



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

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

|                             |   |                                 |  |                   |
|-----------------------------|---|---------------------------------|--|-------------------|
| <b>File Number</b>          | PL 16-088                                       | <b>Contact</b>                  | Chris Lee, <a href="mailto:clee@duluthmn.gov">clee@duluthmn.gov</a>  |                   |
| <b>Type</b>                 | Minor Subdivision                               | <b>Planning Commission Date</b> | September 13, 2016   |                   |
| <b>Deadline for Action</b>  | <b>Application Date</b>                         | August 19, 2016                 | <b>60 Days</b>   | October 18, 2016  |
|                             | <b>Date Extension Letter Mailed</b>             | August 29, 2016                 | <b>120 Days</b>  | December 17, 2016 |
| <b>Location of Subject</b>  | 114 N. 26 <sup>th</sup> Ave E.                  |                                 |  |                   |
| <b>Applicant</b>            | Tim McShane                                     | <b>Contact</b>                  | 218-591-7070, <a href="mailto:tpminc@gmail.com">tpminc@gmail.com</a> |                   |
| <b>Agent</b>                |   | <b>Contact</b>                  |  |                   |
| <b>Legal Description</b>    | LOTS 13 THRU 16 of HARRISONS DIVISION OF DULUTH |                                 |  |                   |
| <b>Site Visit Date</b>      | August 27, 2016                                 | <b>Sign Notice Date</b>         | August 30, 2016  |                   |
| <b>Neighbor Letter Date</b> | N/A   | <b>Number of Letters Sent</b>   | N/A  |                   |

**Proposal**

The Applicant is proposing to divide the lot into two new parcels. Parcel B will contain a house with .15 acres and Parcel A will have .49 acres and will be undeveloped for the time being. The applicant plans to sell the parcel with the house and retain the empty parcel for himself.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b>  | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|---------------------------|--|
| <b>Subject</b> | R-1                   | Single Family Residential | Traditional Neighborhood               |
| <b>North</b>   | R-1                   | Single Family Residential | Traditional Neighborhood               |
| <b>South</b>   | R-1                   | Single Family Residential | Traditional Neighborhood               |
| <b>East</b>    | R-1                   | Single Family Residential | Traditional Neighborhood               |
| <b>West</b>    | R-1                   | Single Family Residential | Traditional Neighborhood               |

**Summary of Code Requirements**

50-33.1 General: All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located.

50-33.4 General Lot Design and Layout- A. All lots shall have frontage on a public street.

50-37.5, D 1. The planning commission shall approve the application if it determines that the application:

- (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.
- (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.

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

Governing Principle #1 – Reuse previously developed lands

Future Land Use Map Designation – Traditional Neighborhood (TN):

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.

**Review and Discussion Items**

Staff finds that:

1. The proposed lots will both have street frontage. The R-1 district has a minimum required lot frontage of 40 feet and lot area requirement of 4,000 square feet. The side yard setback requirement is 6 feet; splitting the parcels will not create any zoning non-conformities.
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**

Based on the above findings, Staff recommends that Planning Commission approve of the minor subdivision subject to the following condition:

1. 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.

**Legend**

**Zoning Boundaries**

 Zoning Boundaries

**Water Distribution System**

 30 - 60" Water Pipe

 16 - 24" Water Pipe

 4 - 6" Water Pipe

**Sanitary Sewer Collection System**

 Sanitary Sewer Collector

 Sanitary Sewer Interceptor

 Sanitary Sewer Forced Main

 Storage Basin

 Pump Station

**Gas Distribution Main**

 8" - 16" Gas Pipes

 4" - 6" Gas Pipes

 0" - 4" Gas Pipes

**Storm Sewer Collection System**

 Storm Sewer Pipe

 Storm Sewer Catch Basin

**Right-of-Way Type**

 Road or Alley ROW

 Vacated ROW

**Easement Type**

 Utility Easement

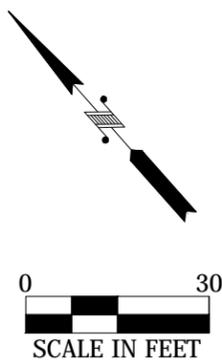
 Other Easement

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.









