



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 21-174	Contact	Steven Robertson	
Type	Final Plat, Central Overlook	Planning Commission Date		November 9, 2021
Deadline for Action	Application Date	October 5, 2021	60 Days	December 4, 2021
	Date Extension Letter Mailed	October 20, 2021	120 Days	February 2, 2022
Location of Subject		800 East Central Entrance		
Applicant	ISD 709	Contact	Available, on file	
Agent	Northland Consulting Engineers	Contact	Available, on file	
Legal Description		See Attached Map		
Site Visit Date		June 25, 2021	Sign Notice Date	October 25, 2021
Neighbor Letter Date		October 28, 2021	Number of Letters Sent	58

Proposal:

Applicant is seeking approval of a final plat in support of construction of new facilities in support of ISD 709 operations and administration, and in support of redevelopment of the remainder of the property.

Staff Recommendation

Approval of the preliminary plat, with conditions. Final Plats are approved by the Planning Commission.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Former school (vacant)	Business Park, Urban Residential, Recreation
North	MU-C, MU-N	Commercial	Central Business Secondary, General Mixed Use
South	R-1	Residential, Antenna Farm	Traditional Neighborhood
East	R-P	Residential	Urban Residential
West	R-1	Residential	Urban Residential

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 Principles

The following Imagine Duluth 2035 Governing Principles should be considered when reviewing the request:

Governing Principle 1, Reuse previously developed lands.

Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state.

Governing Principle 2, Declare the necessity and secure the future of undeveloped places.

Undeveloped areas are an essential part of Duluth's municipal fabric, including urban plazas, neighborhood parks. These minimally developed or undeveloped areas collectively create an open space system.

Governing Principle 8, Encourage mix of activities, uses and densities

A mix of land uses, building types, housing types, and activities. provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Future Land Use

Business Park: Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping and building design. This land use category was specified for this particular site to provide for flexibility in redevelopment of the site, in support of ISD 709's intent to pursue sale of the property and redevelopment.

Site History or Previous Studies

Central High School at the top of the hill was built in 1971 as a replacement for the downtown Historic Old Central High School. The school terminated operations in 2011, and the building has been closed and vacant for ten years.

In late 2011 the City hosted two public meetings to gather input on future reuse of the site, with approximately 100 total attendees. Several scenarios were suggested to encourage public comment (Big Box Retail, Light Manufacturing, Casino, Nursing Home/Medical Care, Warehousing, Corporate Headquarters, Higher Education, and Heavy Industry).

In 2012 (PL 11-141) the future land use designation was changed. The site was rezoned twice in 2013 (PL 13-037 and PL 13-117), in accordance with the previous future land use change. In 2014 it was rezoned again (PL 14-063) to a planned development, MU-P (Mixed Use Planned). As part of a planned development, a concept plan was required showing the proposed land uses to be allowed on the site, maximum density, and maximum height of structures. At the June 2014 Planning Commission meeting, the school district's representative offered to provide a buffer setback from residential properties on Blackman, to shield them from possible noise and light conflicts that may arise from future development.

At the June 2021 Planning Commission meeting, the commission recommended approval of the amendment to the concept plan (PL 21-069). A preliminary plat (PL 21-097) was reviewed and approved by the Planning Commission earlier this year.

