



CITY OF DULUTH

Planning Division

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Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 15-115	Contact	Steven Robertson, 218-730-5295	
Application Type	Minor Subdivision	Planning Commission Date	September 8, 2015	
Deadline for Action	Application Date	July 29, 2014	60 Days	September 27, 2015
	Date Extension Letter Mailed	August 20, 2015	120 Days	October 26, 2015
Location of Subject	3800 Block of Minnesota Avenue			
Applicant	Helen Harrison	Contact	hharrison36@gmail.com	
Agent		Contact		
Legal Description	010-3110-04060, 02030, 02040, and 02050			
Site Visit Date	August 22, 2015	Sign Notice Date	August 25, 2015	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is proposing to combine 5 previously platted parcels into 2 parcels.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential/Undeveloped/Lake	Preservation
South	R-1	Undeveloped/Bay	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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

50-37.5. Subdivision Plat or Amendment

Relevant Definitions: A flag lot is defined as "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 percent of the lot width at its greatest point." Lot frontage is defined as "frontage shall be the dimension of the lot line at the street, except where the lot line at the street is not straight, in which case the frontage shall be the dimension across the lot at the required front yard line."

1-1-11

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):

Proposal: The applicant is proposing to combine several previously platted lots into 2 parcels.

Issue/Item for Review: The City has zoning authority over most land subdivisions. 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. The project proposal requires an approved Minor Subdivision from the City.

1. The proposed lots have street frontage and meet the minimum lot frontage and lot area requirements in the R-1 district. This is based on staffs conclusion that:
 - Required frontage is the smaller of 40 feet, or average of developed lots with similar uses on the block face (all other uses on this block are single family homes). Frontage for proposed parcel A would be Minnesota Avenue, and frontage for proposed parcel B would be (platted but unimproved) Lake Avenue.
 - Parcel B has a pre-existing and recorded driveway easement (Doc No. 636694). Typically the city requires that, in the case of development of previously undeveloped parcels, the applicant improves the public right of way at their expense to current city standards. In this atypically proposal for development, the parcel already has access to an improved public right of way (Minnesota Avenue), and requiring the applicant to improve Lake Avenue would not improve access to this property or adjacent properties in any meaningful way. In the past the City has allowed (on Park Point) multiple "rear" properties to be serviced by one main private driveway, and this legal, recorded, driveway easement was created years ago with the intent of servicing this parcel (as well as a handful of other homes).
2. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
3. Approval of this Minor Subdivision 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 180 days. Applicant must provide the City with proof of recording.
5. No additional 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 Minor Subdivision, subject to the following conditions:

1. This subdivision be filed with St. Louis County within 180 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.

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



City Planning

PL 15-115

38xx Minnesota Avenue



Legend

	Zoning Boundaries
	Zoning Boundaries
	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.

Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, August 14, 2015. Source: City of Duluth.

