



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 13-046	Contact	Steven Robertson	
Application Type	Quick Plat	Planning Commission Date	April 9, 2013	
Deadline for Action	Application Date	March 8, 2013	60 Days	May 7, 2013
	Date Extension Letter Mailed	March 25, 2013	120 Days	July 6, 2013
Location of Subject	2012 Maple Grove Road			
Applicant	MHM 22, LLC	Contact		
Agent	Sheldon Berg	Contact	sberg@djr-inc.com	
Legal Description	N/A			
Site Visit Date	March 23, 2013	Sign Notice Date	April 23, 2012	
Neighbor Letter Date	March 25, 2013	Number of Letters Sent	17	

Proposal

Applicant is requesting a quick plat, stating "the redevelopment of the site includes 3 principal buildings, therefore the property must be split into 3 distinct lots, one for each building."

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Commerical	Large-Scale Commercial
North	MU-C	Commerical	Large-Scale Commercial
South	MU-C	Commerical	Large-Scale Commercial/Preservation
East	MU-C	Commerical	Large-Scale Commercial
West	MU-C	Commerical	Preservation/Large-Scale Commercial

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.

1-7

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

Future Land Use - Large Scale Commercial. Mall, shopping center and big box retail development, with associated surrounding retail and service uses, but only ancillary office uses and no residential uses. Oriented primarily to the motorist, with planned internal circulation patterns while still accommodating pedestrian movement. Requires access to regional transportation routes. May include regional green infrastructure for watershed protection.

Future Land Use - Preservation. Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

Current History: this site applied for (and received) a MU-C Plan Review, easement vacation, boundary line adjustment, and shoreland variance in May 2013. This site experienced flooding during the June 19/20 rain event last summer.

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

- 1) The proposed lots meet the minimum lot area and lot frontage requirements for the Mixed Use-Commercial (MU-C) Zoning District.
- 2) The intended commercial use is consistent with current zoning and future land use.
- 3) Each lot has access to a public street (Mountain Shadow Drive or Maple Grove Road).
- 4) Provisions of MSA 462.358 and 505 or 508, as applicable - these state statutes address the local government's authority to approve subdivisions and the requirements of the subdivision. The requirements have been met.
- 5) Proposed Lot 3 may be considered a flag lot in some communities (definition: a lot so shaped and designed that the main building site is setback from the street and that portion of the lot providing access has a width less than 25% of the lot width at its greatest point), but note that it does not meet the UDC definition. In either case, flag lots are only prohibited in the R-1, R-2, and MU-N zone districts.
6. The surveyor had a discussion with the County's Examiner of Titles regarding this project, and noted that it is Torrens. The County most likely not accept long legals to be filed on the property, and will may insist that a Registered Land Survey be prepared and filed.
- 7) No comment on the quick plat has been received from the public, city agencies, or other government bodies.