Review and Discussion Items

- 1) The applicant is seeking Planning Commission approval of a final plat. The final plat is proposing to subdivide the property into three lots within Block 1, and one lot within Block 2 (at the very SE of the property). A companion planning commission application (PL 21-176) is being submitted along with this project, to vacate existing public rights of way on portions of this site. Much of the platted right of way of this site had been vacated in 1969, but three portions of rights of way still remain to be vacated.
- 2) The proposed final plat collects previously unplatted land and previously platted land (Clearview Park, Great View Addition to Duluth, and Swenson's Division of Duluth) into one new subdivision, Central Overlook.
- 3) The name of the proposed plat is Central Overlook. The name of the proposed public streets within the development are "H Courtney Drive" and "Portia Johnson Drive." Per 50-33.6.D, Names, the City Engineer has approved the proposed street names. Future development of the rest of the site may require the expansion of Portia Johnson Drive to Blackman Avenue, as an improved public street built to city standards.
- 4) The final plat is generally in accord with the existing approved Concept Plan, and with the proposed Regulating Plan.
- 5) The final plat is consistent with the comprehensive land use plan designation of this site, "business park." The plat is located in an area with adequate police, fire and emergency facilities available to serve the anticipated developments proposed for this site. The site is served by City sewer, water, and natural gas. A new water main will be installed. In general, there is sufficient infrastructure services available to support this preliminary plat.
- 6) The final plat and proposed project do not trigger any mandatory EAW reviews. However, it is possible that future development of the rest of the site may trigger a mandatory EAW, especially if higher density residential housing is proposed (example: 250 unattached or 375 attached housing units trigger a mandatory EAW).
- 7) Wetlands are shown on the final plat, but are not expected to be impacted by development proposed on this site. Wetlands are within the open space buffer area being preserved.
- 8) The nearest transit service stop/shelter is at the southeast corner of Central Entrance and Pecan Avenue, approximately 1,800 feet from the entrance of the proposed facilities building. The site will support sidewalks from Central Entrance up to the new proposed school facilities, allowing safe and direct pedestrian access.
- 9) The Planning Commission's approval of the Preliminary Plat was conditioned on these items:
 - The applicant enter into a development agreement addressing terms as identified by City staff that is approved before the Final Plat is recorded. This also includes easements for a recreational trail on the eastern edge of the site. Staff note: a development agreement is pending.
 - The proposed sidewalk needs to be extended from the intersection going west to allow pedestrian access to the proposed Facilities Building, Transportation Building, and District Services Center. Staff note: safe pedestrian access is being provided.
 - A wetland delineation is required to show the boundaries of existing wetlands within the site. If wetlands are near areas of proposed grading, the applicant shall provide photographic evidence to the Land Use Supervisor to verify that a construction fence was installed around wetlands to be preserved. Staff note: wetlands are shown on the final plat.
 - The City Forester must approve the tree replacement plan and that trees to be preserved. Staff note: the City forester has reviewed the tree replacement plan.
 - Open Space/Buffer be increased to approximately 125-150 feet along the western edge of the development adjacent to Blackman Avenue, to roughly approximate the open space presented with the rezoning application (PL 21-069), and should be preserved by an easement or similar tool. Staff note: open space has been expanded, but an easement has not been provided; may be addressed in development agreement.
- 10) No other public or City comments, other than corrections to the exhibits, have been received at the time of drafting this report.

