



**CITY OF DULUTH**

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
 Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 15-176	<b>Contact</b>	Steven Robertson, 218-730-5295	
<b>Application Type</b>	Minor Subdivision	<b>Planning Commission Date</b>	December 8, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	November 16, 2015	<b>60 Days</b>	January 15, 2016
	<b>Date Extension Letter Mailed</b>	November 19, 2015	<b>120 Days</b>	March 15, 2016
<b>Location of Subject</b>	1600 Vermilion Road			
<b>Applicant</b>	Agata Bednarz	<b>Contact</b>	agabednarz@hotmail.com	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	010-0680-00025			
<b>Site Visit Date</b>	November 21, 2015	<b>Sign Notice Date</b>	November 20, 2015	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

Applicant is proposing to split one existing platted lot into two parcels.

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

#.C-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.

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

Proposal: The applicant is proposing to split one existing platted lot into two parcels. The existing home would remain on one parcel, and a second parcel would be created to the north of the home for a future home site.

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. The UDC does not allow accessory structures (such as garages) on a lot without a primary structure (such as a home). The applicant has removed the garage that is shown in the 2013 GIS aerial maps from the proposed new parcel B.
5. This subdivision approval lapses if not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.
6. 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.

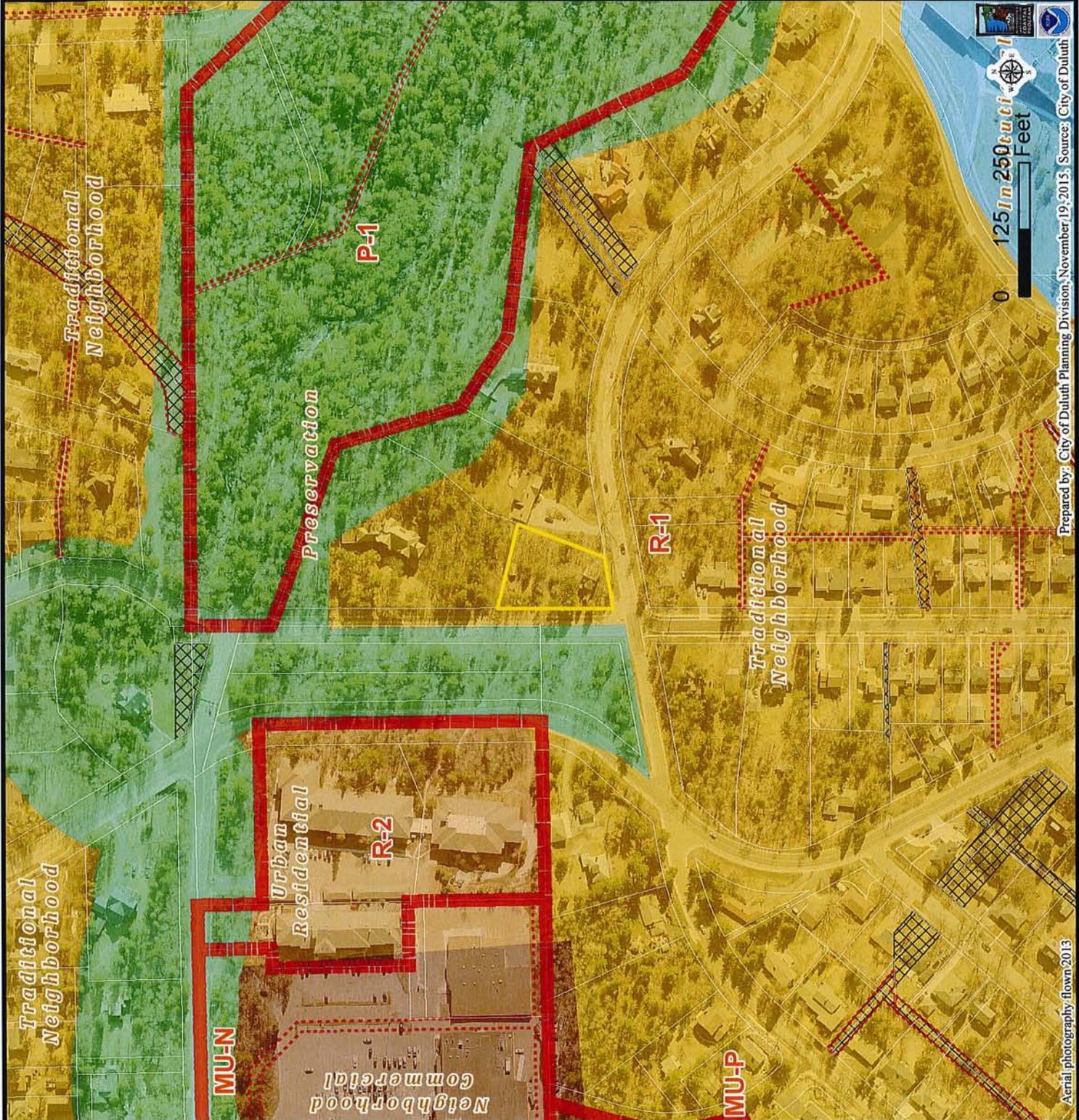
C-2

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

**Legend**

	<b>Zoning Boundaries</b>
	Zoning Boundaries
	<b>Vacated ROW</b>
	Vacated ROW
	<b>Easement Type</b>
	Utility Easement
	Other Easement
	<b>Future Land Use</b>
	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



