



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 15-055	Contact	Steven Robertson, 218 730-5295	
Application Type	Preliminary Plat, Grand Avenue Estates	Planning Commission Date	April 14, 2015	
Deadline for Action	Application Date	March 30, 2015	60 Days	May 29, 2015
	Date Extension Letter Mailed	April 7, 2015	120 Days	July 28, 2015
Location of Subject	9300 Block of Grand Avenue			
Applicant	Grand Avenue Estates of Duluth, LLLP	Contact		
Agent	Mark Cross	Contact	markc@kuepers.com	
Legal Description	See attached			
Site Visit Date	April 4, 2015	Sign Notice Date	March 31, 2015	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

The applicant is proposing to subdivide the property to prepare for future development of this site, per prior approved plans.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Undeveloped	Low Density Neighborhood
North	R-1	Residential	Preservation/Low Density Neighborhood
South	R-1/R-2	Residential	Traditional Neighborhood
East	I-G	Undeveloped	Preservation/Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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

The planning commission shall approve the application, or approve it with modifications if it determines that the application:

- (a) Is consistent with the comprehensive land use plan;
- (b) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
- (e) Is located in an area where adequate police, fire and emergency facilities are available to serve the projected population of the subdivision within the city's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

III. K-1

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

- 1) Governing Principles: Principle #1 - Reuse previously developed land; #6 - Reinforce the place-specific; #7 - Create and maintain connectivity; #8 - Encourage mix of activities, uses and densities; #10 - Take sustainable actions.
- 2) The Comp Plan defines "Low-Density Neighborhood" as single-family housing with urban services (3-4 units/acre), including a range of house sizes and lot sizes, non-residential uses are mainly schools and churches, conservation development an option.
- 3) Current History: The northeast corner of the site was formerly an industrial/warehouse use.
 - FN 04032 - Rezoning of the site from M-1 (Manufacturing) to R-1-b (Residential)
 - FN 04047 and 04048 - Preliminary Plat (approved by PC 7/13/2004) and Low-Density Planned Development Special Use Permit (approved by Council 7/26/2004, Res. 04-0511) for a 45 unit detached residential development.
 - FN 04092 and 04098 - WRMO/WCA wetland variance/replacement plan and Final Plat approval (plat never filed by applicant).
 - FN 09065 - Low Density Planned Development Special Use Permit issued by Council (Res. 09-0610 on 9-28-2009) allowing 72 units in 8-unit buildings, 35 parking stalls, 73 garage stalls along a street with sidewalk, playground and 8.5 acres of open space.
 - PL 12-014 - Rezoned from R-1 to R-P (Residential Planned).

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

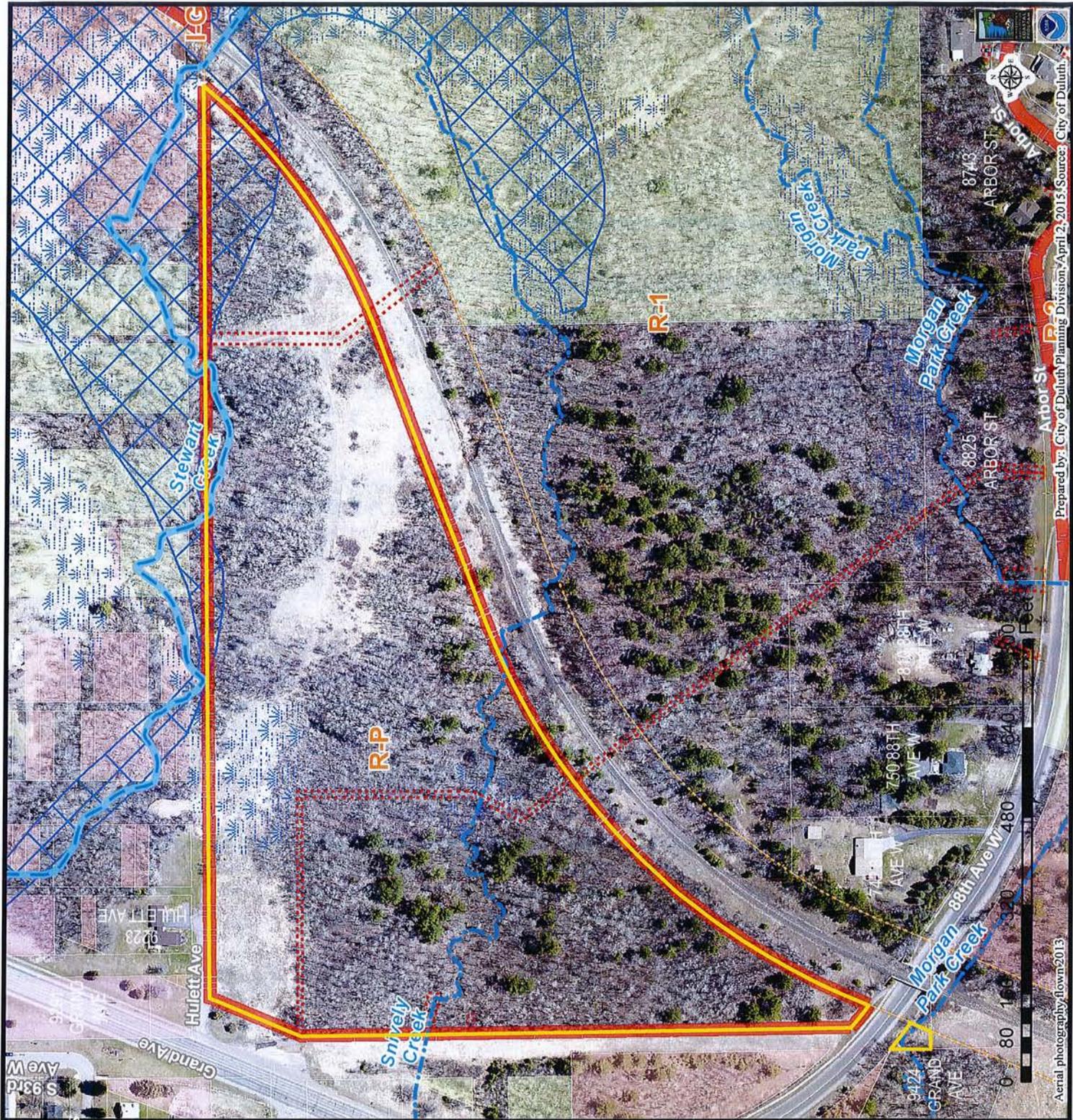
- 1) The applicant is proposing to subdivide the property to prepare for future development of this site, per the prior approved R-P Regulating Plans.
- 2) The general process for subdivisions is that first the applicant submits to the Land Use Supervisor a concept plan that shows, in very general terms, the overall development. That was accomplished through the R-P Regulating Plan. The second step is to submit a preliminary plat, that better identifies public right of way and easements (where appropriate), preliminary locations for utilities and stormwater control, and general lot configuration. The Planning Commission reviews the preliminary plat for general conformance to the comprehensive plan and the zoning code, and makes recommendations. The applicant then prepares the final plat based upon the recommendations and comments heard at the previous public hearing. Once approved by the Planning Commission, final plats can be recorded (President of the Planning Commission and Secretary of the Planning Commission are required to sign the plat as evidence of approval).
- 3) The development will contain 12 lots (2 for multifamily, rental, and 10 for single family, rental) and 3 outlots. Outlot A (southern portion of development) and Outlot B (northeaster portion of the development) are essentially not buildable due to the topography or presence of wetlands, and will be required to be kept open space by the R-P regulating plan. Outlot C will "connect" to all the platted lots, and contain stormwater plans. There will also be a trail easement dedicate east of the homes.
- 4) The applicant is proposing private streets (built to city standards), but public utilities (built to city standards, with utility easements dedicated to the public). No public right of way is being dedicated at this time, other than 17 feet at the very northwest corner of the site to complete the right of way for Hulett Avenue.
- 5) The applicant has not completed the preliminary storm water plan, but according to City Engineering the information that is available to review is sufficient. The stormwater design shown is schematic. The site has sufficient area to provide permanent stormwater Best Management Practices. The site is currently undeveloped, therefore 95% of all new impervious surfaces must be directed/conveyed to an engineered BMPs.
- 6) Staff find that the preliminary plat conforms to the requirements of Sec 50-37.5. The comprehensive land use plan has this area identified generally as Low-Density Neighborhood, which is typically 3-4 units per acre. This area is approximately 21 acres in size; the total number of units will not exceed the generally anticipated density over the entire site.
- 7) Additional comments from other city departments may be received prior to the Planning Commission public hearing.
- 8) Applicant must seek and receive approval to impact any wetlands. Some impacts may have been previously permitted. Any wetland credits that are purchased must be within the St. Louis River Watershed.

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

Based on the above findings, Staff recommends that Planning Commission approve the Preliminary Plat with conditions.

