



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 15-131	Contact	Steven Robertson, 218-730-5295	
Application Type	Minor Subdivision	Planning Commission Date	September 8, 2015	
Deadline for Action	Application Date	August 10, 2014	60 Days	October 9, 2015
	Date Extension Letter Mailed	August 20, 2015	120 Days	December 8, 2015
Location of Subject	211 East Superior Street			
Applicant	NorShor Theater LLC, Sherman Associates	Contact		
Agent	Diana Dyste	Contact	ddyste@sherman-associates.com	
Legal Description	010-0910-00320, 00325			
Site Visit Date	August 22, 2015	Sign Notice Date	August 24, 2015	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is proposing to combine several previously platted parcels into 2 parcels

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-7	Commercial	Central Business Primary
North	F-8	Commercial	Central Business Primary
South	F-7/I-G	Commercial	Central Business Primary
East	F-7	Commercial	Central Business Primary
West	F-7/F-8	Commercial	Central Business Primary

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

50-37.5. Subdivision Plat or Amendment

H. J. -1

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

Future Land Use - Central Business Primary: Encompasses a broad range of uses and intensities: • Governmental campus
• Significant retail • Entertainment and lodging • Opportunities for high-density housing • Central plaza, public/open space
• Public parking facilities

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 requirements in the form district.
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.
6. The applicant has received some preliminary comments from the State Historical Preservation Society that may impact the configuration of the minor subdivision. The applicant may ask that this application be tabled to allow for additional time in the event that the exhibit needs to be amended.

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 15-131

211 E Superior St

Legend

- Trout Stream (GPS)
- Other Stream (GPS)