**Legend**

**Contours 1 Ft**  
 Index ——— Intermediate ——— Index ———

**Streams**  
 Trout Stream (GPS) ——— Other Stream (GPS) ———

**Zoning Boundaries**  
 Zoning Boundaries ———

**Wetlands (NRR1)**  
 Wetlands (NRR1) ———

**Vacated ROW**  
 Vacated ROW ———

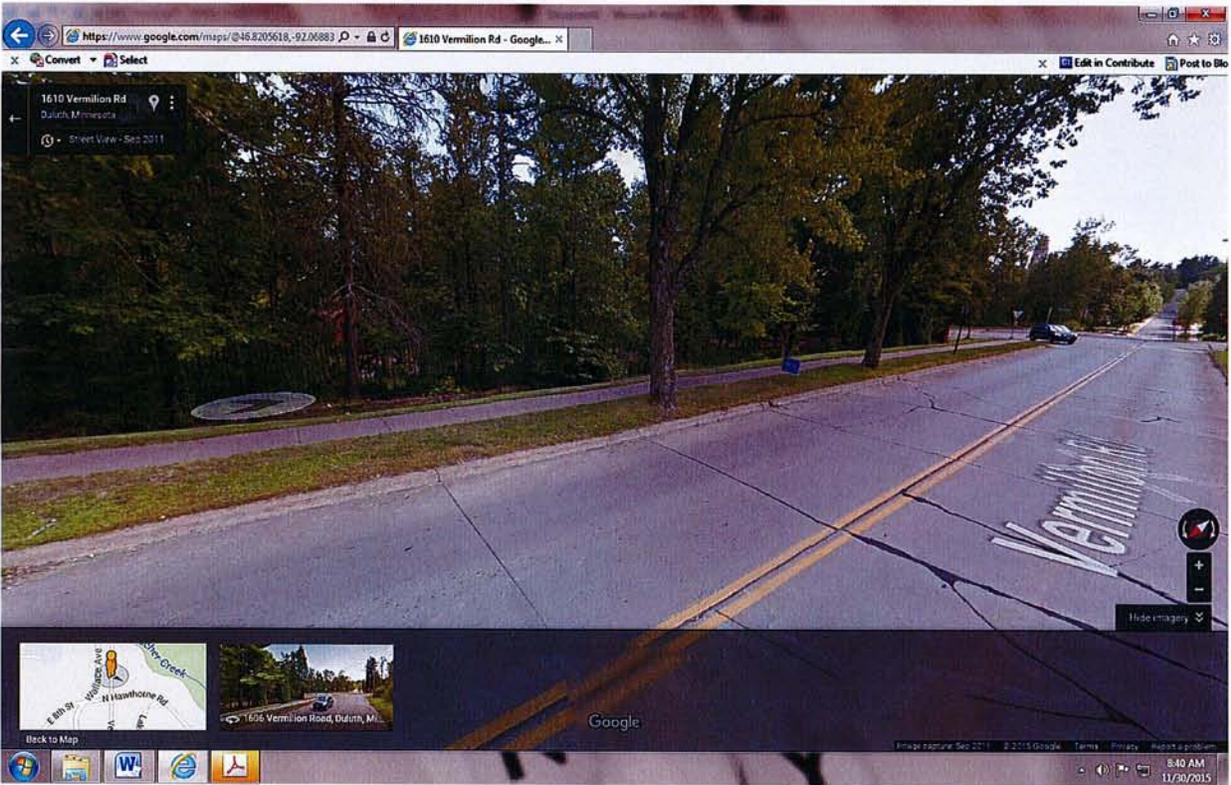
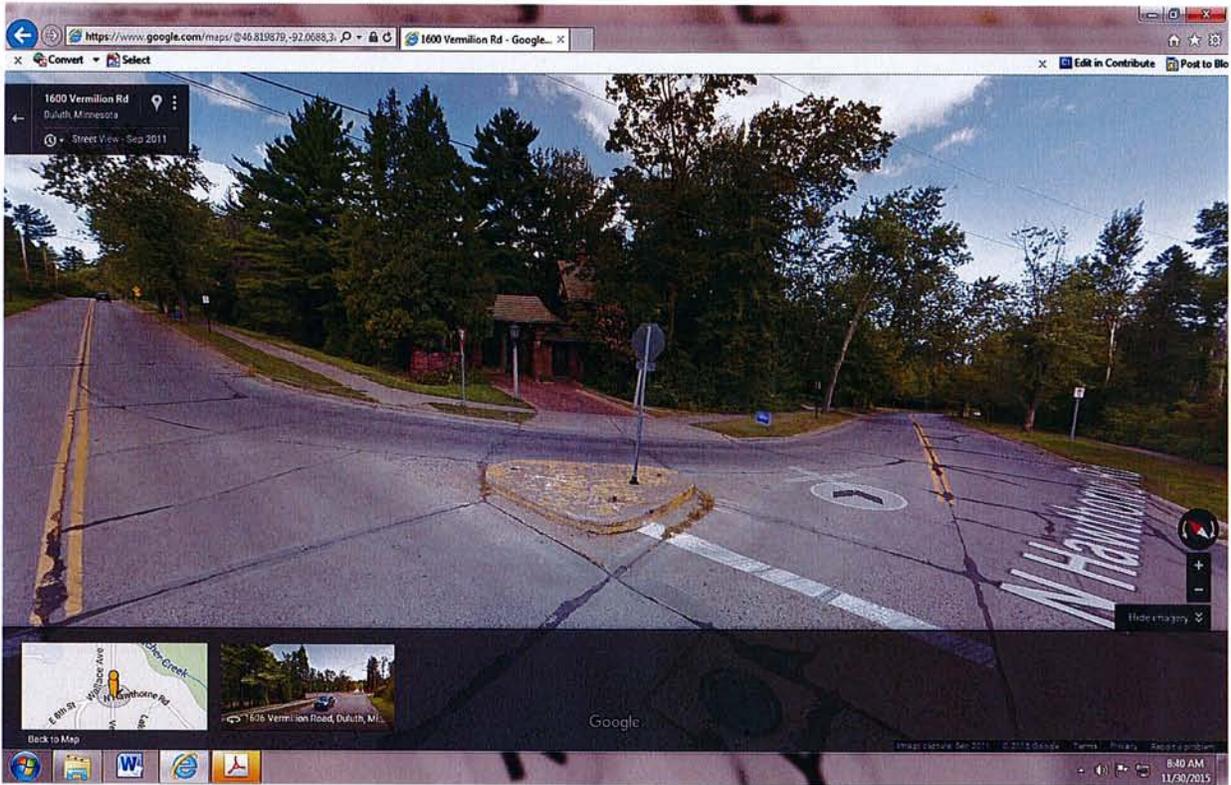
**Easement Type**  
 Utility Easement ——— Other Easement ———

**Shoreland Overlay Zone**  
 Cold Water ——— Natural Environment ——— General Development ———

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C-4





C-6

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

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.



