



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



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File Number	PL 23-070	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Preliminary Plat	Planning Commission Date		May 9, 2023
Deadline for Action	Application Date	April 4, 2023	60 Days	June 3, 2023
	Date Extension Letter Mailed	April 10, 2023	120 Days	August 2, 2023
Location of Subject		Parcels 010-2720-00320, 010-2720-00321, 010-2720-00322, 010-2720-00260, 010-2720-00340 east of Woodland Avenue and north of Vassar Street		
Applicant	Kevin Christiansen	Contact		
Agent		Contact		
Legal Description		See attached		
Site Visit Date		April 28, 2023	Sign Notice Date	April 25, 2023
Neighbor Letter Date		April 13, 2023	Number of Letters Sent	39

Proposal

Preliminary plat of 25 acres of land into 15 lots ranging from .26 acres to 1.96 acres into "Amity Bluffs."

Recommendation

Staff is recommending approval subject to included conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
Subject	R-1	Vacant/Undeveloped	Traditional Neighborhood/Open Space
North	RR-1	Vacant/Undeveloped	Open Space
South	R-1	Residential	Traditional Neighborhood
East	RR-1	Vacant/Undeveloped	Open Space
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications if it determines that:

- (a) Is consistent with the comprehensive land use plan;
- (b) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
- (e) Is located in an area with adequate police, fire and emergency facilities available to serve the projected population of the subdivision within the City's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

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

Governing Principle #5 - Promote reinvestment in neighborhoods.

Housing Policy #2 - Provide affordable, attainable housing opportunities.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods.

Zoning – Residential-Traditional (R-1): established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

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, neighborhood extensions, and new traditional neighborhood areas.

Open Space - High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

Site history: The site consists of 5 parcels. The proposed plat area was rezoned in 2021 (21-064) from RR-1 to R-1.

Review and Discussion Items

Staff finds:

- 1) Request. The applicant is seeking Planning Commission approval of a preliminary plat. The proposal is to plat a 25 acre unplatted area into 15 single family lots and two outlots. Outlot A will be used for storm water treatment purposes and Outlot B will be open space. Each lot will have frontage on a new public street connected to Woodland Avenue and running east terminating with a hammer head turnaround, and to the south ending in a cul-de-sac. The proposed lot sizes and widths conforms to the basic requirements of the R-1, Residential Traditional zoning district.
- 2) Character of Area. Lots range in size from .26 acres to 1.96 acres and the Outlots are .35 and 13.48 acres. The proposed development is generally consistent with the lot configuration in the surrounding Woodland Neighborhood area with some lots of larger size.
- 3) Area Transportation System. Woodland Avenue is classified as a minor collector street with no sidewalks along the section of road between platted James Street to West Chisholm Street. The nearest transit route is 1/3 mile away at the intersection of Woodland Avenue and Calvary Road.
- 4) Site Access. The proposed plat includes dedication of a 66-foot-wide street, unnamed at this time, extending from Woodland Avenue running east along platted James Street and terminating with a hammer head turnaround, and to the south ending in a cul-de-sac. Final street design details will be determined by the City Engineer, but plans include a 24-foot-wide street with curb and gutter and 5-foot wide sidewalk on one side. The UDC connectivity/circulation standards require that whenever cul-de-sac streets are created one ten-foot-wide pedestrian access/public utility easement shall be provided, between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway. To comply with site connectivity requirements, the applicant is proposing a 15 foot wide pedestrian easement extending south from the terminus of the road on the east end of the site to an existing water line easement and trail that is used by adjacent residents to access Amity Creek to the west.
- 5) Natural Features. The site is wooded with wetlands and undeveloped. The property consists of rolling topography with sloped areas to the north, south and east. The site is west of Amity Creek. The northwest corner of the site is within the shoreland area for Amity Creek but outside of the 150 foot setback requirement for structures and impervious surface. Amity Creek is 300+ feet downslope from the proposed developable area.