Staff Recommendation

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

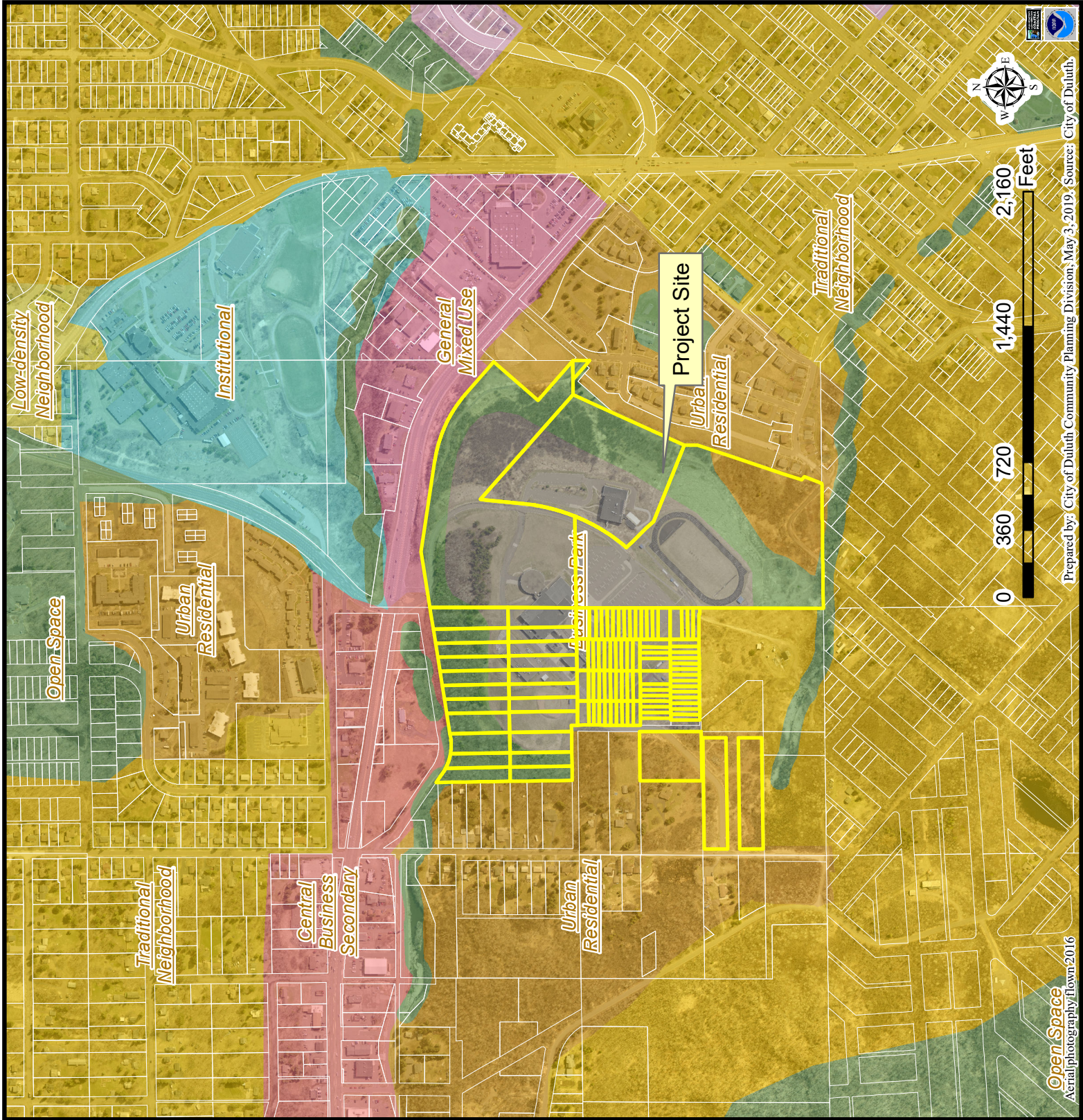
- 1) The final plat must be recorded in the office of the County Recorder as provided in MSA 505.4 and that such recording be completed within 2 years of the approval of the plat.
- 2) The plat not be filed until the vacation approval is filed in the St. Louis County Recorder's office.
- 3) The plat not be signed by the President and Secretary of the Planning Commission nor filed with the county until a development agreement is approved by the Duluth City Council. The development agreement must reflect language ensuring provision of a trail easement for the Superior Hiking Trail (as shown in Trail Easement Exhibit dated 10-26-21).
- 4) The applicant provides the City of Duluth two fully signed copies of the final plat (including County staff signatures), at least one being mylar. One copy will be stored in the city's plat files, and the other for the 911 addressing file. The President and Secretary of the Planning Commission will not sign the plat unless at least three copies are provided for signatures.