- LEGEND**
- X — FENCE LINE
  - — — RET WALL
  - ◆ FND CAPPED SURVEY MONUMENT
  - ⊗ FND T-STAKE MONUMENT
  - SET CAPPED REBAR  
RLS. NO. 49505
  - POB-POINT OF BEGINNING
  - POC-POINT OF COMMENCEMENT

**SURVEYOR'S NOTE:**  
 The angle recited in Certificate of Title No. 327301 is "59 degrees 20 seconds". Review of Exhibit A of Warranty Deed No. 920501 between Humes (Grantor) and Bednarz (Grantee) recites this angle as "59 degrees 20 seconds". Review of the legal description in Warranty Deed No. 429613 between Leek (Grantor) and Humes (Grantee) recites this angle to be (59° 20'); however it is noted that several angle calls in this deed appear to have the minutes denoted with (") instead of the commonly used (') symbol. Additionally the seconds are denoted with (") instead of the commonly used ("). Further review of adjoining current Certificate of Title No's 322374 and 295372 recite an angle of 120 degrees 40 minutes for the opposite angle of this same line. It is the opinion of the surveyor, the intended angle for Certificate of Title No. 327301 is 59 degrees 20 minutes 00 seconds.

**LEGAL DESCRIPTION PARCEL A**  
 All that part of Lot 2 Block 5 CONGDON PARK DIVISION described as follows:  
 Beginning at the Southwest corner of said Lot 2; going thence easterly along the north line of Hawthorne Road 97.45 feet to a point; thence deflect to the left 59 degrees 20 minutes 176.23 feet to an iron survey marker; thence deflect to the left 96 degrees 40 minutes 20 seconds 162.21 feet more or less to an iron survey marker; on the east line of Vermilion Road; thence deflect left 103 degrees 47 minutes 40 seconds along the east line of Vermilion Road 221.04 feet more or less to the point of beginning.