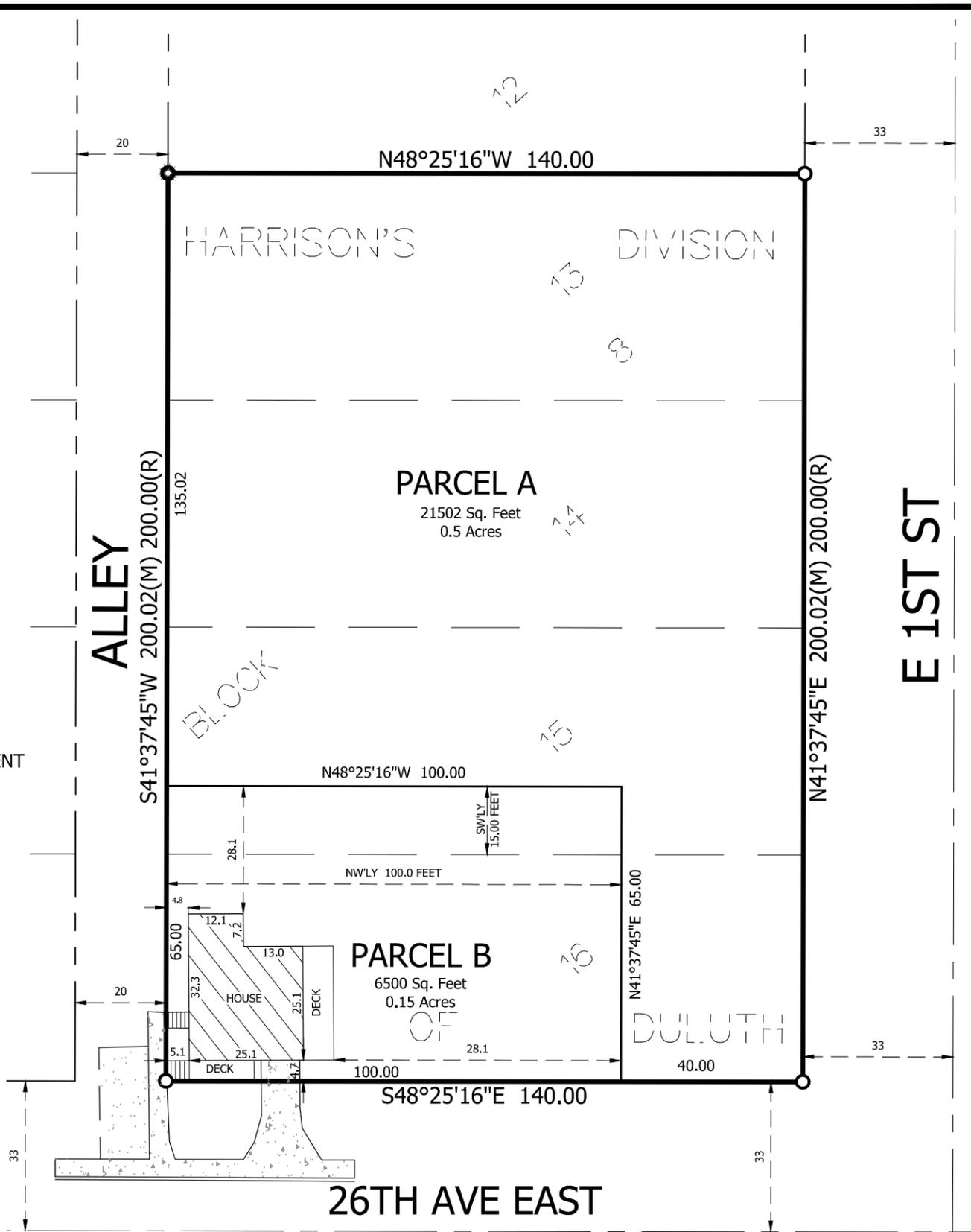
**LEGEND**

-  EXISTING BUILDING
-  GRAVEL SURFACE
-  CONCRETE SURFACE
-  FOUND 2" IRON PIPE MONUMENT
-  SET CAPPED REBAR RLS 49505

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

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.



PARENT PARCEL PER DOC 1272705

Lots 13, 14 and 16, Block 8, HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota. (Abstract property)

And: The Northerly 75 feet of Lot 15 in Block 8, in HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota. (Torrens property, Certificate NO. 153002.0)

And: Lot 15 except the Northerly 75 feet thereof, Block 8, HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota. (Torrens property, Certificate No. 190768.0)

LEGAL DESCRIPTION FOR PARCEL A

Lots 13, 14, 15 and 16, Block 8, HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota. Except: The Southwesterly 15.00 feet of the Northwesterly 100.00 feet of said Lot 15 and Except the Northwesterly 100.00 feet of said Lot 16.

Said parcel contains 21502 sq. ft. or 0.5 acres.

LEGAL DESCRIPTION FOR PARCEL B

The Southwesterly 15.00 feet of the Northwesterly 100.00 feet of Lot 15 and the Northwesterly 100.00 feet of Lot 16, Block 8, HARRISON'S DIVISION OF DULUTH, St. Louis County, Minnesota.

Said parcel contains 6501 sq. ft. or 0.15 acres.



I hereby certify that this survey, plan, 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.  
*David R. Evanson*  
David R. Evanson

Date: 7-18-2016 MN Lic. No. 49505

**MINOR SUBDIVISION**

|                           |                |
|---------------------------|----------------|
| CLIENT: TIM MCSHANE       | REVISIONS: XXX |
| DATE: 7-18-2016           |                |
| ADDRESS: 114 N 26TH AVE E |                |
| JOB NUMBER: 16-199        |                |



ALTA LAND SURVEY COMPANY  
 \* LAND SURVEYING  
 \* LAND DEVELOPMENT  
 \* PLATTING  
 \* LEGAL DESCRIPTIONS  
 \* CONSTRUCTION STAKING  
 PHONE: 218-727-5211  
 LICENSED IN MN & WI  
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