



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



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planning@duluthmn.gov

<b>File Number</b>	PL 23-184	<b>Contact</b>	John Kelley	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>		November 14, 2023
<b>Deadline for Action</b>	<b>Application Date</b>	October 10, 2023	<b>60 Days</b>	December 9, 2023
	<b>Date Extension Letter Mailed</b>	October 19, 2023	<b>120 Days</b>	February 7, 2024
<b>Location of Subject</b>		PID # 010-1460-01410, 010-1460-01570, 010-1460-01670, 010-1460-01490, 010-1460-0453, 010-1460-01550, 010-1460-01560		
<b>Applicant</b>	ZMC Hotels, LLC	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>		See Attached		
<b>Site Visit Date</b>		November 3, 2023	<b>Sign Notice Date</b>	N/A
<b>Neighbor Letter Date</b>		N/A	<b>Number of Letters Sent</b>	N/A

**Proposal**

Applicant is requesting a Minor Subdivision to combine 7 parcels and create 2 new parcels in the Endion neighborhood. Parcel A will have frontage on London Road and South 23<sup>rd</sup> Avenue East and Parcel B will have frontage on London Road.

**Recommended Action:** Approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Hotel	Central Business Secondary
<b>North</b>	MU-N	Residential	Neighborhood Mixed Use
<b>South</b>	MU-B	I-35	Transportation and Utilities
<b>East</b>	MU-B, MU-N	I-35	Transportation and Utilities
<b>West</b>	MU-N	Commercial	Neighborhood Mixed Use

**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.

50-14.5.A. R-1 minimum lot area: 4,000 square feet; minimum lot frontage: 40 feet.

## **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: Central Business Secondary** - An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

**History:** The site is made up of seven parcels with an existing hotel building on the northeast portion of the site, a recently torn down portion of the hotel, and outdoor amenities including a miniature golf course. The parcels have frontage on London Road and South 23<sup>rd</sup> Avenue East, and along the unimproved portion of South Street. The parcel is located in the Endion neighborhood. The underlying plat is "Endion Division of Duluth."

## **Review and Discussion Items**

Staff finds that:

1. Applicant is requesting a Minor Subdivision to combine seven parcels and create two parcels. The land is owned by the applicant. Parcel A is vacant land on the northern portion of the parcel and has an outdoor patio area, basketball court and miniature golf course located on the southeast portion of the lot. Parcel B of the minor subdivision has an existing hotel structure, parking lot and outdoor amenities including a pool and playscape located on the southwest corner of the parcel.
2. The subdivision will create lots that meet the zoning requirements of the MU-C district. Dimensional standards for each lot meet minimum frontage and lot area requirements.
3. The parcels have the required street frontage along London Road and South 23<sup>rd</sup> Avenue East. Parcel A and B will have frontage on London Road and South 23<sup>rd</sup> Avenue East and Parcel B will have frontage on London Road.
4. The existing basketball court and miniature golf course on Parcel A are not permitted without a primary use or structure on the lot and will need to be removed prior to the recording of the minor subdivision or the applicant provide a financial security to cover removal of the basketball court and miniature golf course within 2 years if no primary use is constructed on the parcel.
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, agency, or other City comments were received.
7. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
8. 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. The existing basketball court and miniature golf course on Parcel A are not permitted without a primary structure on the lot and will need to be removed prior to the recording of the minor subdivision or the applicant provide a financial security to cover removal of the basketball court and miniature golf course within 2 years if no primary use is constructed on the parcel.
2. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
3. 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.

