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 15-177		**Contact**	Steven Robertson, 218-730-5295	
Application Type	Minor Subdivision		**Planning Commission Date**	December 8, 2015	
Deadline for Action	**Application Date**	November 23, 2015	**60 Days**	January 22, 2016	
	Date Extension Letter Mailed	November 25, 2015	**120 Days**	March 22, 2016	
Location of Subject	Between 40 and 41st Avenue East, and Jay and Dodge Street				
Applicant	One Roof Housing, City of Duluth		**Contact**	Clifford Knettel, Deputy Director	
Agent	Julie Hillman		**Contact**	jhillman@1roofhousing.org	
Legal Description	See attached				
Site Visit Date	November 21, 2015		**Sign Notice Date**	November 23, 2015	
Neighbor Letter Date	N/A		**Number of Letters Sent**	N/A	

Proposal

Applicant is proposing to combine 16 previously platted lots into 10 parcels (9 parcels for development and 1 parcel for green space). This project is related to a second application, PL 15-178 Vacation of Platted Right of Way.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1/P-1	Residential/Park	Traditional Neighborhood/Preservation
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1/R-2	Residential	Traditional Neighborhood/Urban Residential

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

50-37.5. Subdivision Plat or Amendment

II. D-1

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.

Current History: The City initially acquired this property via a condemnation plat in 1923, for "the erection of a gas tank and a unit of the gas plat system of the city of Duluth". In1998 the Council passed a resolution transferring this property from water and gas to the parks and recreation department for "park and/or recreation use". In 2014, the council passed a resolution offering the property for sale (with support from the Parks and Recreation Commission), and also changed the future land use designation from Recreation to Traditional Neighborhood (it was already zoned R-1).

There is a existing public water main in the "highway" easement in the northwest corner of the development. Historically the placement of public utilities in a street easement was permissible as part of the street easement.

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

Proposal: The applicant is proposing to combine 16 previously platted lots into 10 parcels (9 parcels for development and 1 parcel for green space). This project is related to a second application, PL 15-178 Vacation of Platted Right of Way.

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.

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.

D-2

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

City Planning

Legend

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

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.

