



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 13-160	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Quick Plat	Planning Commission Date	January 14, 2014	
Deadline for Action	Application Date	December 9, 2013	60 Days	February 7, 2014
	Date Extension Letter Mailed	December 20, 2013	120 Days	April 8, 2014
Location of Subject	6008 Tioga Street			
Applicant	Fred Soberg	Contact	fsoberg@juno.com, 724-541-5325	
Agent	Nathanael Deloach	Contact	njdeloach@gmail.com, 218-461-2775	
Legal Description	010-2850-01980 and 010-2850-02020			
Site Visit Date		Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant wants to turn three 50' lots into two 75' lots.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	F-2	Veterinary Hospital/Residential	Neighborhood Mixed Use
East	R-1/MU-N	Residential	Neighborhood Mixed Use
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

50-33.1 General: All subdivisions, plats, and replats, shall create lots consistent with the requirements of the zone district within which the zone is located.

50-33.4 General Lot Design and Layout- A. All lots shall have frontage on a public street.

50-37.5.E.3. The planning commission shall approve the application, or approve it with modifications, if it determines that the application:

- (a) Is consistent with all provisions of MSA 462.358 and 505 or 508, as applicable;
- (b) Each resulting lot or parcel meets all of the dimensional requirements for the zone district in which the property is located;
- (c) Each resulting lot or parcel has access to a public street.

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

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. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

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

Staff finds that:

- 1.) The proposed lots have street frontage and meet the minimum lot area and lot frontage requirements for the R-1 district.
- 2.) The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable. Per these statutes, applicant will need to prepare a plat meeting the requirements of 505 or a Registered Land Survey meeting the requirements of 508 and follow filing procedures with St. Louis County.
- 3.) Approval of this quick plat signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements.
- 4.) This subdivision approval lapses if not recorded with St. Louis County within 90 days. Applicant must provide the City with proof of recording.
- 5.) No public, agency, or City comments were received.

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

Based on the above findings, Staff recommends that Planning Commission approve the Quick Plat, subject to the following conditions:

- 1.) A plat or Registered Land Survey be prepared according to MSA 505 or 508, and filed with St. Louis County within 90 days.
- 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; 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)