PL 21-069 Rezoning
MUP, Concept Plan
Rezone Map

Legend

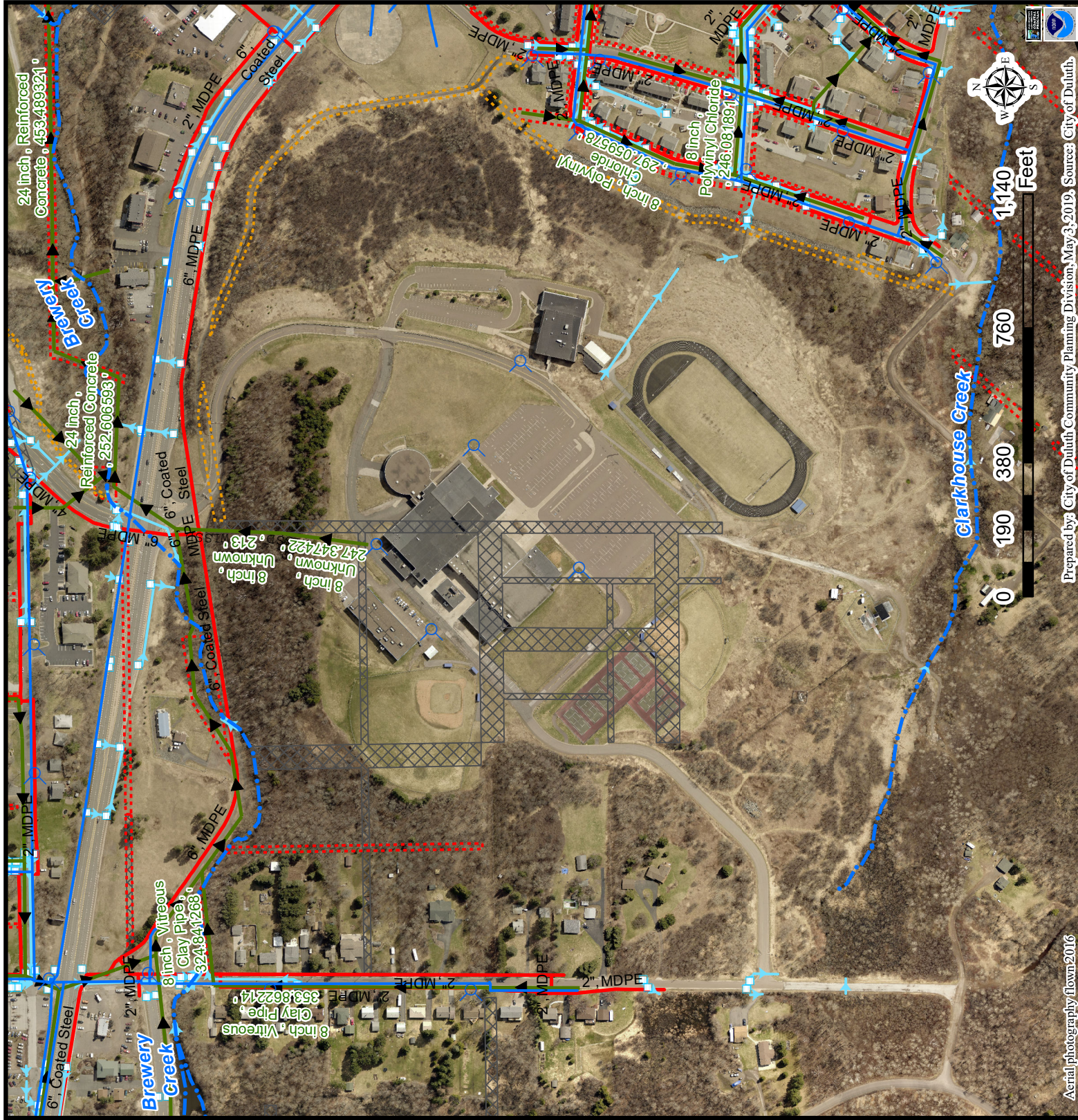
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



Open Space
Aerial photography from 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.

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 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.

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OFFICIAL PLAT

589°33'04"W 1317.26

LINE TABLELINE TABLETANGIBLELINE BEAT



LEGAL DESCRIPTION OF PROPOSED INGRESS & EGRESS EASEMENT

A 66.00 foot wide easement for Ingress & Egress purpose lying over, under and across a part of Lots 1 thru 16, Block 1, SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and lying over, under and across part of Rudolph Street and the Alley adjacent to and Northerly of said Block 1, as said Rudolph Street and said Alley were dedicated on said SWENSON'S DIVISION OF DULUTH and lying over, under and across part of the South Half of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota and lying over, under and across part of Lots 6 thru 10, 16, 17, 21 thru 24, Block 1, GREAT VIEW ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County and lying over, under and across part of Oscar Street and part of Vacated Lidwell Street and the Vacated alleys located in said Block 1, as said Oscar Street, Lidwell Street and the Alleys within Block 1 were dedicated on said GREAT VIEW ADDITION TO DULUTH, said easement described as follows:

Commencing at the South Quarter corner of said Section 21; thence on an assumed bearing of North 00 degrees 33 minutes 26 seconds East, along the West line of said Southeast Quarter for a distance of 524.23 feet; thence North 89 degrees 26 minutes 34 seconds East 33.00 feet to the East line of Blackman Avenue as dedicated on said SWENSON'S DIVISION OF DULUTH, said point being the point of beginning of the easement herein described; thence North 89 degrees 29 minutes 15 seconds East 251.04 feet; thence Northeasterly 182.01 feet, along a tangential curve, concave to the Northwest, having a radius of 233.00 feet and a delta angle of 44 degrees 45 minutes 27 seconds; thence North 44 degrees 43 minutes 48 seconds East 417.64 feet; thence Northeasterly 234.09 feet, along a tangential curve, concave to the Northwest, having a radius of 333.00 feet and a delta angle of 40 degrees 16 minutes 38 seconds; thence Northerly 23.32 feet, along a non-tangential, concave to the East, having a radius of 267.00 feet and a delta angle of 05 degrees 00 minutes 15 seconds, the chord of said curve bears North 06 degrees 42 minutes 17 seconds East for a chord distance of 23.31 feet; thence North 80 degrees 48 minutes 00 seconds West 66.00 feet; thence Southerly 27.59 feet, along a non-tangential curve, concave to the East, having a radius of 333.00 feet and a delta angle of 04 degrees 44 minutes 51 seconds, the chord of said curve bears of South 06 degrees 49 minutes 55 seconds West for a chord distance of 27.58 feet; thence Southwesterly 188.89 feet, along a non-tangential, concave to the Northwest, having a radius of 267.00 feet and delta angle of 40 degrees 32 minutes 02 seconds, the chord of said curve bears South 24 degrees 27 minutes 46 seconds West for a chord distance of 184.98 feet; thence South 44 degrees 43 minutes 48 seconds West 417.64 feet; thence Southwesterly 130.46 feet, along a tangential curve, concave to the Northwest, having a radius of 167.00 feet and a delta angle of 44 degrees 45 minutes 27 seconds; thence South 89 degrees 29 minutes 15 seconds West 249.81 feet to said East line of Blackman Avenue; thence South 00 degrees 33 minutes 26 seconds West, along said East line 66.00 feet to the point of beginning.

Said Ingress & Egress Easement contains 70,042 Sq. Feet or 1.61 Acres.

LEGEND

PROPOSED INGRESS & EGRESS EASEMENT

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REFER TO SURVEYOR'S NOTES

●

CAST IRON MON

●

FOUND REBAR

POC-POINT OF COMMENCEMENT

POB-POINT OF BEGINNING

SECTION SUBDIVISION LINE

RIGHT OF WAY LINE

PROPOSED EASEMENT LINE

SURVEY LINE

EXISTING PLAT LINE

SURVEYOR'S NOTES

1. STREETS, ALLEYS & AVENUES IN THE RECORDED PLAT OF GREAT VIEW ADDITION TO DULUTH THAT WERE VACATED PER TORRENS DOCUMENT NO. 374776.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. THIS IS NOT A BOUNDARY SURVEY.

