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 16-002		**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Alley Vacation		**Planning Commission Date**	February 9, 2016	
Deadline for Action	**Application Date**	N/A	**60 Days**	N/A	
	Date Extension Letter Mailed	N/A	**120 Days**	N/A	
Location of Subject	4441 Grand Avenue				
Applicant	City of Duluth		**Contact**	jmoses@duluthmn.gov	
Agent	N/A		**Contact**	N/A	
Legal Description	Easterly 16 feet of Lots 1-4, Block 8, GRAND CENTRAL DIVISION - See attached for full legal				
Site Visit Date	N/A		**Sign Notice Date**	January 25, 2016	
Neighbor Letter Date	January 26, 2016		**Number of Letters Sent**	14	

Proposal

The City of Duluth is proposing to vacate an undeveloped alley at 4441 Grand Avenue. The City and community partners are working to develop a greenhouse and community garden at this site.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant	Neighborhood Commercial
North	R-1	School	Institutional
South	MU-N	Vacant	Neighborhood Commercial
East	R-1	School	Neighborhood Commercial
West	MU-N	Commercial (Walgreens)	Neighborhood Commercial

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 #1 - Reuse previously developed land
Governing Principle #7 - Create and maintain connectivity

Future Land Use - Neighborhood Commercial: Small- to moderate scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail. Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

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

Staff finds that:

1.) This property was formerly a church parking lot. The adjacent church was demolished after the 2012 flood; due to FEMA requirements, the parcel to the south cannot be used for any structure. The City is working on plans to establish a community garden on the parcel to the south, and a greenhouse on the portion of the site containing the proposed alley vacation.

2.) The subject alley abuts another alley and the 4th Street right of way, both of which have previously been vacated. Thus, this alley serves no connectivity purposes. Conversations with neighboring property owners (ISD #709, Dairy Queen) indicate no need for an alley in this location.

3.) Due to the presence of nearby utilities, this area will be included in an easement currently being dedicated through City Engineering. ISD #709 has indicated interest in maintaining access to the school via nearby vacated 4th Street. The City will deed the portion of the driveway on City property to the school district. Utility easements and a deed to ISD #709 will appear before City Council simultaneously with this 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.) 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.) A utility easement be accepted by City Council, and driveway access be deeded to the school district, simultaneously with this vacation.