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City Planning

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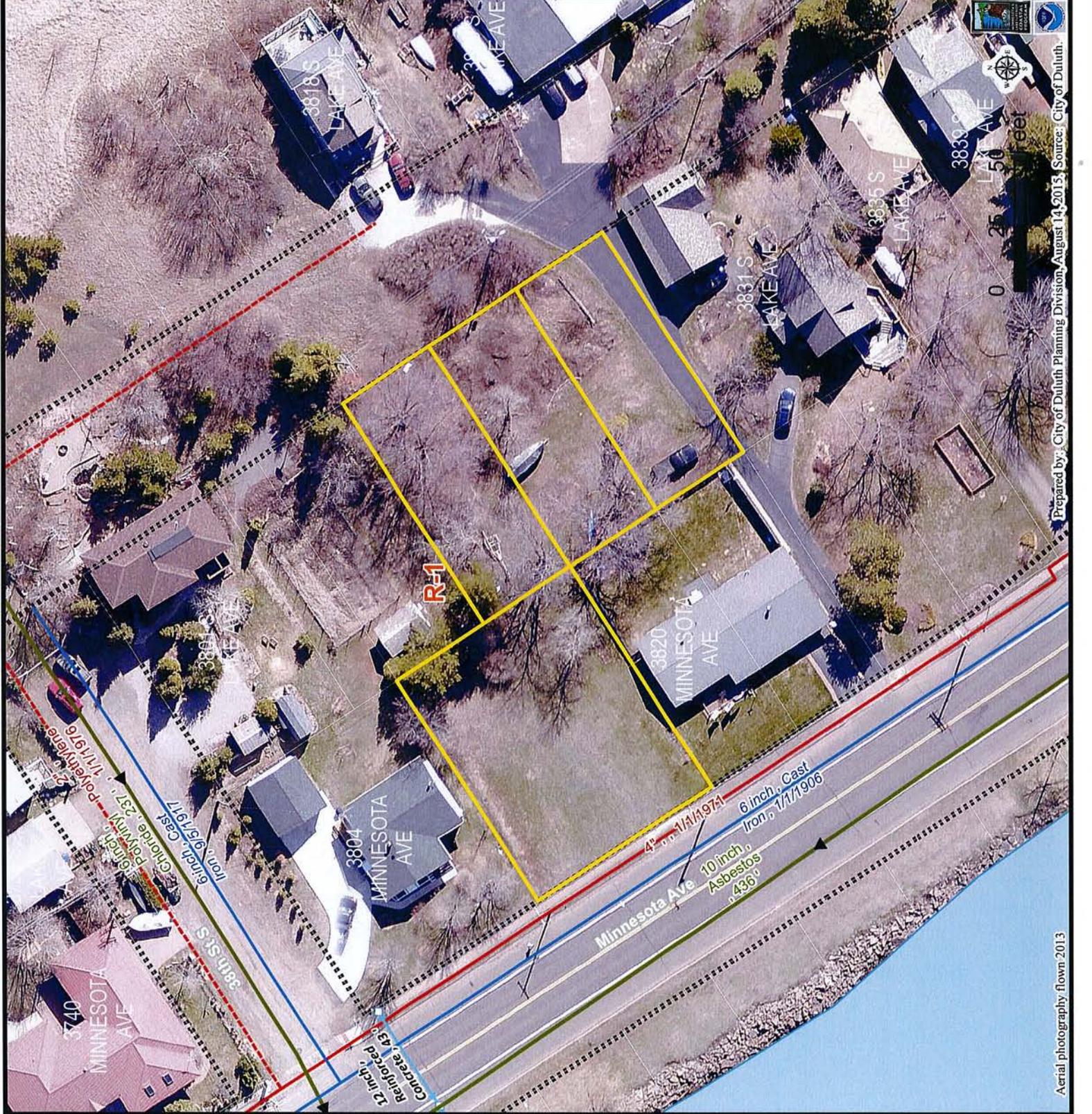
38xx Minnesota Avenue

