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 15-086		**Contact**	Steven Robertson, 218 730-5295	
Application Type	Final Plat, Grand Avenue Estates		**Planning Commission Date**	June 9, 2015	
Deadline for Action	**Application Date**	May 15, 2015	**60 Days**	July 14, 2015	
	Date Extension Letter Mailed	June 1, 2015	**120 Days**	September 12, 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**	N/A	
Neighbor Letter Date	N/A		**Number of Letters Sent**	N/A	

Proposal

The applicant is proposing a final plat to subdivide the property to prepare for residential development on this site.

	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):

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;

III. J-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).
-PL 15-055 - Preliminary Plat with 8 conditions approved by the Planning Commission on April 14, 2015.

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

1) The applicant is proposing a final plat to subdivide the property to prepare for residential development on this site. Lots 1 and 2 in Block 1 will each contain an apartment building, and Lots 1 through 10 in Block 2 will contain single family dwellings. Outlots A and B will not be developed; they 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. The development will be serviced by private roads, not maintained by the City (but built to appropriate standards, per the City Engineer). There will also be an access and utility easement recorded over the access road (to be called Grand Estates Court).
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 applicant has not completed the preliminary storm water plan, but according to City Engineering the information that is available to review is sufficient.
4) Staff find that the final plat generally conforms to the comments and recommendations from the Planning Commission's review of the preliminary plat. Staff are still recommending additional protection or restrictions be applied to ensure that Outlots A and B are not developed in the future.
5) No additional comments from the public or other city agencies were received on this project.
6) 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 table the final plat for one month to allow the applicant more time to prepare/create a conservation easement or restrictive covenant. If the Planning Commission wants to take an action at this meeting, staff recommend approval the Final Plat with following conditions:

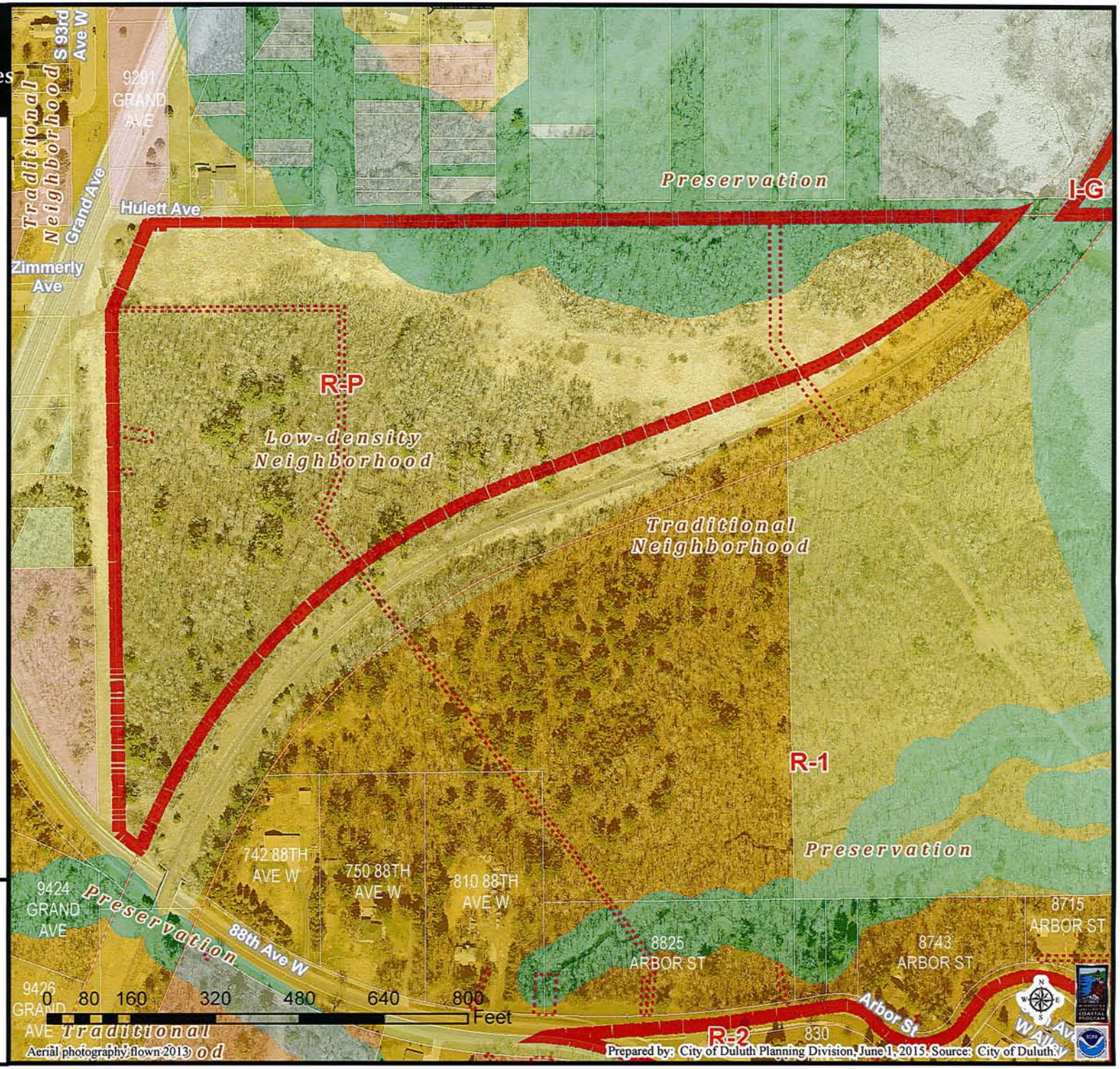
1) Applicant amend the plat to create a drainage easement (dedicated to the public) over all of Outlots A and B, and provide additional protection to ensure that the Outlots are not developed in the future in the event of a change of ownership (such as a conservation easement, restrictive covenant, or provision in the homeowners association requiring city consent). The President of the Planning Commission and Secretary of the Planning Commission will not sign the plat until the wetland delineation and remediation efforts (such as purchasing wetland credits) are approved and the additional protections for the outlots are in place.

