



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

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File Number	PLSUB-2410-0005		Contact	Natalie Lavenstein, nlavenstein@duluthmn.gov	
Type	Minor Subdivision		Planning Commission Date	December 10, 2024	
Deadline for Action	Application Date		October 31, 2024	60 Days	December 30, 2024
	Date Extension Letter Mailed		November 13, 2024	120 Days	February 28, 2025
Location of Subject	010-2742-05040				
Applicant	Northeast Property Holdings LLC		Contact	David Rybak	
Agent	Apex Land Surveying		Contact	Jason Kadelbach	
Legal Description	See attached				
Site Visit Date	December 2, 2024		Sign Notice Date	N/A	
Neighbor Letter Date	N/A		Number of Letters Sent	N/A	

Proposal

Applicant is requesting a Minor Subdivision to divide a parcel into 2 parcels along Becks Road.

Recommended Action: Staff recommends approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Industrial	General Industrial, Open Space
North	I-G	Vacant	General Industrial, Open Space
South	P-1, R-C	Vacant, DWP Trail	General Industrial
East	R-C	Vacant, DWP Trail	Open Space
West	I-G	Industrial	General Industrial, Open Space

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.

50-37.5, D 1: The planning commission shall approve the application if it determines 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; (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):

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. This strengthens neighborhoods and is preferred to a dispersed development pattern Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

Principle #2. Declare the necessity and secure the future of undeveloped places. Undeveloped areas are an essential part of Duluth's municipal fabric— urban plazas, neighborhood parks, large tracts of public ownership, and private lands zoned for minimal development. These minimally developed or undeveloped areas collectively create an open space system.

Principle #8 Encourage mix of activities, uses, and densities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunities for a diversity of activity that segregated, uniform uses do not provide.

Future Land Uses: General Industrial and Open Space - The I-G district is intended to provide areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure. The O-S district is intended to provide natural resources or scenic value, with substantial restrictions and development limitations.

History:

The proposed parcel B is partially forested with no existing structures. The proposed parcel A contains 2 existing structures for industrial use. The parcel is located along Becks Road. The underlying plat is "Duluth Lands in the City." On September 23, 2019, the City Council approved a rezoning from RR-1 to MU-B for Becks Road, designated as Site 2 in the Land Use Chapter of Imagine Duluth 2035. On March 9, 2020, the City Council approved a rezoning to extend the natural resources overlay into areas annexed by the City of Duluth (Riley Road and Midway Township/Becks Road), to allow for shoreland protection for Sargent Creek and other creeks. On March 9, 2020 the City Council approved a rezoning from Residential Conservation (R-C) to Industrial General (I-G).

Review and Discussion Items

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide one parcel and create two parcels. Proposed Parcel B is partially forested with no existing structures. Proposed Parcel A contains 2 existing structures for industrial use including storage of construction equipment and materials.
2. The subdivision will create lots that meet the zoning requirements of the I-G district. Dimensional standards for each lot meet minimum frontage and lot area requirements.
3. Both parcels have street frontage along Becks Road that meets the requirements of Section 50-37.5.D.
4. The existing structures and uses on Parcel A conform with current zoning standards for the I-G zone.
5. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
6. No public or agency comments were received. Two City comments were received regarding the location of Sargent Creek, a cold-water trout stream. Under UDC 50-18.1.D any new structures developed on the parcels in the future will require a minimum setback of 150 feet from the Ordinary High Water Level or highest known water level, whichever is greater.
7. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
8. The application and attached exhibit demonstrate compliance with the City of Duluth's UDC minor subdivision standards. This report does not address St. Louis County requirements that may govern the applicant's subdivision plan and should not be construed as County approval. If applicable, the Applicant is separately responsible for complying with any additional St. Louis County standards and application review/approval processes. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days and the Applicant must provide the City with proof of recording.

Staff Recommendation

Based on the above findings, staff recommends that Planning Commission approve the Minor Subdivision with the following conditions:

1. Appropriate deeds to accomplish the land subdivision must be recorded with St. Louis County within 180 days. Prior to recording the deeds that result from these adjustments, the applicant must provide deeds for each parcel to the Planning Division to certify compliance with the local zoning code.
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.



