



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

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

File Number	PL 16-097	Contact	Jennifer Moses, jmoses@duluthmn.gov	
Type	Minor Subdivision	Planning Commission Date	September 13, 2016	
Deadline for Action	Application Date	July 27, 2016	60 Days	September 25, 2016
	Date Extension Letter Mailed	August 31, 2016	120 Days	November 24, 2016
Location of Subject	8200 East Spirit Cove Drive			
Applicant	H & M Properties LLP	Contact	218-384-3218, emhanson@aol.com	
Agent	N/A	Contact	N/A	
Legal Description	See attached			
Site Visit Date	September 2, 2016	Sign Notice Date	September 1, 2016	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

The Applicant is proposing to divide a 3.72 acre parcel into two parcels; one will be 0.64 acres and will include the existing building and garage. The second parcel will be 3.08 acres. The proposal does not result in any new zoning non-conformities.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Low-density Neighborhood, Preservation
North	R-1	Undeveloped	Low-density Neighborhood
South	I-G	St. Louis River	Preservation
East	R-1	Residential	Low-density Neighborhood, Preservation
West	I-G	Railroad/Undeveloped	Preservation, 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):

Future Land Use – Low-Density Neighborhood: Single-family housing with urban services. Typified by curvilinear streets, houses with longer side parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent to the neighborhood.

Future Land Use – Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

Review and Discussion Items

Staff finds that:

1. The proposed lots meet minimum street frontage and lot size requirements for the R-1 district. Proposed lot sizes would be 0.64 and 3.08 acres.
2. Note that Bayhill Drive shown on the exhibit is not a public road. This means that all required frontage must exist along E Spirit Cove Drive.
3. Existing house and garage will remain and will meet all setbacks for the R-1 district; no non-conforming structures will be created.
4. There is a Public Park Recreation Easement in place over the southern portion of the property; the Western Waterfront Trail runs through this easement. There is also a Sewer Easement on the property, as shown on the exhibit. Both easements will remain in place after this Minor Subdivision.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements.
7. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.
8. The proposed lot shapes are irregular. While flag lots are prohibited in the R-1 district, this is not a flag lot, as the width at the access point is not less than 25 percent of the lot width at its greatest point.
9. Note that sign notice was not in place until September 1, 2016, which was two days after the date required by the UDC.
10. No additional public, agency, or City comments were received.

Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the Minor Subdivision, subject to the following conditions:

1. Appropriate deeds 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.
3. Future construction on the new lot(s) shall conform to all standards of the UDC.

Legend

Zoning Boundaries
 Zoning Boundaries

Water Distribution System
 30 - 60" Water Pipe
 16 - 24" Water Pipe
 4 - 6" Water Pipe

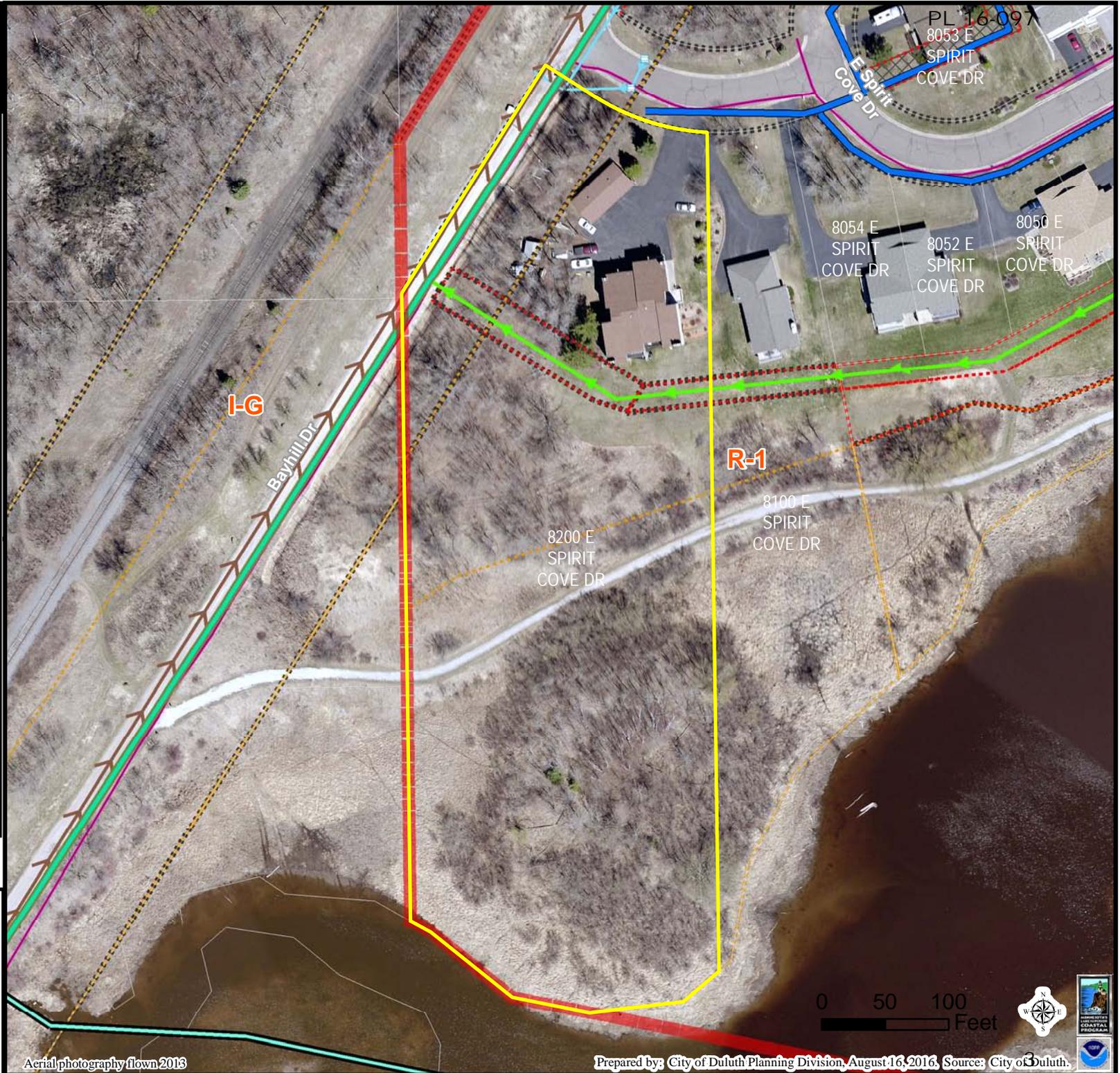
Sanitary Sewer Collection System
 Sanitary Sewer Collector
 Sanitary Sewer Interceptor
 Sanitary Sewer Forced Main
 Storage Basin
 Pump Station

