



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 23-069	Contact	Kyle Deming	
Type	Final 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 19, 2023	120 Days	August 2, 2023
Location of Subject		South and east of the intersection of Anderson Rd. and Decker Rd. (Piedmont Heights)		
Applicant	HNH LLC (Lon Hovland – Owner) and Michael and Kathleen Wilson (owners)	Contact	Available, on file	
Agent	Northland Consulting Engineers – Adam Zwak; Alta Land Survey Co. – David Evanson	Contact	Available, on file	
Legal Description		See Attached Map		
Site Visit Date		April 24, 2023	Sign Notice Date	April 25, 2023
Neighbor Letter Date		April 17, 2023	Number of Letters Sent	58

Proposal: Approval of the final plat of REARRANGEMENT OF PART OF WESTERN WOODS DIVISION to provide for re-platting of 17 lots and a 3 acre unplatted parcel totaling 11.3 acres into 15 lots on a shortened street. The proposal includes construction of a new public street with sidewalk and utilities.

Staff Recommendation: Approval of the final plat, subject to included conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant	Traditional Neighborhood
North	R-1	Dwellings	Traditional Neighborhood
South	R-1	Dwelling on large lot	Traditional Neighborhood
East	R-1	Dwellings and wetland	Traditional Neighborhood
West	R-1	Dwellings	Traditional Neighborhood

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications if it determines that the application meets the following criteria (Section 50-37.5.H.3):

- (a) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (b) Is consistent with the terms and provisions of the preliminary plat approval for the property;
- (c) Demonstrates that all required improvements have been installed or that (a) the applicant has signed a development agreement committing to construct those improvements within 2 years after approval of the final plat and (b) adequate security for the construction of the required improvements has been posted with the City pursuant to Section 50-37.1.P. Once approved, the applicant shall file the plat in the office of the County Recorder within two years or the approval will lapse per Section 50-37.5.H.4.

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 #7 – Create and maintain connectivity. A condition of approval of this subdivision provides the potential for pedestrian connectivity through the end of the cul du sac and road connectivity to Decker Rd.
- Governing Principle #12- Create efficiencies in delivery of public services. This subdivision provides space for public utilities serving the surrounding neighborhood to flow through to an existing sanitary sewer, which is at a lower cost to the alternative disconnected systems.
- Housing Policy #2 - Provide affordable, attainable housing opportunities. Two of the lots in the subdivision will be smaller and, therefore, more affordable.
- Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. This subdivision will provide building lots for new housing development.

Future Land Use

Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas. Densities of 4 -8 units/acre. Development types include a mix of housing types (i.e. town homes and 4-plexes) at corners and conservation development an option.

Zoning

Residential-Traditional (R-1): traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods. Dimensional standards require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

Site History or Previous Studies

1. 1960 – Western Woods Division recorded. The proposed final plat is a portion of that plat.
2. 12/20/2016 - Wetland Delineation approved (file no. PL 16-133)
3. 1/27/2020 and 2/3/2020 – Pre-application concept review.
4. 10/12/2021 – Preliminary Plat of Rearrangement of Western Woods approved 10/12/2021 (file no. PL 21-156). No Final Plat was filed for this version of the plat.
5. 10/12/2021 – Vacation of streets and easements in a portion of Western Woods Division (PL 21-158) was recommended for approval by Planning Commission.
6. 8/24/2022 – Updated Wetland Delineation approved (PL 22-127)
7. 9/13/2022 – Preliminary Plat of Rearrangement of Western Woods with the addition of 3 acres at south end approved by Planning Commission (PL 22-141)