D-3

City Planning

Legend

- Hydrant
- Water Main

Network Structure

Subtype
- Storage Basin
- Pump Station

Sanitary Gravity Mains

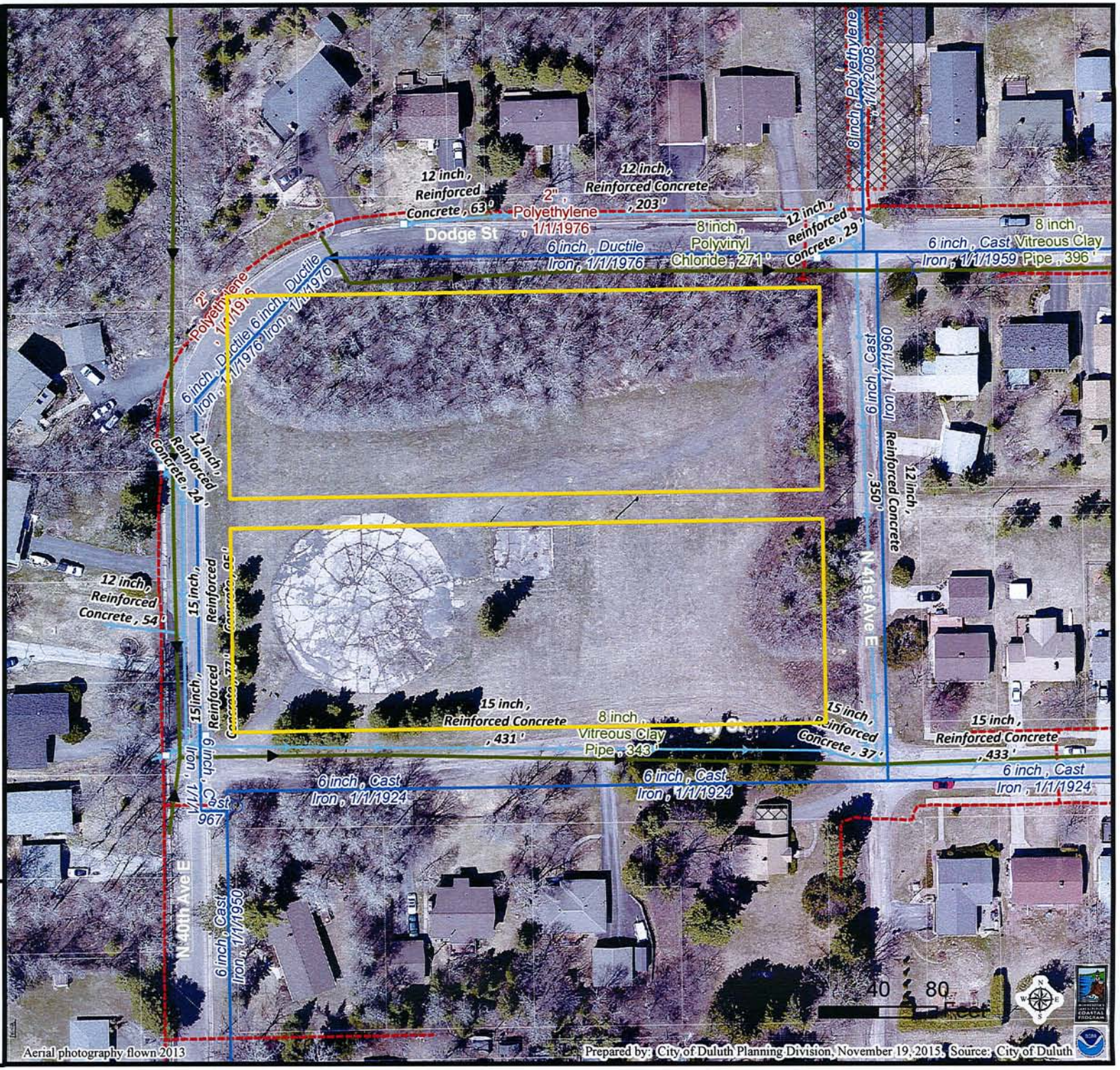
Owner
- CITY OF DULUTH
- WLSSD; PRIVATE; RICE LAKE TWP
- Sanitary Sewer Forced Main
- Storm Sewer Catch Basin