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.



PARENT LEGAL DESCRIPTION PER CERT NO. 331397

That part of Government Lot 2 SECTION 24 TOWNSHIP 49 North RANGE 15 West of the Fourth Principal Meridian lying W'ly of a line which is parallel to the West line of said Section 24 and 242.50 feet East thereof contained within the following described parcel:

That part of Government Lot 2 SECTION 24 TOWNSHIP 49 North RANGE 15 West of the Fourth Principal Meridian, lying SE'ly, S'ly and W'ly of a line described as follows: Commencing at the NW corner of said Section 24, thence South 0 degrees 29 minutes 58 seconds East (assumed bearing), along the West line of said Section 24, a distance of 1297.96 feet to the beginning of the line to be described; thence North 32 degrees 34 minutes 45 seconds East, along a line 66.00 feet distant and parallel with the SE'ly right of way line of Burlington Northern, Inc. (formerly the Duluth Transfer track of the Northern Pacific Railway) a distance of 212.00 feet; thence South 57 degrees 25 minutes 15 seconds East, a distance of 46.51 feet; thence S'ly and E'ly, along a tangential curve concave to the North, having a radius of 183.00 feet and a central angle of 49 degrees 21 minutes 28 seconds, a distance of 157.65 feet and the chord of said curve bears South 82 degrees 05 minutes 59 seconds East; thence South 11 degrees 07 minutes 58 seconds East a distance of 307 feet, more or less, to the NW'ly bank of the St. Louis River, and said line there terminating.

LEGAL DESCRIPTION FOR PARCEL A

That part of Government Lot 2 SECTION 24 TOWNSHIP 49 North RANGE 15 West of the Fourth Principal Meridian lying W'ly of a line which is parallel to the West line of said Section 24 and 242.50 feet East thereof contained within the following described parcel:

That part of Government Lot 2 SECTION 24 TOWNSHIP 49 North RANGE 15 West of the Fourth Principal Meridian, lying SE'ly, S'ly and W'ly of a line described as follows: Commencing at the NW corner of said Section 24, thence South 0 degrees 29 minutes 58 seconds East (assumed bearing), along the West line of said Section 24, a distance of 1297.96 feet to the beginning of the line to be described; thence North 32 degrees 34 minutes 45 seconds East, along a line 66.00 feet distant and parallel with the SE'ly right of way line of Burlington Northern, Inc. (formerly the Duluth Transfer track of the Northern Pacific Railway) a distance of 212.00 feet; thence South 57 degrees 25 minutes 15 seconds East, a distance of 46.51 feet; thence S'ly and E'ly, along a tangential curve concave to the North, having a radius of 183.00 feet and a central angle of 49 degrees 21 minutes 28 seconds, a distance of 157.65 feet and the chord of said curve bears South 82 degrees 05 minutes 59 seconds East; thence South 11 degrees 07 minutes 58 seconds East a distance of 307 feet, more or less, to the NW'ly bank of the St. Louis River, and said line there terminating.