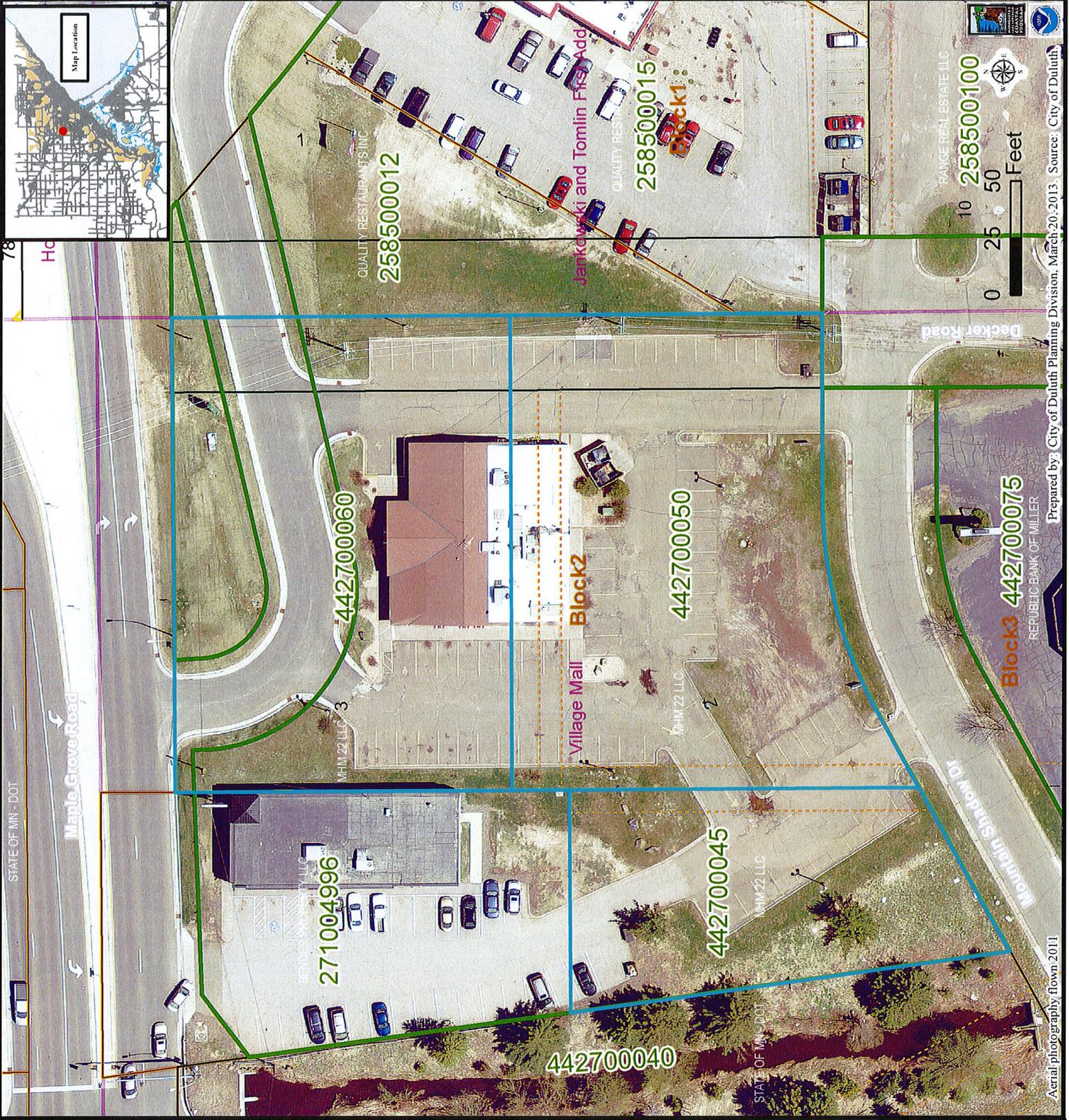
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff recommends the Planning Commission approve the Quick Plat based on these following findings and conditions:

- 1)The proposed Quick Plat is consistent with all provisions of MSA 462.358 and 505 or 508, as applicable;
- 2)Each resulting lots meet the minimum lot area and lot frontage requirements for the zone district in which the property is located;
- 3)Each resulting lot or parcel has access to a public street.

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



Legend

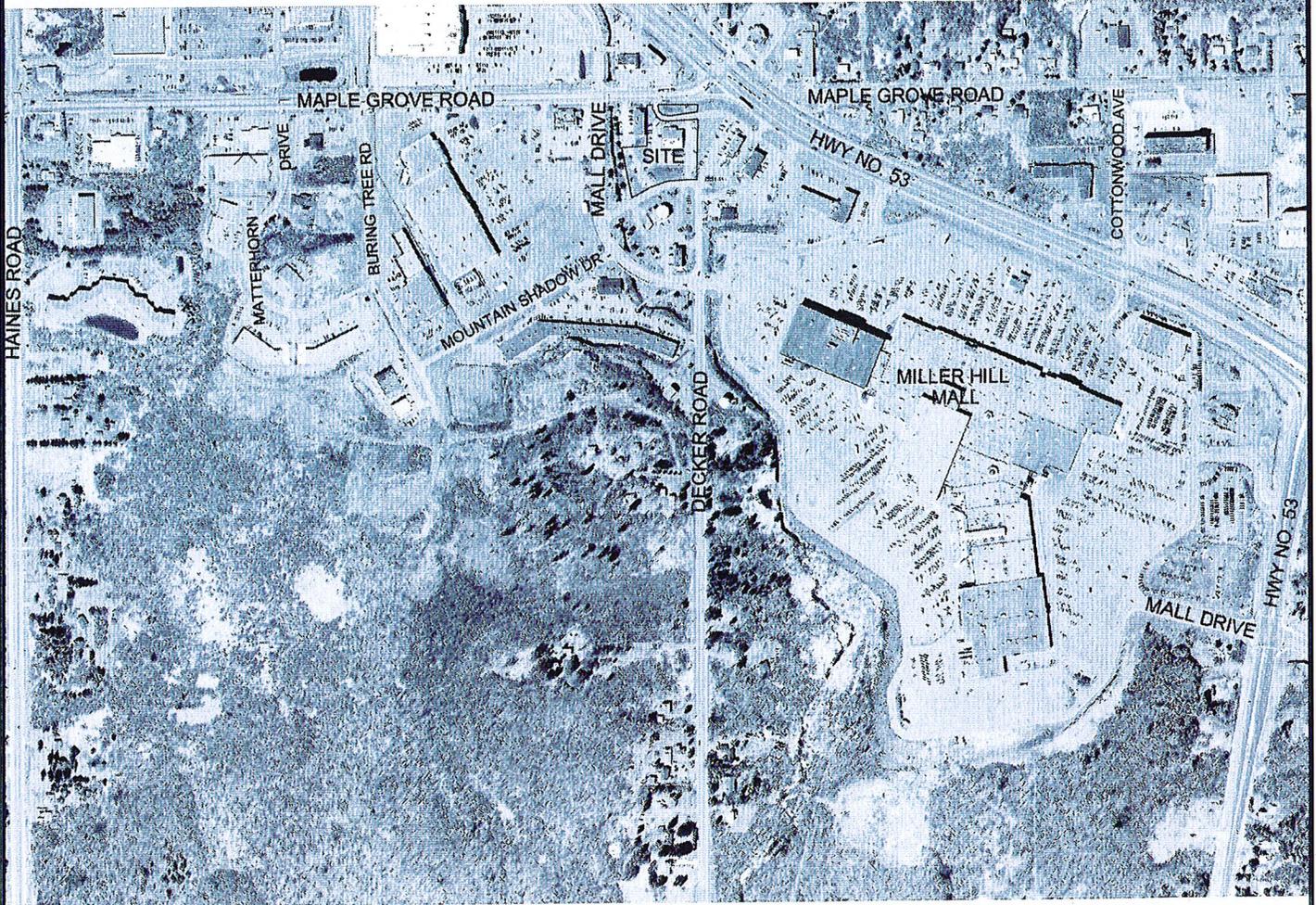
Boundary Lines

- <all other values>
- Subtype, ROW_TYPE
- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary

- Blocks
- Lots
- Parcels
- Subdivision

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.

DESCRIPTION SKETCH FOR: DJR ARCHITECTURE, INC.



VICINITY MAP
NO SCALE



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.

Date: 3-7-13

Ronald L. Krueger MN License No. 14374

NOTES

THIS IS NOT A BOUNDARY SURVEY.

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

DATE: 3-7-13
SCALE: 1 IN = 50 FEET
PROJECT NO: 13-023

SHEET 1 OF 3 SHEETS

ALTA
SURVEY COMPANY, INC.
Residential/Commercial Land Surveying-Land
Development-Legal Descriptions
P.O. BOX 161138 Duluth, MN 55806
Phone: 218-727-5211 Fax: 218-727-3798

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DESCRIPTION SKETCH FOR: DJR ARCHITECTURE, INC.