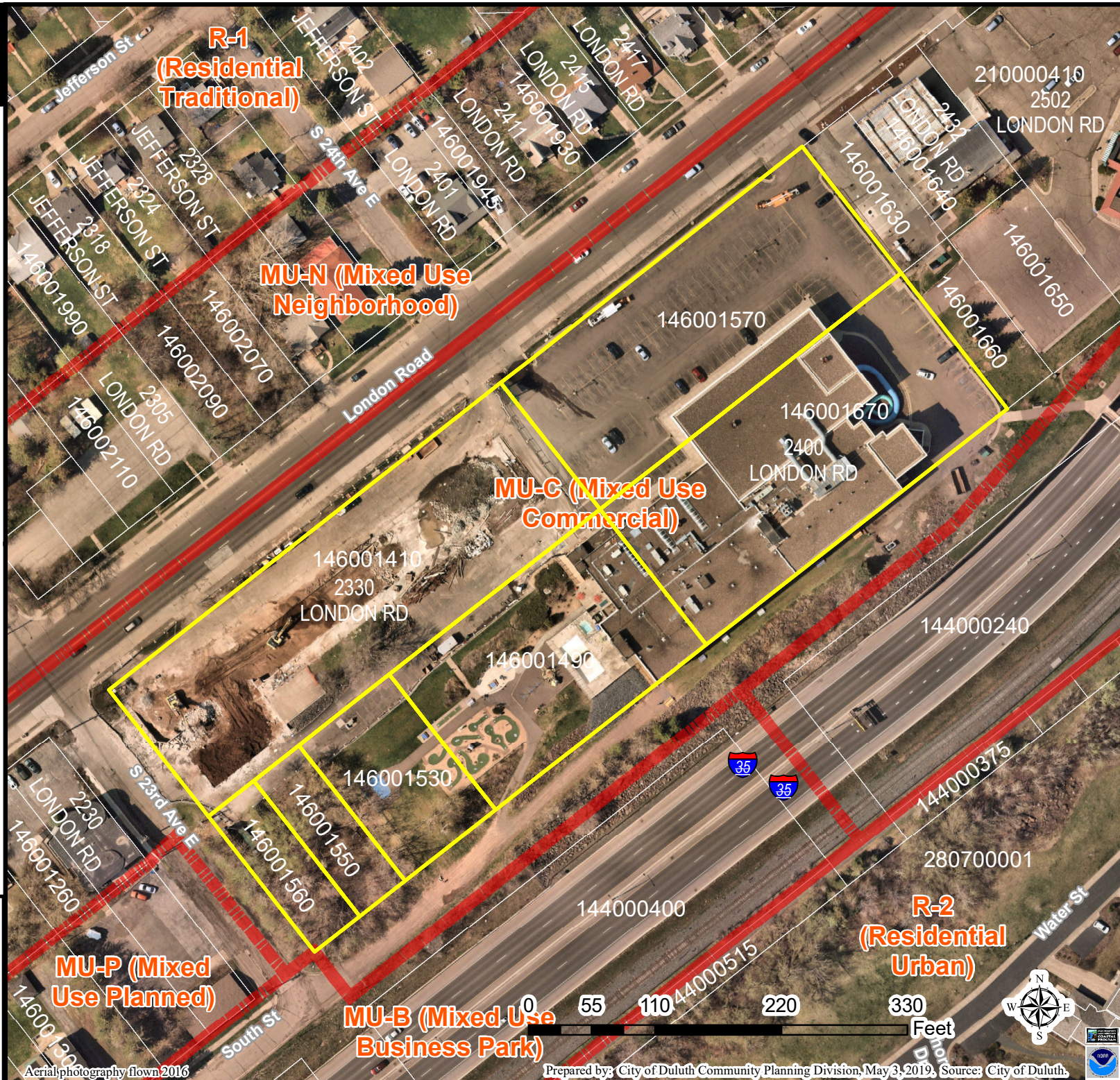




PL 23-184  
Minor Subdivision  
Site Map



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.



Aerial photography flown 2016

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





LEGEND	
(M)-FIELD MEASURED DIMENSION	(#) REFER TO SURVEYOR'S NOTES
(R)-RECORD DIMENSION	(X) FOUND T-STAKE MONUMENT
--- DIVISION LINE	
--- CENTER LINE	
--- RIGHT OF WAY LINE	
--- EXISTING EASEMENT LINE	
--- BOUNDARY LINE AS SURVEYED	
--- EXISTING PLAT LINE	
--- PROPOSED PARCEL LINE	

PARENT LEGAL PER CERTIFICATE OF TITLE NO. 336519

Lots 4, 9 and 10, Block 27; Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16, Block 28; Assuming 24th Avenue East to run North and South, the Easterly half of 24th Avenue East from the south line of London Road to the north line of South Street and the Westerly half of 24th Avenue East from the North line of South Street to the Northerly boundary of Lot 9, Block 27 of Endion Division of Duluth, extended Easterly to the center line of 24th Avenue East. All in ENDION DIVISION OF DULUTH, according to the plat thereof, on file and of record in the office of the Register of Deeds in and for said St. Louis County, Minnesota.