Subtype
- Storm Sewer Pipe

Gas Distribution Main

Material
- Coated Steel
- Plastic
- Vacated ROW

Easement Type
- Utility Easement
- Other Easement



Aerial photography flown 2013

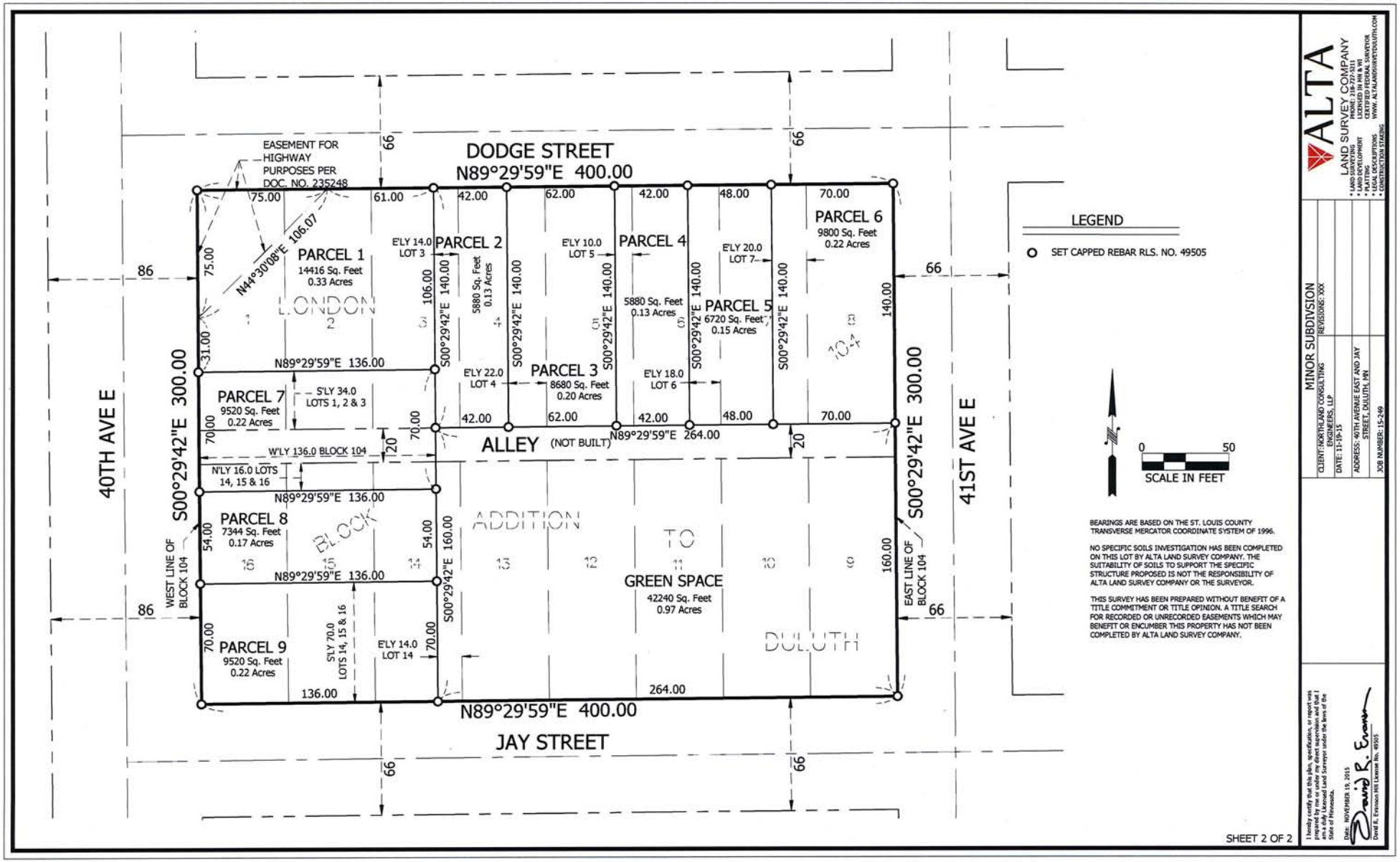
Prepared by: City of Duluth Planning Division, November 19, 2015. Source: City of Duluth

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.

D-4

N 41st Ave E
Dodge St
Jay St
N 40th Ave E
800
810
820
830
840
850
860
870
880
890
900
910
920