LEGAL DESCRIPTION LOT 1

That part of Lot 3, Block 2, VILLAGE MALL, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the North Quarter corner of Section 19, Township 50, Range 14; thence on an assumed bearing of South 00 degrees 01 minutes 06 seconds West, along the East line of said Village Mall, a distance of 88.61 feet to a point hereinafter known as Point A; thence South 76 degrees 51 minutes 15 seconds West, along the Southerly line of Parcel 68, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 69-102*, according to the recorded plat thereof, said St. Louis County, a distance of 53.44 feet to the point of beginning of the parcel of land to be described; thence South 76 degrees 51 minutes 15 seconds West, along said Southerly line, a distance of 52.77 feet; thence Northwesterly, a distance of 122.26 feet, along a Southwesterly line of said Parcel 68, along a tangential curve, concave to the Northeast, having a central angle of 100 degrees 04 minutes 11 seconds and a radius of 70.00 feet; thence North 03 degrees 06 minutes 19 seconds West, along a Westerly line of said Parcel 68, a distance of 7.13 feet; thence South 88 degrees 00 minutes 35 seconds West, along a Southerly line of said Parcel 68, a distance of 18.33 feet to the West line of said Lots 2 and 3, Block 2; thence South 00 degrees 01 minutes 23 seconds West, along said West line, a distance of 127.31 feet; thence South 90 degrees 00 minutes 00 seconds East, a distance of 120.00 feet to a point hereinafter known as Point B; thence South 90 degrees 00 minutes 00 seconds East, a distance of 36.00 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 68.46 feet to said Southerly line of Parcel 68 the point of beginning.

LEGAL DESCRIPTION LOT 2

That part of Lots 1, 2 and 3, Block 2, VILLAGE MALL, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Beginning at Point B; thence an assumed bearing of North 90 degrees 00 minutes 00 seconds West, distance of 120.00 feet to the West line of said Lots 2 and 3, Block 2; thence South 00 degrees 01 minutes 23 seconds West, along said West line, a distance of 39.32 feet to the North line of said Lot 1, Block 2, thence South 89 degrees 50 minutes 58 seconds West, along said North line, a distance of 97.78 feet to the Easterly line of Parcel 66, said MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 69-102*; thence South 07 degrees 25 minutes 48 seconds East, along said Easterly line, a distance of 196.54 feet to the South line of said Block 2; thence North 61 degrees 01 minutes 06 seconds East, along said South line, a distance of 117.17 feet; thence Northeasterly, a distance of 94.06 feet, along said South line, along a tangential curve, concave to the South, having a central angle of 27 degrees 29 minutes 44 seconds and a radius of 196.00 feet; thence North 00 degrees 00 minutes 00 seconds West, a distance of 153.22 feet to Point B the point of beginning.

LEGAL DESCRIPTION LOT 3

That part of Lots 2 and 3, Block 2, and the westerly 33.00 feet of Decker Road as dedicated on VILLAGE MALL, according to the recorded plat thereof, St. Louis County, Minnesota, lying Northerly of the Easterly extension of the South line of said Block 2 described as follows:

Beginning at said Point A; thence on an assumed of South 76 degrees 51 minutes 15 seconds West, along the Southerly line of Parcel 68, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 69-102*, according to the recorded plat thereof, said St. Louis County, a distance of 53.44 feet; thence South 00 degrees 00 minutes 00 seconds West, a distance of 68.46 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 36.00 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 153.22 feet to the South line of Block 2 said VILLAGE MALL; thence Easterly, a distance of 5.16 feet, along said South line, along a non-tangential curve, concave to the South, having a central angle of 1 degree 30 minutes 34 seconds, a radius of 196.00 feet a chord bearing of North 89 degrees 16 minutes 07 seconds East and a chord length of 5.16 feet; thence South 89 degrees 58 minutes 37 seconds East, along said South line, a distance of 82.80 feet to the East line of said VILLAGE MALL; thence North 00 degrees 01 minutes 06 seconds East, along said East line, a distance of 233.80 feet to Point A the point of beginning.