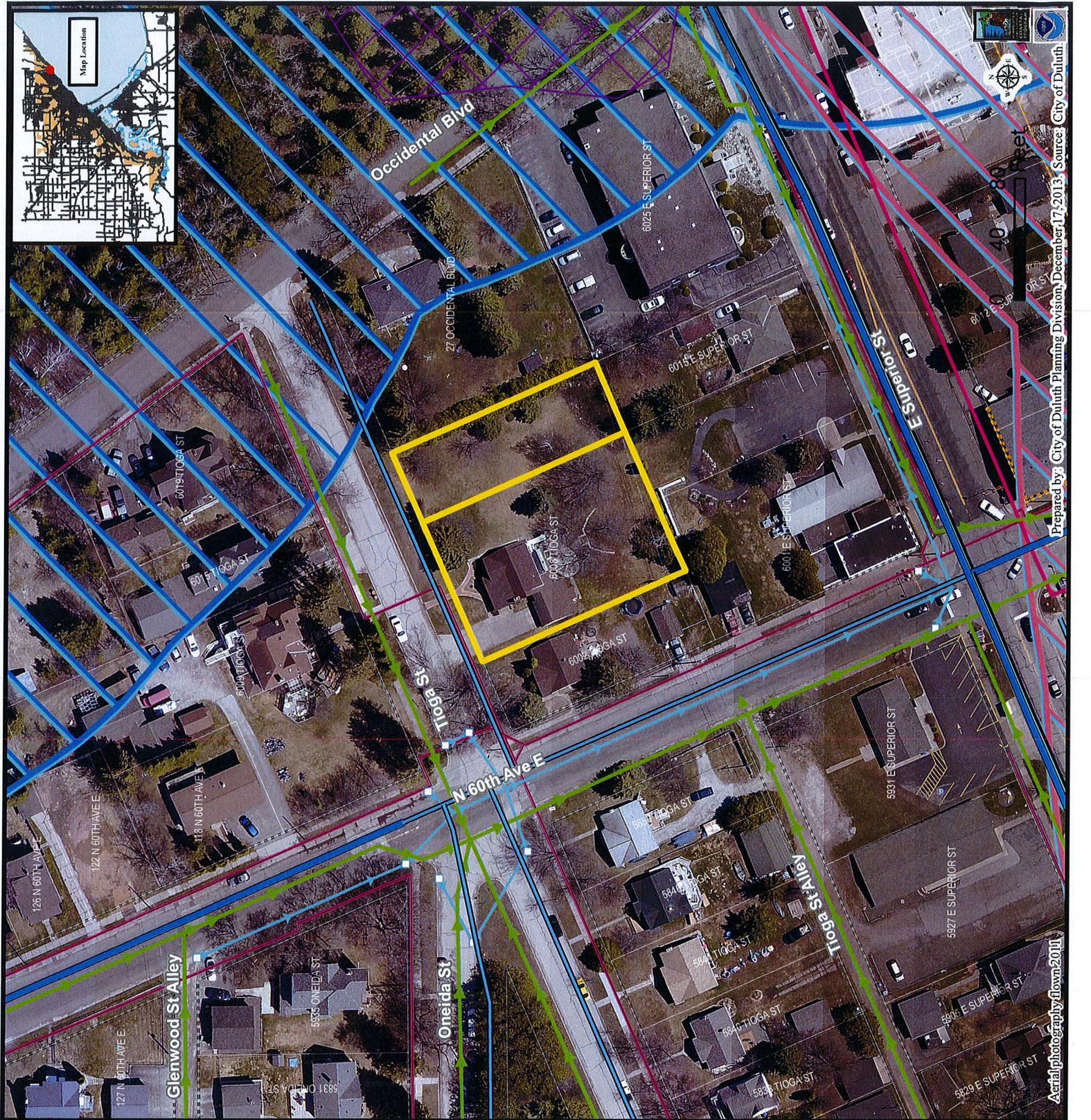


City Planning
 PL 13-160
 Quick Plat
 6008 Tioga Street

Legend

- Stream Type**
 - Trout Stream (GPS)
 - Other Stream (GPS)
- 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
- Discharge_Points**
- Right-of-Way Type**
 - Road or Alley ROW
 - Vacated ROW
- Easement Type**
 - Utility Easement
 - Other Easement
- Shoreland Overlay Zone**
 - Cold Water
 - Natural Environment
 - General Development
- Floodplain Type**
 - General Flood Plain
 - Flood Way
 - Flood Fringe

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, December 17, 2013. Source: City of Duluth

Aerial photography flown 2011

Text of Descriptions from Quit Claim Deeds found at the St. Louis County Courthouse
(Torrens #780029, Abstract #949848) (Abstract #949849)

Legal Description, Parcel "A":

Lot Four (4), Block Thirty-eight (38), LESTER PARK, THIRD DIVISION, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County and State.

Subject to easements, conditions and restrictions of record.

AND

The West Half of Lot Five (5), Block Thirty-eight (38), LESTER PARK THIRD DIVISION, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County and State.

EXCEPT all minerals

SUBJECT to a building line easement to the effect that no buildings or structures shall be erected or maintained upon that part of said Lot 5, lying within 20 feet of Tioga Street, as such building line easement was condemned in certain condemnation proceedings, the ward in which proceedings was recorded in the office of said Register of Deeds on September 9, 1907, in Book 1 of Plats, page 300.

SUBJECT to easements for slopes, cuts and fills, or for retaining walls, which easements affect a strip along the Northerly end of Lot 5, in Block 38, Lester Park Third Division, not exceeding 4.2 feet in width, as such easements were condemned by the City of Duluth in certain condemnation proceedings the award in which proceedings was recorded in the office of said Register of Deeds on March 4, 1908, in Book 278 of Deeds, on page 361.

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Legal Description, Parcel "B":

Lot Eight (8), Block Thirty-eight (38), LESTER PARK, THIRD DIVISION, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County and State.

Subject to easements, conditions and restrictions of record.

AND

The East Half of Lot Five (5), Block Thirty-eight (38), LESTER PARK THIRD DIVISION, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County and State.

EXCEPT all minerals

SUBJECT to a building line easement to the effect that no buildings or structures shall be erected or maintained upon that part of said Lot 5, lying within 20 feet of Tioga Street, as such building line easement was condemned in certain condemnation proceedings, the ward in which proceedings was recorded in the office of said Register of Deeds on September 9, 1907, in Book 1 of Plats, page 300.

SUBJECT to easements for slopes, cuts and fills, or for retaining walls, which easements affect a strip along the Northerly end of Lot 5, in Block 38, Lester Park Third Division, not exceeding 4.2 feet in width, as such easements were condemned by the City of Duluth in certain condemnation proceedings the award in which proceedings was recorded in the office of said Register of Deeds on March 4, 1908, in Book 278 of Deeds, on page 361.

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6008 Tioga Street

Print Date: 01/07/2014
Image Date: 05/12/2013
Level: Neighborhood