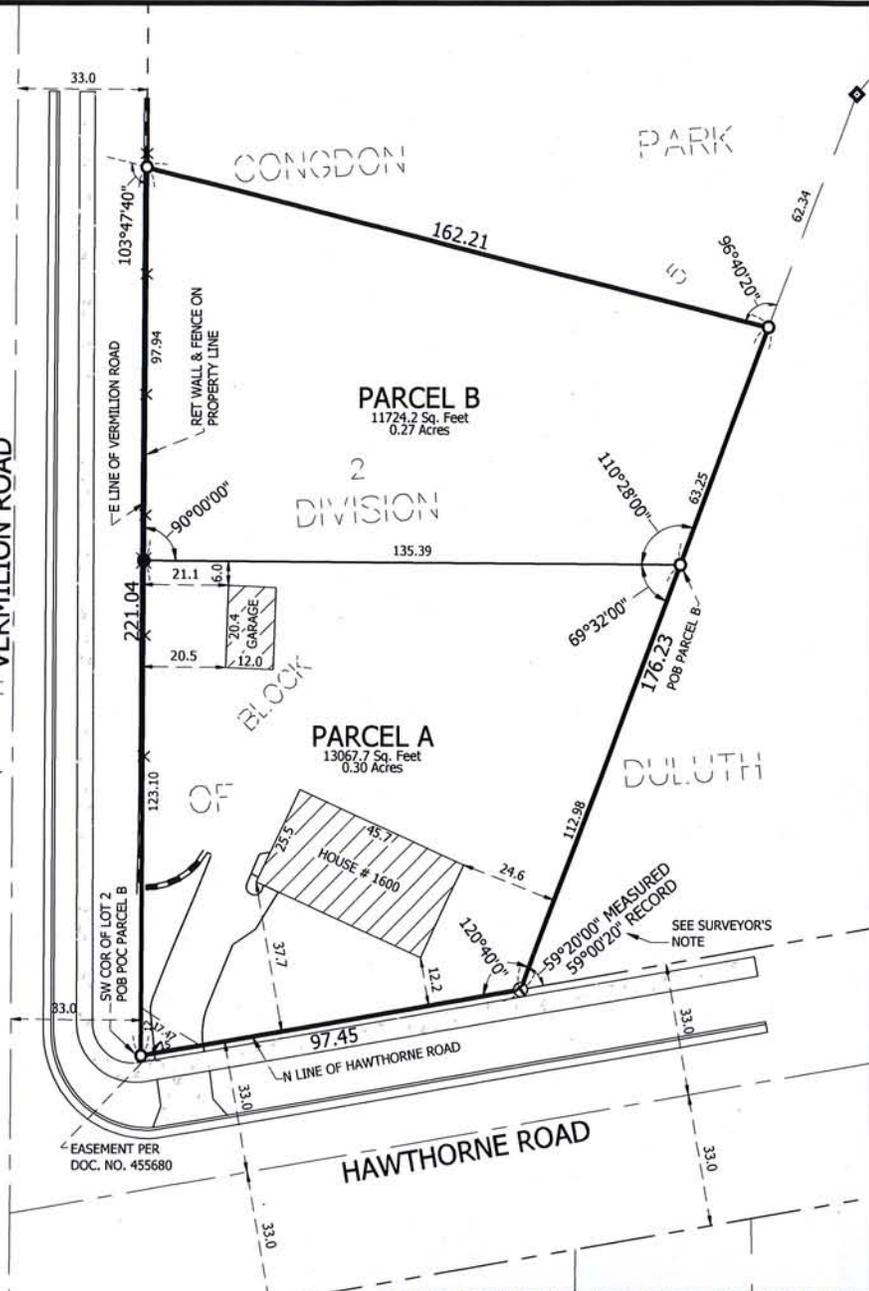
**EXCEPT:** that part of above described property lying north of a line described as follows:  
 Commencing at the Southwest corner of said Lot 2; going thence easterly along the north line of Hawthorne Road 97.45 feet to a point; thence deflect to the left 59 degrees 20 minutes 112.98 feet to an iron survey marker the point of beginning of the line to be described; thence deflect to the left 110 degrees 28 minutes 00 seconds 135.39 feet more or less to the East line of Vermilion Road and there terminating.

Said parcel contains 13067.7 sq. ft. or 0.30 acres.

**LEGAL DESCRIPTION PARCEL B**  
 All that part of Lot 2 Block 5 CONGDON PARK DIVISION described as follows:  
 Commencing at the Southwest corner of said Lot 2; going thence easterly along the north line of Hawthorne Road 97.45 feet to a point; thence deflect to the left 59 degrees 20 minutes 112.98 feet to the point of beginning of the property to be described; thence continuing northeasterly along last described line a distance of 63.25 feet to an iron survey marker; thence deflect to the left 96 degrees 40 minutes 20 seconds 162.21 feet more or less to an iron survey marker; on the east line of Vermilion Road; thence deflect left 103 degrees 47 minutes 40 seconds along the east line of Vermilion Road 97.94 feet; thence deflect to the left 90 degrees 135.39 feet to an iron survey marker, the point of beginning.

Said parcel contains 11724.2 sq. ft. or 0.27 acres.

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: 11-9-2015  
**David R. Evans**  
 David R. Evans MN License No. 49505



MINOR SUBDIVISION	
CLIENT: AGATA BEDNARZ	REVISIONS: XXXX
DATE: 11-9-2015	
ADDRESS: 1600 VERMILION ROAD	
JOB NUMBER: 15-295	

**ALTA**  
 LAND SURVEY COMPANY  
 \* LAND SURVEYING  
 \* LAND DEVELOPMENT  
 \* PLATTING  
 \* LEGAL DESCRIPTIONS  
 \* CONSTRUCTION STAKING  
 PHONE: 218-727-5211  
 LICENSED IN MN & WI  
 CERTIFIED FEDERAL SURVEYOR  
 WWW.ALTAANDSURVEYDULUTH.COM

C-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;

C-8