PLSUB-2410-0005
 Minor Subdivision
 2384 Becks Rd



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 2019



Prepared by: City of Duluth Planning & Economic Development, October 15, 2024. Source: City of Duluth

Sketch and Description

PART OF NE 1/4 OF THE SE 1/4 OF SECTION 32, TOWNSHIP 49, RANGE 15, ST. LOUIS COUNTY, MINNESOTA

Legal Description as provided and shown on prior survey
(Parcel No.010-2742-05040):

That part of the Northeast Quarter of the Southeast Quarter, Section 32, Township 49, Range 15, St. Louis County, Minnesota, lying Northerly and Easterly of Becks Road, also designated as State Aid Road No. 11, as presently laid out and existing, Except Duluth, Winnipeg and Pacific Railway Company right-of-way, and Except a strip of land lying between the Northern Pacific Railway and Spirit Lake Transfer Company rights-of-way.

Proposed Legal descriptions for Potential Split:

Parcel A:

The North 400.00 feet of the following described Parcel:

That part of the Northeast Quarter of the Southeast Quarter, Section 32, Township 49, Range 15, St. Louis County, Minnesota, lying Northerly and Easterly of Becks Road, also designated as State Aid Road No. 11, as presently laid out and existing, Except Duluth, Winnipeg and Pacific Railway Company right-of-way, and Except a strip of land lying between the Northern Pacific Railway and Spirit Lake Transfer Company rights-of-way.

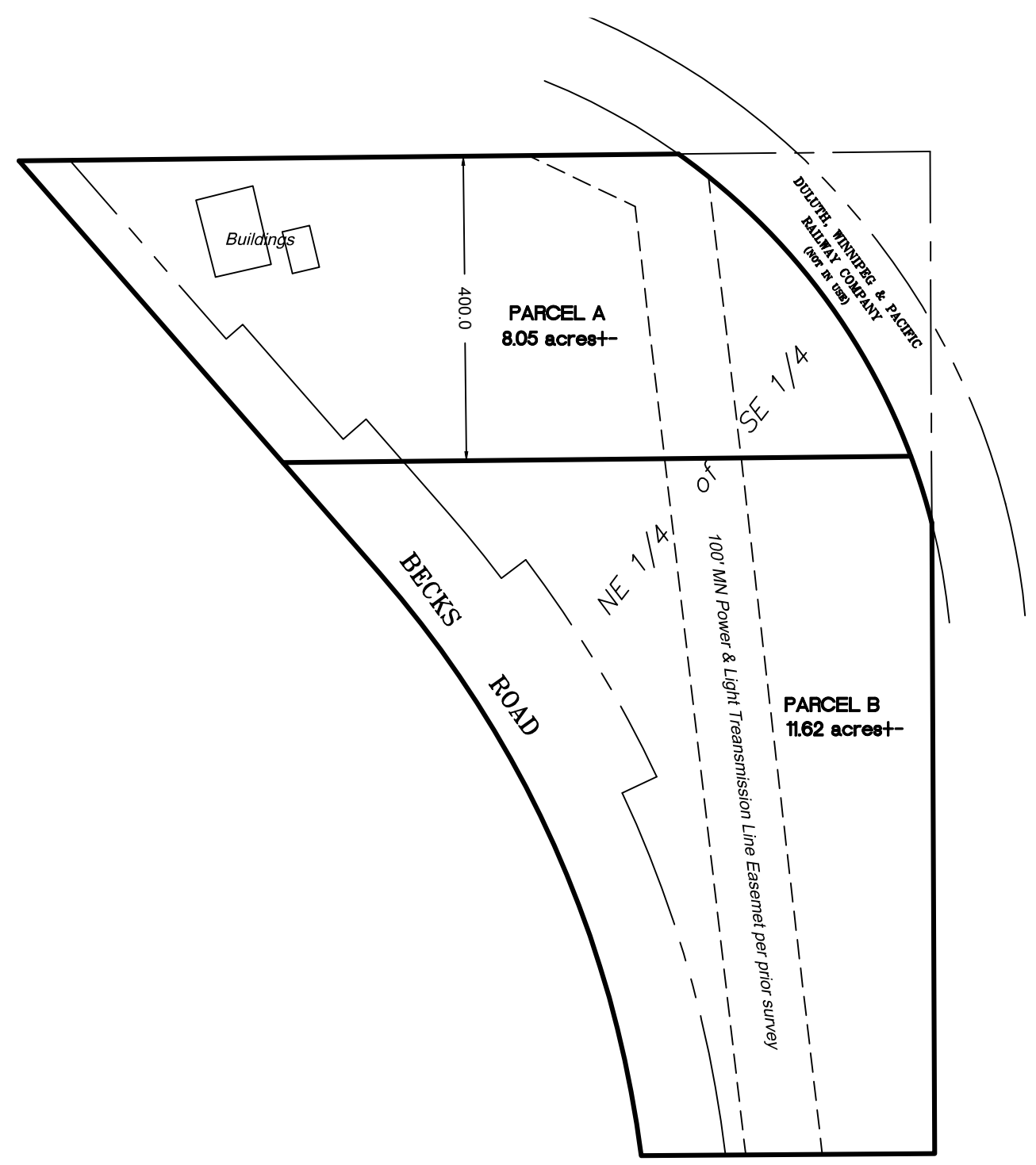
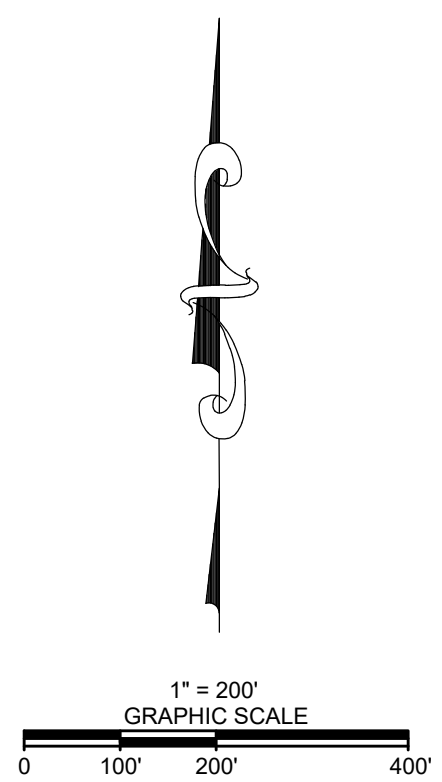
Containing 8.05 acres, more or less
Subject to the rights of the public in Becks Road.
Subject to easements of record.