2.) 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 16-002
4441 Grand Ave

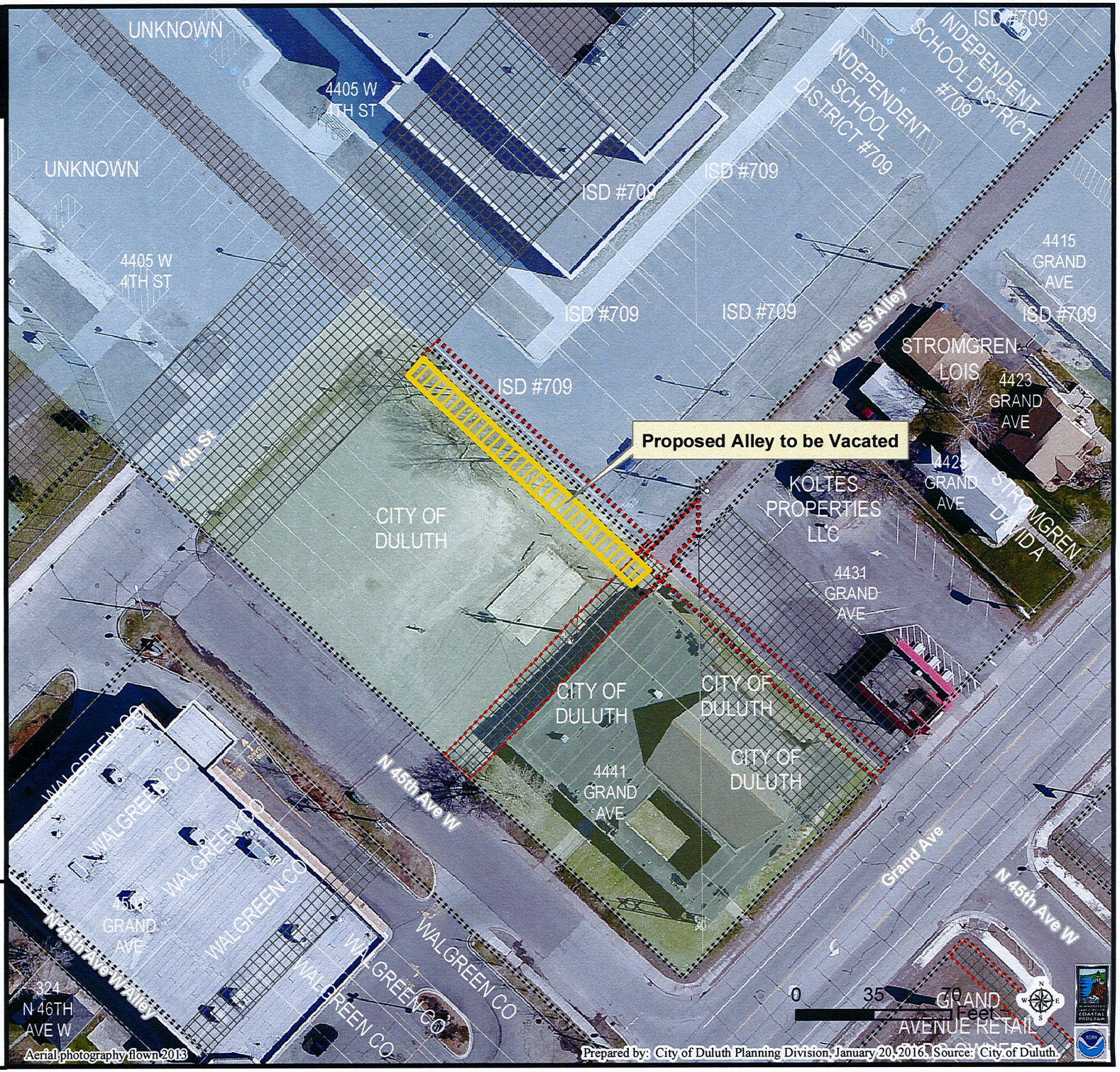
Legend

Right-of-Way Type
- Road or Alley ROW
- Vacated ROW

Easement Type
- Utility Easement
- Other Easement

Titleholder (6 class)