2) The applicant must sign a development agreement committing to construct required public improvements within 2 year after approval of the final plat and adequate security for the construction of the required improvements must be posted with the city pursuant to Section 50-37.1.P.

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

City Planning

PL15-086 Grand Avenue Estates Final Plat



Legend

Zoning Boundaries
- Zoning Boundaries
- 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

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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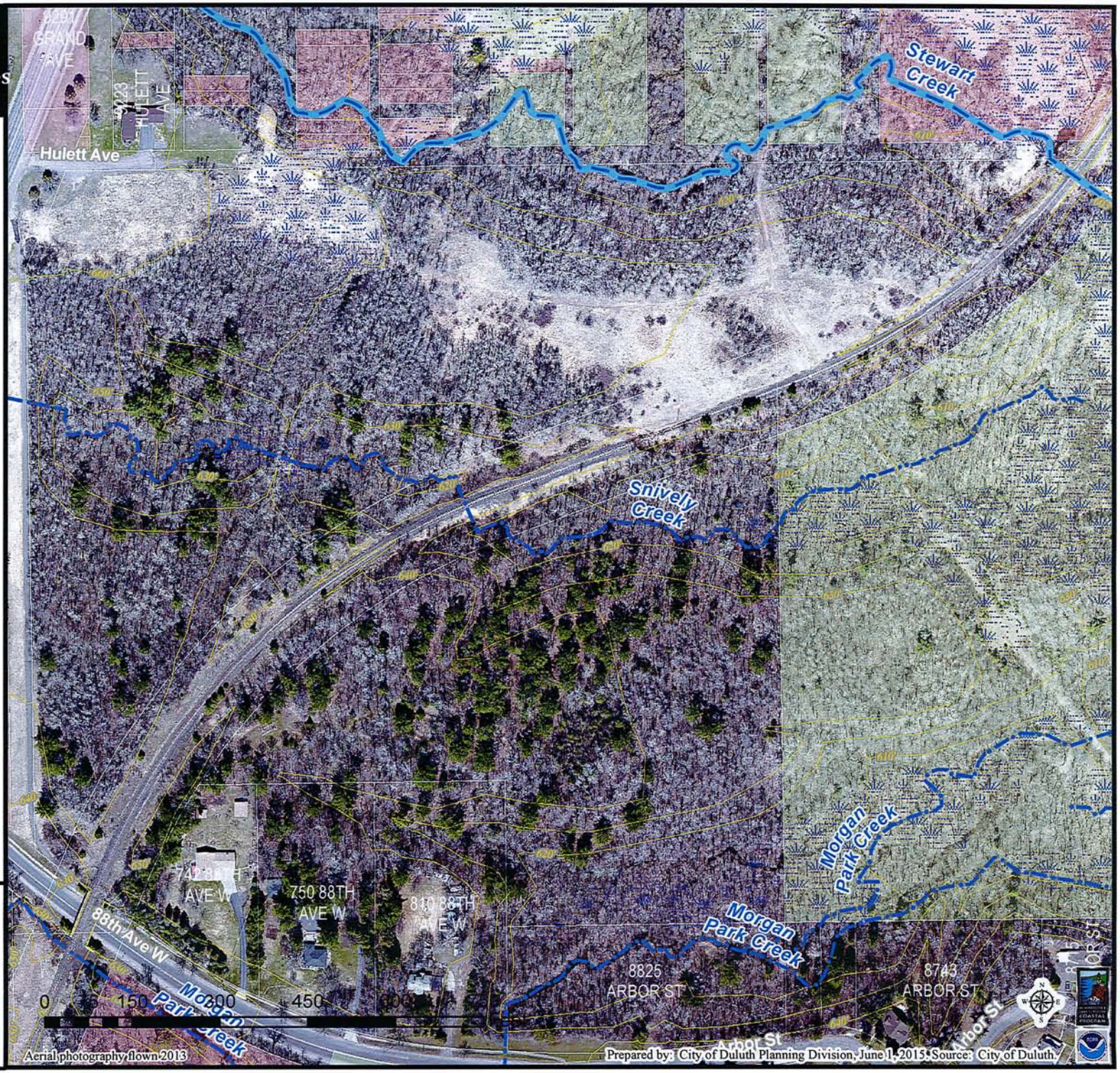
City Planning