Parcel B:

That part of the Northeast Quarter of the Southeast Quarter, Section 32, Township 49, Range 15, St. Louis County, Minnesota, lying Northerly and Easterly of Becks Road, also designated as State Aid Road No. 11, as presently laid out and existing, Except Duluth, Winnipeg and Pacific Railway Company right-of-way, and Except a strip of land lying between the Northern Pacific Railway and Spirit Lake Transfer Company rights-of-way.

EXCEPT the North 400.00 feet of the above described parcel.

Containing 11.62 acres, more or less
Subject to the rights of the public in Becks Road.
Subject to easements of record.



APEX LAND SURVEYING, LLC PREPARED THIS SURVEY WITHOUT THE BENEFIT OF CURRENT TITLE WORK. THE PROPERTY SHOWN IS BASED ON A LEGAL DESCRIPTION PROVIDED BY YOU THE CLIENT OR A GENERAL REQUEST AT THE APPROPRIATE COUNTY RECORDER'S OFFICE. EASEMENT, SITE RESTRICTION OR ADJOIN DEED CONFLICTS MAY EXIST WHICH AFFECT SUBJECT PROPERTY AND ARE NOT SHOWN BY THIS SURVEY. WE RESERVE THE RIGHT TO REVISE THE SURVEY UPON RECEIPT OF A CURRENT TITLE COMMITMENT OR TITLE OPINION.

SURVEYORS CERTIFICATION:

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


KALEB J. KADELBACH (LICENSE NO. 57070)

10/31/2024
DATE

CLIENT INFORMATION:
Northeast Property Holdings, LLC
13915 Lake Drive NE
Columbus, MN 55025

FIELD DATE: N/A
APEX JOB NO. 24220



APEX
LAND SURVEYING

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