



**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 22-119	Contact	Brett Crecelius	
Type	Variance – Shoreland structure setback	Planning Commission Date		August 9, 2022
Deadline for Action	Application Date	June 30,2022	60 Days	August 29, 2022
	Date Extension Letter Mailed	N/A	120 Days	October 28, 2022
Location of Subject		3401 Grand Avenue		
Applicant	Brent Dahlstrom	Contact	brent@mergeurbandedevelopment.com	
Agent	Chad Ronchetti	Contact	Chad.Ronchetti@krausanderson.com	
Legal Description		Parcels 010-2700-00100, 010-0440-00550; 00610, 00630, 6650, 00420		
Site Visit Date		July 19, 2022	Sign Notice Date	July 26, 2022
Neighbor Letter Date		July 22, 2022	Number of Letters Sent	27

**Proposal:** Applicant is requesting a variance from the shoreland setbacks to build an approximate 90,000 square foot, 80-unit apartment complex comprising of a mix of 1- and 2-bedroom units. Impervious Surface will be 0' from the ordinary high-water level instead of the required 50' in a General Development Shoreland.

**Recommended Action:** Staff is recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Vacant/Brownfield	Open Space/General Mixed Use/Neigh. Comm.
<b>North</b>	R-1	Single Family Homes	Open Space
<b>South</b>	MU-N/R-1	Single Family Homes/Comm.	Neighborhood Commercial
<b>East</b>	MU-B	Commercial	Open Space/General Mixed Use
<b>West</b>	P-1	Recreation/Open Space	Open Space

**Summary of Code Requirements:**

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Sec. 50-37.9.L – Standards for variances in Shorelands: No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

## **Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):**

### Governing Principles

- Principle #1: - Reuse previously developed lands.
  - The proposed site is an old gas station and would be a redevelopment of that lot.
- Principle #4 - Support economic growth sectors.
  - The construction of mixed-use income, particularly in West Duluth, supports the growth of Duluth's economic base.
- Principle #5 - Promote reinvestment in neighborhoods.
  - Development on this lot supports the character of the neighborhood by creating a community that is walkable to the area's recreation infrastructure, and is a reinvestment in a neighborhood that can link Lincoln Park and the Denfeld neighborhoods.
- Principle #7 - Create and maintain connectivity.
  - This project will be designed to maximize pedestrian access to neighborhood amenities and public transportation along the corridor.

### Future Land Use

Neighborhood Commercial: Small to moderate scale commercial, serving primarily the adjacent neighborhood. May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail. Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed used.

Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

### Recent History:

The site is the location of a former Holiday Gas Station. After the gas station closed, the site has remained vacant. DEDA has currently acquired the site from the Holiday Company, along with some surrounding parcels from St. Louis County and the City of Duluth, to create an approximate 2-acre site for the development of an affordable multi-family housing complex. The site has recently been transferred to the developer via a Land Sale Agreement in order to facilitate an affordable housing development. DEDA, with assistance from the EPA, has completed a Phase I environmental assessment prior to conveyance to confirm that there are no environmental concerns on the site that need to be addressed.

### **Review and Discussion Items:**

- 1) The applicant is requesting a shoreland variance for an approximate 90,000 square foot 80-unit affordable housing complex. The unnamed creek is on the North side of the existing parcels and continues halfway onto the site the current site where it transitions into an underground culvert underneath Grand Avenue. The stream and culvert are existing to the property and located in an area that will not allow for a multifamily housing development. In order to construct the proposed project, the stream will need to be rerouted into a culvert on the north edge and underneath the parking lot. The impervious surface will be 0' from the ordinary high-water level instead of the required 50' setback.
- 2) The development is a permitted use in the MU-N district; the applicant proposes to use the property in a reasonable manner.
- 3) The proposal will not alter the essential character of the neighborhood as it is a modestly designed building and aligns with the intent of neighborhood layout and design as described in the UDC and Comprehensive Plan.
- 4) Section 50-37.9.L of the UDC requires mitigation for shoreland variances. The Developer has been in contact with City engineering staff to mitigate the proposed stream impact. The Developer has proposed a stream reroute that has been approved by engineering and place the stream into an underground culvert where it connects back to the current culvert on the south side of the property. Stormwater management of the site will ensure that water is treated to City standards and a landscaping plan to provide more shading and cooling effect for any runoff.
- 5) No public, agency, or City comments have been received.
- 6) Per UDC Section 50-37.1. N. approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year

**Staff Recommendation:**

Based on the above findings, Staff recommends that Planning Commission grant the Variance with the following conditions:

- 1) The project be limited to, constructed, and maintained based on the site plan submitted with the application, dated 6/30/22.
- 2) The stream reroute, stormwater management plan, and landscaping plan shall be approved prior to permits being issued.
- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