Legend

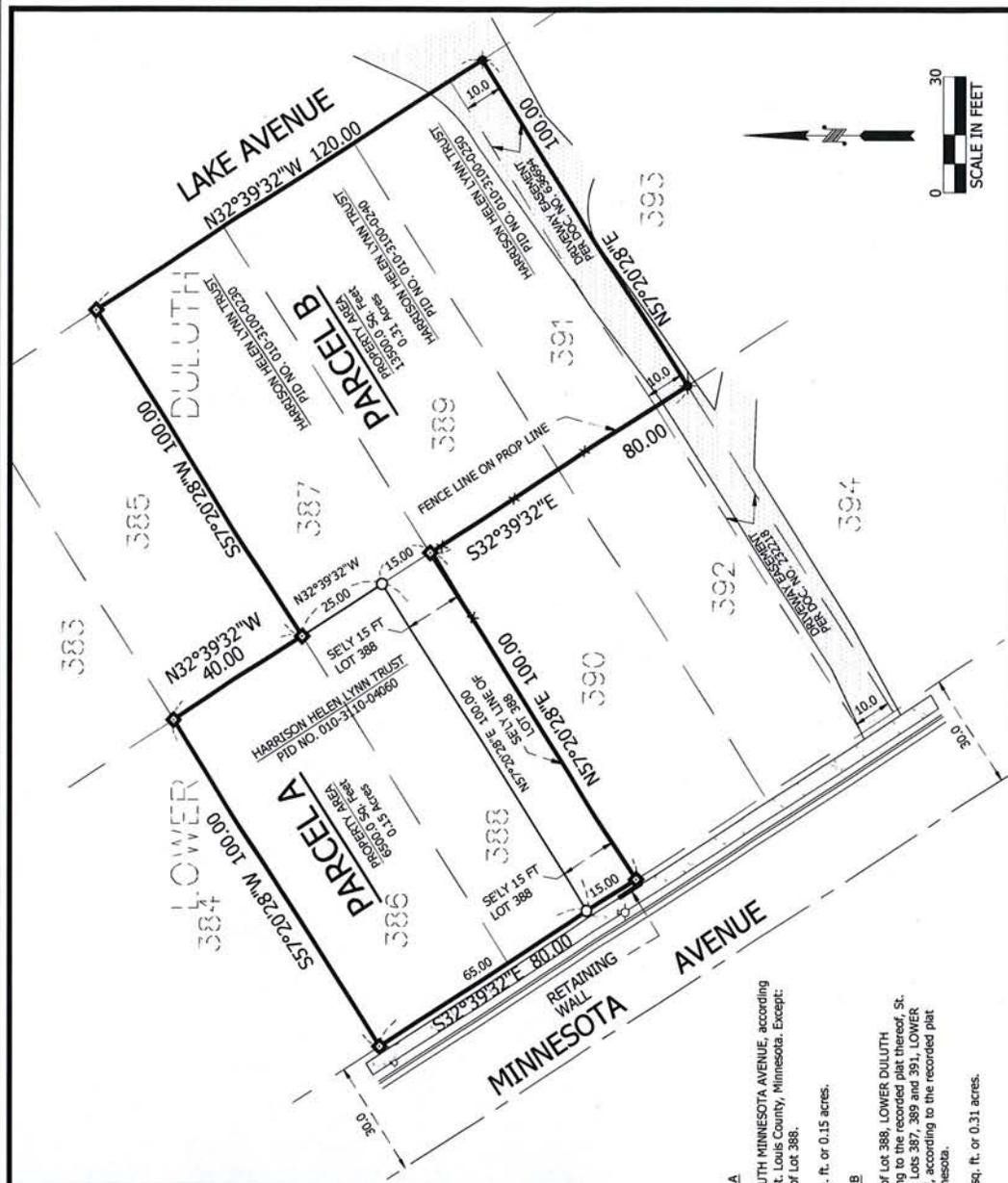
- Trout Stream (GPS)
- Other Stream (GPS)
- Hydrant
- Water Main
- Network Structure**
- Subtype
- Storage Basin
- Pump Station
- Sanitary Gravity Mains**
- Owner
- CITY OF DULUTH
- WLS&D; PRIVATE; RICE LAKE TWP
- Sanitary Sewer Forced Main
- Storm Sewer Catch Basin
- Subtype
- Storm Sewer Pipe
- Gas Distribution Main**
- Material
- Coated Steel
- Plastic
- Lake Superior
- Zoning Boundaries**
- Zoning Boundaries
- Right-of-Way Type
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement

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F-LH



Aerial photography flown 2013



LEGEND

- CONCRETE SURFACE
- BITUMINOUS SURFACE
- FENCE LINE
- FOUND MAG NAIL
- FOUND CAPPED REBAR RLS. NO. 49505
- SET CAPPED REBAR RLS. NO. 49505

LEGAL DESCRIPTION PARCELA

Lot 386 and 388, LOWER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota. Except: The Southeastern 15.00 feet of Lot 388.

Said Parcel contains 6500.0 sq. ft. or 0.15 acres.

LEGAL DESCRIPTION PARCEL B

The Southeastern 15.00 feet of Lot 388, LOWER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota. And: Lots 387, 389 and 391, LOWER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

Said Parcel contains 13,500.0 sq. ft. or 0.31 acres.

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.
 THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A RECENT CONTROL SURVEY AND FOR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

MINOR SUBDIVISION	
CLIENT: HELEN HARRISON	REVISIONS: 00X
DATE: 7/23/15	ADDRESS: 00X
JOB NUMBER: 15-192	

ALTA
 LAND SURVEY COMPANY
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 WWW.ALTLANDSURVEY.COM



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Language from UDC: Minor Subdivisions

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.

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 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;

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