DULUTH

PL15-086 Grand Avenue Estates Final Plat



Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRRI)
- 10' Contour (elev. change)

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I-4

SEH

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for All of Us®

May 13, 2015

RE: City of Duluth
Grand Avenue Estates
SEH No. KUEPC 129020 14.00

Steven Robertson
Senior Planner
City of Duluth Planning Division
411 W 1st St, Rm 208
Duluth, MN 55802

Dear Steven:

Below you will find the conditions required from the preliminary plat approval along with the resolution of each item.

1) **Require a pre-application meeting with engineering and planning before submitting final plat to resolve outstanding stormwater and utilities issues.**

   This meeting was held on April 24, 2015.

2) **Require easement for trail over sewer easement #277143 for parks department/public use.**

   This easement is shown on the final plat document.

3) **Require additional right-of-way for Hullett Street (17 feet).**

   This right-of-way is shown on the final plat.

4) **Grant easement for City trail, if necessary, for the 12 foot trail 93rd Ave West right-of-way.**

   Additional right-of-way has been granted to accommodate this existing trail. This modified the right-of-way along 93rd Avenue West and is depicted on the final plat.

5) **Document approval of wetland impacts and credits.**

   A request for jurisdictional determination has been sent to the Army Corps of Engineers and a wetland permit application will be submitted to the LGU by May 15, 2015.

6) **Outlots A and B required to establish conservation easement or similar protection for outlots.**

   This is being processed by the Owner's attorney and will be finalized as soon as possible.

7) **Document tree preservation plan approval.**

   Final tree preservation report is attached and has been reviewed by City Planning and City Forestry.

4-5

8) **Have MnDOT consent/comment/approve access on Grand.**

We have met with MnDOT regarding the access and they have no issues with the added access point. An access permit application will be submitted shortly.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.