Review and Discussion Items

- 1) The proposal will re-plat 17 lots and a 3-acre area of unplatted land to form a new plat called the Rearrangement of Part of Western Woods Division that consists of 15 residential building lots. Please note that lot numbers have changed between the approved preliminary plat and the proposed final plat due to reconfiguring lots.
- 2) The Planning Commission’s approval of the Preliminary Plan was conditioned on the following:
 - A. The City Council’s approval of the vacation of existing streets and utility easements in the plat area (file no. PL 21-158).
 - B. Drainage and utility easements shall be provided over wetlands on those portions of Lots 12-16 (Lots 9-13 in the final plat). Permanent metallic markers on rigid metal posts shall be placed at the location of wetland boundaries with signs indicating the presence of wetlands to be left in a natural state.
 - C. Stormwater treatment facilities shall be sized and located in utility easements as approved by City Engineering.
 - D. Plat boundaries be adjusted in the area of existing streets relative to surveying and legal requirements.
 - E. Prior to undertaking any tree or land disturbing work, the following conditions shall be met:
 - (i) The developer shall enter into a development agreement addressing applicable development terms as identified by City staff in this report and as further identified in the review of the Final Plat. The development agreement shall be approved by City Council and recorded with the appropriate St. Louis County offices.
 - (ii) A pedestrian easement through Lot 11 (Lot 8 on the final plat) connecting the cul du sac to Anderson Rd. shall be conveyed to the public and its presence noted on the Final Plat.

(iii) The Final Plat shall be recorded.

- 3) Below is staff's response on the satisfaction of the preliminary plat conditions listed above:
- A. The Vacation resolution will be brought to the City Council following approval of the Final Plat.
 - B. Applicant has added the required drainage and utility easements. The applicant has stated in writing that the wetland signage will be installed. This requirement is also listed in the development agreement.
 - C. Applicant has provided ample space in utility easements for required storm water basins.
 - D. Some of the plat boundary amendments have been made, but additional amendments will be made per guidance from City staff before the final plat is recorded.
 - E(i) The development agreement is under development and will need to be approved by City Council and recorded before the plat is recorded.
 - E(ii) The required pedestrian easement through Lot 11 (Lot 8 on the final plat) will be required as a condition of approval of the final plat. Statutory platting rules do not allow the pedestrian easement to be dedicated on the plat, but through a separate easement agreement with the City.
 - E(iii) The Final Plat will need to be recorded within 2 years or this approval will lapse.
- 4) The final plat is consistent with the comprehensive land use plan designation of this site, which is for a traditional neighborhood development. The final 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.
- 5) No 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. The Land Use Supervisor shall not sign the plat until the development agreement has been approved by City Council and signed by the applicant.
- 2. The Land Use Supervisor shall not sign the plat until the City Council has approved the vacation of existing streets and utility easements in the underlying Western Woods plat.
- 3. Prior to conveyance of Lot 8, the applicant must have recorded a pedestrian easement a minimum of 20 feet wide connecting Westwood Circle with the 33-foot-wide "Platted Road" in the adjacent Weiler Addition.
- 4. 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 review; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 23-069

Final Plat

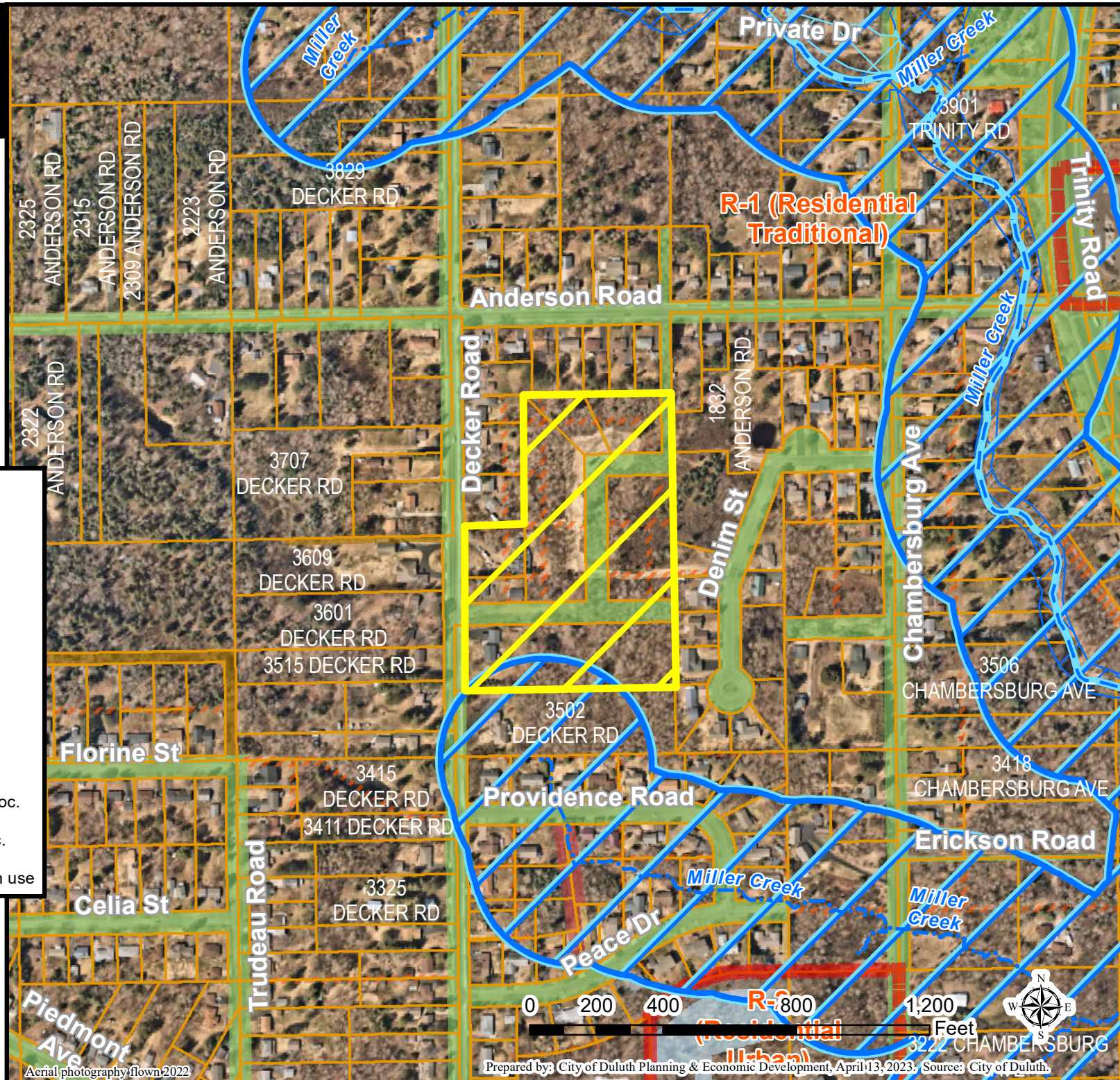
Rearrangement of Part of
Western Woods Division
Applicant: Lon Hovland

Area Map

Legend

- Zoning Boundaries
- Streams**
 - Trout Stream (GPS)
 - Other Stream (GPS)
- Shoreland (UDC)**
 - Cold Water
- Floodplain (UDC)**
 - Flood Way
 - Flood Fringe
- Parcels**
 - Undefined ROW Status
- ROW Status**
 - Utility, Active
 - Access, Active - currently in use
 - Access, Vacated - via recorded doc.
 - Road, Active - currently in use
 - Utility, Vacated - via recorded doc.
 - Road, Vacated - vacated
 - Conservation, Active - currently in use

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, April 13, 2023. Source: City of Duluth.



PL 23-069

Final Plat

Rearrangement of Part of
Western Woods Division
Applicant: Lon Hovland

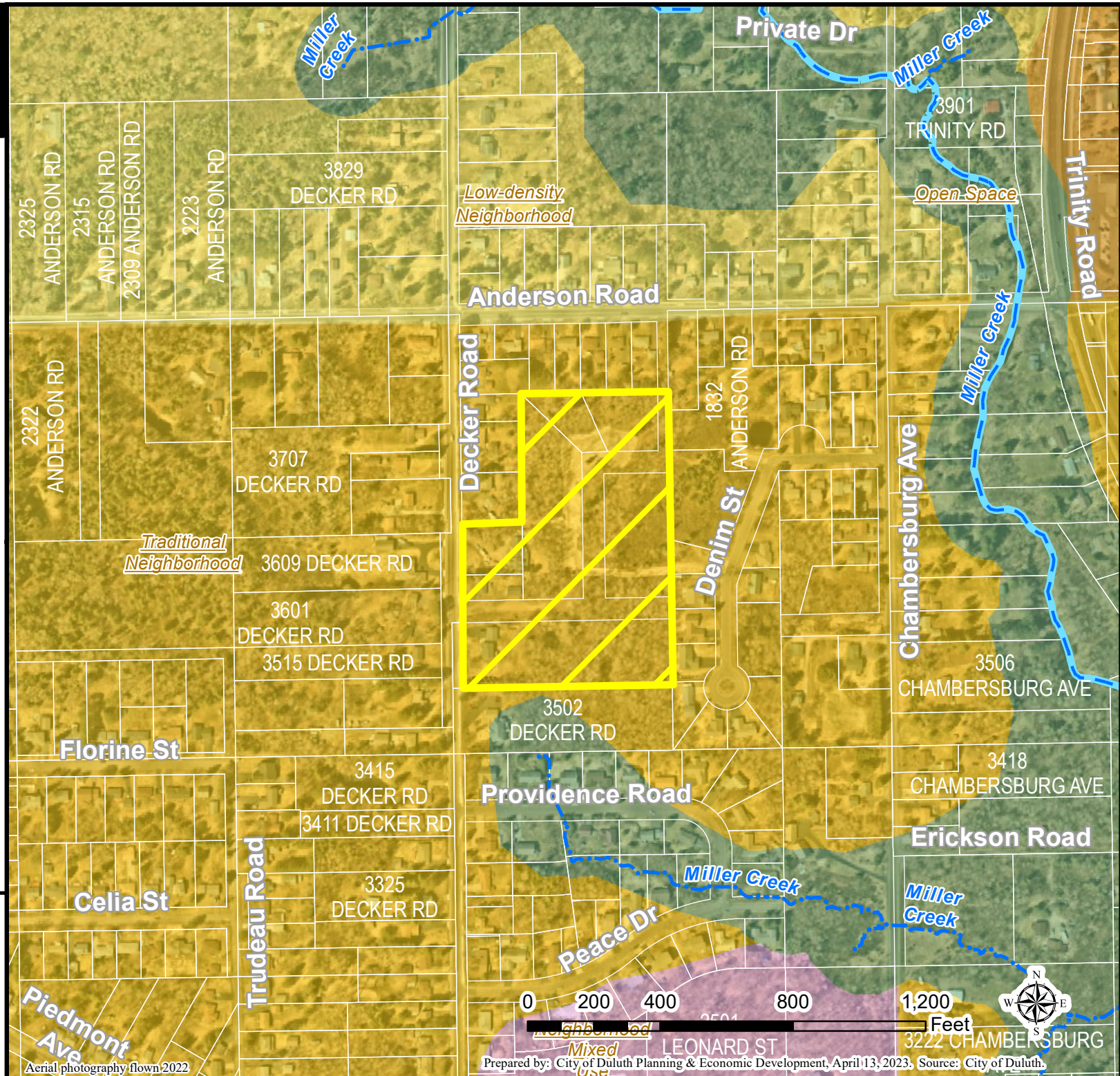
Future Land Use Map

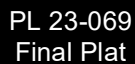
Legend

Streams
— Trout Stream (GPS)
— Other Stream (GPS)

Future Land Use
■ Open Space
■ Low-density Neighborhood
■ Traditional Neighborhood
■ Urban Residential
■ Neighborhood Mixed Use

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Site Map

Legend

Streams

- Other Stream (GPS)

Parcels


Elevation

— 1 Ft contour

— 10 Ft contour

■ Undefined ROW Status

ROW Status

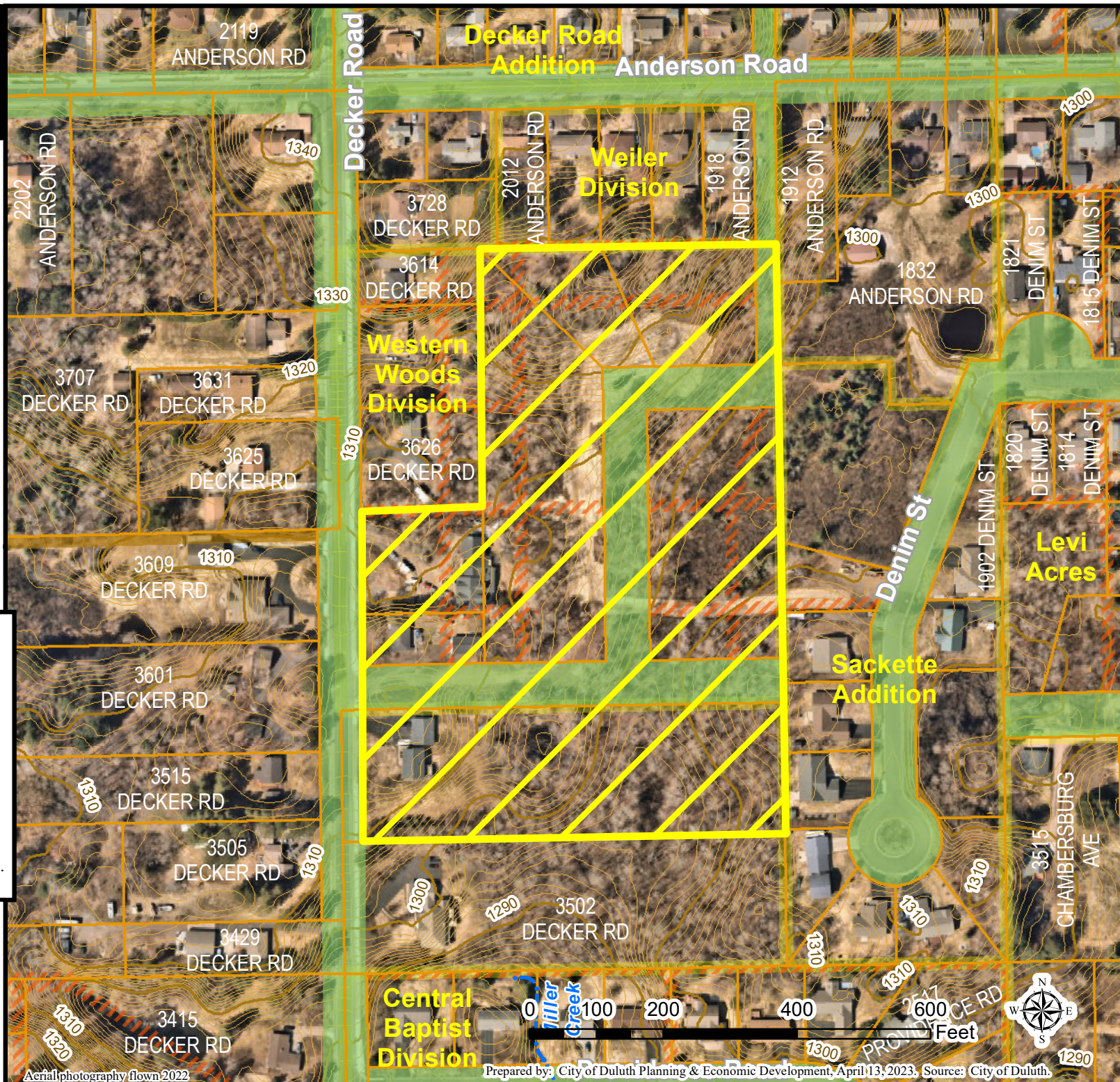
 Utility, Active

■ Road, Active - currently in use

Utility, Vacated - via recorded doc.

Subdivision Boundaries

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REARRANGEMENT OF PART OF WESTERN WOODS DIVISION

LOCATED IN PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 30, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH

PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Lon Hovland, a single person, fee owner of the following property:

CERTIFICATE OF TITLE NO. 344559

Lots 9 thru 17 Block 1 WESTERN WOODS DIVISION and Lots 1 thru 5 Block 2 WESTERN WOODS DIVISION

AND

CERTIFICATE OF TITLE NO. 344558

Lot 6 Block 1 WESTERN WOODS DIVISION and Lot 7 Block 1 WESTERN WOODS DIVISION

AND

North One-Half of South 6 Acres of West One-Half of Northwest One-Quarter of Northeast One-Quarter (N1/2 of S 6 of W 1/2 of NW 1/4 of NE 1/4, Section Thirty (30), Township Fifty (50) North of Range Fourteen (14), St. Louis County, Minnesota

And: All of Westwood Street, as delineated and dedicated in WESTERN WOODS DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

And: All of Wildwood Lane, as delineated and dedicated in WESTERN WOODS DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

And: All of the Platted Road, lying adjacent to Lot 5, WEILER DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Has caused the same to be surveyed and platted as REARRANGEMENT OF PART OF WESTERN WOODS DIVISION and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said Lon Hovland, a single person, has hereunto set his hand this ____ day of _____, 2023.

Lon Hovland

STATE OF MINNESOTA

COUNTY OF ST LOUIS

This instrument was acknowledged before me on this ____ day of _____, 2023 by Lon Hovland, a single person.

Notary Public for the State of Minnesota

My Commission Expires _____

AND

KNOW ALL PERSONS BY THESE PRESENTS: That Michael E. Wilson and Kathleen M. Wilson, husband and wife, fee owner of the following property:

CERTIFICATE OF TITLE NO. 278724

Lot 8 Block 1 WESTERN WOODS DIVISION

Have caused the same to be surveyed and platted as REARRANGEMENT OF PART OF WESTERN WOODS DIVISION and does hereby dedicate to the public for public use the public way(s) and/or the drainage and utility easement(s) as created by this plat.

In witness whereof said Michael E. Wilson and Kathleen M. Wilson, husband and wife, has hereunto set their hands this ____ day of _____, 2023.

Michael E. Wilson

Kathleen M. Wilson

STATE OF MINNESOTA

COUNTY OF ST LOUIS

This instrument was acknowledged before me on this ____ day of _____, 2023 by Lon Hovland, a single person.

Notary Public for the State of Minnesota

My Commission Expires _____

I, David R. Evanson, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 2023.

David R. Evanson, Licensed Land Surveyor

Minnesota License Number 49505

STATE OF MINNESOTA

COUNTY OF ST. LOUIS

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by David R. Evanson, a Licensed Professional Land Surveyor.

Notary Public, St. Louis County, Minnesota

My commission expires _____

CITY OF DULUTH PLANNING COMMISSION

Approved by the Planning Commission of the City of Duluth, St. Louis County, Minnesota, at a regular meeting thereof, on the ____ day of _____, 2023.

President, Duluth City Planning Commission

Executive Secretary, Duluth City Planning Commission

ST. LOUIS COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 2023.

Nick C. Stewart

County Surveyor

Deputy

ST. LOUIS COUNTY AUDITOR

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 20__ on the land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this ____ day of _____, 2023.

Nancy Nilsen

County Auditor

Deputy

ST. LOUIS COUNTY REGISTRAR OF TITLES

I hereby certify that this plat of REARRANGEMENT OF PART OF WESTERN WOODS DIVISION was filed in this office of the Registrar of Titles for public record on this ____ day of _____, 2023 at ____ o'clock ____ M., as Document No. _____ affecting Certificate(s) of Title No's 344559, 344558 and 278724.

Wendy Levitt

Registrar of Titles

Deputy

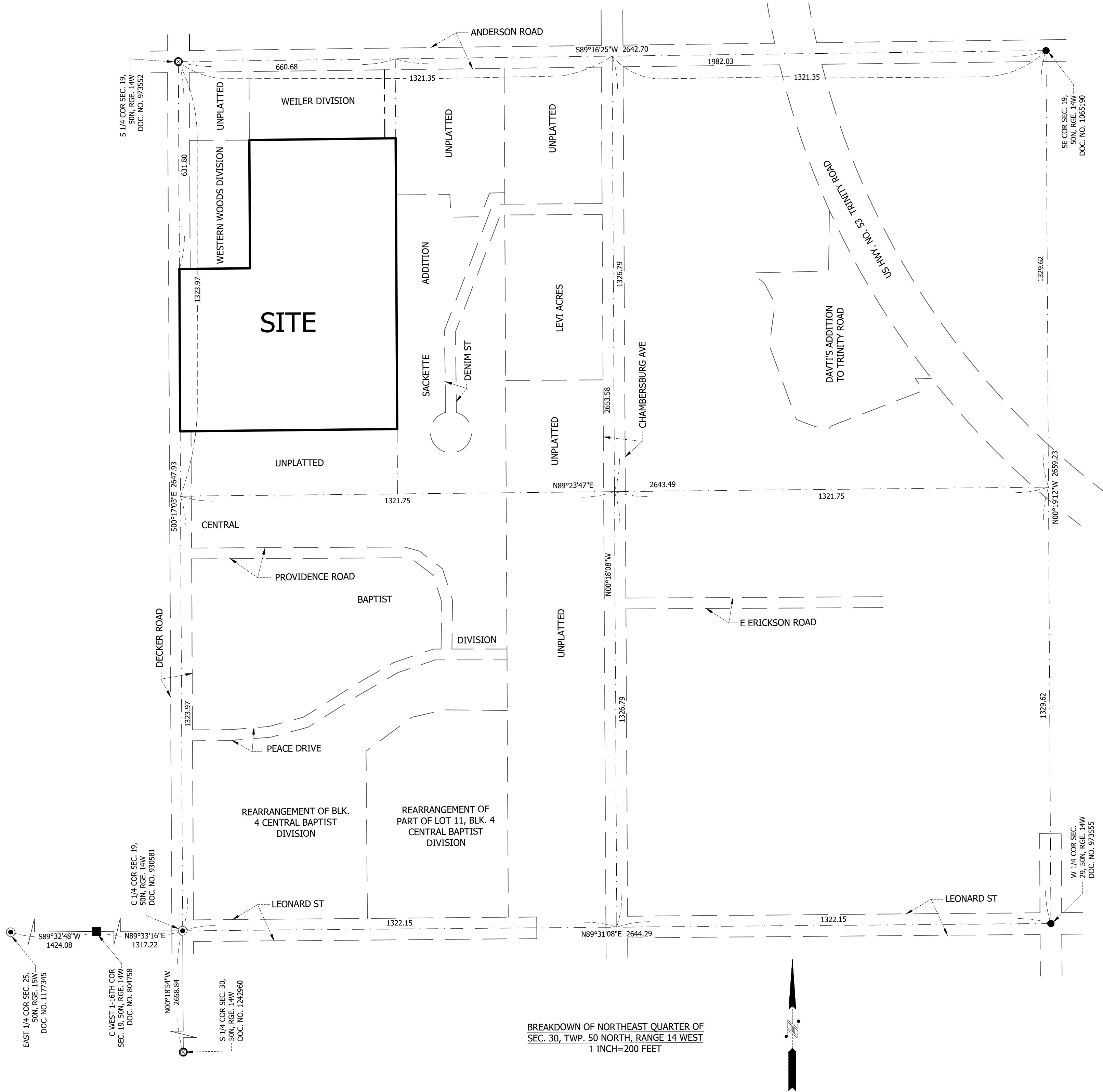
ST. LOUIS COUNTY RECORDER

I hereby certify that this plat of REARRANGEMENT OF PART OF WESTERN WOODS DIVISION was filed in this office of the County Recorder for public record on this ____ day of _____, 2023, at ____ o'clock ____ M., as Document No. _____.

Wendy Levitt

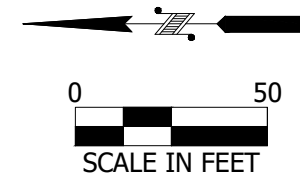
County Recorder

Deputy



REARRANGEMENT OF PART OF WESTERN WOODS DIVISION

LOCATED IN PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 30, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA



SE COR. SEC. 19,
TWP. 50N, RGE. 14W
DOC. NO. 1065190

BASIS OF BEARING
BEARINGS ARE BASED ON THE WEST LINE OF WESTERN WOODS DIVISION, ALSO KNOWN AS THE WEST LINE OF SECTION 30, TOWNSHIP 50 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN WHICH IS SAID TO HAVE A BEARING OF $500^{\circ}17'03''$ E.

LEGEND

- SECTION SUBDIVISION LINE
- EXISTING PLAT/PARCEL LINE
- EXISTING RIGHT OF WAY LINE
- VACATED UTILITY EASEMENT LINE
- BOUNDARY LINE AS SURVEYED
- LOT LINE
- DRAINAGE & UTILITY EASEMENT LINE
- RIGHT OF WAY LINE LINE
- WET LAND LINE
- FOUND IRON PIPE
- FOUND REBAR
- ◆ FOUND CAPPED REBAR RLS. NO. 14374
- ⊙ FOUND IRON PIN
- SET CAPPED 1/2" REBAR RLS. NO. 49505
- CAST IRON MONUMENT
- FOUND SANDSTONE MONUMENT
- WET LAND

