



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 23-145	Contact	Kyle Deming	
Type	Minor Subdivision	Planning Commission Date		September 12, 2023
Deadline for Action	Application Date	August 8, 2023	60 Days	October 7, 2023
	Date Extension Letter Mailed	August 14, 2023	120 Days	December 6, 2023
Location of Subject		800 E Central Entrance (former Central High School site)		
Applicant	Luzy Ostreicher	Contact	On file	
Agent	Northland Consulting Engineers	Contact	David Bolf	
Legal Description		Lot 3, Block 1, Central Overlook (See Attached)		
Site Visit Date		August 4, 2023	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 one parcel into two in preparation for development of a structure on the proposed Parcel A.

Recommended Action: Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Former school site	Business Park and Open Space
North	MU-N	Commercial	General Mixed Use and Open Space
South	R-1	Undeveloped	Traditional Neighborhood
East	R-P	Residential	Urban Residential
West	MU-P	Office and residential	Business Park

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.

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.

History: Central High School at the top of the hill was built in 1971 as a replacement for the downtown Historic Old Central High School (HOCHS). The school terminated operations in 2011, and the building was closed. The school building was demolished in November 2022 and the 53-acre property was purchased by the current owner in March 2023.

In 2012 (PL 11-141) the future land use designation was changed. The site 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 2021 Planning Commission meeting, the commission recommend approval of the amendment to the concept plan (PL 21-069). A preliminary plat (PL 21-097) and final plat (PL 21-174) was approved by the Planning Commission (11/9/2021). Vacation of streets and easements in the plat area (PL 21-176) was approved by City Council 3/28/2022 and subsequently recorded. A wetland delineation (PL 21-124) was approved 9/7/2021 for the property and is in effect for 5 years.

Review and Discussion Items

Staff finds that:

1. Applicant is requesting a Minor Subdivision to divide one 45-acre parcel into two parcels, Parcel A to be 26.69 acres and Parcel B to be 18.17 acres.
2. Parcel A contains most of the former high school building site (demolished) and remaining parking lot. There is an existing structure on proposed Parcel B, the former Secondary Technical Center and associated parking lot.
3. Both parcels are zoned MU-P with the required concept plan showing a mix of mixed use, multi-family residential and open space. The existing lot development is compliant with MU-P zoning and the proposed subdivision will not create any UDC nonconformities.
4. The Duluth Traverse multi-use trail crosses through both parcels within an easement dedicated for trail purposes. The subdivision will not affect its function.
5. Both parcels have the required street frontage along H. Courtney Drive.
6. There is a City gas main serving the Secondary Technical Building running near the Parcel A/B boundary extending south of H. Courtney Dr. Additionally, the water service to the Secondary Technical Building extends through Parcel A from Portia Johnson Dr.
7. The City Engineer commented that the existing water service and gas mains need to be addressed through easements or other agreements. The staff recommendation below includes conditions to address these issues. No other public, agency, or City comments were received.
8. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
9. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. 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.

Staff Recommendation

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

1. Prior to recording the deed(s) in the office of the Saint Louis County Recorder, the applicant shall submit the deed(s) to the Planning Division for approval; however, the Planning Division shall not approve the deed(s) until the following conditions have been met:
 - a. At the discretion of the City Engineer, an easement be granted to the City over the gas main or an agreement made with the City concerning the continued use or removal of the gas main; and
 - b. The applicant provides to future owners of Parcel A and Parcel B disclosure (to be recorded) as to the location of the water service for the Secondary Technical Center building or an agreement with the City Engineer be made for the removal of the water service.
 - c. 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.



PL 23-145

Minor Subdivision

Central Overlook Div, Block 1, Lot 3

Applicant: Luzy Ostreicher

Area Map

Legend

Streams

- Other Stream (GPS)

Parcels

- Lots
- Blocks

Park Lands

- Recreation

Boundary Lines

- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Survey Line
- Subdivision Boundaries

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.