- 6) Wetlands. A complete wetland delineation is on file (PL 21-181). The proposed residential development plan would impact Type 6 Wet Meadow and Type 7 Forested (Black Ash) Swamp Wetland. The proposed street entering the site from Woodland Avenue crosses the Type 7 wetland at its narrowest point to minimize impacts. The street ending with a cul-de-sac will be constructed over a portion of the Type 2 wetland and is proposed as a wetland fill area. Lots are arranged along the fringes of wetlands with access from the proposed streets. There is sufficient space for development shown on a majority of the lots without impacting wetlands. The preliminary plat exhibit shows proposed 2,700 square foot building pads. Lots 1 and 3 of Block 1 and lots, 6, 9 and 11, Block 2, have proposed building pads that abut wetland areas. Staff recommends that these building pads be located further away from the wetlands. The preliminary plat depicts drainage and utility easements placed over the wetlands to protect against potential impacts. Staff recommends the development agreement include a requirement that wetland boundaries be permanently marked to prevent accidental impact and that the utility and drainage easements be in place. The applicant has applied for a wetland replacement plan and is tentatively proposing wetland mitigation using an established wetland bank.
- 7) Tree Inventory and Replacement Plans. The land is forested with pockets of open area. The applicant has submitted a comprehensive tree inventory report that identifies tree size, species and whether they are of significant or special importance for the entire plat area. Trees within the proposed right of ways are exempt from the tree replacement requirements. The tree inventory identified one Special Tree over 20 inches in diameter in the northwest corner of the site, intended to be preserved during development. Staff recommends the tree inventory be approved by the City before application for the Final Plat is made and that the tree replacement plan be approved by the City prior to issuance of any permits for land disturbing activities on the site.
- 8) Utilities. The applicant is proposing to put public utilities including water and sanitary sewer within the proposed street right-of-ways to the east and south extending from existing utilities within Woodland Avenue. The applicant is working with the City Engineering Department on the proposed utilities connections.
- 9) Storm Water. A stormwater management summary was submitted by the applicant and is being reviewed by the City Engineering Department. Two storm water detention basins are planned for the development. One basin is located on the south side of the road entering the site adjacent to Lot 11 and the second basin is located north of the hammer head at the terminus of the street to the east and between lots 3 and 4 of Block 1. The next step will require a civil engineer to design the stormwater management facilities and provide a drainage report showing that the development will manage stormwater.
- 10) Conformance with UDC and State Statute. The preliminary plat is consistent with the comprehensive land use plan designation of this site, which is for a traditional neighborhood development. The preliminary plat is located in an area of the city with adequate police, fire, and emergency facilities to serve the anticipated housing development. Staff finds that, other than the items addressed above and referenced in the recommendations below, the preliminary plat conforms to the requirements of Sec 50-37.5. and is consistent with all applicable requirements of MSA 462.358 and Chapter 505.
- 11) Development Agreement. A development agreement for the improvement of public streets and dedication of needed pedestrian easements is required, and will be reviewed by City staff and approved by the City Council prior to initiating site work for the project.
- 12) Platting of the property will not result in adverse material impacts to surrounding properties as any projects to be developed as a result of the plat will need to obtain environmental, public works, and development permitting that will require avoidance or mitigation of any potential impacts.
- 13) A comment was received from Jim Shoberg, Senior Parks Planner, regarding future use of Outlot B, proposed home location on Lot 4, Block 1, and about land preservation and recreation along the portion of Amity Creek east of the site. No other citizen or City comments have been received to date.

Staff Recommendation

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

1. Prior to undertaking any site work, the following conditions shall be met:
 - a. The development agreement and final plat shall be recorded;
 - b. All necessary permits shall be obtained;
 - c. Erosion control measures shall be installed and inspected by appropriate city officials;
2. Drainage and utility easements shall be established over all wetland areas.
3. Wetland boundaries shall be permanently marked to prevent accidental impact.
4. The applicant shall enter into a development agreement addressing applicable development terms as identified by City staff herein, and as further identified in the review of the Final Plat of Amity Bluffs. The development agreement shall be approved and recorded with the appropriate St. Louis County offices.
5. The development agreement must be recorded prior to the Planning Commission President and Secretary signing the Final Plat.
6. Wetlands shall be fully protected during construction, monitored for impacts due to silt and sediment, and restored if required upon inspection by appropriate city officials.
7. The City Forester must approve the tree replacement plan and shall validate that the construction process does not impact the trees indicated for preservation on the site.



PL 23-070
Preliminary Plat
Site Map



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.



PRELIMINARY PLAT OF AMITY BLUFFS

LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION

35, TOWNSHIP 51 NORTH, RANGE 14 WEST

ST. LOUIS COUNTY, MINNESOTA

LEGEND
R/W-RIGHT OF WAY
(M)-FIELD MEASURED DIMENSION
(R)-RECORD DIMENSION
(P)-RECORD PLAT DIMENSION
SECTION SUBDIVISION LINE
CENTER LINE
RIGHT OF WAY LINE
EXISTING EASEMENT LINE
SURVEY LINE
BOUNDARY LINE AS SURVEYED
EXISTING PLAT LINE
CONCRETE CURB & GUTTER
SHORELINE
UNDERGROUND GAS
SANITARY SEWER
STORM SEWER
WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED WATER MAIN
PROPOSED STORM SEWER
SETBACK LINE

CONCRETE SURFACE
BITUMINOUS SURFACE
PROPOSED BIT SURFACE
PROPOSED CONCRETE SURFACE
LANDSCAPED SURFACE
PROPOSED PEDESTRIAN EASEMENT
PROPOSED POND
PROPOSED DRAINAGE & UTILITY EASEMENT
PROPOSED WET LAND FILL AREA
WET LAND PER OTHERS
2,700+ Sq. Feet PROPOSED BUILDING PAD