Dan Hinzmann, PE
Project Manager

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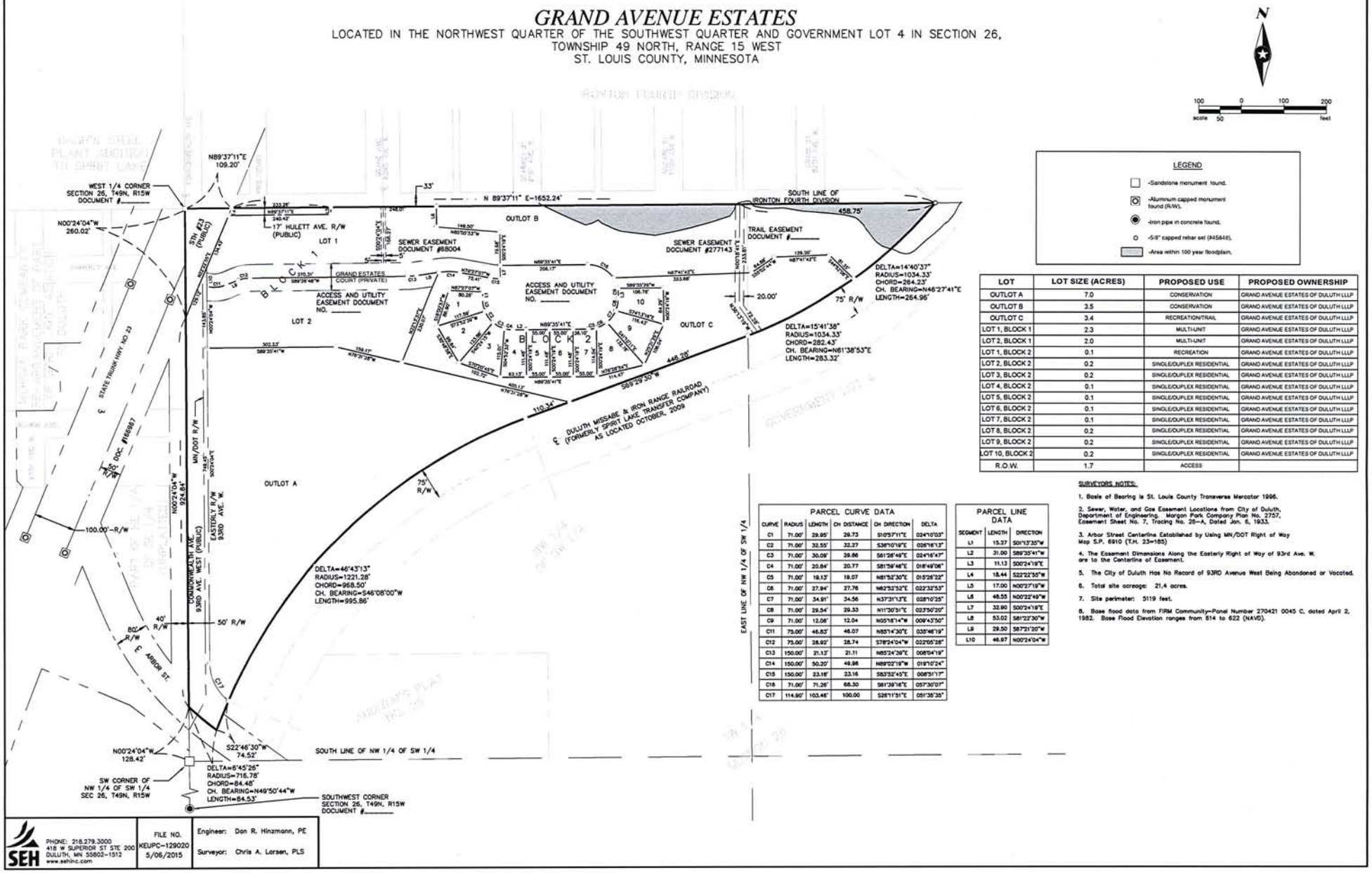
9-1

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



LOT	LOT SIZE (ACRES)	PROPOSED USE	PROPOSED OWNERSHIP
OUTLOT A	7.0	CONSERVATION	GRAND AVENUE ESTATES OF DULUTH LLLP
OUTLOT B	3.5	CONSERVATION	GRAND AVENUE ESTATES OF DULUTH LLLP
OUTLOT C	3.4	RECREATION/TRAIL	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 1, BLOCK 1	2.3	MULTI-UNIT	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 2, BLOCK 1	2.0	MULTI-UNIT	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 1, BLOCK 2	0.1	RECREATION	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 2, BLOCK 2	0.2	SINGLE/DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 3, BLOCK 2	0.2	SINGLE/DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 4, BLOCK 2	0.1	SINGLE/DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 5, BLOCK 2	0.1	SINGLE/DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 6, BLOCK 2	0.1	SINGLE/DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 7, BLOCK 2	0.1	SINGLE/DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 8, BLOCK 2	0.2	SINGLE/DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 9, BLOCK 2	0.2	SINGLE/DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLLP
LOT 10, BLOCK 2	0.2	SINGLE/DUPLEX RESIDENTIAL	GRAND AVENUE ESTATES OF DULUTH LLLP
R.O.W.	1.7	ACCESS	

PARCEL CURVE DATA

CURVE	RADIUS	LENGTH	CH. DISTANCE	CH. DIRECTION	DELTA
C1	71.00'	29.95'	29.73	S10°57'11"E	024°10'03"
C2	71.00'	32.55'	32.27	S36°10'18"E	026°16'13"
C3	71.00'	30.09'	29.86	S61°26'46"E	024°16'47"
C4	71.00'	20.84'	20.77	S81°58'48"E	016°49'08"
C5	71.00'	19.13'	19.07	N81°52'30"E	015°26'22"
C6	71.00'	27.94'	27.76	N62°52'52"E	022°32'53"
C7	71.00'	34.91'	34.56	N37°31'13"E	028°10'25"
C8	71.00'	29.54'	29.33	N11°30'51"E	023°50'20"
C9	71.00'	12.08'	12.04	N05°18'14"W	009°43'50"
C11	75.00'	46.83'	46.07	N85°14'30"E	035°46'19"
C12	75.00'	28.92'	28.74	S78°24'04"W	022°05'28"
C13	150.00'	21.13'	21.11	N85°24'38"E	008°04'19"
C14	150.00'	50.20'	49.96	N69°02'19"W	019°10'24"
C15	150.00'	23.18'	23.16	S83°32'45"E	008°51'17"
C16	71.00'	71.26'	68.30	S61°39'16"E	057°30'07"
C17	114.90'	103.46'	100.00	S28°11'51"E	051°35'35"

PARCEL LINE DATA

SEGMENT	LENGTH	DIRECTION
L1	15.27	S01°13'35"W
L2	31.00	S89°35'41"W
L3	11.13	S00°24'19"E
L4	18.44	S22°22'55"W
L5	17.00	N00°27'19"W
L6	48.55	N00°22'49"W
L7	32.90	S00°24'19"E
L8	53.02	S81°22'30"W
L9	29.50	S87°21'20"W
L10	46.97	N00°24'04"W

SURVEYORS NOTES:

1. Basis of Bearing is St. Louis County Transverse Mercator 1996.
2. Sewer, Water, and Gas Easement Locations from City of Duluth, Department of Engineering. Morgan Park Company Plan No. 2757, Easement Sheet No. 7, Tracing No. 26-A, Dated Jan. 6, 1933.
3. Arbor Street Centerline Established by Using MN/DOT Right of Way Map S.P. 6910 (T.H. 23=185)
4. The Easement Dimensions Along the Easterly Right of Way of 93rd Ave. W. are to the Centerline of Easement.
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 FIRM Community-Panel Number 270421 0045 C, dated April 2, 1982. Base Flood Elevation ranges from 614 to 622 (NAVD).