DATE: 3-7-13

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SHEET 2 OF 3 SHEETS

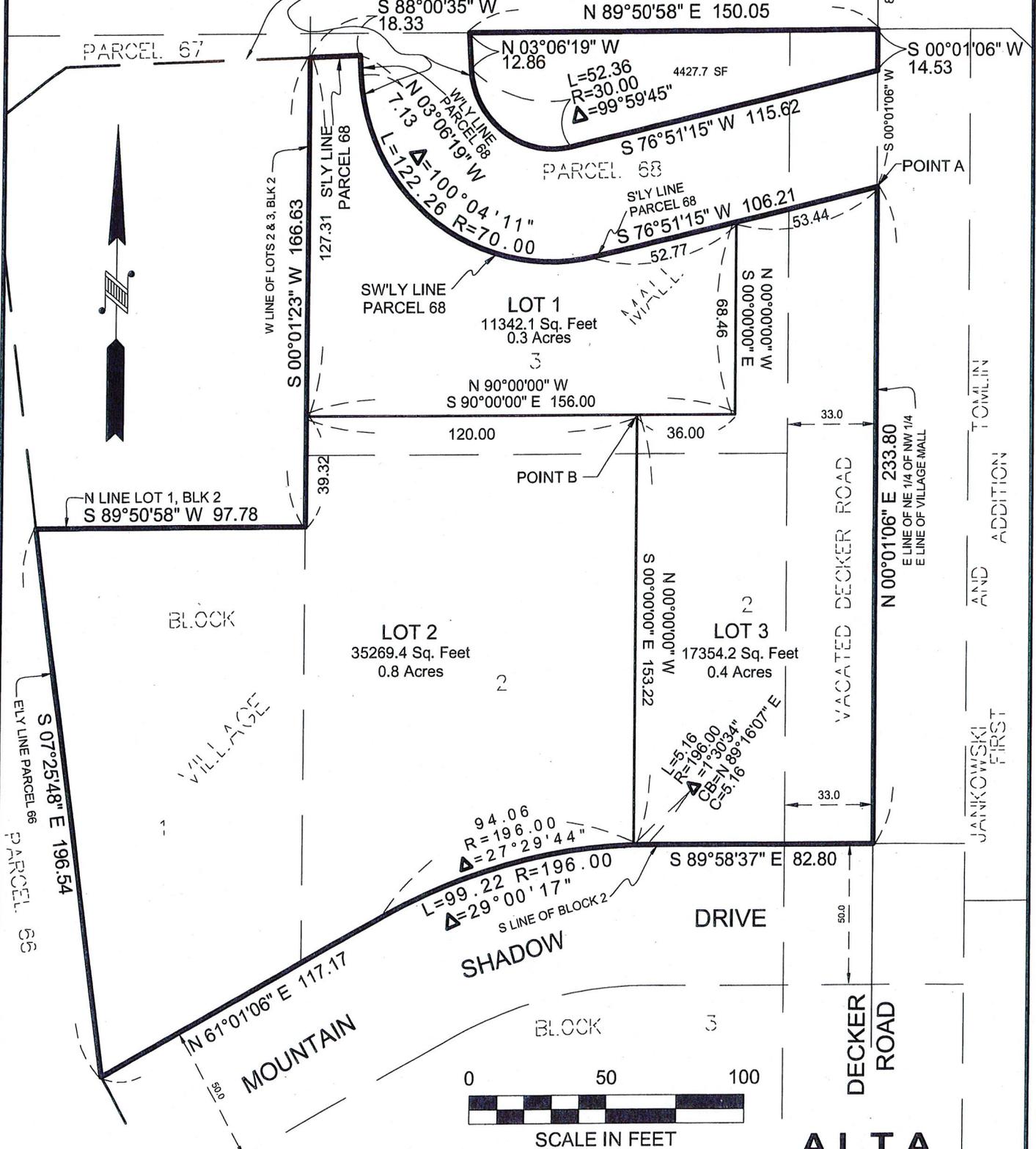
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9-7

DESCRIPTION SKETCH FOR: DJR ARCHITECTURE, INC.

N 1/4 COR OF SEC. 19,
TWP. 50, RGE. 14

C.S.A.H. NO. 6
MINNESOTA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAT NO. 69-102*



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SHEET 3 OF 3 SHEETS

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