PARENT LEGAL DESCRIPTION PER DOCUMENT NO. 1268674

PARCEL 1B (Abstract property):  
Lots 1, 2, 3, 5, 6, 7, 8, 11, 12, 13, and 14, Block 27, Endion Division of Duluth, together with that part of vacated 24th Avenue East, adjacent thereto, lying west of the center line thereof, lying north of the easterly extension of the north line of Lot 9, said Block 27, and lying south of the south line of London Road.

PARCEL 2 (Abstract property):  
Lot 16, Block 27, Endion Division of Duluth, St. Louis County, Minnesota.

PARENT LEGAL DESCRIPTION PER DOCUMENT NO. 1341349

Lot 15, Block 27, Endion Division of Duluth, St. Louis County, Minnesota.

PROPOSED LEGAL DESCRIPTION FOR PARCEL A

Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16, Block 27, ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 87,217 Sq. Feet or 2.00 Acres.

PROPOSED LEGAL DESCRIPTION PARCEL B

Lots 7, 8, 9 and 10, Block 27, ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

AND:  
Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16, Block 28, ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

AND:  
All of Vacated 24th Avenue East also known as Virginia Avenue lying between Block 27 and 28, ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 135,266 Sq. Feet or 3.11 Acres.



- SURVEYOR'S NOTES
- INGRESS & EGRESS EASEMENT PER DOCUMENT NO. 358217.
  - 15 FOOT WIDE UTILITY EASEMENT PER DOCUMENT NO. 668685.
  - THE WIDENING OF LONDON ROAD RIGHT OF WAY TO 100 FEET PER BOOK C OF PLATS, PAGE 144 DATED JUNE 18, 1899.
  - 10 FOOT WIDE EASEMENT FOR SEWER, TELEPHONE, ELECTRIC WIRE AND POLES PER CONDEMNATION PLAT FILED NOVEMBER 20, 1896 IN BOOK 1, PAGE 94.
  - 14 FOOT WIDE BUILDING LINE EASEMENT FILED IN BOOK 1, PAGE 231, DATED APRIL 18, 1906.
  - 20 FOOT WIDE EASEMENT FOR SEWER, TELEPHONE & ELECTRIC LIGHT WIRE AND POLES PER BOOK 1 OF PLATS PAGE 94.
  - EASEMENT FOR SLOPES AND FILLS PER CONDEMNATION PLAT FILED IN BOOK 1 OF PLATS PAGE 126 DATED NOVEMBER 24, 1896.
  - VACATION OF 24TH AVE E & 20 FOOT WIDE UTILITY EASEMENT LYING IN THE CENTER OF BLOCK 28, ENDION DIVISION OF DULUTH PER DOCUMENT NO. 382301 DATED FEBRUARY 13, 1975.
  - 10 FOOT WIDE MINNESOTA POWER EASEMENT PER DOCUMENT NO. 519673 AS SHOWN ON 2009 SEH SURVEY DATED MARCH 13, 2009.
  - EASEMENT FOR SLOPES AND FILLS FILED IN BOOK C OF PLATS PAGE 240.
  - 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 1995. (NAD 83 2011)

2330 & 2400 LONDON RD,  
DULUTH, MN 55812

**VICINITY MAP**

CERTIFICATE OF SURVEY	
DATE: 08-31-2023	JOB NO: 23-264
CLIENT: NORTHLAND CONSULTING	REVISIONS:
ADDRESS: 2305, 2330 & 2400 LONDON ROAD, DULUTH, MN 55812	
SURVEYOR: David R. Evans	
PHONE: 218-737-5211	
WWW: ALTA.LANDSURVEY.COM	