PL 23-145
Minor Subdivision
Central Overlook Div, Block 1, Lot 3
Applicant: Luzy Ostreicher

Future Land Use Map

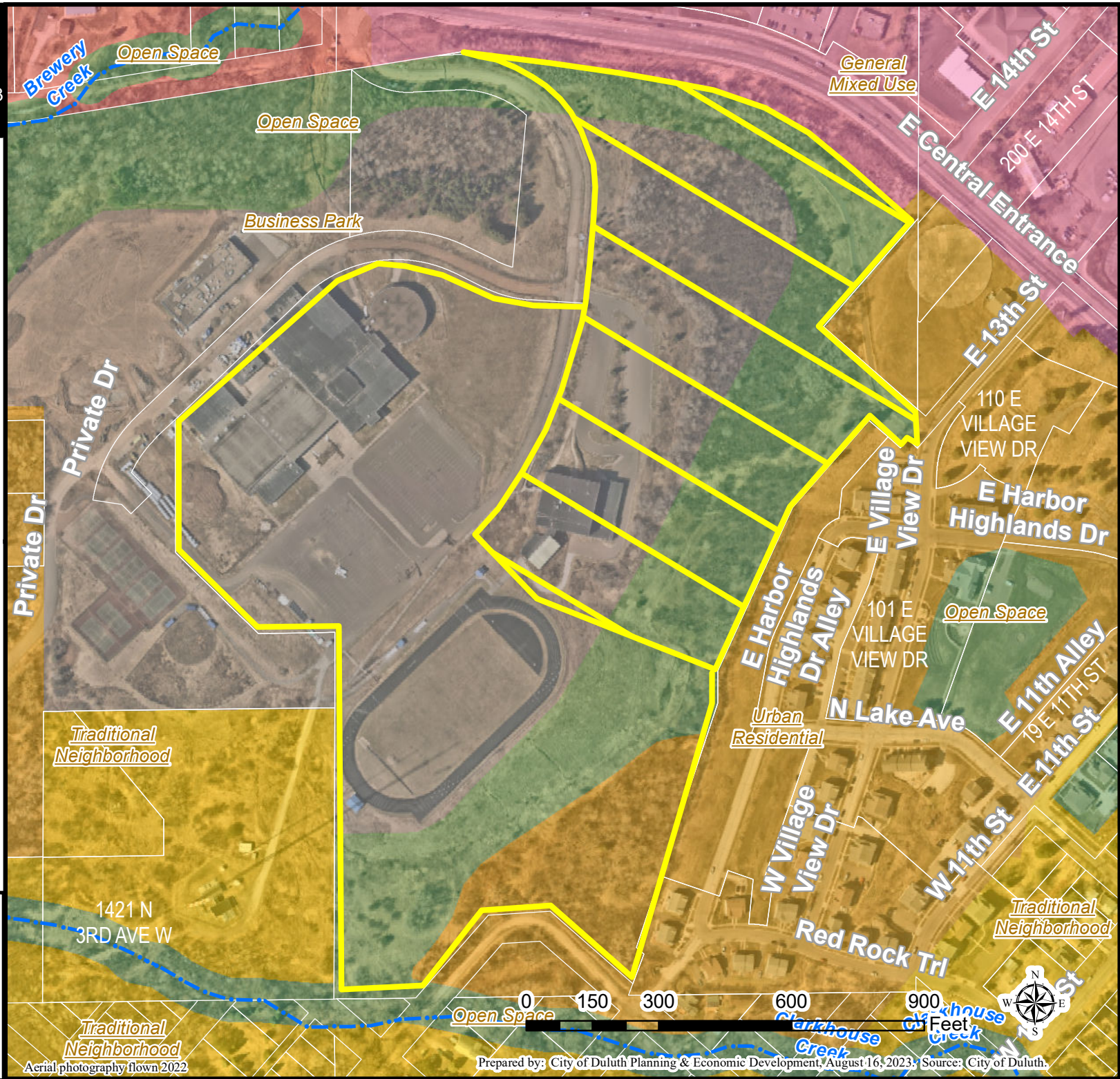
Legend

Streams
• Other Stream (GPS)

Future Land Use

- Open Space
- Traditional Neighborhood
- Urban Residential
- Central Business Secondary
- General Mixed Use
- Business Park
- Institutional

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.





PL 23-145

Minor Subdivision

Central Overlook Div, Block 1, Lot 3

Applicant: Luzy Ostreicher

Site Map

Legend

- Zoning Boundaries
- Streams**
 - Other Stream (GPS)
- Shoreland (UDC)**
 - Natural Environment
 - General Development
- Parcels**
 - Lots
 - Blocks
- Park Lands**
 - Recreation
- Trails**
 - Bike/Hike
 - Multi-Use - Paved
- Distribution Main**
 - Water Main
 - Hydrant
 - Gas Main
 - Lateral Line active
- Sanitary Sewer Mains**
 - City of Duluth
 - WLSSD; Private
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Boundary Lines**
 - Lot Line
 - Parcel Line
 - ROW (Road)
 - ROW (Not Road)
 - Subdivision Boundaries

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 2022.

