



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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

<b>File Number</b>	PL 22-154	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Minor Subdivision	<b>Planning Commission Date</b>		October 11, 2022
<b>Deadline for Action</b>	<b>Application Date</b>	August 30, 2022	<b>60 Days</b>	October 29, 2022
	<b>Date Extension Letter Mailed</b>	September 19, 2022	<b>120 Days</b>	December 28, 2022
<b>Location of Subject</b>		Elk Street – PID 010-2010-00550		
<b>Applicant</b>	Devon & Ebony Nelson	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>		See Attached		
<b>Site Visit Date</b>		September 30, 2002	<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 divide one lot into two lots. The current parcel is approximately 4 acres and the division will create two lots. Both Parcel A and Parcel B will be 2 acres.

**Recommended Action:** Approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Rural Residential
<b>North</b>	R-1	Residential	Rural Residential
<b>South</b>	R-1	Residential	Rural Residential
<b>East</b>	R-1	Residential	Rural Residential
<b>West</b>	R-1	Residential	Rural Residential

**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):**

Governing Principle #5 Promote reinvestment in neighborhoods. Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

Future Land Use: Rural Residential - Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

History: The current parcel contains approximately 4 acres and has an existing single-family home. The underlying plat is "Greysolon Farms 1<sup>st</sup> Division." The existing tax parcel consists of three previously platted lots with frontage on the platted Elk Street.

**Review and Discussion Items**

1. Applicant is requesting a Minor Subdivision to divide a single lot into two lots. Both parcels will have frontage on Elk Street.
2. Parcel A has an existing 841 square foot single family dwelling that would still meet all required setbacks and other regulations after the proposed subdivision.
3. Both parcels are zoned R-1, which has a minimum lot size of 4,000 square feet. Both parcels have the required street frontage along Elk Street. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. No other public, agency, or City comments were received.
5. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
6. 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. 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.
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 22-154  
Minor Subdivision

**Legend**

**Lot**  
Parcels

**ROW**  
<all other values>

**SUBTYPE, ROW, STATUS**  
Utility, Active  
Railroad, Active  
Access, Active - currently in use  
Access, Vacated - vacated via recorded document  
Road, Active - currently in use  
Utility, Vacated - vacated via recorded document  
Road, Vacated - vacated via recorded document  
Conservation, Vacated - vacated via recorded document  
Conservation, Active - currently in use  
Railroad, Inactive - Dedicated, but not built