FOUND 1" REBAR
FOUND SANDSTONE MONUMENT
FOUND MAG NAIL
SET CAPPED REBAR RLS. NO. 49505
FOUND CAPPED REBAR RLS. NO. 10725
PROPOSED STORM OUTLET
PROPOSED HYDRANT
CATCH BASIN

OWNER/DEVELOPER
AMITY BLUFFS LLC
5331 HOWARD GNESEN RD
DULUTH, MN 55803

CIVIL ENGINEER
NORTHLAND CONSULTING ENGINEERS L.L.P.
102 S 21ST AVENUE WEST, SUITE 1
DULUTH, MN 55806
PHONE (218) 727-5995
EMAIL info@nce-duluth.com

SURVEYOR
ALTA LAND SURVEY COMPANY
DAVID R. EVANSON, MN STATE REG. NO. 49505
P.O. BOX 161138
102 S 21ST AVENUE WEST, SUITE 4
DULUTH, MN 55816-1138
PHONE (218) 727-5211
EMAIL info@altasurveyduluth.com
PRELIMINARY PLAT COMPLETED AUGUST 2, 2021

SCALE IN FEET
0 60

SURVEYOR'S NOTES

- 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. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996 (NAD 83 2011).
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
- CONTOUR DATA SHOWN HEREON WAS DERIVED FROM LIDAR DATA PROVIDED BY THE MINOR. IT IS RECOMMENDED ON THE GROUND MEASUREMENTS BE INCORPORATED INTO ANY AREA OF PROPOSED DESIGN AND CONSTRUCTION.
- EXISTING FEATURES SHOWN HEREON, WERE PROVIDED BY OTHERS.

AREA SUMMARY	
TOTAL AREA	125.41 AC
TOTAL LOT AREA	9.75 AC
TOTAL RIGHT OF WAY AREA	1.80 AC
TOTAL OUTLOT AREA	13.83 AC
NUMBER OF LOTS	15
NUMBER OF BLOCKS	2
NUMBER OF OUTLOTS	2
LARGEST LOT IN SQ. FEET	85,449 SQ. FT
SMALLEST LOT IN SQ. FEET	11,372 SQ. FT
WEST LAND FILL AREA IN SQ. FEET	23,159 SQ. FT

LEGAL DESCRIPTION FOR PRELIMINARY PLAT PURPOSES ONLY
SE 1/4 of NW 1/4 of SE 1/4 EX E 1/2 and EX NLY 330 FT of ELY 180 FT of W 1/2 Section 35 Township 51 Range 14, St. Louis County, Minnesota.
AND E 1/2 of SE 1/4 of NW 1/4 of SE 1/4 Section 35 Township 51 Range 14, St. Louis County, Minnesota.
AND NLY 330 FT of ELY 180 FT of W 1/2 of SE 1/4 of NW 1/4 of SE 1/4 Section 35 Township 51 Range 14, St. Louis County, Minnesota.
Parcel 2: Together with the rights and benefits of Easement Agreement recorded October 11, 2010 as Document no. 890855.0
Parcel 1: Southwest one-quarter of Northeast one-quarter of Southeast one-quarter, Section 35, Township 51, Range 14, St. Louis County, Minnesota.
Parcel 2:
That part of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 35, Township 51 North, Range 14 West of the Fourth Principal Meridian, lying northerly of the South 296.12 feet of said Northwest Quarter of the Southeast Quarter of the Southeast Quarter. Except the West 30.00 feet of said Northwest Quarter of the Southeast Quarter of the Southeast Quarter lying southerly of the northerly 25.00 feet thereof, and lying northerly of the North 50.00 feet of said South 346.12 feet of said Northwest Quarter of the Southeast Quarter of the Southeast Quarter, St. Louis County, Minnesota.

ZONING AND BUILDING SETBACKS PER THE CITY OF DULUTH
CURRENTLY ZONED R-1-RESIDENTIAL-TRADITIONAL
SEE TABLE 50-14.5-1 FOR DISTRICT DIMENSIONAL STANDARDS.

FLOOD ZONE INFORMATION
PROPOSED BUILDINGS LOCATED WITHIN ZONE C (AREAS MINIMAL FLOODING). PER FIRM FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 270421 0015 C, EFFECTIVE DATE: APRIL 2, 1982.

SITE ADDRESS
VACANT PROPERTY
PID NO. 010-2720-00320
PID NO. 010-2720-00322
PID NO. 010-2720-00321
PID NO. 010-2720-00260
PID NO. 010-2720-00340

ALTA
LAND SURVEY COMPANY
PHONE: (218) 727-5211
WWW.ALTA-LANDSURVEY.COM

REVISED 10-3-23 NEW LAYOUT

SHEET 1 OF 1 SHEETS