© 2013 P

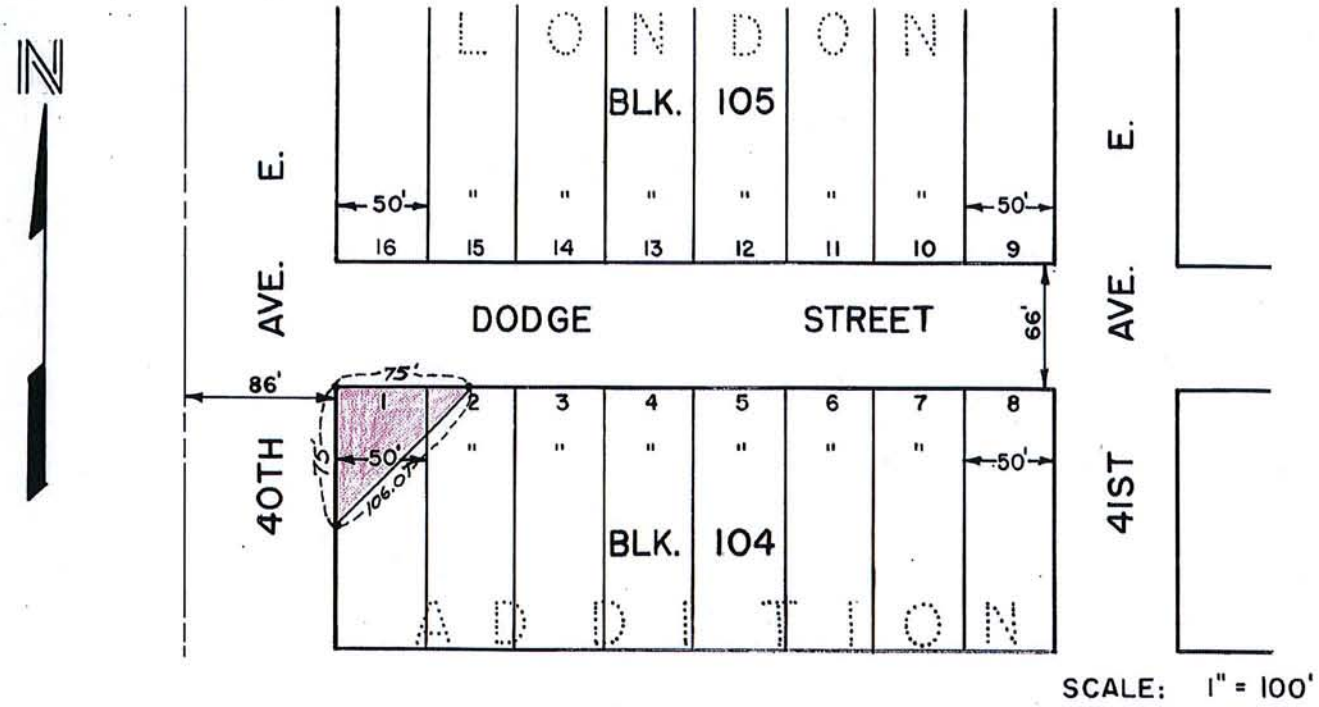

DODGE STREET
N89°29'59"E 400.00
JAY STREET
N89°29'59"E 400.00
40TH AVE E
41ST AVE E
S00°29'42"E 300.00
EASEMENT FOR HIGHWAY PURPOSES PER DOC. NO. 235248
N44°30'08"E 106.07
PARCEL 1
14416 Sq. Feet
0.33 Acres
PARCEL 2
5880 Sq. Feet
0.13 Acres
PARCEL 3
8680 Sq. Feet
0.20 Acres
PARCEL 4
5880 Sq. Feet
0.13 Acres
PARCEL 5
6720 Sq. Feet
0.15 Acres
PARCEL 6
9800 Sq. Feet
0.22 Acres
PARCEL 7
9520 Sq. Feet
0.22 Acres
PARCEL 8
7344 Sq. Feet
0.17 Acres
PARCEL 9
9520 Sq. Feet
0.22 Acres
E'LY 14.0 LOT 3
E'LY 10.0 LOT 5
E'LY 20.0 LOT 7
E'LY 22.0 LOT 4
E'LY 18.0 LOT 6
E'LY 14.0 LOT 14
S'LY 34.0 LOTS 1, 2 & 3
S'LY 70.0 LOTS 14, 15 & 16
N'LY 16.0 LOTS 14, 15 & 16
W'LY 136.0 BLOCK 104
N89°29'59"E 136.00
N89°29'59"E 264.00
ALLEY (NOT BUILT)
LONDON
BLOCK
ADDITION
TO
GREEN SPACE
42240 Sq. Feet
0.97 Acres
DULUTH
WEST LINE OF BLOCK 104
EAST LINE OF BLOCK 104
LEGEND
SET CAPPED REBAR RLS. NO. 49505
SCALE IN FEET
BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.
NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
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 LAND SURVEY COMPANY.
SHEET 2 OF 2
ALTA
LAND SURVEY COMPANY
MINOR SUBDIVISION
CLIENT: NORTHLAND CONSULTING ENGINEERS, LLP
DATE: 11-19-15
REVISIONS: XXX
ADDRESS: 40TH AVENUE EAST AND JAY STREET, DULUTH, MN
JOB NUMBER: 15-249
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: NOVEMBER 19, 2015
David R. Evenson MN License No. 49505

D-7

D-8

D-9

D-10



SCALE: 1" = 100'

Plat showing property necessary to be acquired for highway purposes being that part of Lots 1 and 2 Block 104, London Addition which lies within the following described line: beginning at the Northwest corner of said Lot 1, thence Easterly along the North line of Block 104 for a distance of 75 feet, thence deflect 135 degrees to the right and go 106.07 feet to a point on the West line of said Block 104, thence go Northerly 75 feet along the West line of said Block 104 to the point of beginning and thence terminate.

The portions to be acquired are shown colored in RED on the above plat.

Paul Davidson 12-23-75

City Engineer Date

D-11

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;

D-12