Public Owned Land
- Tax Forfeited
- City
- School
- County
- State
- Federal



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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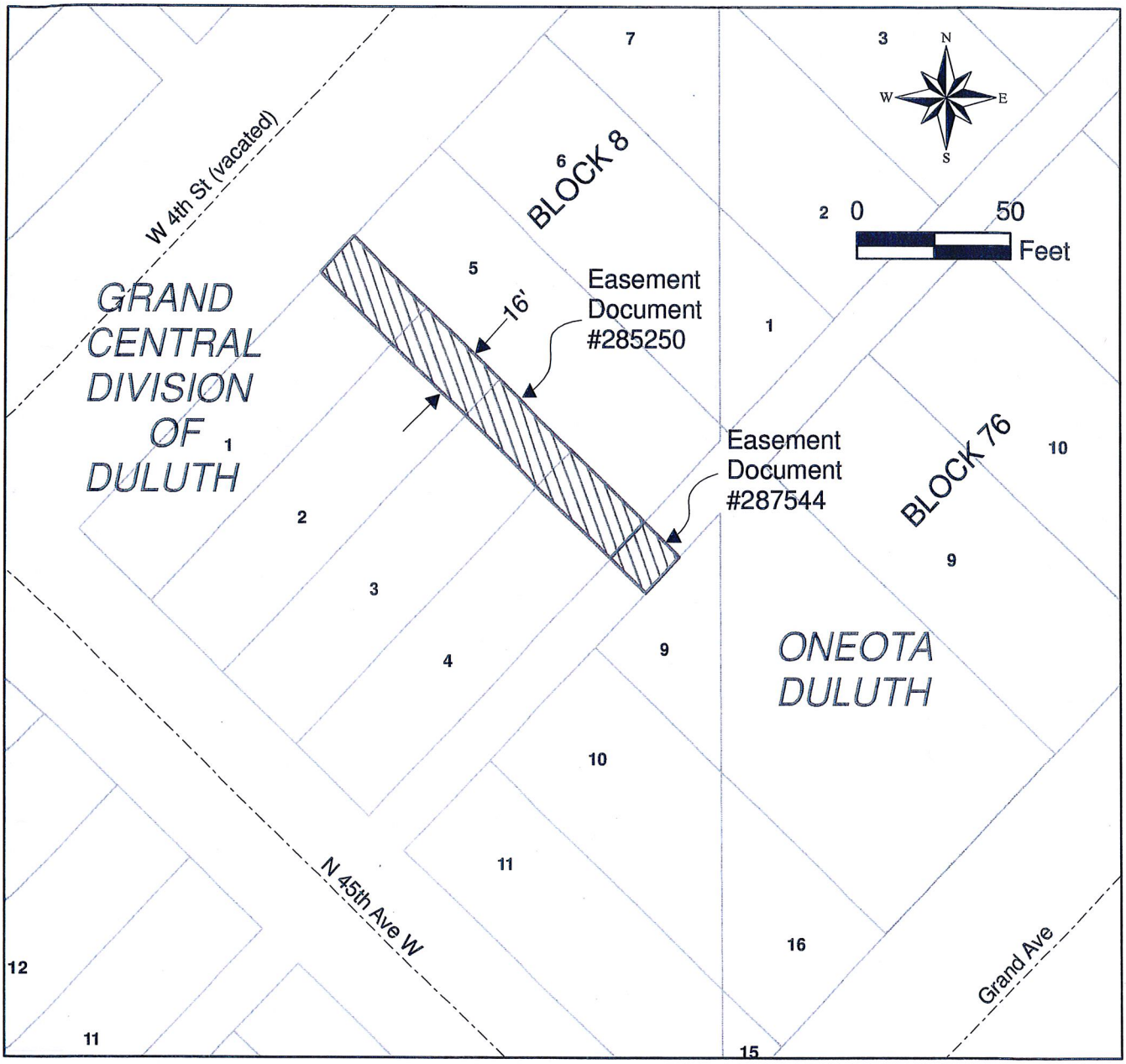
Exhibit A