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



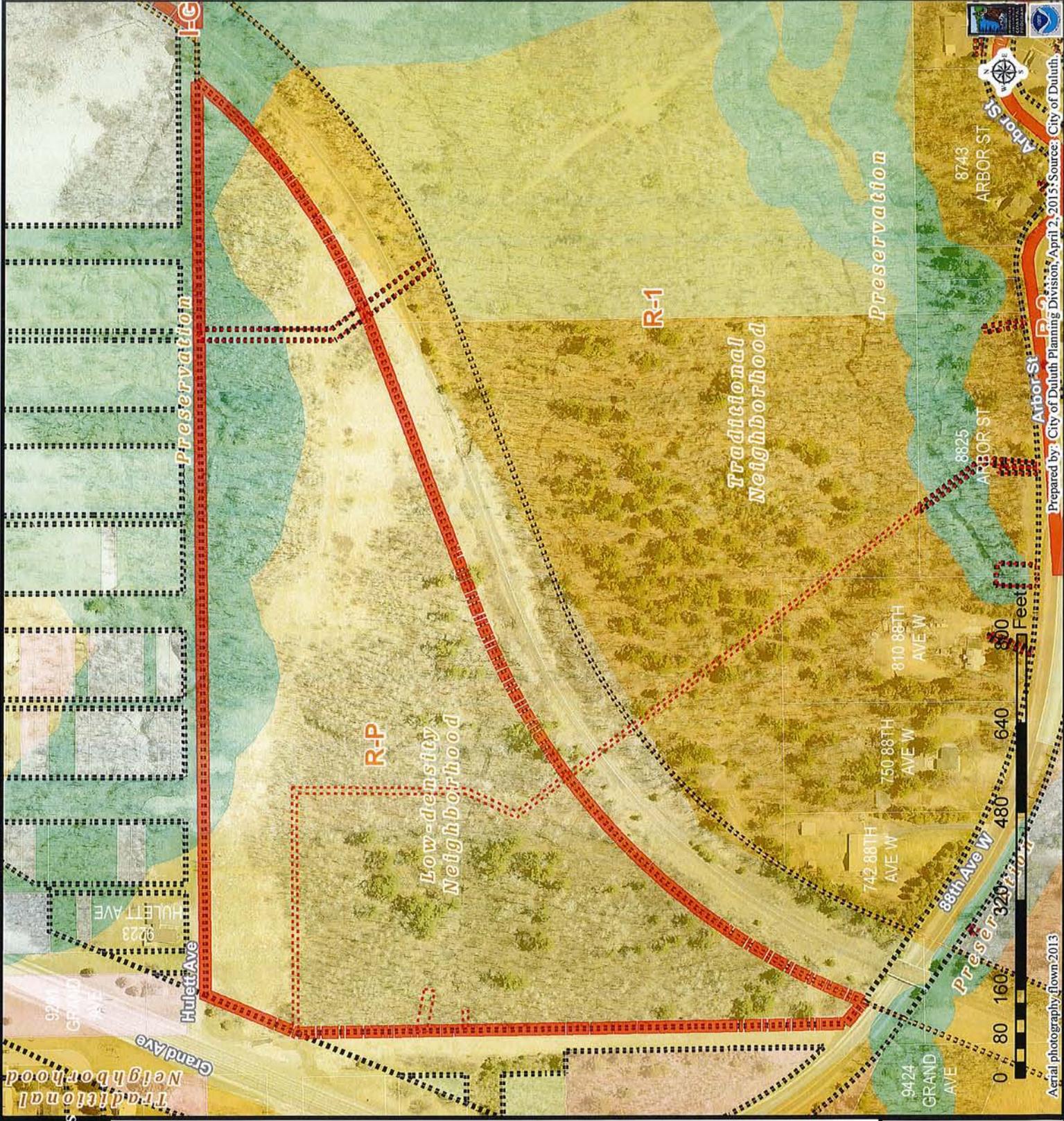
City Planning
DULUTH
 PL15-055 Grand Avenue Estates
 Preliminary Plat

Legend	
	Trout Stream (GPS)
	Other Stream (GPS)
Zoning Boundaries	
	Zoning Boundaries
	Wetlands (NRR1)
	Vacated ROW
Easement Type	
	Utility Easement
	Other Easement
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.

Legend

	Zoning Boundaries
	Zoning Boundaries
	Right-of-Way Type
	Road or Alley ROW
	Vacated ROW
	Easement Type
	Utility Easement
	Other Easement
	Future Land Use
	Preservation
	Recreation
	Rural Residential
	Low-density Neighborhood
	Traditional Neighborhood
	Urban Residential
	Neighborhood Commercial
	Neighborhood Mixed Use
	General Mixed Use
	Central Business Secondary
	Central Business Primary
	Auto Oriented Commercial
	Large-scale Commercial
	Business Park
	Tourism/Entertainment District
	Medical District
	Institutional
	Commercial Waterfront
	Industrial Waterfront
	Light Industrial
	General Industrial
	Transportation and Utilities



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Legend

-  10' Contour (elev. change)
-  Right-of-Way Type
-  Road or Alley ROW

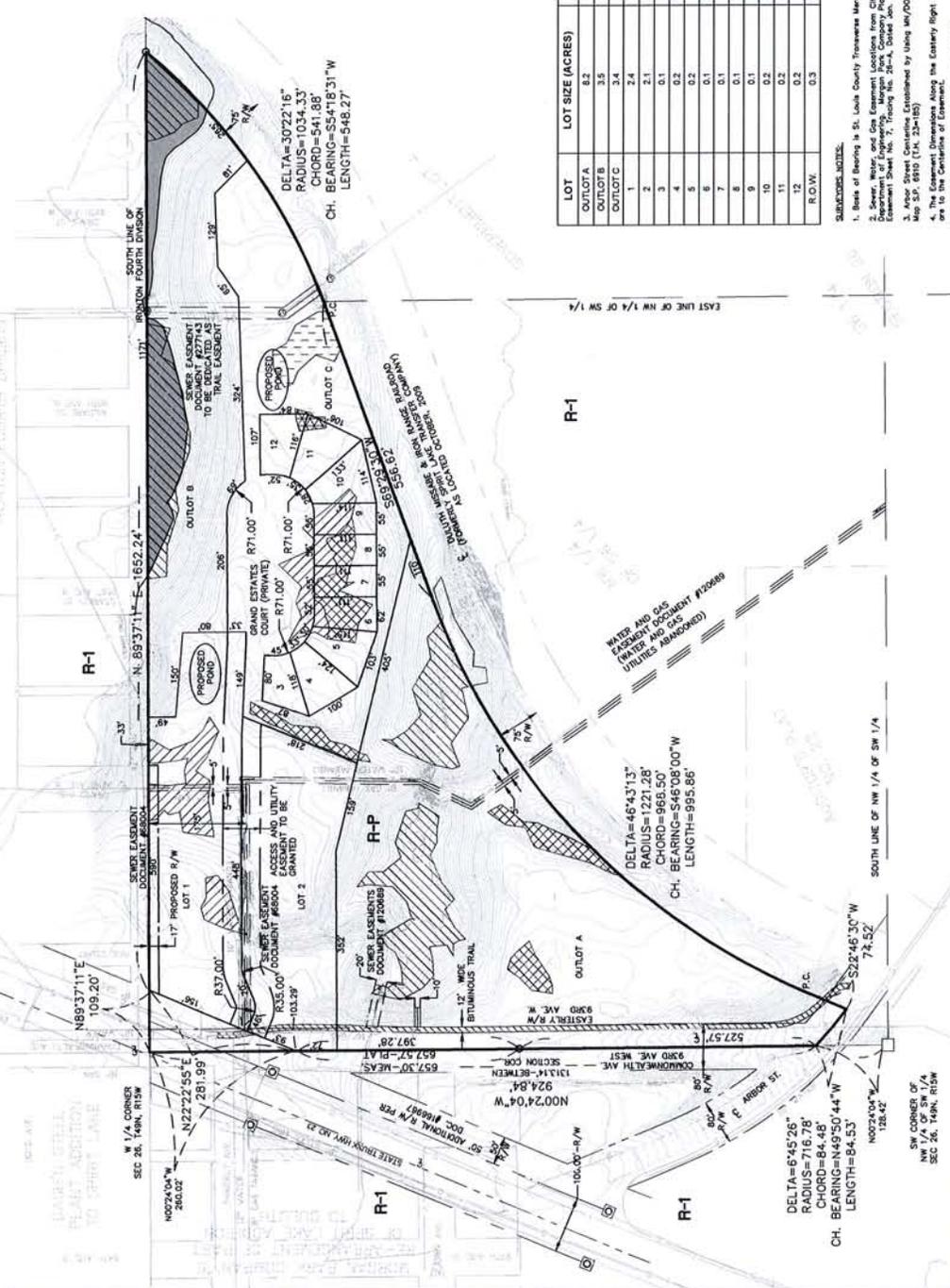
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PRELIMINARY PLAT OF GRAND AVENUE ESTATES
 LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND GOVERNMENT LOT 4 IN SECTION 26,
 TOWNSHIP 49 NORTH, RANGE 15 WEST
 ST. LOUIS COUNTY, MINNESOTA