Prepared by: City of Duluth Planning & Economic Development, August 16, 2023. Source: City of Duluth.

PARENT LEGAL DESCRIPTION

Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota.

LEGAL DESCRIPTION OF PARCEL A

Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT that part described as follows:

Beginning at the Northwest corner of said Lot 3 and the intersection of H Courtney Drive, as dedicated on said CENTRAL OVERLOOK; thence on an assumed bearing of North 81 degrees 28 minutes 12 seconds East, along the North line of said Lot 3 for a distance of 82.93 feet; thence South 80 degrees 52 minutes 09 seconds East, along said North line 478.11 feet; thence Southeasterly 396.75 feet, along said North line, along a non-tangential curve, concave to the Southwest, said curve having a radius of 699.02 feet and a delta angle of 32 degrees 31 minutes 12 seconds, the chord of said curve bears South 64 degrees 37 minutes 53 seconds East for a chord distance of 391.44 feet; thence South 48 degrees 22 minutes 17 seconds East, along said North line 232.31 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 312.73 feet to a Northeasterly line of said Lot 3; thence South 48 degrees 21 minutes 39 seconds East, along said Northeasterly line 275.69 feet to an Easterly line of said Lot 3; thence South 00 degrees 33 minutes 43 seconds West, along said Easterly line 88.00 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 29.64 feet to an Easterly line of said Lot 3; thence South 41 degrees 01 minutes 22 seconds West, along said Easterly line 24.61 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 94.62 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 262.02 feet; thence South 24 degrees 57 minutes 45 seconds West, along said Easterly line 406.63 feet; thence North 67 degrees 44 minutes 01 seconds West 437.54 feet; thence North 43 degrees 05 minutes 27 seconds West 200.00 feet; thence Northeasterly and Northerly 577.83 feet, along a non-tangential curve, concave to the Northwest, said curve having a radius of 1177.10 feet and a delta angle of 28 degrees 07 minutes 34 seconds, the chord of said curve bears North 25 degrees 28 minutes 14 seconds East for a chord distance of 572.05 feet to the intersection of the East line of said H Courtney Drive and the South line of Portia Johnson Drive, as dedicated on said CENTRAL OVERLOOK; thence North 05 degrees 37 minutes 41 seconds East, along the East line of said H Courtney Drive 230.60 feet; thence Northerly and Northwesterly 521.80 feet, along an East line and Northeasterly line of said H Courtney Drive, along a tangential curve, concave to the Southwest, said curve having a radius of 305.00 feet and a delta angle of 98 degrees 01 minutes 24 seconds, the chord of said curve bears North 43 degrees 23 minutes 01 seconds West for a chord distance of 460.45 feet; thence South 87 degrees 36 minutes 17 seconds West, along a Northerly line of said H Courtney Drive 34.89 feet to the point of beginning.

Said Parcel contains 1,162,450 square feet or 26.69 acres.

LEGAL DESCRIPTION OF PARCEL B


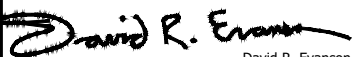
That part of Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