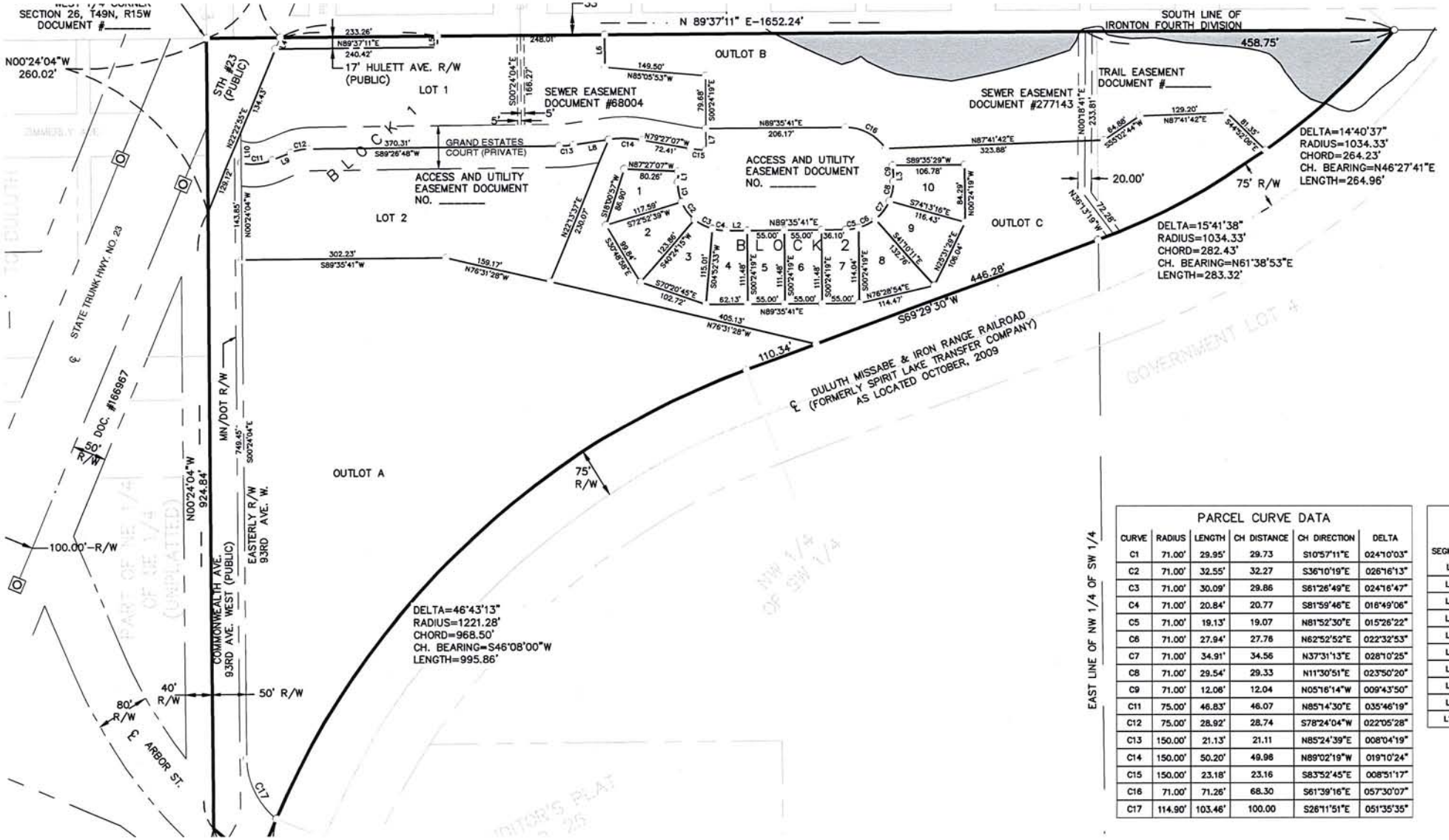
SEH
PHONE: 218.279.3000
418 W SUPERIOR ST STE 200
DULUTH, MN 55802-1512
www.sehinc.com

FILE NO. KEUPC-129020 5/06/2015

Engineer: Don R. Hinzmann, PE

Surveyor: Chris A. Larsen, PLS

I-7



LOT
OUTLOT A
OUTLOT B
OUTLOT C
LOT 1, BLOC
LOT 2, BLOC
LOT 1, BLOC
LOT 2, BLOC
LOT 3, BLOC
LOT 4, BLOC
LOT 5, BLOC
LOT 6, BLOC
LOT 7, BLOC
LOT 8, BLOC
LOT 9, BLOC
LOT 10, BLOC
R.O.W.

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PARCEL LIN
DATA

SEGMENT	LENGTH	DI
L1	15.27	S01
L2	31.00	S8
L3	11.13	S0
L4	18.44	S2
L5	17.00	N0
L6	48.55	N0
L7	32.90	S0
L8	53.02	S8
L9	29.50	S6
L10	46.97	N0

I-8

LEGAL LAND DESCRIPTION
for the plat of
GRAND AVENUE ESTATES

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 said 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 the said City of Duluth as now laid out constructed and in use.