LEGEND

- - Station monument found.
- - 1 1/2" Pipe found.
- - Aluminum capped monument found (RM).
- - Boundary marker.
- ▨ - Wetland type 1 - Phragmites Forest.
- ▨ - Wetland type 2 - Sedge Meadow.
- ▨ - Wetland type 3 - Fresh level Meadow.
- ▨ - Wetland type 4 - Shrub-Carex.
- ▨ - Wetland type 5 - Hybridized Swamp.
- ▨ - Area within 100 yard floodplain.
- - Storm Sewer
- - Gas Line
- - Electric Street
- - Water Line



LOT	LOT SIZE (ACRES)	PROPOSED USE	PROPOSED OWNERSHIP
OUTLOT A	8.2	CONSERVATION	GRAND AVENUE ESTATES OF DULUTH LLP
OUTLOT B	3.5	CONSERVATION	GRAND AVENUE ESTATES OF DULUTH LLP
OUTLOT C	3.4	RECREATIONAL	GRAND AVENUE ESTATES OF DULUTH LLP
1	2.4	MULTI-UNIT	GRAND AVENUE ESTATES OF DULUTH LLP
2	2.1	RECREATION	GRAND AVENUE ESTATES OF DULUTH LLP
3	0.1	RECREATION	GRAND AVENUE ESTATES OF DULUTH LLP
4	0.2	SINGLE-DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLP
5	0.2	SINGLE-DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLP
6	0.1	SINGLE-DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLP
7	0.1	SINGLE-DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLP
8	0.1	SINGLE-DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLP
9	0.1	SINGLE-DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLP
10	0.2	SINGLE-DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLP
11	0.2	SINGLE-DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLP
12	0.2	SINGLE-DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLP
R.O.W.	0.3	ACCESS	GRAND AVENUE ESTATES OF DULUTH LLP

- SUBMITTALS/NOTES:**
1. Date of Bearing is St. Louis County Transverse Mercator 1996.
 2. Sewer, Water, and Gas Easement Locations from City of Duluth, Easement Sheet No. 7, Tracing No. 20-4, Dated Jan. 6, 1933.
 3. Arbor Street Corridor Established by Using 40'/200' Right of Way Map S.P. 6910 (T.A. 23-185)
 4. The Easement Dimensions Along the Eastern Right of Way of 43rd Ave. W. are to the Centerline of Easement.
 5. The City of Duluth has no record of 9300 Avenue West Being Abandoned or Vested.
 6. Total site acreage: 21.4 acres.
 7. Site perimeter: 5119 feet.
 8. Base flood data from FRM Community-People Number 270421 0040 C, dated April 2, 1982. Base Flood Elevation ranges from 614 to 622 (MAD).

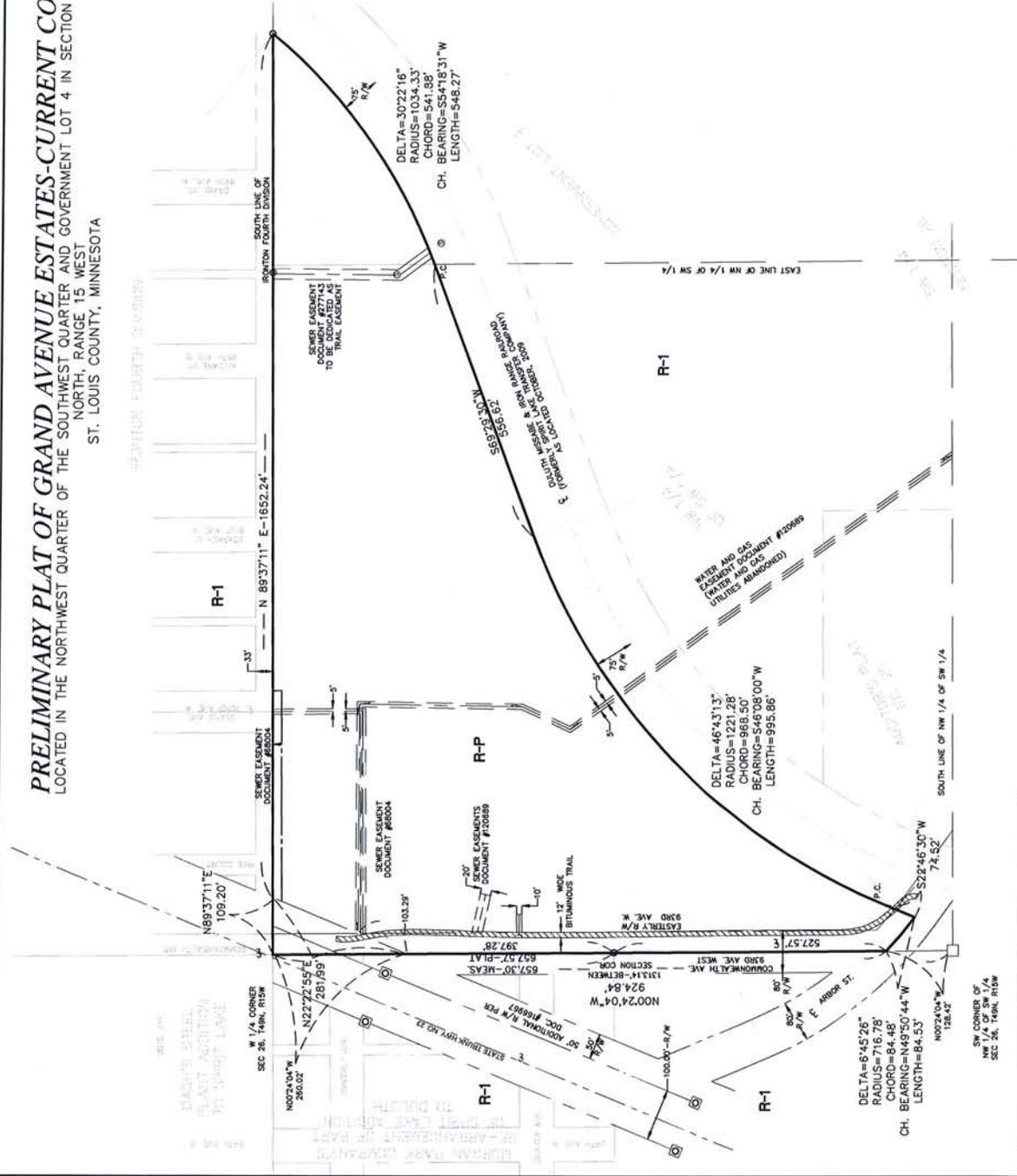
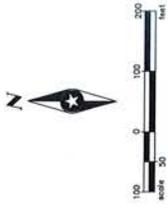
Engineer: Don R. Hinzmann, PE
 Surveyor: Chris A. Lutzan, PLS

FILE NO.
 218.279.3000 - 200
 SEC 26, T49N, R15W

DATE OF SURVEY
 3/26/2015

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PRELIMINARY PLAT OF GRAND AVENUE ESTATES-CURRENT CONDITIONS
 LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND GOVERNMENT LOT 4 IN SECTION 26, TOWNSHIP 49
 NORTH, RANGE 15 WEST
 ST. LOUIS COUNTY, MINNESOTA