**Check One Box**

- ☐ Accessory Home Share - \$250
- ☐ Accessory Vacation Dwelling Unit, Limited - \$250
- ☐ Appeal to Planning Com. - \$407
- ☐ Concurrent Use of Streets - \$797
- ☐ District Plan - \$1,144
- ☐ EAW or EIS - \$2,856, plus any applicable professional fees
- ☐ Historic Construction/Demolition - \$59
- ☐ Resource Designation - \$103
- ☐ Interim Use Permit \$1,600
- ☐ Planning Review - \$1,068
- ☐ Sidewalk Use Permit
- ☐ New Permit - \$171
- ☐ Renewal Permit - \$86
- ☐ Special Use Permit, General - \$1,606
- ☐ Special Use Permit, Wireless Telecommunications\*
- ☐ Modifying or Co-locating - \$2,856
- ☐ New Facility or Tower - \$5,716
- ☐ Escrow Deposit - \$9,717
- ☐ Subdivision Plat Approval or Amendment
- ☐ Concept Plan - \$286
- ☐ Preliminary Plat - \$1,138
- ☐ Final Plat - \$857
- ☐ Minor Subdivision - \$427
- ☐ Plat Amendment or Boundary Line Adjustment - \$286
- ☐ Registered Land Survey - \$737
- ☐ Temporary Use Permit - \$275
- ☐ UDC Zoning Map Amendment/Rezoning
- ☐ General - \$912
- ☐ MU-P or R-P \$2,578
- ☒ Vacation of Street or Utility Easement - \$805
- ☒ (2) Variance - \$855  
( $\$855 \times 2 = \$1,710$ )
- ☒ Wetland, De Minimis, Delineation, or No Loss - \$227
- ☐ Exemption - \$177
- ☐ Replacement Plan - \$851
- ☐ Zoning Verification Letter - \$96

**APPLICATION COVER SHEET**

**CONTACT INFORMATION:**

Applicant/Owner Brent Dahlstrom

Phone 319-406-2494 Email brent@mergeurbandevelopment.com

Address 604 Clay St.

City Cedar Falls State Iowa Zip 50613

Owner's Agent (if applicable) Chad Ronchetti

Phone 218-290-8702 Email chad.ronchetti@krausanderson.com

Address 3716 Oneota St.,

City Duluth State MN Zip 55807

**APPLICATION INFORMATION:**

Street Address and Zoning of Property 3401 Grand Ave. Duluth, MN 55807 - MU-N

Parcel ID Number 010-2700-00100, 010-0440-00550, 00610, 00630, 00650, 00420

Reason for this Request (*Attach Additional Pages or Cover Letter if Necessary*)

Owner has a proposed multifamily apartment complex. The site has various constraints

requiring multiple planning commission actions. See below.

1) Easement Vacation, Street & Alley Vacation

2) Wetland Delineation Review and Approval

3) Shoreland Setback Variance (50' Vegetative Buffer, Impervious Setback & Structure Setback

4) Building Setback Variance

The undersigned hereby represents upon all of the penalties of law for the purpose of inducing the City of Duluth to take the action herein requested, that all statements herein and attached are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of Duluth and the laws of the State of Minnesota. Undersigned also understands that all documents provided to the City may be considered public data, per Minnesota Government Data Practices Act.

  
Signature of Applicant

6/30/22  
Date

**Reminder:** include application checklist and all supporting information, including pre-application verification (if applicable). Submit completed information to Room 100, Construction Services and Inspections.

\*Special Use Permit Checklist required to be submitted with this application coversheet.

## 3.9 Checklist

### Variance (SHORELAND)

These types of applications allow for a variance from the terms and provisions of the UDC (typically bulk standards, such as setbacks, structure height, lot area, etc). See UDC Section 50-37.9 for more information.

#### Starting the Application Process

- ☒ Call 218-730-5580 or email [planning@duluthmn.gov](mailto:planning@duluthmn.gov) to schedule a pre-application meeting. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.