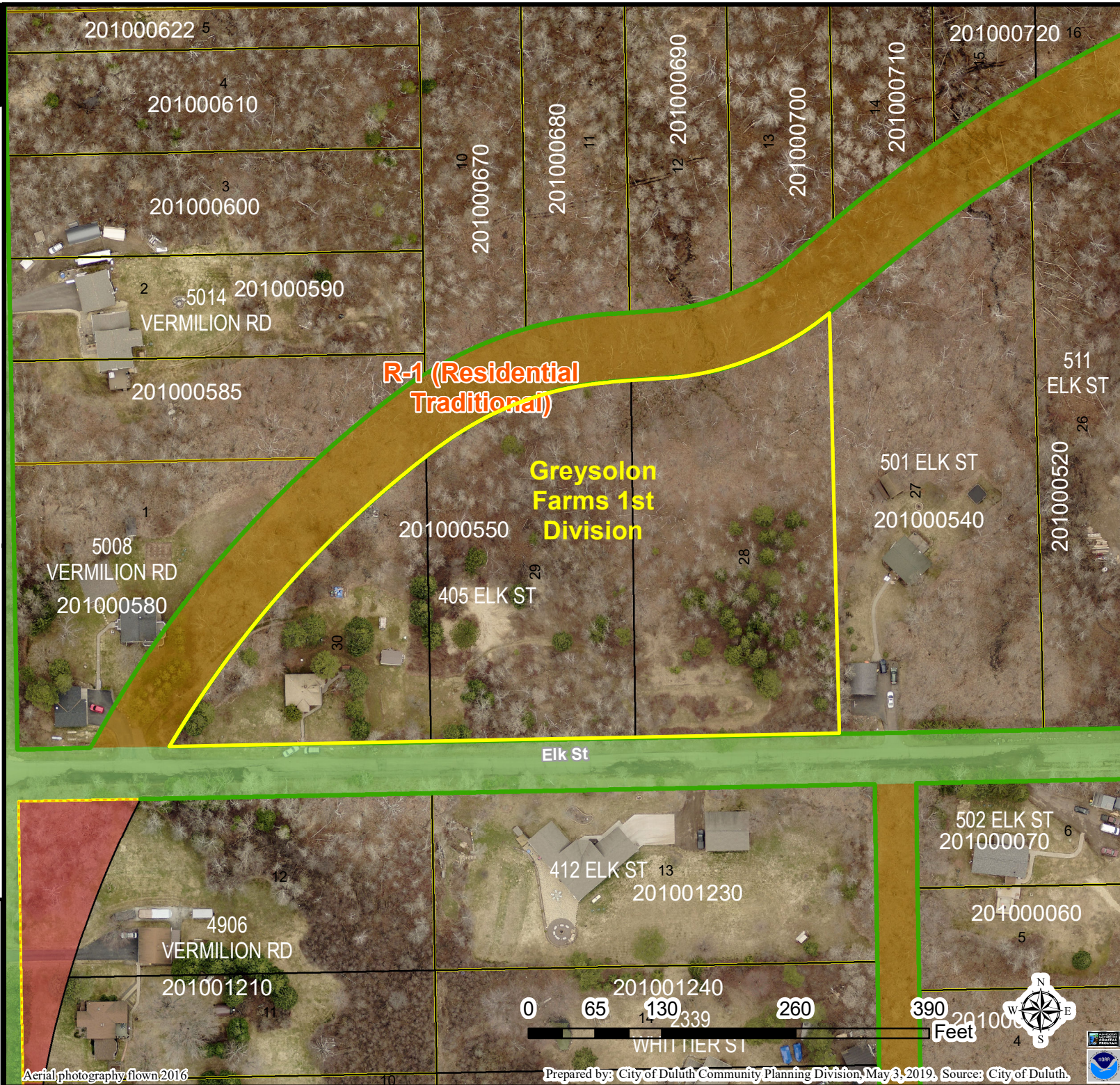
**Subdivision Boundaries**

**Boundary Lines**  
<all other values>

**Subtype, ROW, TYPE**  
Lot Line  
Parcel Line  
ROW (Road)  
ROW (Not Road)  
Subdivision Line  
Water Line  
Survey Line  
Municipal Boundary

**Zoning 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.

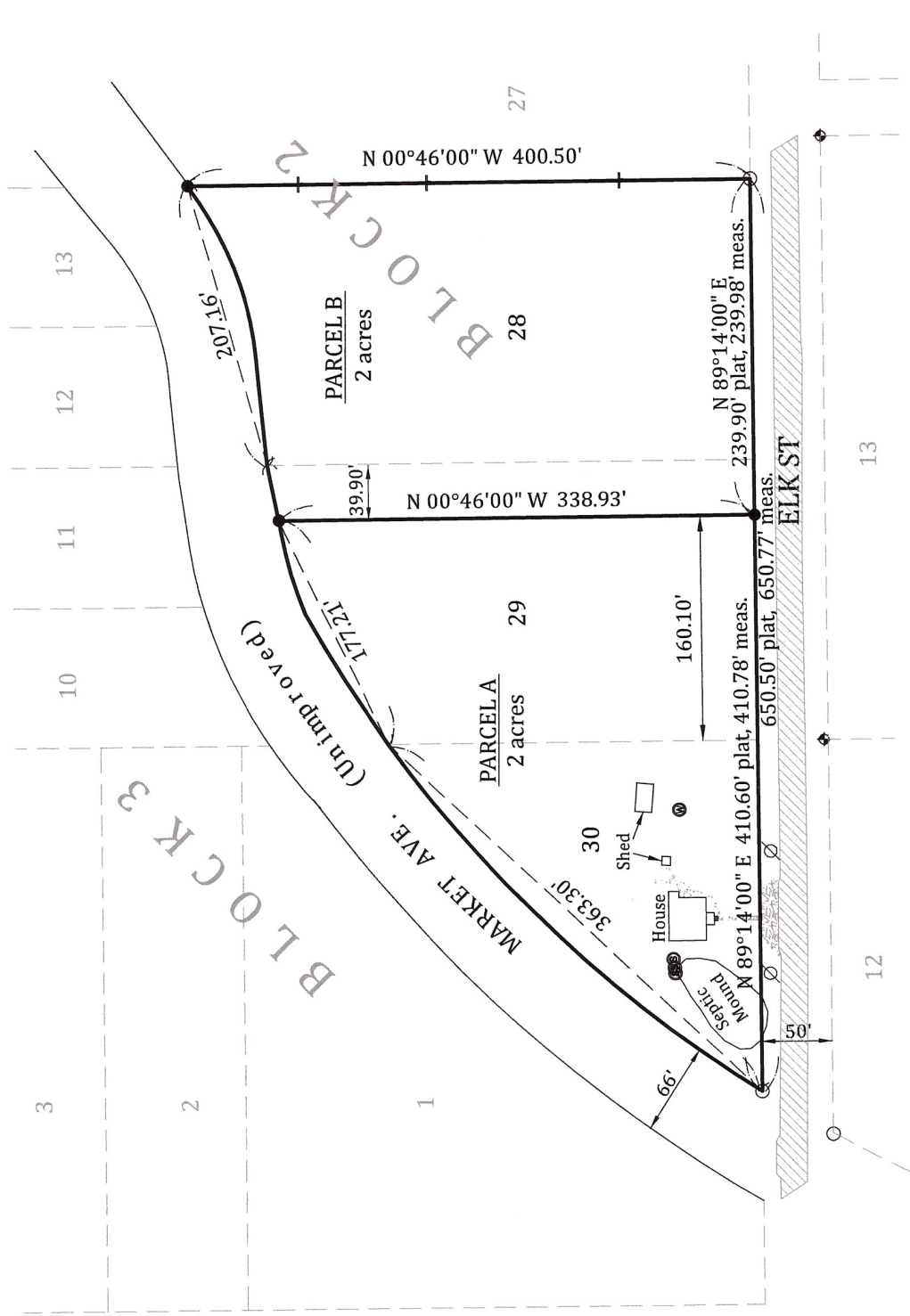




CERTIFICATE OF SURVEY

PROPOSED SUBDIVISION OF  
LOTS 28, 29, AND 30, BLOCK 2  
GREYSOLON FARMS 1ST DIVISION OF DULUTH  
CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA  
PARCEL I.D. NO.: 010-2010-00550

Bearings Referenced to  
St. Louis County Transverse  
Mercator 96 Coordinate System.



LEGEND

- SET 3/4 IN. DIA. REBAR WITH ALUM. CAP STAMPED "NELSON LS 49578
- ┐ SET 4 FT. WOOD LATH
- ⊕ FOUND REBAR WITH CAP #40077
- FOUND 2 IN. IRON PIPE
- ⊗ POWER POLE
- ⊙ WELL CAP
- ⊕ SEPTIC TANK COVER
- TREE LINE
- ▨ ASPHALT
- ▩ CONCRETE
- ▩ GRAVEL



1 IN. = 120 FT.



PARCEL "A" LEGAL DESCRIPTION  
LOT 30 AND THE WEST 160.10 FEET OF LOT 29, BLOCK 2  
GREYSOLON FARMS 1ST DIVISION OF DULUTH  
CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

PARCEL "B" LEGAL DESCRIPTION  
LOTS 28 AND THE EAST 39.90 FEET OF LOT 29, BLOCK 2  
GREYSOLON FARMS 1ST DIVISION OF DULUTH  
CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

Survey address: 405 Elk St  
Duluth, MN

SurveyScience Land Surveying, LLC  
Duluth, Minnesota  
(218) 428-4327

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.

*James T. Nelson*  
James T. Nelson  
Date: Sept. 16th, 2022  
License Number: 49578