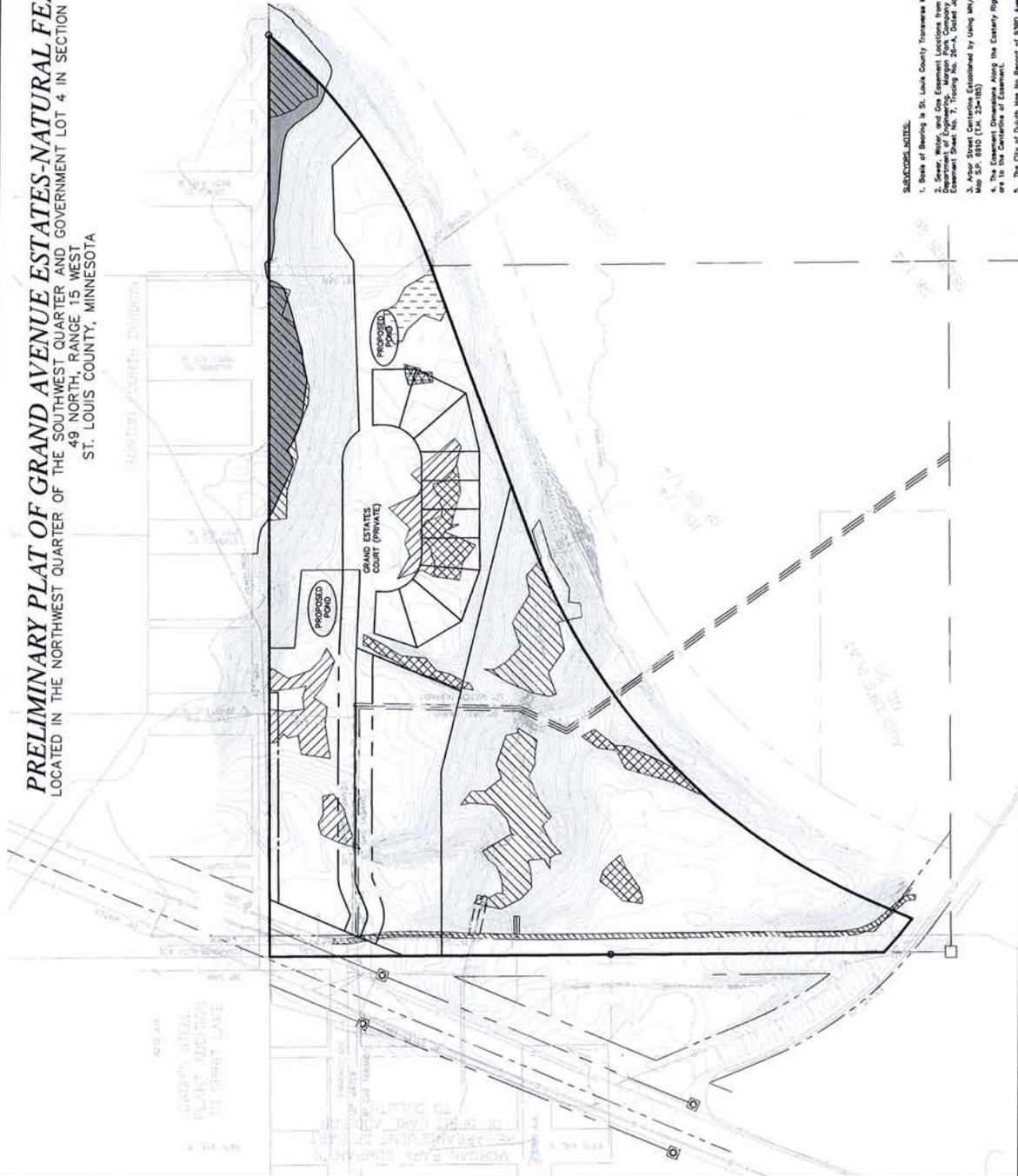
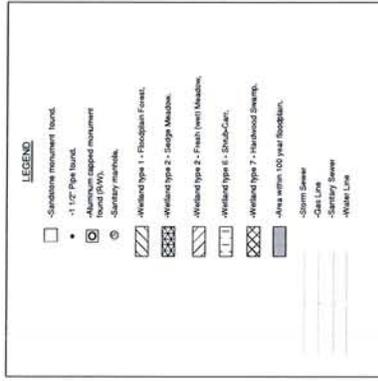
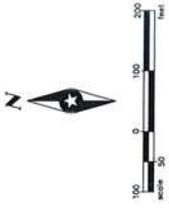
SEH
 PHONE: 218.279.3000
 FAX: 218.279.3001
 200
 DULUTH, MN 55802-1512
 www.sehinc.com

Engineer: Don R. Hinzmann, PE
 Surveyor: Chris A. Larsen, PLS

FILE NO.
 HELPC-128000
 DATE
 3/26/2015

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PRELIMINARY PLAT OF GRAND AVENUE ESTATES-NATURAL FEATURES
 LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND GOVERNMENT LOT 4 IN SECTION 26, TOWNSHIP
 49 NORTH, RANGE 15 WEST
 ST. LOUIS COUNTY, MINNESOTA



- SUBJECTIVE NOTES:**
1. Basis of Bearing is St. Louis County Traverse Invector 1996.
 2. Stone, Metal, and Gas Cap Monument Locations from City of Duluth, Engineering Department, dated 1/21/15, and St. Louis County Engineering Department Sheet No. 7, Tracing No. 20-A, Dated Jan. 6, 1933.
 3. Arroyo Street Centerline Established by Using MN/DOT Right of Way Map S.P. 6810 (TA, 23-103).
 4. The Government Observations Along the Easement Right of Way at 930d Ave. W. are in Accordance with the Easement.
 5. The City of Duluth Has No Records of 930d Avenue West Being Abandoned or Vacated.
 6. Total site acreage: 21.4 acres.
 7. Site perimeter: 5119 feet.
 8. Base flood data from FRM Community-Flood Number 270421 0043 C, dated April 2, 1982. Base Flood Elevation ranges from 514 to 622 (MAG).

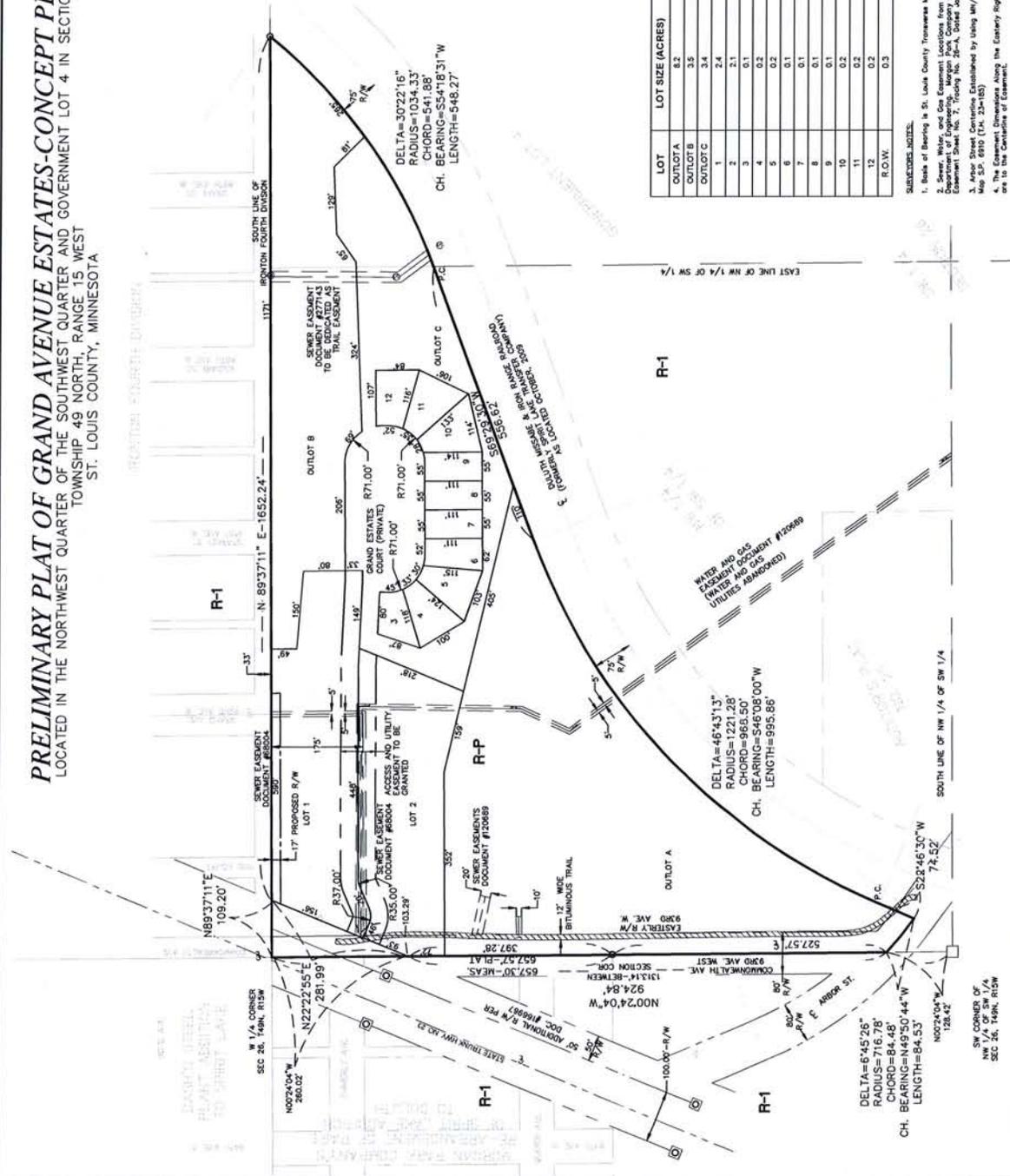
ENGINEER: DON R. HINZMAN, PE
 FILE NO. NEUPC-126020
 3/76/2015
 SURVEYOR: CHRIS A. LUTMAN, PLS

SEH
 INCORPORATED
 417 W. 52ND STREET, SUITE 200
 DULUTH, MN 55802-5312
 www.sehinc.com

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PRELIMINARY PLAT OF GRAND AVENUE ESTATES-CONCEPT PLAN

LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND GOVERNMENT LOT 4 IN SECTION 26,
TOWNSHIP 49 NORTH, RANGE 15 WEST
ST. LOUIS COUNTY, MINNESOTA