#### Your Application

- ☒ Application Cover Sheet, available at <https://duluthmn.gov/planning-development/land-use-zoning-and-applications/applications-checklists/>, and applicable fee
- ☒ A survey of the property (required for all variances, unless waived in advance by the Land Use Supervisor). Also, a site plan or exhibit with the location of current structures on the property and the proposed requested variance area (such as proposed location of new structure). This information can also be illustrated on the survey. For shoreland variances, include the location of the Ordinary High Watermark (OHM) of the waterway, and the distance to the subject of the variance (proposed structure, etc)

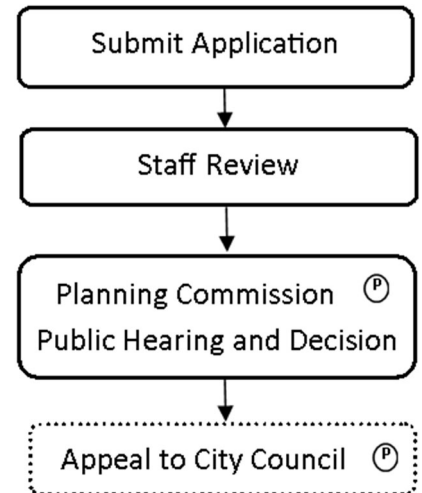
- PRELIMINARY PLAN,  
TO COME LATER

N/A

 A brief written statement affirming that the property has obtained all required City permits (i.e. all the structures on the property have received building permits, where applicable; property owner has a valid rental license, where applicable, etc).

- ☒ Variance supplemental application form
- ☒ Materials for specific variances:
  - ☐ *Variances to lot size in unsewered areas:* a permit or letter of intent to issue a permit for on-site sewer treatment from the County
  - ☐ *Variances to reduce setbacks:* a landscaping and buffering plan
  - ☐ *Variances to flood plain regulations:* documentation regarding flood levels and flood protection may apply
  - ☒ *Variances to shoreland regulations:* A plan to mitigate the impacts of the variance on shoreland areas
  - ☐ *Variances within Skyline Parkway Overlay:* see Skyline Parkway Materials in [Appendix](#)

### Variance



(P) Indicates Public Hearing Required

### Important Dates

**Application Deadline:**

**Sign Notice Placed:**

**Planning Commission:**

**Effective\*:**

*\*Please note that these dates are approximate guidelines and may change*

## After Submitting Your Application

**1. Determination of Completeness.** Within 15 business days of your application, you should expect to:

- Receive an “Applicant Letter,” which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of State-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

**2. Public Notice.** A mail notice will be sent by the City to property owners within 350 feet.

- ☐ **You are required to post a sign notice on the property at least two weeks before the date of the public hearing.** See UDC Section 50-37.1.H for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; ***submit photo(s) of the signs to the Planning Division at least two weeks before the date of the public hearing.***

**3. Staff Review.** Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a variance, Planning Staff generally review the legal minimum requirements for a variance establish by State statute (literal interpretation of the UDC would result in exceptional or peculiar practical difficulty, special circumstances exist that are unique to the property, the situation was not created by the applicant, variance is necessary and not simply a convenience to the applicant, etc.), the standards specific to the type of variance being sought, any additional UDC criteria, and other related factors.

- You will receive an email with the Planning Commission agenda and a link to this staff report about 5 days prior to the meeting.

**4. Planning Commission Hearing and Decision.** Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. **We ask that applicants or an agent attend this meeting.**

The Planning Commission will review the application, conduct a public hearing, and make a decision to approve, approve with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval.

*Note that other City codes may apply to your project. Please be aware of any applicable Building Code (Construction Services Division), Fire Code (Life Safety Division), and stormwater/engineering (Engineering Division) regulations. The zoning approval may be only the first step in a several step process.*

*If a **wetland delineation** is needed for the project to proceed, it must be reviewed and approved before any zoning application will be accepted.*

*If a **wetland replacement plan** is required for a project to proceed, it must have been submitted and accepted as a complete application before the project zoning application will be accepted.*



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

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

## Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

**List the UDC Section you are seeking relief from** (example: "50-14.5 – front yard setback in an R-1"):

*See attached document for expanded responses.*

---

**1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:**

---

---

---

**2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:**

---

---

---

**3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:**

---

---

---

**4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:**

---

---

---

**5. Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety or public welfare of the inhabitants of the city:**

---

---

---

**6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:**

---

---

---

**Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?**                      Yes      No

Discuss what subsections are applicable and how this request meets those: \_\_\_\_\_

---

---

---

## Shoreline Variance Supplemental Form

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

*The location of the existing unnamed stream and culvert will severely limit potential redevelopment of this site which has been assembled and presented to us by city staff as a desirable location for this building and project. The existing stream designated a "General Development Water" by the City. The stream is noted on the NR-O map in the UDC and shows that the site is well within the shoreland management zone. The stream designation requires a 50-foot structure setback, 50-foot impervious setback and 50-foot vegetative buffer. With the stream and culvert are located roughly in the middle these setbacks will not be achieved with sizable multifamily development. The stream and culvert were only identified by city staff after the site was presented and the project was selected and awarded ARPA funds.*

*The proposed solution is to route the stream around the proposed structure. Even with relocation the stream entrance to the culvert the set impervious setback and vegetative buffer setback requirements cannot be met without variance. It should be noted the stream is not a trout stream. Fire access and off-street parking are critical and limited space constraints will not allow for adequate space.*