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

MIN License #49505

DATE:10-26-2021

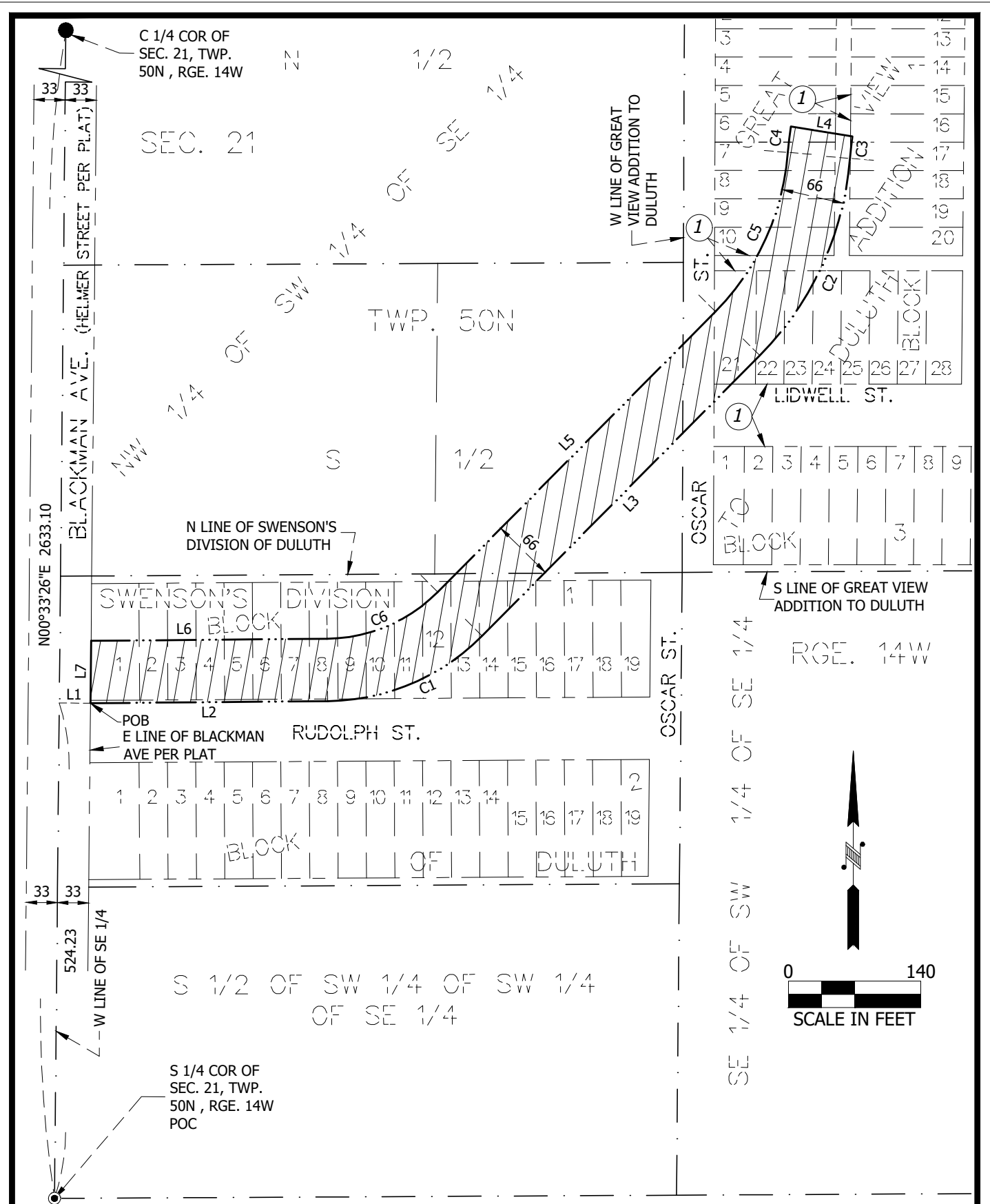
INGRESS & EGRESS EASEMENT EXHIBIT

CLIENT:NCE	REVISIONS:
ADDRESS:802 CENTRAL ENTRANCE DULUTH, MN 55811	
DATE:10-26-2021	JOB NO:21-105 SHEET 1 OF 2

ALTA

LAND SURVEY COMPANY

PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTALANDSURVEYDULUTH.COM



LINE	BEARING	DISTANCE
L1	N89°26'34"W	33.00
L2	N89°29'15"E	251.04
L3	N44°43'48"E	417.64
L4	N80°48'00"W	66.00
L5	S44°43'48"W	417.64
L6	S89°29'15"W	249.81
L7	S00°33'26"W	66.00

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	182.01	233.00	44°45'27"	N67°06'31"E	177.42
C2	234.09	333.00	40°16'38"	N24°35'29"E	229.30
C3	23.32	267.00	5°00'15"	N06°42'17"E	23.31
C4	27.59	333.00	4°44'51"	S06°49'55"W	27.58
C5	188.89	267.00	40°32'02"	S24°27'46"W	184.98
C6	130.46	167.00	44°45'27"	S67°06'31"W	127.16

A 20-foot-wide trail easement lying over, under and across that part of the East Half of the Southeast Quarter of Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota, the center line of said trail easement is described as follows:

Commencing at the Southeast corner of said Section 21; thence on an assumed bearing of South 89 degrees 42 minutes 12 seconds West, along the South line of said East Half of the Southeast Quarter 1258.80 feet to the point of beginning of said center line; thence North 22 degrees 28 minutes 10 seconds East 17.54 feet; thence North 45 degrees 38 minutes 57 seconds East 235.98 feet; thence North 31 degrees 49 minutes 36 seconds East 122.08 feet; thence Northeasterly 116.66 feet, along a non-tangential curve, concave to the Southeast, having a radius of 402.38 feet and a delta angle of 16 degrees 36 minutes 44 seconds, the chord of said curve bears North 18 degrees 59 minutes 57 seconds East for a chord distance of 116.26 feet; thence North 42 degrees 37 minutes 19 seconds East 326.88 feet; thence Northerly 202.27 feet, along a non-tangential curve, concave to the West, having a radius of 337.07 feet and a delta angle of 34 degrees 22 minutes 54 seconds, the chord of said curve bears North 16 degrees 55 minutes 18 seconds East for a chord distance of 199.25 feet; thence North 10 degrees 27 minutes 15 seconds West 74.61 feet; thence North 22 degrees 28 minutes 06 seconds East 34.57 feet; thence North 64 degrees 37 minutes 33 seconds East 51.71 feet; thence North 35 degrees 13 minutes 36 seconds East 62.27 feet; thence North 14 degrees 52 minutes 36 seconds East 86.01 feet; thence North 26 degrees 28 minutes 06 seconds East 68.70 feet; thence North 09 degrees 43 minutes 20 seconds East 393.06 feet; thence North 38 degrees 18 minutes 46 seconds West 115.54 feet; thence North 01 degrees 47 minutes 47 seconds West 29.76 feet; thence North 32 degrees 29 minutes 31 seconds East 55.66 feet; thence North 11 degrees 09 minutes 27 seconds East 57.73 feet; thence North 28 degrees 26 minutes 59 seconds West 34.05 feet; thence North 49 degrees 52 minutes 24 seconds West 62.04 feet; thence North 20 degrees 12 minutes 58 seconds West 116.92 feet; thence North 28 degrees 35 minutes 45 seconds West 67.37 feet; thence North 48 degrees 18 minutes 51 seconds West 163.61 feet to the Southerly right of way line of Central Entrance, also known as Trunk Highway No. 94 and there terminating. The side lines of said easement are to be prolonged or shortened to terminate on said Southerly right of way line of Central Entrance and on the South line of the East Half of the Southeast Quarter of said Section 21.

Said easement contains 49,901 square feet or 1.15 acres.

LINE	BEARING	DISTANCE
L1	N22°28'10"E	17.54
L2	N45°38'57"E	235.98
L3	N31°49'36"E	122.08
L4	N42°37'19"E	326.88
L5	N10°27'15"W	74.61
L6	N22°28'06"E	34.57
L7	N64°37'33"E	51.71
L8	N35°13'36"E	62.27
L9	N14°52'36"E	86.01
L10	N26°28'06"E	68.70
L11	N09°43'20"E	393.06
L12	N38°18'46"W	115.54
L13	N01°47'47"W	29.76
L14	N32°29'31"E	55.66
L15	N11°09'27"E	57.73
L16	N28°26'59"W	34.05
L17	N49°52'24"W	62.04
L18	N20°12'58"W	116.92
L19	N28°35'45"W	67.37
L20	N48°18'51"W	163.61

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	116.66	402.38	16°36'44"	N18°59'57"E	116.26
C2	202.27	337.07	34°22'54"	N16°55'18"E	199.25

R/W-RIGHT OF WAY		CAST IRON MON
POC-POINT OF COMMENCEMENT		FOUND REBAR
POB-POINT OF BEGINNING		FOUND IRON ROD
POT-POINT OF TERMINATION		
_____		SECTION SUBDIVISION LINE
_____		CENTER LINE
_____		RIGHT OF WAY LINE
_____		PROPOSED TRAIL EASEMENT LINE
_____		PROPOSED TRAIL EASEMENT CENTER LINE

1. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
2. 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.
3. THIS IS NOT A BOUNDARY SURVEY.