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

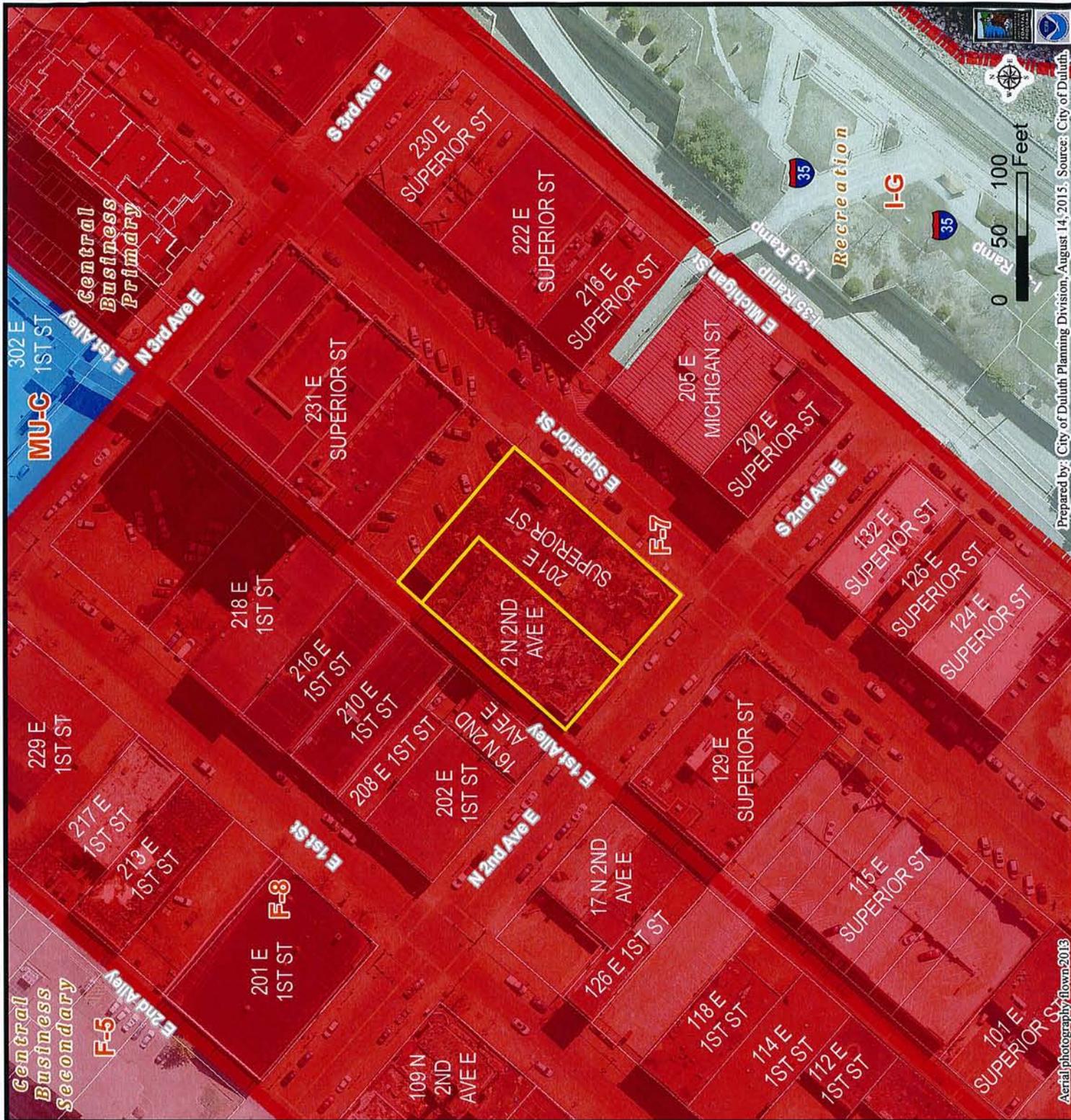
Industrial Waterfront

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.



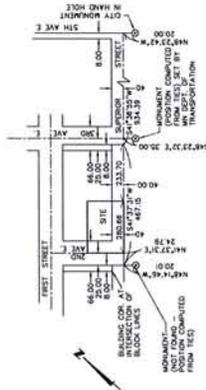
Aerial photography flown 2013

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

REGISTERED LAND SURVEY NO. _____

Survey of Lots 33, 35, and 37; the West Half of Lot 39; and a portion of adjoining alley and street, East Superior Street, Duluth Proper First Division St. Louis County, Minnesota

VICINITY MAP
CITY MONUMENTS AND ALIGNMENT
NOT TO SCALE



I hereby certify that in accordance with the provisions of chapter 509, Minnesota statutes of 1949, as amended, I have surveyed the following described tracts of land in the County of St. Louis, State of Minnesota, to-wit:

The Northerly 68.66 feet of Lots 33, 35 and 37, East Superior Street, Duluth Proper First Division, St. Louis County, Minnesota.

AND

Lots 33, 35 and 37, except the Northerly 68.66 feet, and the West Half of Lot 39, East Superior Street, Duluth Proper First Division, St. Louis County, Minnesota.

I hereby certify that this REGISTERED LAND SURVEY NO. _____ is a correct delineation of said survey.

Dated this _____ day of _____, 20____

Dennis B. Ohmscheid, Land Surveyor
Minnesota License Number 18425

CITY OF DULUTH PLANNING DEPARTMENT

Approved by the City of Duluth Planning Department this _____ day of _____, 20____

President of the Planning Commission _____ Secretary of the Planning Commission _____

ST. LOUIS COUNTY SURVEYOR

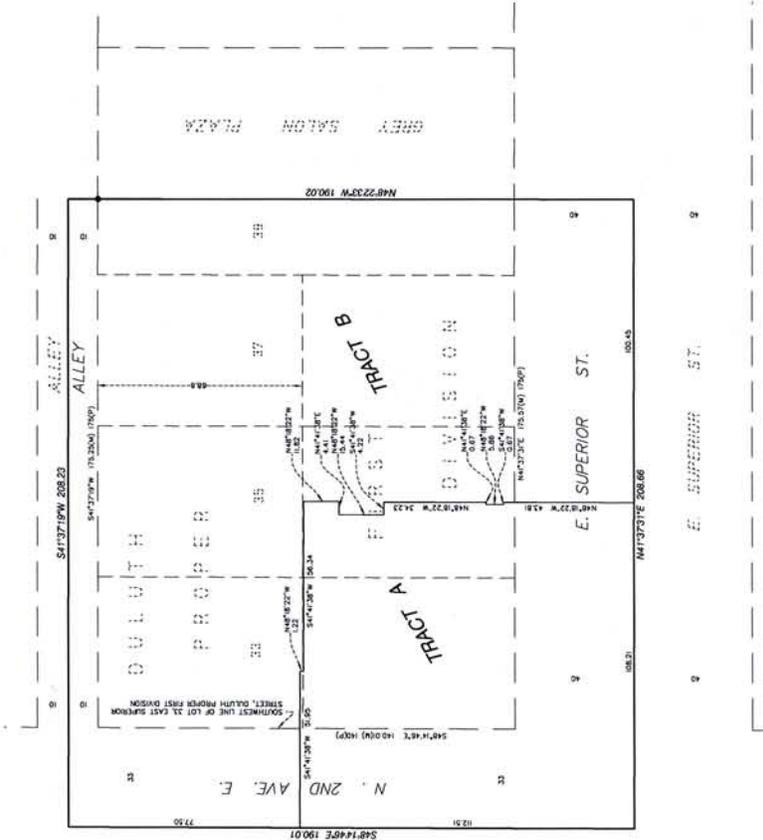
I hereby certify that this REGISTERED LAND SURVEY NO. _____ has been checked and approved this _____ day of _____, 20____