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

*The stream and culvert are existing to the property and located in an area that will not allow a sizable multifamily building configuration in any way to allow it to remain in its current location. In order to construct the building and allow for adequate site access and off-street parking the stream will need to be routed into a culvert just off the north edge of the property and rerouted around the building underneath the parking lot. This reroute of the stream has been discussed with City Engineering staff.*

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

*There is an unnamed, non-trout stream on this property transitions to a culvert and underground storm pipe roughly halfway into the property. Once it transitions to the storm sewer pipe it travels underneath Grand Avenue and the property directly to the southeast. As the stream travels through the parcel it transitions to underground piping as necessary and continues toward the St Louis River meandering around and under railroads, roads, buildings, and parking lots.*

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

*Capturing the stream at the north edge of the property and rerouting around the proposed structure would create a significant increase in usable space for development while allowing the maximum amount of off-street parking possible. As the stream and underground storm sewer currently sits, any sizeable multifamily housing development would be nearly impossible to accommodate considering building size and necessary off-street parking requirements. The proposed use of this property aligns well with many of the Duluth Governing Principles within the Comprehensive Plan including;*

- *Principle #1: - Reuse previously developed lands.*
  - *The proposed site is an old gas station and would be a redevelopment of that lot.*
- *Principle #4 - Support economic growth sectors.*
  - *The construction of mixed-use income, particularly in West Duluth, is a feeder neighborhood to Denfeld schools, and supports the growth of Duluth's economic base.*
- *Principle #5 - Promote reinvestment in neighborhoods.*
  - *Development on this lot supports the character of the neighborhood by creating a community that is walkable to the area's recreation infrastructure, and is a reinvestment in a neighborhood that can link Lincoln Park and the Denfeld neighborhoods.*
- *Principle #7 - Create and maintain connectivity.*
  - *This project will be designed to maximize pedestrian access to neighborhood amenities and public transportation along the corridor.*
- *Principle #8 - Encourage a mix of activities, uses, and densities.*
  - *The project will be a mix of activities for the neighborhood, and in particular for this area, which has a robust base of recreational and commercial activities.*

5. Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety or public welfare of the inhabitants of the city:

*A variance allowing for stream reroute and reduced shoreland setbacks will not impair adequate supply of light or air to any of the adjacent properties. The site is located at an existing traffic signal that would be used to safely control traffic in and out of the parking lot. City Engineering staff has weighed in the use of the existing access location and traffic signal. They are comfortable with the access and understand that existing signal poles will be utilized while upgrading signal timing as required. The building construction would follow appropriate building codes and fire rated assemblies as well as a fire sprinkler and alarm system to diminish the risk of fire or imperil the public safety. Being located just east of the Wheeler Athletic Complex and Park, the project would leverage the city owned recreation facilities for the health of the residents, create a walkable area for the residents to utilize Wade Stadium, and advance the principals of the neighborhood objectives by combining livability with surrounding recreational activities.*

6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:

*Granting of this variance would actually allow the site to be used for the appropriate and existing MU-N zoning and would not alter the essential character of the neighborhood.*