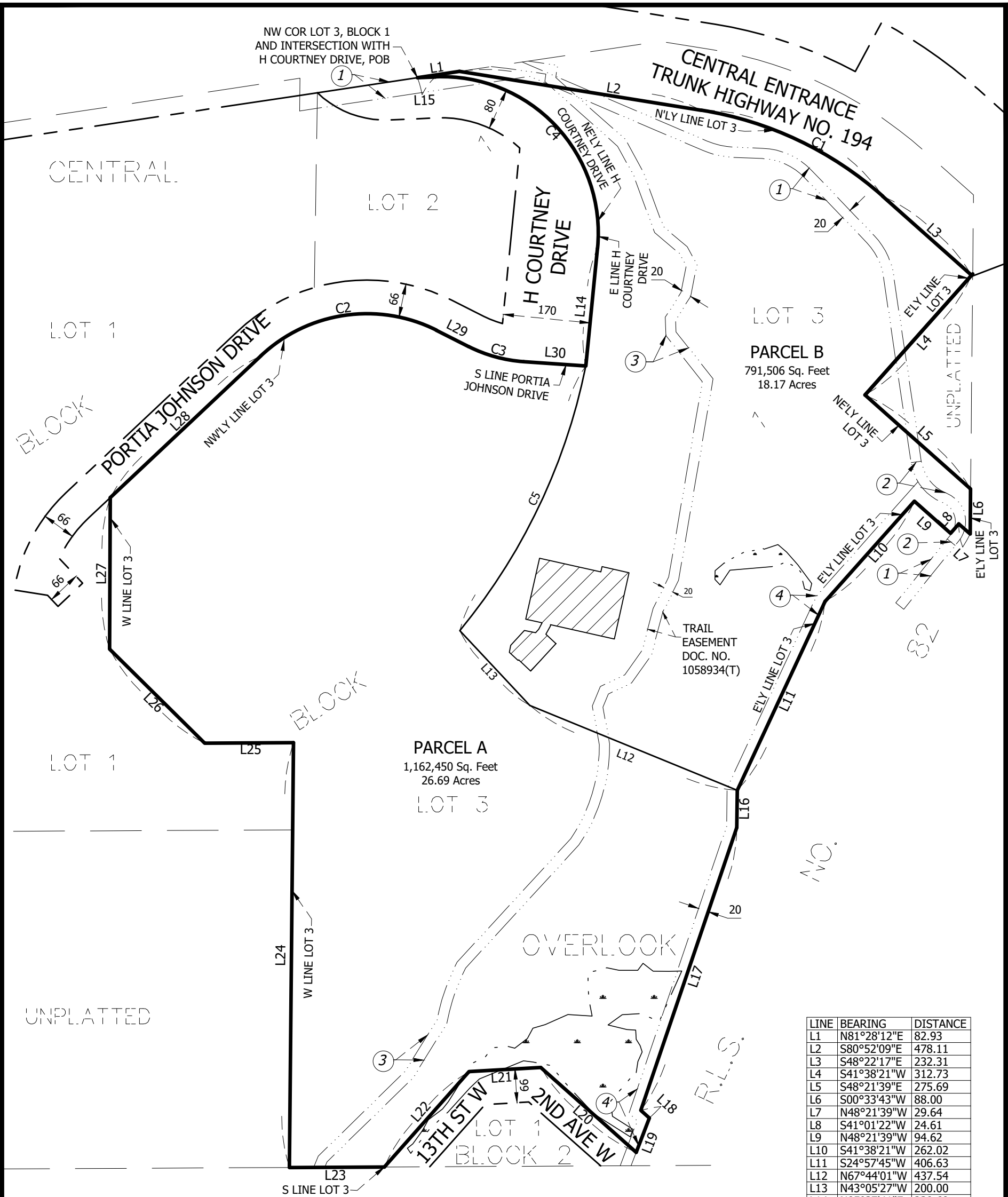
Beginning at the Northwest corner of said Lot 3 and the intersection of H Courtney Drive, as dedicated on said CENTRAL OVERLOOK; thence on an assumed bearing of North 81 degrees 28 minutes 12 seconds East, along the North line of said Lot 3 for a distance of 82.93 feet; thence South 80 degrees 52 minutes 09 seconds East, along said North line 478.11 feet; thence Southeasterly 396.75 feet, along said North line, along a non-tangential curve, concave to the Southwest, said curve having a radius of 699.02 feet and a delta angle of 32 degrees 31 minutes 12 seconds, the chord of said curve bears South 64 degrees 37 minutes 53 seconds East for a chord distance of 391.44 feet; thence South 48 degrees 22 minutes 17 seconds East, along said North line 232.31 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 312.73 feet to a Northeasterly line of said Lot 3; thence South 48 degrees 21 minutes 39 seconds East, along said Northeasterly line 275.69 feet to an Easterly line of said Lot 3; thence South 00 degrees 33 minutes 43 seconds West, along said Easterly line 88.00 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 29.64 feet to an Easterly line of said Lot 3; thence South 41 degrees 01 minutes 22 seconds West, along said Easterly line 24.61 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 94.62 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 262.02 feet; thence South 24 degrees 57 minutes 45 seconds West, along said Easterly line 406.63 feet; thence North 67 degrees 44 minutes 01 seconds West 437.54 feet; thence North 43 degrees 05 minutes 27 seconds West 200.00 feet; thence Northeasterly and Northerly 577.83 feet, along a non-tangential curve, concave to the Northwest, said curve having a radius of 1177.10 feet and a delta angle of 28 degrees 07 minutes 34 seconds, the chord of said curve bears North 25 degrees 28 minutes 14 seconds East for a chord distance of 572.05 feet to the intersection of the East line of said H Courtney Drive and the South line of Portia Johnson Drive, as dedicated on said CENTRAL OVERLOOK; thence North 05 degrees 37 minutes 41 seconds East, along the East line of said H Courtney Drive 230.60 feet; thence Northerly and Northwesterly 521.80 feet, along an East line and Northeasterly line of said H Courtney Drive, along a tangential curve, concave to the Southwest, said curve having a radius of 305.00 feet and a delta angle of 98 degrees 01 minutes 24 seconds, the chord of said curve bears North 43 degrees 23 minutes 01 seconds West for a chord distance of 460.45 feet; thence South 87 degrees 36 minutes 17 seconds West, along a Northerly line of said H Courtney Drive 34.89 feet to the point of beginning.