St. Louis County Surveyor _____

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

I hereby certify that this Registered Land Survey was filed in this office as Registered Land Survey No. _____ on the _____ day of _____, 20____ at _____ o'clock _____ M., at document _____ affecting certificate of title _____

BY: _____



BEARINGS ARE BASED ON THE QUARTERLY LINE OF LOT 33, EAST SUPERIOR STREET, DULUTH PROPER FIRST DIVISION WHICH IS ASSUMED TO HAVE A BEARING OF SOUTH 45 DEGREES 14 MINUTES 46 SECONDS EAST

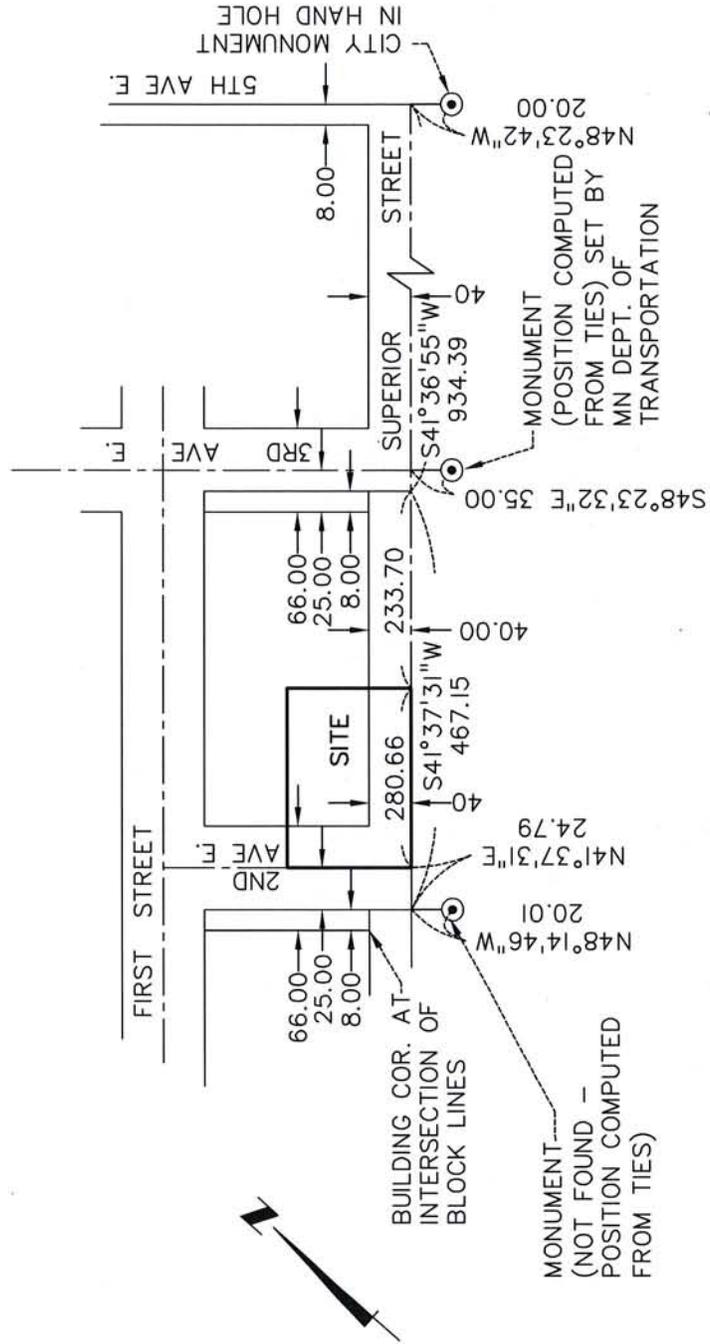
- LEGEND
- Denotes Monument Found 1/2 Inch Iron Pipe
 - ▲ Denotes Nag Nail Set
 - (M) Denotes Measured Distance
 - (p) Denotes Plot Distance



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VICINITY MAP

CITY MONUMENTS AND ALIGNMENT
NOT TO SCALE



J-7

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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