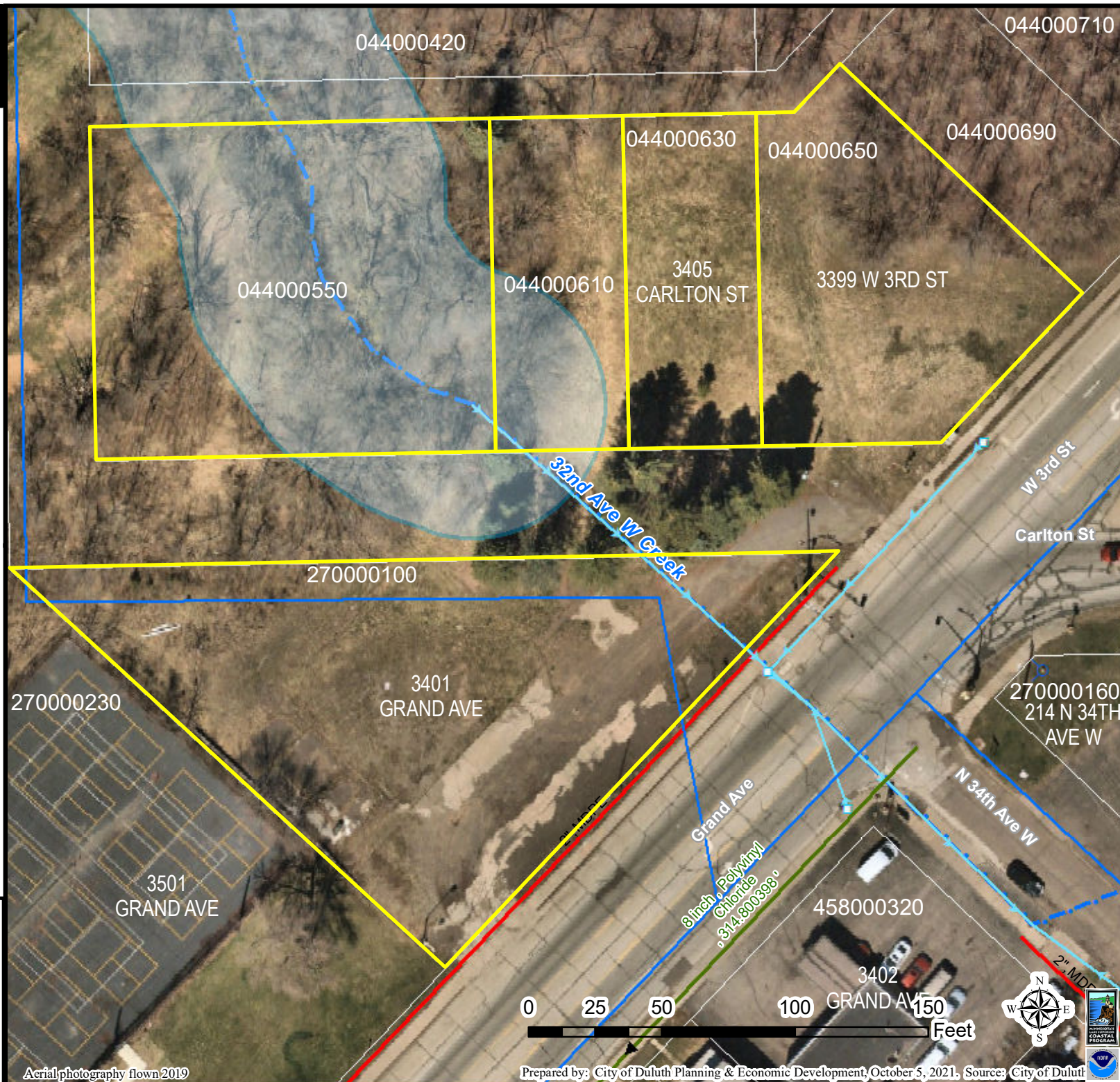
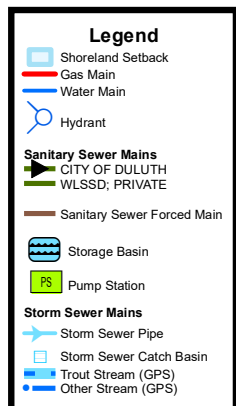
Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?

*YES, Section 50-37.9.L. Design will require that a portion of the unnamed creek is routed into a storm sewer pipe extended off of the existing storm sewer inlet. The storm water management for the site will ensure that added runoff from the development will be treated to City standards. This redevelopment replaces a fueling station and will provide a cleaner runoff due to use and implementation of permanent storm water management BMPs.*