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
DATE: 10-26-2021 MN license #49505

CLIENT:NCE

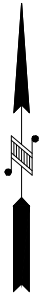
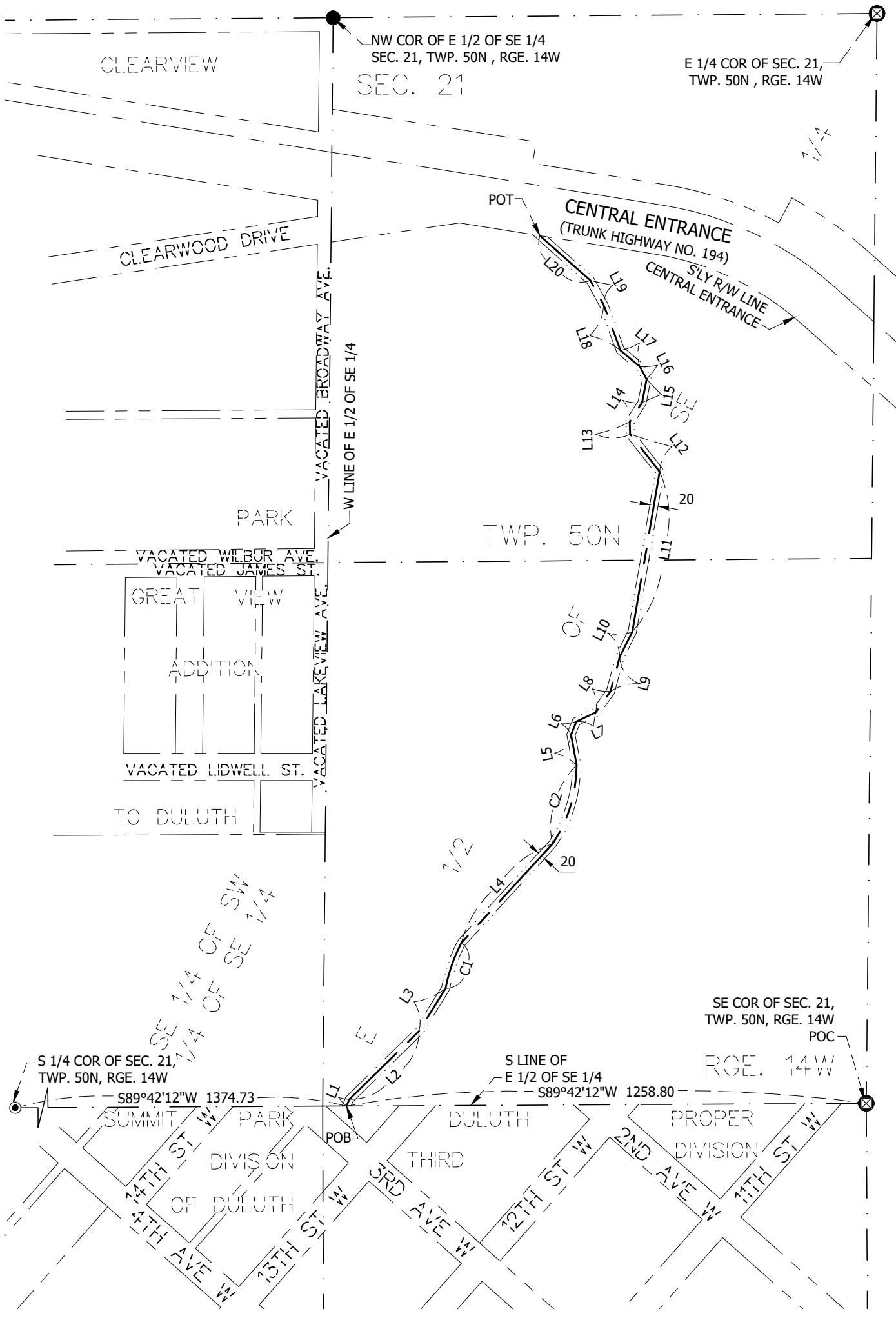
ADDRESS:802 CENTRAL ENTRANCE
DULUTH, MN 55811

DATE:10-26-2021

REVISIONS:

JOB NO:21-105	SHEET 1 OF 2
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0 300
SCALE IN FEET

TRAIL EASEMENT EXHIBIT

CLIENT: NCE	REVISIONS:
ADDRESS: 802 CENTRAL ENTRANCE DULUTH, MN 55811	
DATE: 10-26-2021	JOB NO: 21-105 SHEET 2 OF 2

**ALTA**
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