LOT	LOT SIZE (ACRES)	PROPOSED USE	PROPOSED OWNERSHIP
OUTLOT A	8.2	CONSERVATION	GRAND AVENUE ESTATES OF DALUTH LLP
OUTLOT B	3.5	CONSERVATION	GRAND AVENUE ESTATES OF DALUTH LLP
OUTLOT C	3.4	RECREATION/ TRAIL	GRAND AVENUE ESTATES OF DALUTH LLP
1	2.4	MULTI-UNIT	GRAND AVENUE ESTATES OF DALUTH LLP
2	2.1	MULTI-UNIT	GRAND AVENUE ESTATES OF DALUTH LLP
3	0.1	RECREATION	GRAND AVENUE ESTATES OF DALUTH LLP
4	0.2	SINGLE-DUPLICATION RESIDENTIAL	GRAND AVENUE ESTATES OF DALUTH LLP
5	0.2	SINGLE-DUPLICATION RESIDENTIAL	GRAND AVENUE ESTATES OF DALUTH LLP
6	0.1	SINGLE-DUPLICATION RESIDENTIAL	GRAND AVENUE ESTATES OF DALUTH LLP
7	0.1	SINGLE-DUPLICATION RESIDENTIAL	GRAND AVENUE ESTATES OF DALUTH LLP
8	0.1	SINGLE-DUPLICATION RESIDENTIAL	GRAND AVENUE ESTATES OF DALUTH LLP
9	0.1	SINGLE-DUPLICATION RESIDENTIAL	GRAND AVENUE ESTATES OF DALUTH LLP
10	0.2	SINGLE-DUPLICATION RESIDENTIAL	GRAND AVENUE ESTATES OF DALUTH LLP
11	0.2	SINGLE-DUPLICATION RESIDENTIAL	GRAND AVENUE ESTATES OF DALUTH LLP
12	0.2	SINGLE-DUPLICATION RESIDENTIAL	GRAND AVENUE ESTATES OF DALUTH LLP
R.O.W.	0.3	ACCESS	

- SURVEYOR'S NOTES:**
1. Book of Bearing is St. Louis County Transverse Mercator 1986.
 2. Sewer, Water, and Gas Easement Locations from City of Duluth, Minnesota, Engineering Department, Engineering Sheet No. 7, Tracing No. 287A, Dated Jan. 8, 1932.
 3. Arter Street Conversions Established by Utility Map/2007 Right of Way Map S.P. 6910 (T.M. 23-185)
 4. The Easement Dimensions Along the Easement Right of Way of 93rd Ave. W.
 5. The City of Duluth has No Record of 93rd Avenue West Being Abandoned or Vacated.
 6. Total site acreage: 21.4 acres.
 7. Site perimeter: 5119 feet.
 8. Base flood data from FRM Community-Plan Number 270421 0045 C, dated April 2, 1982. Base Flood Elevation range from 614 to 622 (NAVD).

SHELL
 PHONE: 218.279.3000
 DULUTH, MN 55802-1315
 www.shehl.com

FILE NO.
 NW 1/4 OF SW 1/4
 SEC 26, T49N, R15W
 3/26/2015

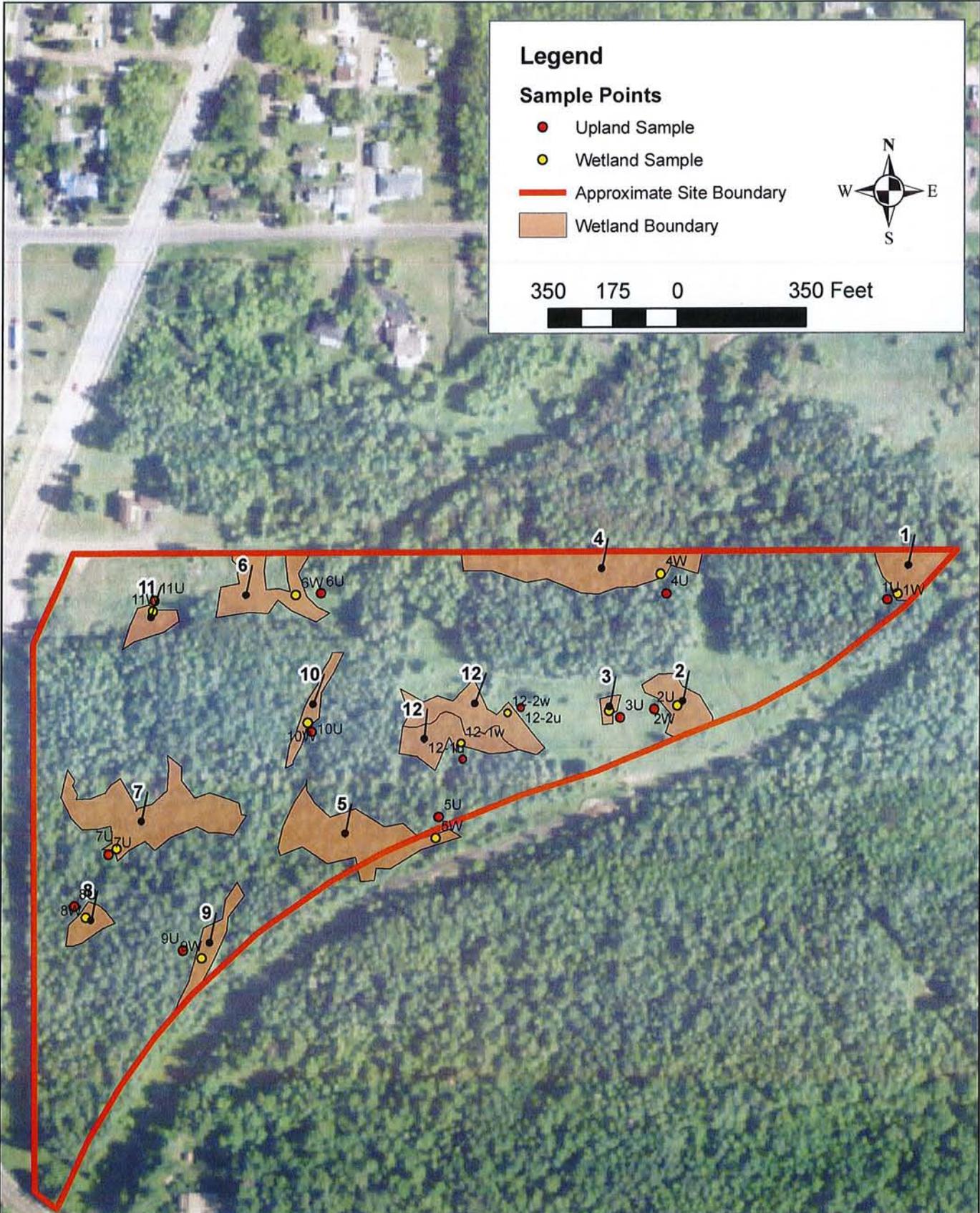
Engineer: Don R. Hitzmann, PE
 Surveyor: Chris A. Lutzan, PLS



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	418 W SUPERIOR ST, SUITE 200 DULUTH, MN 55802 PHONE: (218) 279-3000 FAX: (888) 908-8166 TF: (800) 325-2055 www.sehinc.com	Project: KUEPC 129020 8/29/2014	WETLAND CLASSIFICATION MAP GRAND AVENUE APARTMENTS Duluth, MN	Figure 4
		Map by: krhanson Projection: UTM 15N, NAD 83 Source: 2013 NAIP, SEH,		

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

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50-37.5 Subdivision plat approval or amendment.

A. Applicability.

This Section applies to all applications to subdivide unplatted land, or to replat previously platted land, or to adjust the boundary lines between existing property lines. This Section is intended to comply with all applicable provisions of state law, including without limitation Laws of Minnesota 1933, Chapter 93 and Laws of Minnesota 1974, Chapter 236 and any provisions of MSA 462.358 and Chapter 505 and 508, as amended, still applicable to the city, and shall be interpreted to comply with those provisions wherever possible. All applications to subdivide land shall follow the standard subdivision process in subsections G and H below unless provided for in subsections C, D, E or I below.

In addition to city approval, all subdivision plats, registered land surveys, and condominium plats will need to be approved by the St. Louis County surveyor prior to recording at the St. Louis County recorder's office.

1. General exemptions.

The following subdivisions of land are exempted from the provisions of this Section:

- a) Platted cemeteries done in accordance with the requirements of applicable state statutes and ordinances;
- b) Transfers of interest in land pursuant to court order; or
- c) Registered land surveys prepared for the purpose of clarifying existing land descriptions.

2. Conveyance by metes and bounds.

The following conveyances by metes and bounds shall be exempt from the provisions of this Section and shall not constitute a subdivision if the subject of the conveyance meets any of the following:

- a) Was a separate parcel of record on the date of adoption of subdivision regulations, or was the subject of a written agreement to convey entered into prior to such time; or
- b) Was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966; or
- c) Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980, or;
- d) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width; or
- e) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the planning commission may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded;

B. Property transfers.

Pursuant to Minnesota Statute 272.162, no land shall be transferred or divided in official records until the transfer has been approved by the land use supervisor to determine if the transfer is appropriate and conforms with existing city ordinances and regulations if the platted lot or parcel conveyed is:

1. Less than a whole parcel of land as charged in the tax lists; and
2. Is part of or constitutes a Subdivision as defined in Minnesota Statute 462.352, subdivision 12.

