no utilities in the easement proposed for vacation.

4.) Based on the above findings, this alley 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; and is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

5.) The vacations will not deprive any currently platted lots of access to a public right of way, and will not result in any dead ends.

6.) One phone call with questions was received from a neighbor. No other public, agency, or City comments were received.

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 Planning Commission recommend approval of the alley vacation with the following conditions:

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.

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

City Planning

PL 16-010
4849 Ivanhoe Street

Legend

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.

Exhibit B

Rockridge Elementary School Property

Scale

0 50' 100' 200' 300' 400' 500' 1000'

DRAFT 04/29/14

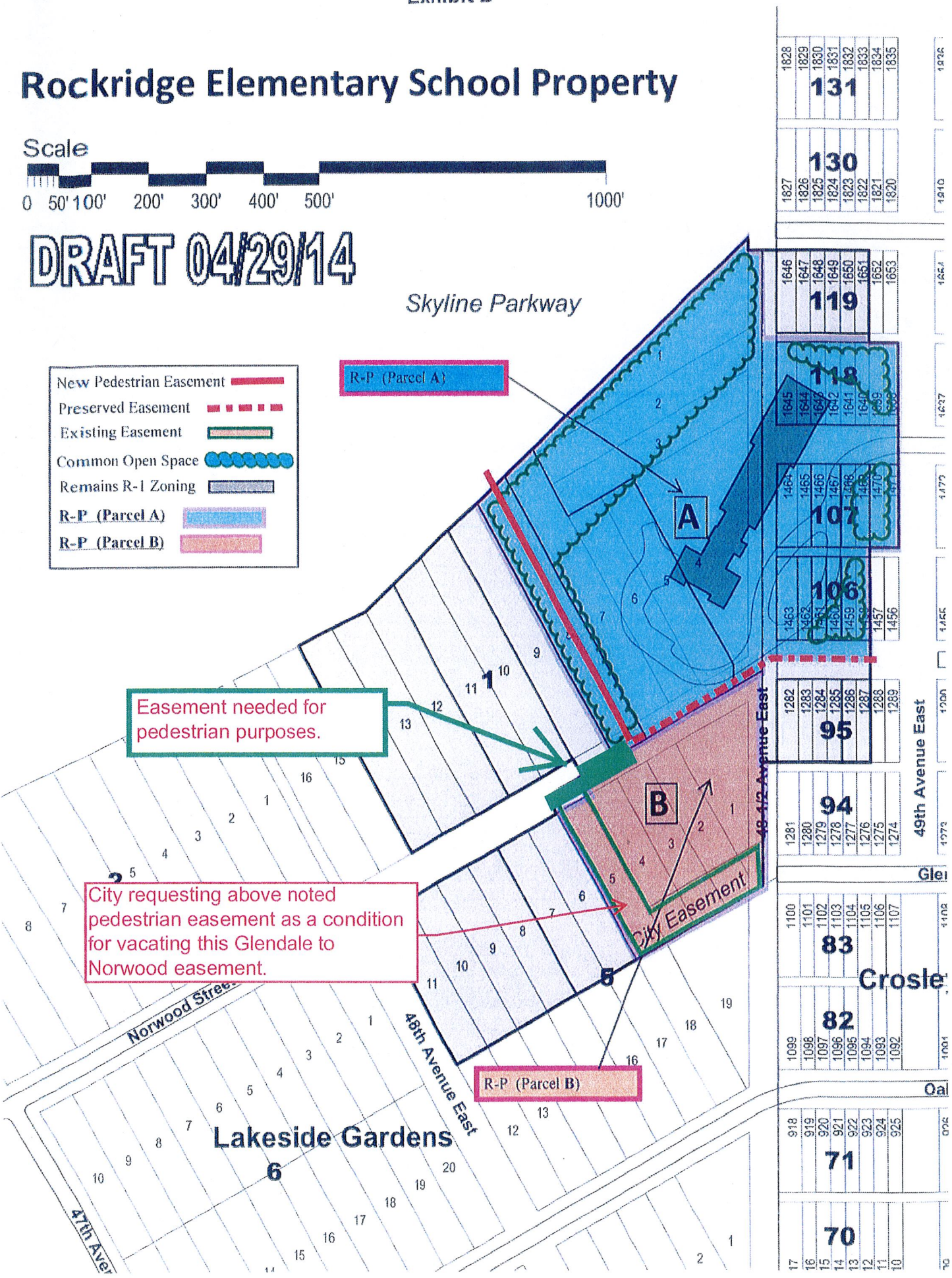

Exhibit A

STREET EASEMENT LEGAL DESCRIPTION
Rockridge School Site

Lot 1,2,3,4 and 5 Block 5 LAKESIDE GARDENS are subject to easement in favor of the City of Duluth for use of the public for street purposes over and across a strip of land 66 feet in width described as follows:

Commencing at a point on the Southerly line of Norwood Street and distant 33 feet Easterly of the common line between Lots 5 and 6, Block 5, in said Lakeside Gardens, thence Southeasterly along a line parallel with and distant 33 feet Easterly from said common line between said Lots 5 and 6 for a distance of 250 feet to a point, thence to the left along a line parallel with and distant 33 feet from the center line of Block 5, Lakeside Gardens, and extending across the rear of said Lots 5,4,3 and 2, Block 5, Lakeside Gardens, to the Westerly line of 48 ½ Avenue East, and there terminating.