Vacation

Vacation of the easements for pedestrian and vehicular travel described in recorded document 285250 as The Easterly sixteen feet of Lots 1-4, Block 8, GRAND CENTRAL DIVISION OF DULUTH, and in recorded document 287544 as All that part of the vacated W 4th St Alley abutting on Lot 4, Block 8, GRAND CENTRAL DIVISION OF DULUTH, lying within sixteen feet of the dividing line between Lots 4 and 5 in said Block 8, extended across said Alley.

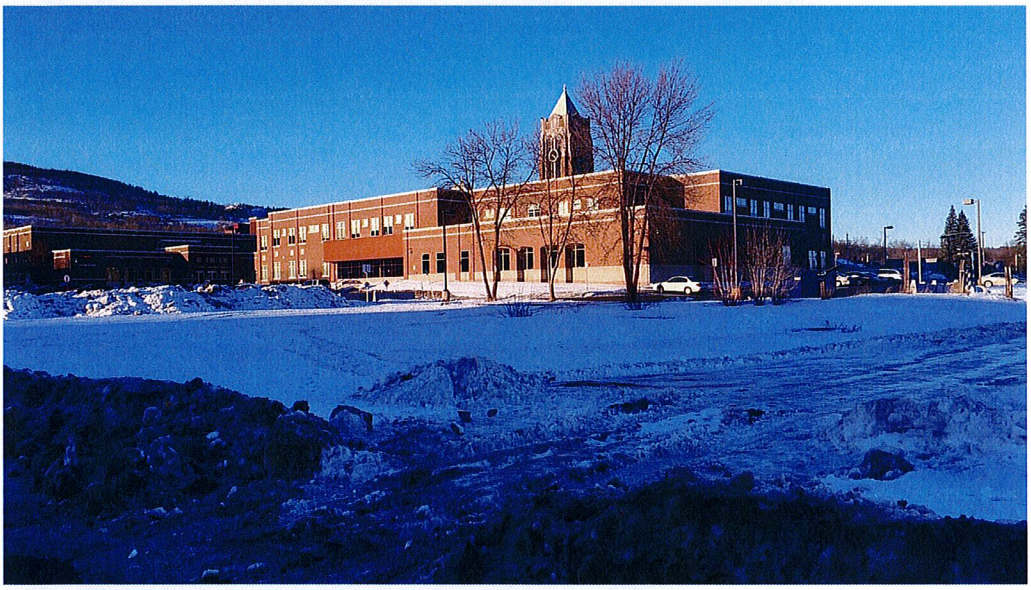
for APPROVED BY CITY ENGINEER

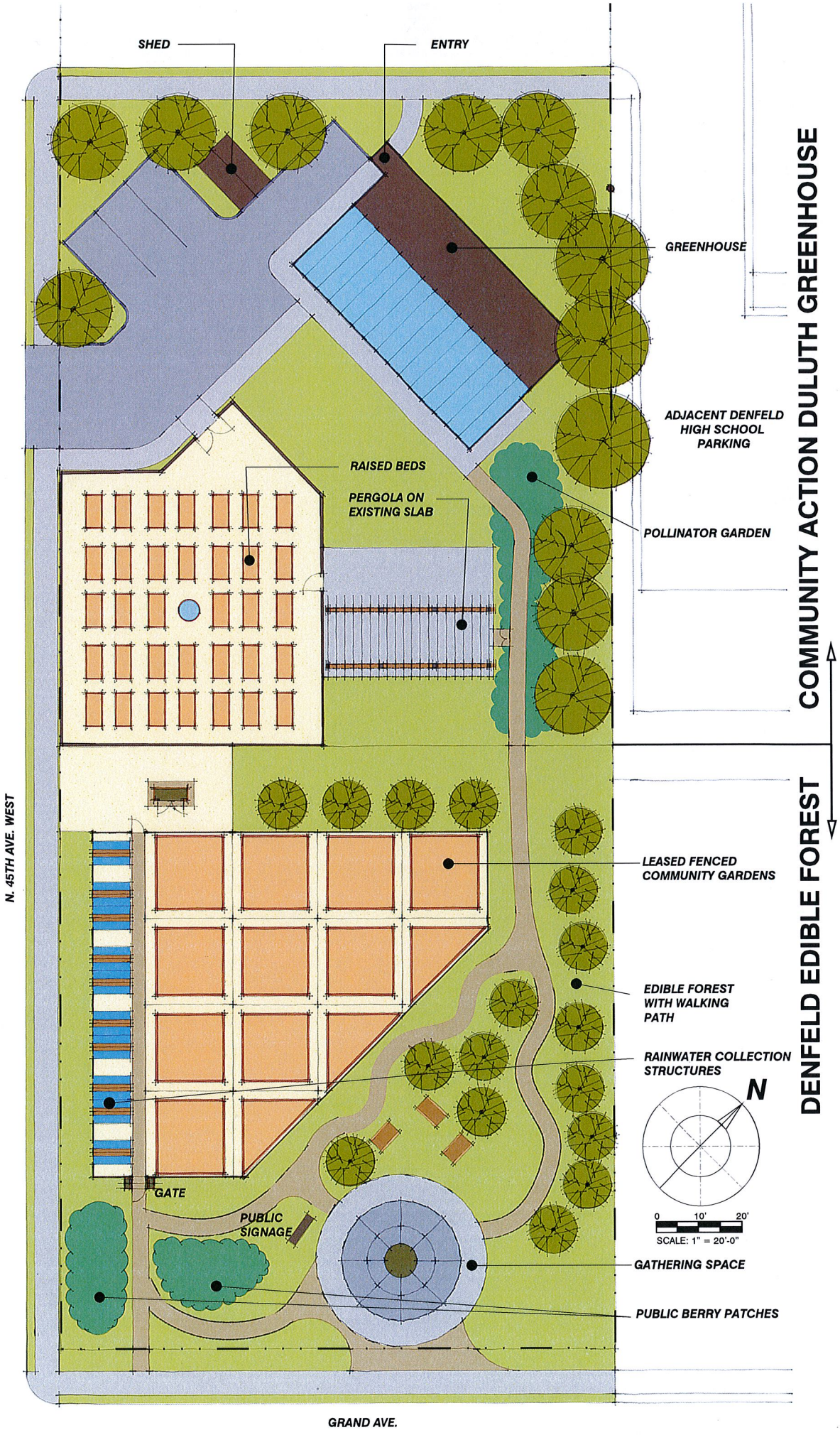
1/11/16
DATE

G-4

4441 Grand Avenue

Site Photos




SHED
ENTRY
GREENHOUSE
ADJACENT DENFELD HIGH SCHOOL PARKING
RAISED BEDS
PERGOLA ON EXISTING SLAB
POLLINATOR GARDEN
COMMUNITY ACTION DULUTH GREENHOUSE
DENFELD EDIBLE FOREST
N. 45TH AVE. WEST
LEASED FENCED COMMUNITY GARDENS
EDIBLE FOREST WITH WALKING PATH
RAINWATER COLLECTION STRUCTURES
N
GATE
PUBLIC SIGNAGE
0 10' 20'
SCALE: 1" = 20'-0"
GATHERING SPACE
PUBLIC BERRY PATCHES
GRAND AVE.

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