EXCEPT that part of the above described parcel which lies NW'ly, SW'ly, and S'ly of a line described as follows: Commencing at the NW corner of said Section 24, thence South 0 degrees 29 minutes 58 seconds East (assumed bearing), along the West line of said Section 24, a distance of 1297.96 feet; thence North 32 degrees 34 minutes 45 seconds East, along a line 66.00 feet distant and parallel with the SE'ly right of way line of Burlington Northern, Inc. (formerly the Duluth Transfer track of the Northern Pacific Railway) a distance of 212.00 feet; thence South 57 degrees 25 minutes 15 seconds East, a distance of 46.51 feet; thence SE'ly along a tangential curve concave to the North, having a radius of 183.00 feet and a central angle of 4 degrees 32 minutes 29 seconds, a distance of 14.51 feet to the Point of Beginning of the line herein described; thence South 32 degrees 32 minutes 45 seconds West, a distance of 189.41 feet; thence South 57 degrees 25 minutes 15 seconds East, a distance of 133.87 feet; thence North 84 degrees 05 minutes 41 seconds East, a distance of 66.87 feet to the intersection with a line which is parallel with and distant 242.50 feet Easterly of the West line of said Government Lot 2, said line there terminating.

Said Parcel contains 27,872 sq. ft. or 0.64 acres.

LEGAL DESCRIPTION FOR PARCEL B

That part of Government Lot 2 SECTION 24 TOWNSHIP 49 North RANGE 15 West of the Fourth Principal Meridian lying W'ly of a line which is parallel to the West line of said Section 24 and 242.50 feet East thereof contained within the following described parcel:

That part of Government Lot 2 SECTION 24 TOWNSHIP 49 North RANGE 15 West of the Fourth Principal Meridian, lying SE'ly, S'ly and W'ly of a line described as follows: Commencing at the NW corner of said Section 24, thence South 0 degrees 29 minutes 58 seconds East (assumed bearing), along the West line of said Section 24, a distance of 1297.96 feet to the beginning of the line to be described; thence North 32 degrees 34 minutes 45 seconds East, along a line 66.00 feet distant and parallel with the SE'ly right of way line of Burlington Northern, Inc. (formerly the Duluth Transfer track of the Northern Pacific Railway) a distance of 212.00 feet; thence South 57 degrees 25 minutes 15 seconds East, a distance of 46.51 feet; thence S'ly and E'ly, along a tangential curve concave to the North, having a radius of 183.00 feet and a central angle of 49 degrees 21 minutes 28 seconds, a distance of 157.65 feet and the chord of said curve bears South 82 degrees 05 minutes 59 seconds East; thence South 11 degrees 07 minutes 58 seconds East a distance of 307 feet, more or less, to the NW'ly bank of the St. Louis River, and said line there terminating.

EXCEPT that part of the above described parcel which lies SE'ly, NE'ly, and N'ly of a line described as follows: Commencing at the NW corner of said Section 24, thence South 0 degrees 29 minutes 58 seconds East (assumed bearing), along the West line of said Section 24, a distance of 1297.96 feet; thence North 32 degrees 34 minutes 45 seconds East, along a line 66.00 feet distant and parallel with the SE'ly right of way line of Burlington Northern, Inc. (formerly the Duluth Transfer track of the Northern Pacific Railway) a distance of 212.00 feet; thence South 57 degrees 25 minutes 15 seconds East, a distance of 46.51 feet; thence SE'ly along a tangential curve concave to the North, having a radius of 183.00 feet and a central angle of 4 degrees 32 minutes 39 seconds, a distance of 14.51 feet to the Point of Beginning of the line herein described; thence South 32 degrees 32 minutes 45 seconds West, a distance of 189.41 feet; thence South 57 degrees 25 minutes 15 seconds East, a distance of 133.87 feet; thence North 84 degrees 05 minutes 41 seconds East, a distance of 66.87 feet to the intersection with a line which is parallel with and distant 242.50 feet Easterly of the West line of said Government Lot 2, said line there terminating.

Said Parcel contains 134,209 sq. ft. or 3.08 acres, more or less.



VICINITY MAP
NO SCALE

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: 6-27-2016

David R. Evanson

David R. Evanson MN License No. 49505

MINOR SUBDIVISION

CLIENT: CHARLIE HANSON	REVISIONS: 7-11-16 ADD PEDESTRIAN EASEMENT
DATE: 6-27-2016	8-29-16 REVISE PARCEL BOUNDARIES AND AREAS
ADDRESS: 8200 SPIRIT COVE DRIVE	8-30-16 REMOVE PEDESTRIAN EASEMENT
JOB NUMBER: 16-168	



LAND SURVEY COMPANY

* LAND SURVEYING
* LAND DEVELOPMENT
* PLATTING
* LEGAL DESCRIPTIONS
* CONSTRUCTION STAKING

PHONE: 218-727-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW.ALTLANDSURVEYDULUTH.COM

8200 E Spirit Cove Drive

Site Photos