The land use supervisor shall certify that the transfer has complied with subsection C through I below, as applicable;

C. Boundary line adjustment.

A boundary line adjustment provides for the alteration of existing property lines, where no additional lots and parcels are created.

1. The land use supervisor shall approve the application if it is determined that:
 - (a) The application will not result in the creation of any new lots or parcels;
 - (b) If each of the existing lots and parcels, and the structures on those lots parcels, complies with the requirements of this Chapter, then after the adjustment each of the resulting lots or parcels, and the structures on those lots or parcels, will still comply with the requirements of this Chapter;
 - (c) If one or more of the existing lots or parcels, or a structure on one or more of those lots or parcels, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter;
2. After the application is approved, the applicant must submit a legal description and survey or similar recordable exhibit, prepared by a licensed land surveyor, reflecting the relocated boundaries; obtain the land use supervisor's signature on that survey or exhibit; and record the survey or exhibit in the appropriate office at St. Louis County. If the survey or exhibit is not recorded within 180 days after the boundary line adjustment is approved, that approval will lapse;

Boundary Line Adjustment

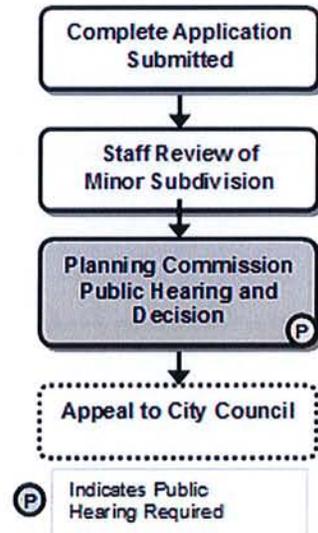


D Minor subdivision.

A minor subdivision allows for the subdivision of a maximum of four lots, or the combination of any number of previously platted lots into a smaller number of platted lots. A minor subdivision is an approval process for simple land divisions; it does not provide for the subdivision of unplatted land, unless that land is described by a governmental subdivision legal description.

1. The planning commission shall approve the application if it is determined that:
 - (a) The lot or lots to be subdivided or combined have frontage on an improved public street;
 - (b) Each proposed lot meets the minimum zoning requirements of the district that it is in. If a proposed lot is described by a governmental subdivision legal description, the proposed lot must be at least five acres in size and have 250 feet of frontage regardless of the zoning requirements of the district that it is in;
 - (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and
 - (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.
2. After the application is approved, the applicant must submit a legal description and survey or similar

Minor Subdivision



Subdivision Plat Approval or Amendment



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recordable exhibit prepared by a licensed land surveyor, reflecting the relocated boundaries; obtain the land use supervisor's signature on that survey or exhibit; and record the survey or exhibit in the appropriate office at St. Louis County. The approval will lapse if the survey or exhibit is not recorded within 180 days after the minor subdivision is approved;

E Combination of parcels.

Any person with a legal or equitable interest in two or more contiguous lots or parcels of land may combine those parcels into a fewer number of lots or parcels by plat or registered land survey by complying with all the applicable subdivision procedures in subsections D, H or I;

F Amending an approved subdivision plat.

An application to adopt or amend a subdivision preliminary plat or a subdivision final plat shall be filed pursuant to Section 50-37.5.G. An application to amend the street names of a subdivision final plat shall be filed pursuant to Section 50-37.5.H;

G Subdivision plat, preliminary procedure.

1. Consolidated preliminary and final review.

For subdivisions that result in no more than four lots that are no less than five acres each, and where each lot will have a minimum frontage of 250 feet on an improved public road, preliminary and final review may be consolidated if the land use supervisor determines that the proposed subdivision is of small size and minor importance. Subdivisions so designated as being of small size and minor importance may submit a final plat application after staff review of a concept plan;

2. Concept plan.

No application for a preliminary plat shall be accepted until the applicant has submitted a concept plan for the proposed subdivision. Concept plans shall reflect the general location of proposed lots, tracts, and streets, shall reflect all areas of the property where development is restricted pursuant to the NR-O overlay district in Section 50-18.1. The intent of the concept plan is to review general concepts for development of the site before applicants have incurred costs for engineering, soil, or storm water studies. The concept plans shall be reviewed in an informal discussion with planning staff;

3. Preliminary storm water plan.

A preliminary storm water plan shall be submitted and approved by the city engineer prior to submittal of the application for a preliminary plat;

4. Preliminary plat decision.

The planning commission shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision to approve, adopt with modifications or deny the application based on the criteria in subsection 50-37.5.J.3 below;

5. Preliminary plat criteria.

The planning commission shall approve the application, or approve it with modifications if it determines that the application:

- (a) Is consistent with the comprehensive land use plan;
- (b) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
- (e) Is located in an area where adequate police, fire and emergency facilities are available to serve the projected population of the subdivision within the city's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

H Subdivision plat, final procedure.

1. Final plat decision.

After the approval of the preliminary plat, the applicant shall submit one or more final plats covering part or all of the land covered by the preliminary plat, together with evidence that the requirements of the approved plat have been met for the portion(s) of the land covered by the final plat. The planning commission shall approve, adopt with modifications or deny the final plat based on the criteria in subsection 3 below. The planning commission may refer the final plat to any city, county or other public or quasi-public agency deemed necessary to confirm whether the criteria in subsection 3 below have been met;

2. Final plat review and referral.

The final plat, together with the surveyor's mathematical calculations, shall be reviewed by the city engineer for accuracy of the surveys, the adequacy of the monuments, the proposed street improvements and other features of concern. The final plat may be submitted to the county engineer if the plat involves features of concern to the county highway department, and to such other divisions of government or public utility corporations as the city deems necessary or desirable. The city engineer shall check the plat boundary survey to determine the coinciding of the plat boundary lines with the boundary lines of adjoining plats, tracts or other subdivision lines or markers;

3. Final plat criteria.

The planning commission shall approve the application, or approve it with modifications, if the application meets the following criteria:

- (a) Is consistent with all applicable provisions of MSA 462.358 and Chapter 505;
- (b) Is consistent with the terms and provisions of the preliminary plat approval for the property;
- (c) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 2 year after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the city pursuant to Section 50-37.1.P;

4. Final plat recording.

Once approved, plats shall be signed by the president and secretary of the planning commission. After the final plat is approved, it must be recorded in the office of the county recorder as provided in MSA 505.04. The approval will lapse if the plat is not recorded within two years after the plat is approved. After the final plat has been recorded, lots may be sold and building permits for structures on the platted lots may be issued; any sales of lots shown on the final plat before recording of the final plat shall be a violation of this Chapter;

I Registered land survey.

Registered land surveys that subdivide land shall be approved in the manner required for the approval of minor subdivision plats in subsection D above if the registered land survey create four or less parcels or tracts of land. Registered land surveys that create five or more parcels or tracts of land must follow the process listed below.

1. Concept plan.

No registered land survey shall be accepted until the applicant has submitted a concept plan for the proposed subdivision. Concept plans shall reflect the general location of proposed parcels and tracts, and shall reflect all areas of the property where development is restricted pursuant to the NR-O overlay district in Section 50-18.1. The intent of the concept plan is to review general concepts for development of the site before applicants have incurred costs for engineering, soil, or storm water studies. The concept plans shall be reviewed in an informal discussion with planning staff;

2. Storm water plan and wetland delineation.

A storm water plan shall be submitted and approved by the city engineer, and all wetlands must be delineated, prior to submittal of the application for a registered land survey;

3. Review and referral.
The registered land survey, together with the surveyor's mathematical calculations, shall be reviewed by the city engineer. The registered land survey may be submitted to the county engineer if the registered land survey involves features of concern to the county highway department, and to such other divisions of government or public utility corporations as the city deems necessary or desirable;
4. Registered land survey decision.
The planning commission shall conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and shall make a decision to approve, adopt with modifications or deny the application based on the criteria in subsection 50-37.5.I.5 below;
5. Registered land survey criteria.
The planning commission shall approve the application, or approve it with modifications if it determines that the application:
 - (a) Is consistent with the comprehensive land use plan;
 - (b) Is consistent with all requirements of MSA 462.358 and Chapter 508;
 - (c) Is consistent with all applicable provisions of this Chapter;
 - (d) Is consistent with any approved district plan covering all or part of the area of the registered land survey;
 - (e) Is located in an area where adequate police, fire and emergency facilities are available to serve the projected population of the subdivision within the city's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
 - (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;
6. Registered land survey recording.
After the registered land survey is approved, it must be recorded in the office of the county recorder as provided in MSA 508. The approval will lapse if the registered land survey is not recorded within 180 days after the registered land survey is approved. After the registered land survey has been recorded, parcels and tracts may be sold and building permits for structures on the parcels and tracts may be issued; any sales of parcels and tracts shown on the registered land survey before recording of the registered land survey shall be a violation of this Chapter. (Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10303, 6-9-2014, § 3.)