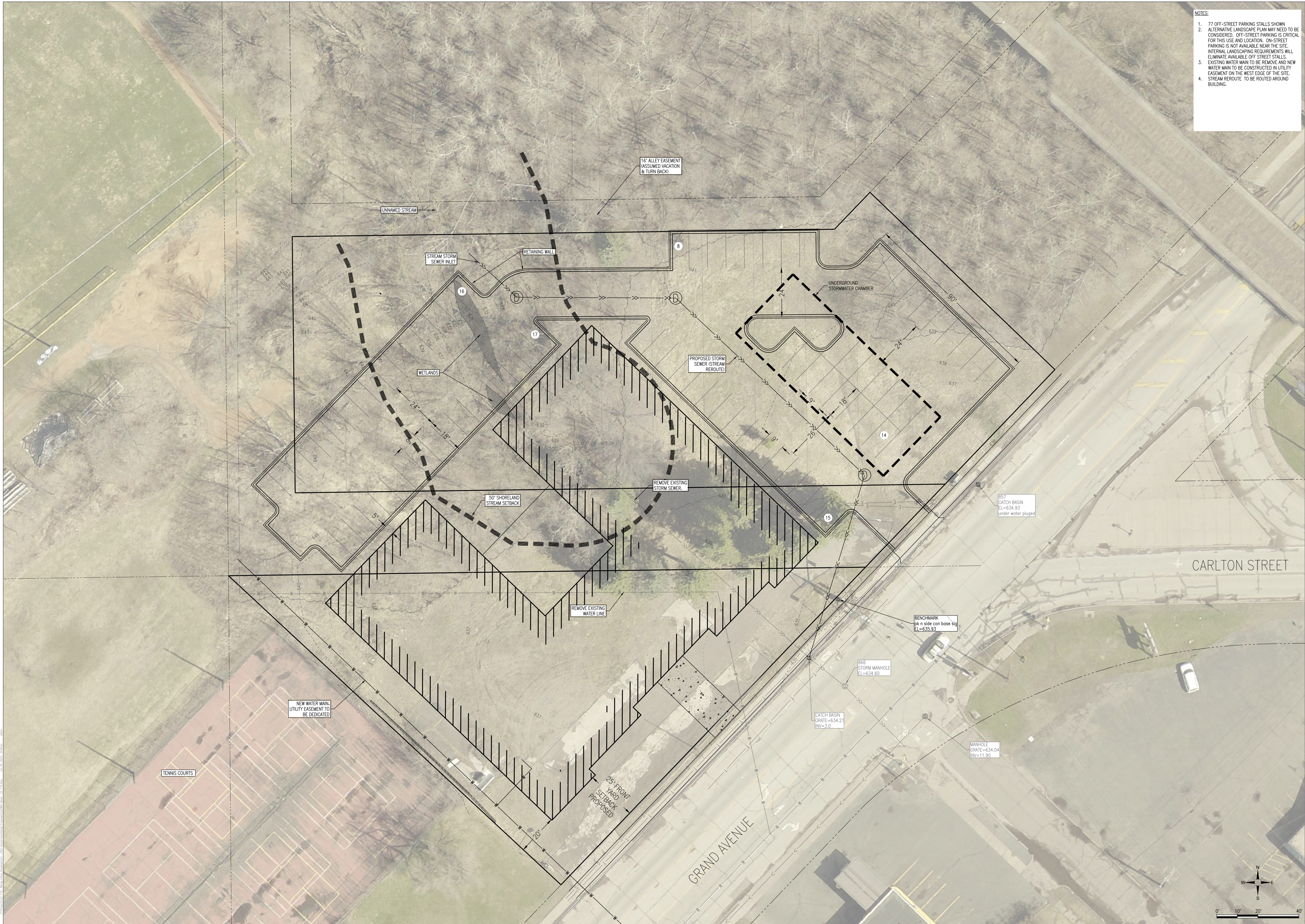


P22-119  
Shoreland Variance  
3401 Grand Ave



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 2019



- NOTES:
- 77 OFF-STREET PARKING STALLS SHOWN.
  - ALTERNATIVE LANDSCAPE PLAN MAY NEED TO BE CONSIDERED. OFF-STREET PARKING IS CRITICAL FOR THIS USE AND LOCATION. ON-STREET PARKING IS NOT AVAILABLE NEAR THE SITE. INTERNAL LANDSCAPING REQUIREMENTS WILL ELIMINATE AVAILABLE OFF STREET STALLS.
  - EXISTING WATER MAIN TO BE REMOVED AND NEW WATER MAIN TO BE CONSTRUCTED IN UTILITY EASEMENT ON THE WEST EDGE OF THE SITE. STREAM REROUTE TO BE ROUTED AROUND BUILDING.