I-9

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FILE NO. KEUPC-129020	GRAND AVENUE ESTATES DULUTH, MINNESOTA	LEGAL DESCRIPTION
DATE: 3/26/2015		

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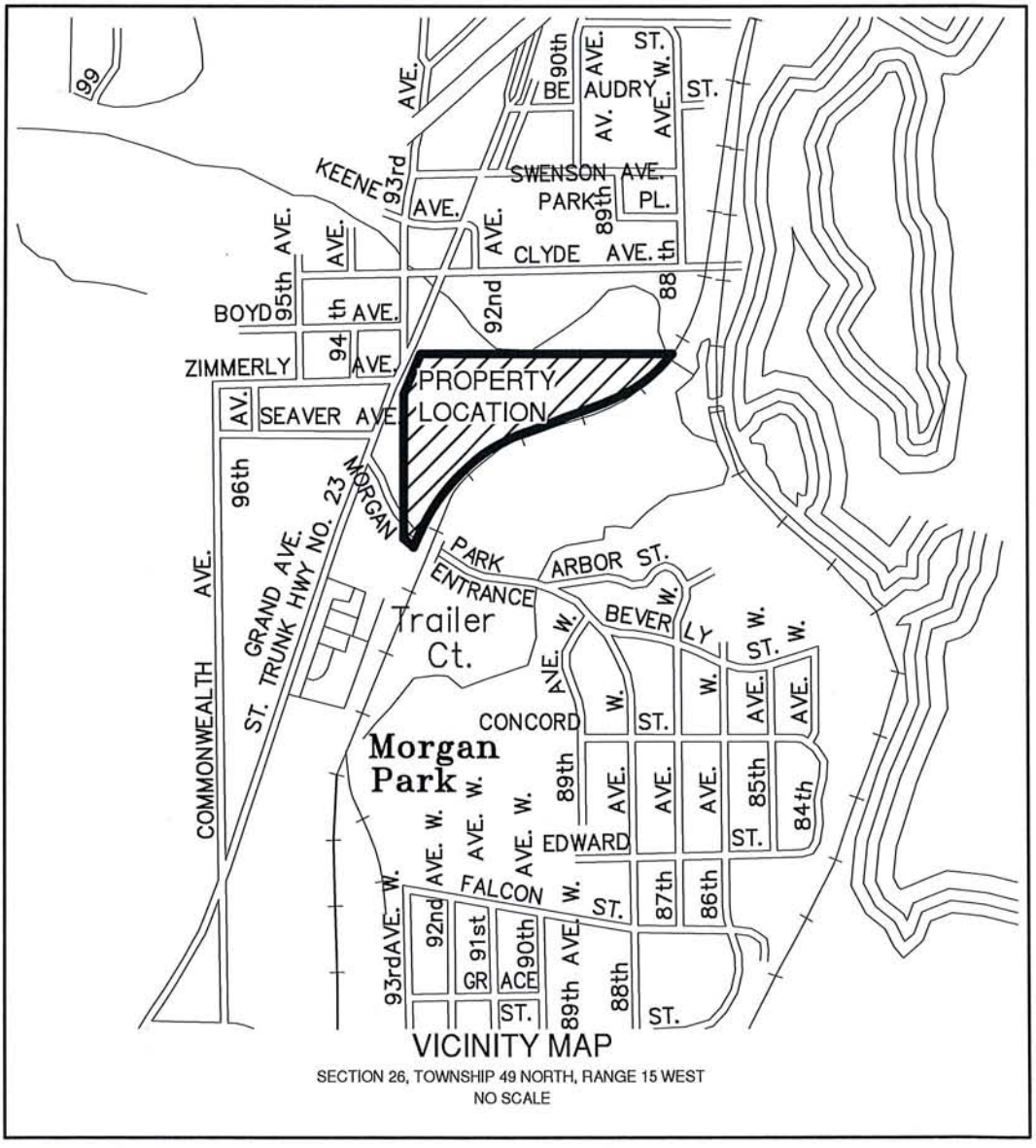

VICINITY MAP

SECTION 26, TOWNSHIP 49 NORTH, RANGE 15 WEST

NO SCALE

I-10

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FILE NO.	GRAND AVENUE ESTATES DULUTH, MINNESOTA	VICINITY MAP
KEUPC-129020		
DATE: 3/26/2015		

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I-13