Vacation of Street



(P) Indicates Public Hearing Required

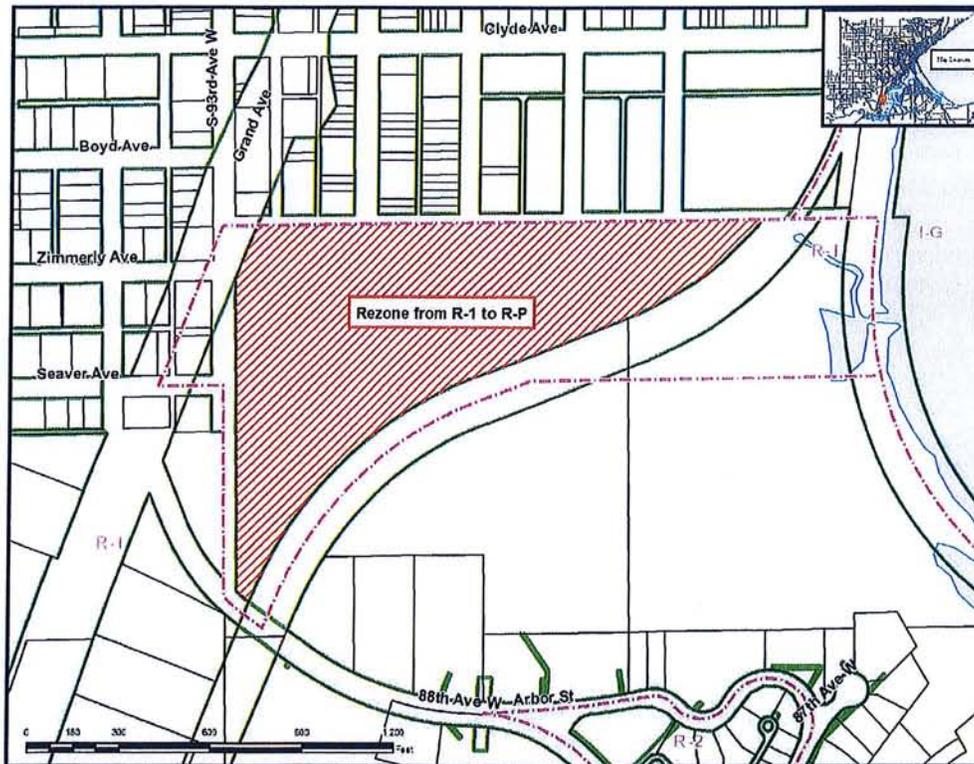
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ORDINANCE NO. 10149

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM R-1, RESIDENTIAL-TRADITIONAL, TO R-P, RESIDENTIAL-PLANNED, APPROXIMATELY 20 ACRES LAND LYING SOUTH OF HULETT AVENUE, EAST OF 93RD AVENUE WEST, AND NORTHWEST OF SPIRIT LAKE TRANSFER RAILWAY (RAPID RIVER DEVELOPMENT, LLC).

The city of Duluth does ordain:

Section 1. That the west portion of the subject property located south of Hulett Avenue, east of 93rd Avenue West, and northwest of Spirit Lake Transfer Railway and as described as: all that part of the NW1/4 of SW1/4 and all that part of Government Lot 4, in Section 26, in Township 49 North, Range 15 West of the Fourth Principal Meridian, lying north and west of the right-of-way of the Duluth, Missabe and Iron Range Railway Company, successor to the Spirit Lake Transfer Railway Company, as said right-of-way is now surveyed, laid out, constructed and in use over and across NW1/4 of SW1/4 and said Government Lot 4, and lying north and east of the center lines of 93rd Avenue West and Arbor Street in said city of Duluth as now laid out, constructed and in use; be reclassified from R-1, Traditional Neighborhood, to R-P, Residential-Planned, and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows:



(PL 12-014)

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CERTIFIED COPY OF ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DULUTH, MINNESOTA

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication. (Effective date: May 25, 2012)

Councilor Stauber moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Boyle, Fosle, Gardner, Julsrud, Krause, Krug, Larson, Stauber and President Hartman -- 9

Nays: None -- 0

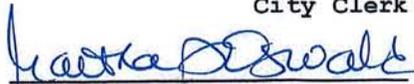
ATTEST:
JEFFREY J. COX, City Clerk

Passed April 23, 2012
Approved April 23, 2012
DON NESS, Mayor

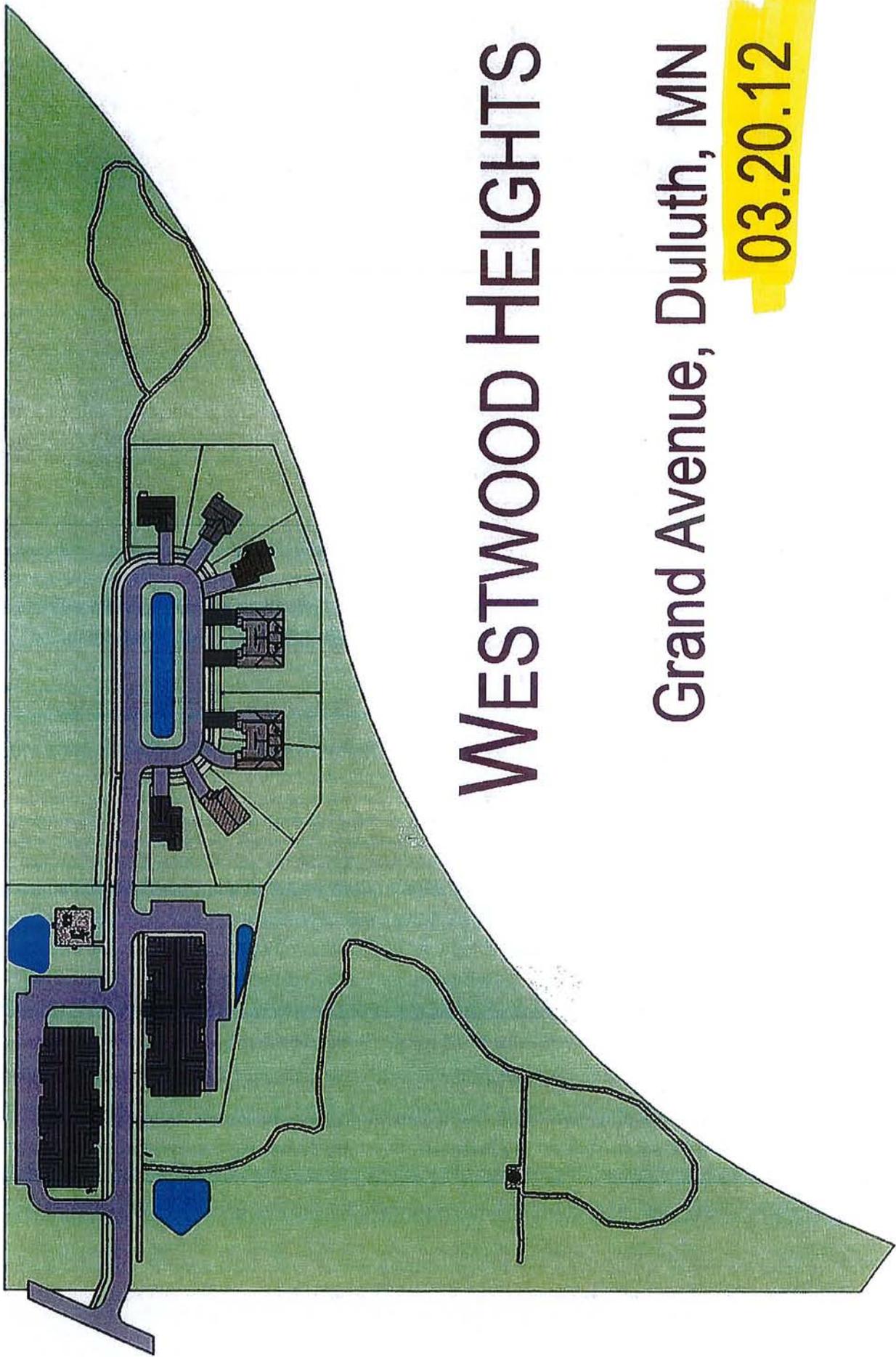
I, JEFFREY J. COX, city clerk of the city of Duluth, Minnesota, do hereby certify that I have compared the foregoing ordinance passed by the city council on the 23rd day of April, 2012, with the original in my custody as city clerk of said city and that the same is a true and correct transcript therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city of Duluth, this 26th day of April, 2012.