**MERGE DEVELOPMENT APARTMENTS**  
PRELIMINARY SITE  
MERGE URBAN DEVELOPMENT  
3401 GRAND AVE. DULUTH, MN

Sheet Title  
**PRELIMINARY LAYOUT**

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

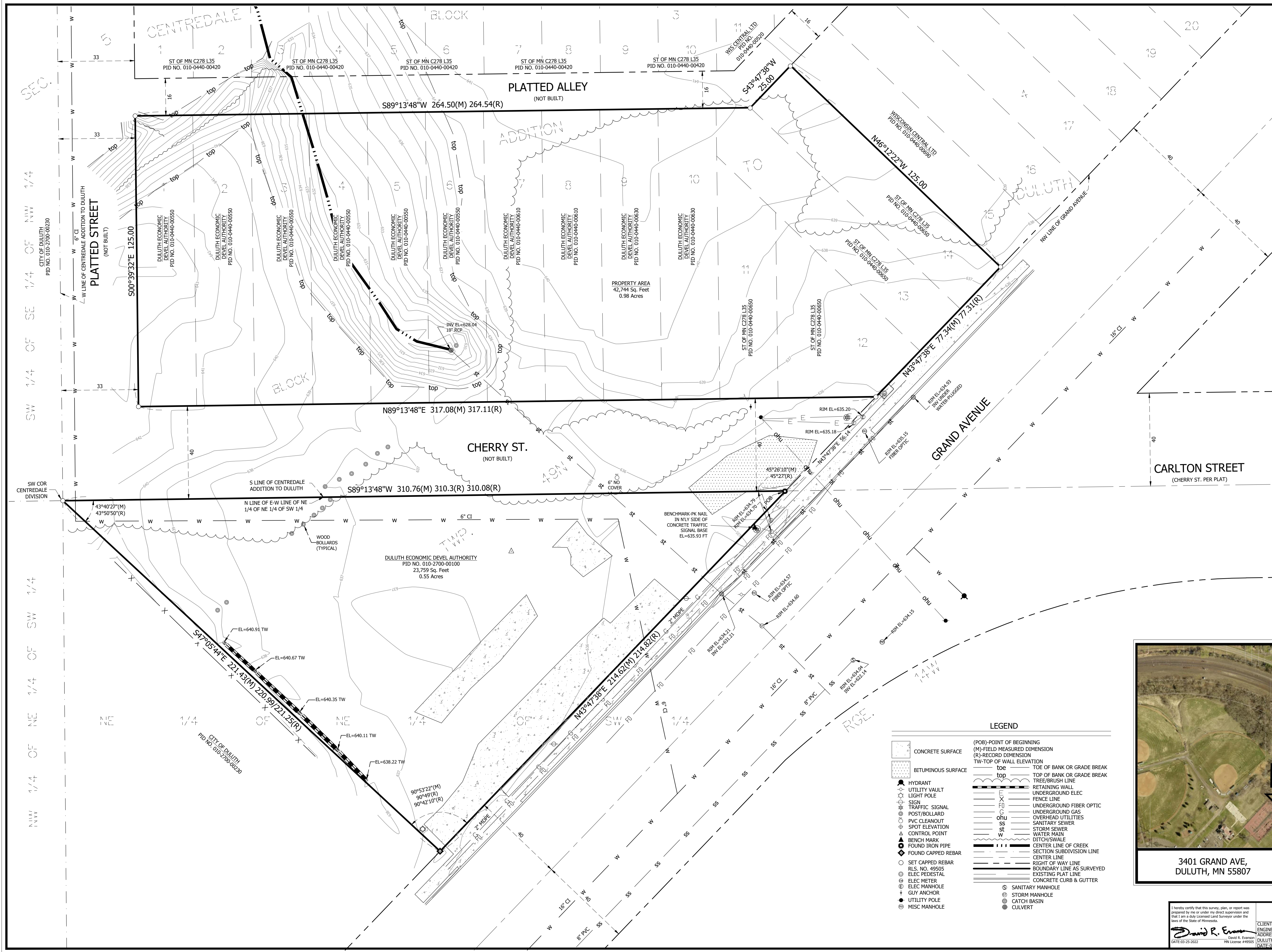
Engineer: Adam R. Zwik  
Lic. No. 55456

REVISIONS:

PROJECT:	22-118
CHECKED:	ARZ
DRAWN:	PMR
DATE:	04/13/22

Sheet Title  
**PRELIMINARY LAYOUT**

Sheet Number  
**EX-1**



**LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 359213**  
That part of the NE1/4 of SW1/4 of Section 5, Township 49 North Range 14 West, lying and being North of Grand Avenue or West Third Street, as described as follows:  
Beginning at the intersection of the East and West line on the North side of said NE1/4 of NE1/4 of SW1/4 with the property line of the NW side of Grand Avenue on West Third Street, thence SW1/4 on said property line 214.82 feet, thence NW1/4 at an angle of 90 degrees 49 minutes for a distance of 221.25 feet to the SW corner of Centredale Division; thence E1/4 along said East and West line on the North side of aforesaid ten acre tract 310.3 feet to point of beginning, containing .55 of an acre or less.

**LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 259212**  
Lots 1, 2, 3, 4, 5 & 6, Block 4 CENTREDALE ADDITION TO DULUTH

**LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 359213**  
Lot 7 Block 4 CENTREDALE ADDITION TO DULUTH  
Lot 8 Block 4 CENTREDALE ADDITION TO DULUTH

**LEGAL DESCRIPTION PER DOCUMENT NO. 1052480**  
Lots 9 and 10, Block 4, CENTREDALE ADDITION TO DULUTH

**LEGAL DESCRIPTION PER CERTIFICATE OF TITLE NO. 326690**  
Lots 11 and 12, Block 4, CENTREDALE ADDITION TO DULUTH

**LEGAL DESCRIPTION OF TAX FORFEIT LOTS STATE OF MN**  
Lots 13 and 14, Block 4, CENTREDALE ADDITION TO DULUTH

- UNDERGROUND UTILITIES NOTES**
- UTILITIES SHOWN HEREON, HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS. THE SURVEYOR, ENGINEER AND ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.
  - UNDERGROUND UTILITIES SHOWN ON THE SURVEY ARE BASED IN PART ON MARKINGS PROVIDED BY GOPHER STATE ONE CALL TICKET NUMBER 220700180.
  - SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY GIS. LOCATIONS ARE APPROXIMATE.
  - UTILITIES SHOWN ON THE SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
  - PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT A PRIVATE UTILITY LOCATOR FOR LOCATIONS.
  - FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.