Said Parcel contains 791,506 square feet or 18.17 acres.

SURVEYOR'S NOTES

- BIKEWAY EASEMENT PER TORRENS DOCUMENT NO. 436177.
- BIKEWAY EASEMENT PER TORRENS DOCUMENT NO. 436177 & 449749. THE LEGAL DESCRIPTIONS IN THESE DOCUMENTS ARE CONTIGUOUS FOR THE AREA SHOWN HEREON.
- TRAIL EASEMENT PER TORRENS DOCUMENT NO. 1058934.
- SHARED USE PATH EASEMENT PER TORRENS DOCUMENT NO. 946969
- 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)
- BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
- 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.

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.		CERTIFICATE OF SURVEY			
	DATE:08-08-2023	David R. Evanson MN License #49505	CLIENT:NCE		REVISIONS:
			ADDRESS:802 EAST CENTRAL ENTRANCE DULUTH, MN 55811		
			DATE:08-08-2023		JOB NO:23-255



LINE	BEARING	DISTANCE
L1	N81°28'12"E	82.93
L2	S80°52'09"E	478.11
L3	S48°22'17"E	232.31
L4	S41°38'21"W	312.73
L5	S48°21'39"E	275.69
L6	S00°33'43"W	88.00
L7	N48°21'39"W	29.64
L8	S41°01'22"W	24.61
L9	N48°21'39"W	94.62
L10	S41°38'21"W	262.02
L11	S24°57'45"W	406.63
L12	N67°44'01"W	437.54
L13	N43°05'27"W	200.00
L14	N05°37'41"E	230.60
L15	S87°36'17"W	34.89
L16	S00°33'43"W	72.75
L17	S18°46'31"W	582.95
L18	S48°17'22"E	22.45
L19	S20°53'13"W	71.56
L20	N48°21'35"W	249.36
L21	S86°38'26"W	140.19
L22	S41°38'26"W	249.10
L23	S89°42'12"W	185.16
L24	N00°33'08"E	829.11
L25	S89°42'17"W	173.42
L26	N45°17'43"W	261.12
L27	N00°13'34"E	295.76
L28	N46°45'32"E	403.70
L29	S63°21'23"E	70.95
L30	S85°58'54"E	121.79

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	396.75	699.02	32°31'12"	S64°37'53"E	391.44
C2	368.36	302.00	69°53'05"	N81°42'05"E	345.94
C3	111.75	283.00	22°37'32"	N74°40'08"W	111.03
C4	521.80	305.00	98°01'24"	S43°23'01"E	460.45
C5	577.83	1177.10	28°07'34"	N25°28'14"E	572.05

LEGEND

- POB-POINT OF BEGINNING
- RIGHT OF WAY LINE

EXISTING EASEMENT LINE

BOUNDARY LINE AS SURVEYED

EXISTING PLAT LINE

PROPOSED PARCEL LINE
-
- EXISTING BUILDINGS

WET LANDS PER PLAT

CERTIFICATE OF SURVEY

CLIENT:NCE
ADDRESS:802 EAST CENTRAL ENTRANCE
DULUTH, MN 55811
DATE:08-08-2023

REVISIONS:

JOB NO:23-255 SHEET 2 OF 2

ALTA
LAND SURVEY COMPANY
PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTALANDSURVEYDULUTH.COM