



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 16-007	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Final Plat, Morgan Park Estates	Planning Commission Date	February 9, 2016	
Deadline for Action	Application Date	January 21, 2016	60 Days	March 21, 2016
	Date Extension Letter Mailed	January 22, 2016	120 Days	May 20, 2016
Location of Subject	1243 88th Avenue W (former Morgan Park School)			
Applicant	Aaron Schweiger	Contact	schweiger.aaron@gmail.com, 612-735-9481	
Agent	David Bolf	Contact	david@nce-duluth.com, 218-727-5995	
Legal Description	See attached			
Site Visit Date	August 24, 2015	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

The applicant is proposing to subdivide the property into 10 parcels in preparation for future apartment buildings on the site of the former Morgan Park School. This subdivision would occur in phases, with the first four parcels being platted first (along 90th Avenue W), and the remainder of the plat, including right of way, occurring tentatively in 2017.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2, MU-N	Former school site	General Mixed Use
North	R-1, MU-N	Residential, Undeveloped	Traditional Neighborhood
South	R-2	Residential	Traditional Neighborhood
East	R-1	Park	Recreation
West	R-1	Residential	Traditional Neighborhood

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

The planning commission shall approve the application, or approve it with modifications if it determines that the application:
 (a) Is consistent with all applicable requirements 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 with 2 years 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.

II-B-1

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

Governing Principle #1 - Reuse previously developed lands. Directs new investment to sites which have the potential to perform at a higher level than their current state.

Governing Principle #7 - Create and maintain connectivity. Connectivity is established through our streets and highways, transit system, sidewalks, bikeways and trails. The non-vehicular modes should be considered more than recreation. They are important components of an overall transportation system.

Future Land Use - General Mixed Use: The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

In 2015, this site was rezoned from R-1 to R-2 and MU-N. The Preliminary Plat was approved in January 2016 with the following condition: a pedestrian easements be dedicated from the end of the cul-de-sac to 90th Avenue W, with the understanding that a sidewalk or trail will be developed at the time the adjacent buildings are constructed.

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

Staff finds that:

- 1.) The applicant is proposing to subdivide the property to prepare for future apartment buildings. Plat will occur in two phases: four lots along 90th Avenue W in 2016, with the remainder anticipated in 2017.
- 2.) The applicant completed the first steps for a subdivision--a concept plan and Preliminary Plat--in December 2015 and January 2016, respectively. One item from these approvals remains outstanding: the need for a pedestrian easement from the end of the cul-de-sac to 90th Avenue W.
- 3.) Applicant has also submitted a preliminary storm water plan, as required, which has been approved by City Engineering. A full drainage report will be required prior to development. No wetland delineation is required as this is a previously developed site with no wetlands. A tree preservation report will be completed prior to any construction or demolition on the site.
- 4.) All UDC requirements, including landscaping, building design, parking, etc., will need to demonstrate compliance prior to any building permits being issued.
- 5.) This application is consistent with all applicable requirements of MSA 462.358 and Chapter 505 and with the terms and provisions of the preliminary plat approval for the property.
- 6.) Per UDC requirements, developer will need to complete a development agreement with the City prior to recording the final plat, and need to provide adequate security for construction of the required improvements.
- 7.) No citizen, agency, or City comments have been received regarding the Final Plat; previous comments were received as part of the Preliminary Plat.
- 8.) Per UDC Section 50-37.1.N., approved final plats shall lapse unless the approved final plat is recorded within two years after approval.

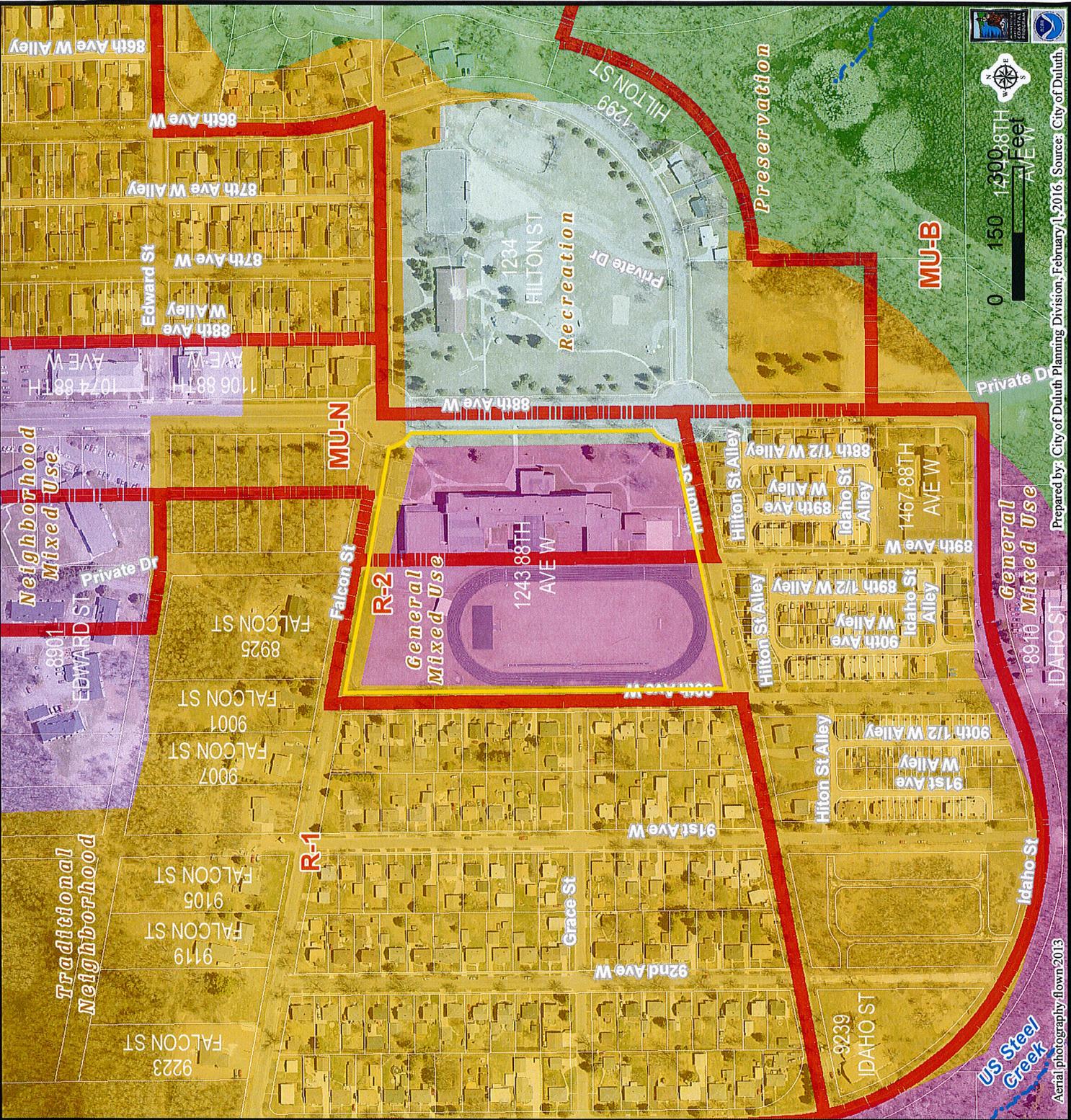
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission approve the Final Plat with the following condition:

- 1.) Prior to recording the final plat, applicant will dedicate a pedestrian easement from the end of the cul-de-sac to 90th Avenue W, with the understanding that a sidewalk or trail will be developed at the time the adjacent buildings are constructed.
- 2.) Prior to recording the final plat, applicant will complete a development agreement with the City and provide any required financial security to ensure improvements will be made as planned.
- 3.) 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.

B-2

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



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.

B-3

MORGAN PARK TOWNHOMES

LOCATED IN BLOCK 13, MORGAN PARK OF DULUTH IN THE NW 1/4 OF NW 1/4, SW 1/4 OF NW 1/4, SE 1/4 OF NW 1/4, AND GOVERNMENT LOT 2 OF SECTION 35, TOWNSHIP 49 NORTH, RANGE 15 WEST OF THE FOURTH PRINCIPAL MERIDIAN,

ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Morgan Park Estates Land Development LLC, a Minnesota Limited Liability Company, owners and of the following described property situated in the City of Duluth, County of St. Louis, State of Minnesota to wit:

That certain tract or parcel of land situate in Section 35, in Township 49 North, of Range 15 West of the Fourth Principal Meridian, described as follows, to-wit:

Beginning at a point on the North and South one-sixteenth line of the NW 1/4 of Section 35, in Township 49 North, of Range 15 West of the Fourth Principal Meridian, said one-sixteenth line taken in this description as running due north, such point being 1306.18 feet Southerly from the Northeast corner or the NW 1/4 of NW 1/4 of said Section 35, thence along a line bearing North 78 degrees 45 minutes West a distance of 457.80 feet to a point, thence due South a distance of 866.28 feet to a point; thence along a line bearing North 78 degrees 45 minutes East a distance of 559.48 feet to point, thence in a Northeasterly direction along the circumference of a circle whose center lies outside the premises herein described, and whose radius is 75 feet, a distance of 59.48 feet to point, such point lying 33.27 feet Easterly and 47.43 feet Northerly from the last mentioned point, thence in a due Northerly direction a distance of 553.12 feet to a point, thence in a Northwesterly direction along the circumference of a circle whose center lies outside the premises herein described and whose radius is 75 feet, a distance of 59.48 feet to a point, such point lying 33.27 feet Westerly and 47.43 feet Northerly from the last mentioned point, thence along a line bearing North 78 degrees 45 minutes West a distance of 101.68 feet to the place of beginning.

Also known as Block 13, Morgan Park, in the City of Duluth.

EXCEPT Minerals

Has caused the same to be surveyed and platted as MORGAN PARK TOWNHOMES and does hereby dedicate to the public use Schweiger Circle and the drainage and utility easements as created by this plat.

In witness whereof, Morgan Park Estates Land Development LLC, a Minnesota Limited Liability Company, has caused these presents to be signed by it's proper officer this ____ day of _____, 2016.

By: _____ By: _____

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by _____ it's _____ and by _____ it's _____, Morgan Park Estates Land Development LLC, a Minnesota Limited Liability Company.

Notary Public for the State of Minnesota My Commission Expires _____

I, David R. Evanson, do hereby certify that I have surveyed and platted the property described on this plat as MORGAN PARK TOWNHOMES, that this plat is a correct representation of the survey; that all distances are correctly shown on this plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in MS 505.01 Subd. 3, or public highways to be designated other than as shown.

David R. Evanson, Minnesota License Number 49505.

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of _____, 2016 by David R. Evanson, Minnesota License Number 49505.

Notary Public for the State of Minnesota My Commission Expires _____

PLANNING COMMISSION CITY OF DULUTH

We do hereby certify that on the ____ day of _____, 2016 the Planning Commission of the City of Duluth approved this plat.

President, Duluth City Planning Commission Executive Secretary, Duluth City Planning Commission

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

ST. LOUIS COUNTY SURVEYOR
Pursuant to Minnesota Statutes, Chapter 389.09, this plat has been reviewed and approved this ____ day of _____, 2016.

Nick C. Stewart BY: _____
County Surveyor Deputy

ST. LOUIS COUNTY AUDITOR
Pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes for all years prior to 2016 for land described on this plat as of this ____ day of _____, 2016.

Donald Dicklich BY: _____
County Auditor Deputy

ST. LOUIS COUNTY RECORDER

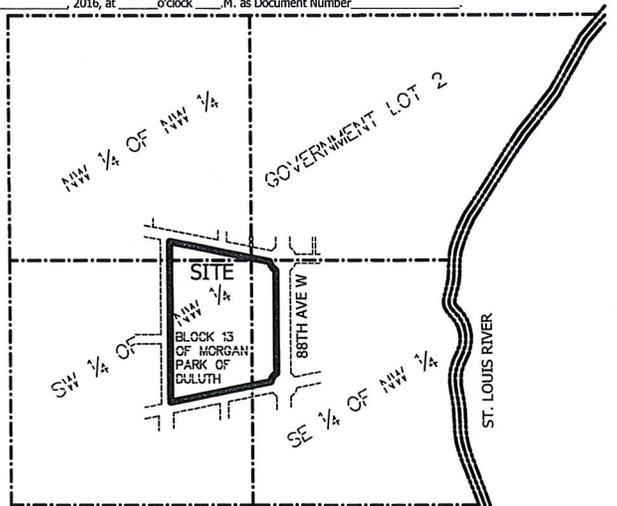
I hereby certify that this plat was filed in the office of the County Recorder for record on this ____ day of _____, 2016, at ____ o'clock ____ M. as Document Number _____.

Mark A. Monacelli _____
St. Louis County Recorder Deputy

LEGEND

- DRAINAGE & UTILITY EASEMENT LINE
- FOUND 3/4 IN REBAR
- SET 1/2 IN BY 16 IN CAPPED REBAR RLS. NO. 49505
- FOUND CAPPED REBAR RLS. NO. 49505
- FOUND 1 IN IRON PIPE
- ◆ FOUND CAPPED REBAR RLS. NO. 14374

Basis of Bearing: Bearings are based on the North line of Block 13 which is assumed to have a bearing North 78°45'00" West.



VICINITY MAP
NOT TO SCALE

NW 1/4 OF NW 1/4 & SW 1/4 OF NW 1/4 & SE 1/4 OF NW 1/4 & GOVERNMENT LOT 2 OF SECTION 35, TOWNSHIP 49 NORTH, RANGE 15 WEST OF FOURTH PRINCIPAL MERIDIAN