- SURVEYOR'S NOTES**
- 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)
  - 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.
  - BENCHMARK SHOWN ON SURVEY.
  - DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.



3401 GRAND AVE,  
DULUTH, MN 55807

**VICINITY MAP**

LEGEND	
	CONCRETE SURFACE
	BITUMINOUS SURFACE
	HYDRANT
	UTILITY VAULT
	LIGHT POLE
	TRAFFIC SIGNAL
	POST/BOLLARD
	PVC CLEANOUT
	SPOT ELEVATION
	CONTROL POINT
	BENCH MARK
	FOUND IRON PIPE
	FOUND CAPPED REBAR
	SET CAPPED REBAR
	ELEC PEDISTAL
	ELEC METER
	ELEC MANHOLE
	GUY ANCHOR
	UTILITY POLE
	MISC MANHOLE
	SANITARY MANHOLE
	STORM MANHOLE
	CATCH BASIN
	CULVERT
	(POB)-POINT OF BEGINNING
	(M)-FIELD MEASURED DIMENSION
	(R)-RECORD DIMENSION
	TW-TOP OF WALL ELEVATION
	TOE OF BANK OR GRADE BREAK
	TOP OF BANK OR GRADE BREAK
	TREE/BRUSH LINE
	RETAINING WALL
	UNDERGROUND ELEC
	FENCE LINE
	UNDERGROUND FIBER OPTIC
	OVERHEAD UTILITIES
	UNDERGROUND GAS
	SANITARY SEWER
	STORM SEWER
	WATER MAIN
	DITCH/SWALE
	CENTER LINE OF CREEK
	SECTION SUBDIVISION LINE
	RIGHT OF WAY LINE
	BOUNDARY LINE AS SURVEYED
	EXISTING PLAT LINE
	CONCRETE CURB & GUTTER

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. Evans*  
David R. Evans  
DATE: 03-25-2022

**CERTIFICATE OF SURVEY**

CLIENT: NORTHLAND CONSULTING ENGINEERS  
ADDRESS: 3401 GRAND AVE,  
DULUTH, MN 55807  
DATE: 03-25-2022

REVISIONS:  
NO. 02-23-2022

SHEET 1 OF 1

**ALTA**  
LAND SURVEY COMPANY

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

**From:** [Tom Johnson](#)  
**To:** [Brett Crecelius](#)  
**Subject:** RE: Storm Water Confirmation  
**Date:** Tuesday, August 2, 2022 10:46:48 AM

---

Hi Brett,

The stream is 32<sup>nd</sup> Ave West Creek. It is a non-trout stream, therefore not a public waters. The stream is not mapped by FEMA for their floodplain program, though flooding risk still remains.

The re-routing of the creek and extended storm sewer system will be privately owned and will be the responsibility of the owner to make sure it remains at full capacity to prevent flooding onto Grand Ave. The creek re-route will be separate from the stormwater management required for the development. The site will need to provide storm water management for the development itself that includes flood control/peak discharge rate control, and water quality – sediment/urban pollutants.

This has been discussed with the Civil Engineer on the project. No plans have been submitted or approvals granted, though the concept has been agreed upon.

Let me know if you need anything further.

**Tom Johnson** | Senior Engineer P.E. | Public Works and Utilities | City of Duluth  
411 West First Street, Room 240, Duluth, MN 55802 | P.E. Lic. in Minnesota  
[tajohnson@duluthmn.gov](mailto:tajohnson@duluthmn.gov)

---

**From:** Brett Crecelius <bcrecelius@DuluthMN.gov>  
**Sent:** Tuesday, August 02, 2022 8:10 AM  
**To:** Tom Johnson <tajohnson@DuluthMN.gov>  
**Subject:** Storm Water Confirmation

Good Morning Tom,

I'm writing the staff report for the project at 3401 Grand, the site that is re-routing an unnamed stream for a multifamily housing development by wheeler field. I know that have discussed this plan with you and you have approved it thus far. Could you just shoot me an email saying that you have spoken with them and approved the preliminary placement, standards, etc. of their proposed re-route? We need it to verify some things in their shoreland variance application.

Thank you,

**Brett Crecelius** (he/him/his) | Economic Developer, Planning & Economic Development | **City of Duluth** | [411 West First Street, Duluth, MN 55802](#) | Office: [218-730-5301](#) Mobile: [218-730-8481](#) | [bcrecelius@duluthmn.gov](mailto:bcrecelius@duluthmn.gov)