JEFFREY J. COX
City Clerk

by 
Assistant
CITY OF DULUTH, MINNESOTA

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WESTWOOD HEIGHTS

Grand Avenue, Duluth, MN

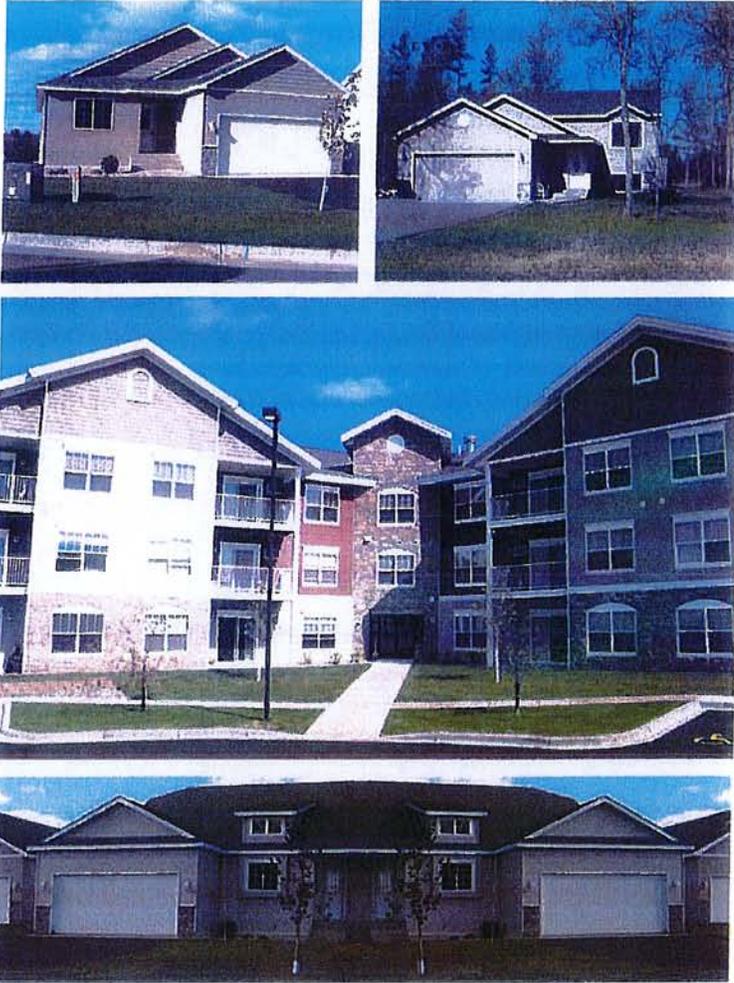
03.20.12

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Regulating Plan for Grand Ave Estates

Grand Ave, Duluth, MN

3-5-2015



Prepared by: Kuepers Inc. Architects & Builders

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Purpose\Project Summary

This project is a redevelopment of the former Westinghouse industrial site into a R-P zoned residential housing development.

It integrates creative site design by integrating 2-29 unit apartment style buildings on the former industrial site with a neighborhood cluster of 9 single family/duplex units east along the buildable ridge of the property. The site design requires careful building placement due to the existing city sanitary sewer and water lines that run through the property along with attempts to avoid the wetlands.

It provides a variety of housing types with proposed apartments, single family and duplex units. The proposed apartment buildings shall have protruding gabled facades that breakup the mass of the buildings into a smaller scale on all sides.

The neighborhood cluster is unique due to the varied side-yard setbacks that provide for the building of a single family home in the middle of a single lot or a duplex unit with zero lot line setbacks for two adjacent lots. All Apartment Units, Duplex Units and Single Family Homes will have "front" porches on a minimum of the street side.

The project provides onsite amenities with a centralized community playground that connects to internal walking and biking sidewalks along the private street to Grand Ave with access to DTA . Bike racks will be incorporated into the project near the apartment buildings and playground.

The project conserves natural features by clustering the buildings on the redevelopment area and the buildable ridge area. This allows for the steeply sloped wooded areas and the two streams with their flood plain areas to remain untouched. The southern portion of the property will be placed under a conservation easement along with a strip next to the northern stream.

This R-P development results in a final product that provides a greater level of public benefit than would be required under the existing lot and block R-1 zoning district by conserving a larger than required percentage of the lot into a green conservation easement while reducing the total allowable density of the site.

A. General Layout and Building Parcels

The general layout is two multifamily lots flanking a private roadway that ends in an elongated cul-de-sac with nine single/duplex lots. Refer to the Concept Site Plan for the general layout and building parcels.

B. Lot Sizes / Setbacks and Maximum Building Heights

Refer to the Concept Site Plan for lot sizes. The following setbacks shall be used within the project.

Lot 1. Front (Along private drive) 25'

Rear (North): 30'

Side (Grand Ave): 30'

Side (East): 10'

Accessory Structure: 10'

Building Height: 35' Max

Lot 2. Front (Along private drive) 25'

Rear (South): 30'

Side (Grand Ave): 30'

Side (East): 10'

Accessory Structure: 10'

Building Height: 35' Max

Lots 3-12. Front (Along private drive) 25'

Rear: 6'

Side : 6'

Accessory Structure: 10'

Building Height: 30' Max

C. Base Zone District

The current zoning for the entire parcel is R-1. Therefore R-1 development standards apply to this R-P district unless specifically altered within this document.

Alterations include the following (Allowed by Table 50-14.7-1):

Lots 1 & 2 - Building Height increase of 5' to a max of 35'. Accessories structure setback reduced to 1' due to row easement.

Lots 3-12 - Distance from Rear Property line reduced to 6' (Due to cluster design of small lots)

D. Circulation Plan

A 26' wide private paved roadway will be provided from Grand Ave east to a large elongated cul-de-sac. It will have 6' wide paved sidewalks connecting from Grand Ave to the existing north/south trail along Grand Ave to each of the building lots. The trail east of the cul-de-sac will be wood chip and intersect with and incorporate an existing utility easement. This will encourage a walkable, bikeable community and provide residents with access to the Duluth Transit Authority, existing trail system and the Conservation Easement area.

Maintenance and access of the private roadway, walks and playgrounds will be governed and defined by a cross-access easement/agreement between the lot owners that will be recorded with the property. Refer to the Site Plan for the layout.

E. Natural Resources Inventory

Wooded slopes and streams are included in the common open space. This area contains a portion of Stewart Creek, an unnamed stream and is heavily wooded. It will be available for hiking and passive recreational use. It contains the following:

Area of Steep slopes = 268,000 sqft

Area of Wetlands = 61,500 sqft

Area of Tree Stands = 559,000 sqft

Length of Streams = 970 lf

Length of Trails = 960 lf

Refer to attached Site Plan and Tree Inventory Plan.

These areas will be protected by utilizing BMP's during construction and maintaining setbacks.

F. Common Open Space

Outlot A, which contains much of the natural site features, will also remain as common open space and be protected by a conservation easement. It consists of approximately 8.4 acres of land area.

G. Permitted & Special Uses

Uses will be limited to permitted and special uses allowed in R-1 with the addition of Multifamily Apartment Buildings with a manager's office as a permitted use and Garages as accessory structures.

There will be no non-residential uses allowed within this development other than incidental office space within the apartment building for the management of the rental units.

H. Maximum Densities.

Maximum residential density is spelled out in R-1 zoning. There is no request to modify the maximum density.

I. Water, Sewer and Utility Service

Water and Sewer services are available to the site. A publicly owned water main will run along the south side of the private drive and public sewer main will run in the drive with services to each building. Water and Sewer will meet city standards and shall be public. Power, gas, phone, cable and fiber will be provided on the north side of the roadway. All proposed and existing utilities will have recorded easements.

J. Transitions between Uses

The site's existing features and topography allow for a transition between the multifamily and the single/duplex units on-site consisting of elevation changes, wetland transition and landscaping. The transition between the multifamily and the single family home to the north consists of a landscaped berm and a 30' building setback.

K. Storm Water

For storm water information refer to the attached preliminary drainage map and design worksheet. Refer to Site Plan for location of treatment areas.

L. Parking Standards

All parking shall be in surface lots, driveways or garages at the minimum rate of 1 space per dwelling unit. Parking stalls will be a minimum of 9' wide and 17' long.

M. Amenities

The amenities within this private development consisting of the streets, sidewalks, trails, playground and the open space conservation easement shall remain private for the use of the residents and guests of the development. If an extension of the city trail system is constructed across this site, that trail will be open to the public.

N. Architectural Design Standards

All construction, remodeling and repair shall meet the following architectural standards.

Exterior building walls shall be finished in a combination of Brick, Stone, Simulated Stone, Wood, Cementitious, or Vinyl siding together with Wood, Cementitious or Vinyl shakes. Installation shall follow applicable codes and manufacturer's instructions.

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Roofs shall be pitched and clad with standing metal seam, wood shingles or asphalt shingles. Gutters if installed shall be prefinished and blend with the building colors.

Screening fences shall be constructed of wood pickets, lattice or boards, finished to protect from weather.

Each building shall have a "front porch" facing the street side with a private walk connecting to the sidewalks.

Retaining walls shall be rock, rock face block or rubble materials.

Colors shall be of an earth toned color pallet with a maximum of 10% accent colors.

Architectural standards shall be a part of the development plan, referenced in the covenants and a requirement of the R-P zoning district.

Project shall meet all R-1 landscaping, screening, lighting, and building standards of the UDC that haven't been specifically modified by this document.

O. Project Phasing

The proposed project will be constructed in one phase consisting of multifamily and single/duplex units following the completion of the infrastructure.

P. Cross Sections

Cross sectional drawings of building proportions and relationships are attached.

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