



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 21-025	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Minor Subdivision	Planning Commission Date		April 13, 2021
Deadline for Action	Application Date	March 9, 2021	60 Days	May 8, 2021
	Date Extension Letter Mailed	March 16, 2021	120 Days	July 7, 2021
Location of Subject		1239 Missouri Avenue		
Applicant	RBI Group	Contact	Josh MacInnes	
Agent		Contact		
Legal Description		See Attached		
Site Visit Date		April 2, 2021	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 platted lot into two lots. The current parcel is approximately 21,106 square feet and the division will create two lots. Parcel A will be 10,024 square feet and Parcel B will be 10,947 square feet, each consistent with the requirements of the R-1 district.

Recommended Action: Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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 the application:

- (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 #1 - Reuse previously developed lands. Directs investment to sites, which have the potential to perform at a higher level than their current state.

Future Land Use: Traditional Neighborhood - Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The current parcel contains a 1,122 square foot single-family residence built in 1942. The underlying plat is "SUPERIOR VIEW ADDN TO DULUTH 2ND DIV"; the existing tax parcel consists of seven platted lots with frontage on the platted Missouri Avenue.

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 Missouri Avenue.
2. The single family home will remain on parcel A and is an existing nonconforming building. The applicant has submitted a companion application for variance to add a second story on the existing dwelling on Parcel A. No other structures exist on the parcels.
3. Both parcels are zoned R-1, which has a minimum lot size of 4,000 square feet and have the required street frontage along Missouri Avenue. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
4. The proposed minor Subdivision supports the goals of the Imagine Duluth 2035 housing chapter by creating infill opportunities within an established neighborhood without impacting the character of area, and provide housing in proximity to amenity centers such as the Kenwood neighborhood commercial area.
5. No public, agency, or other City comments were received.
6. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
7. 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.

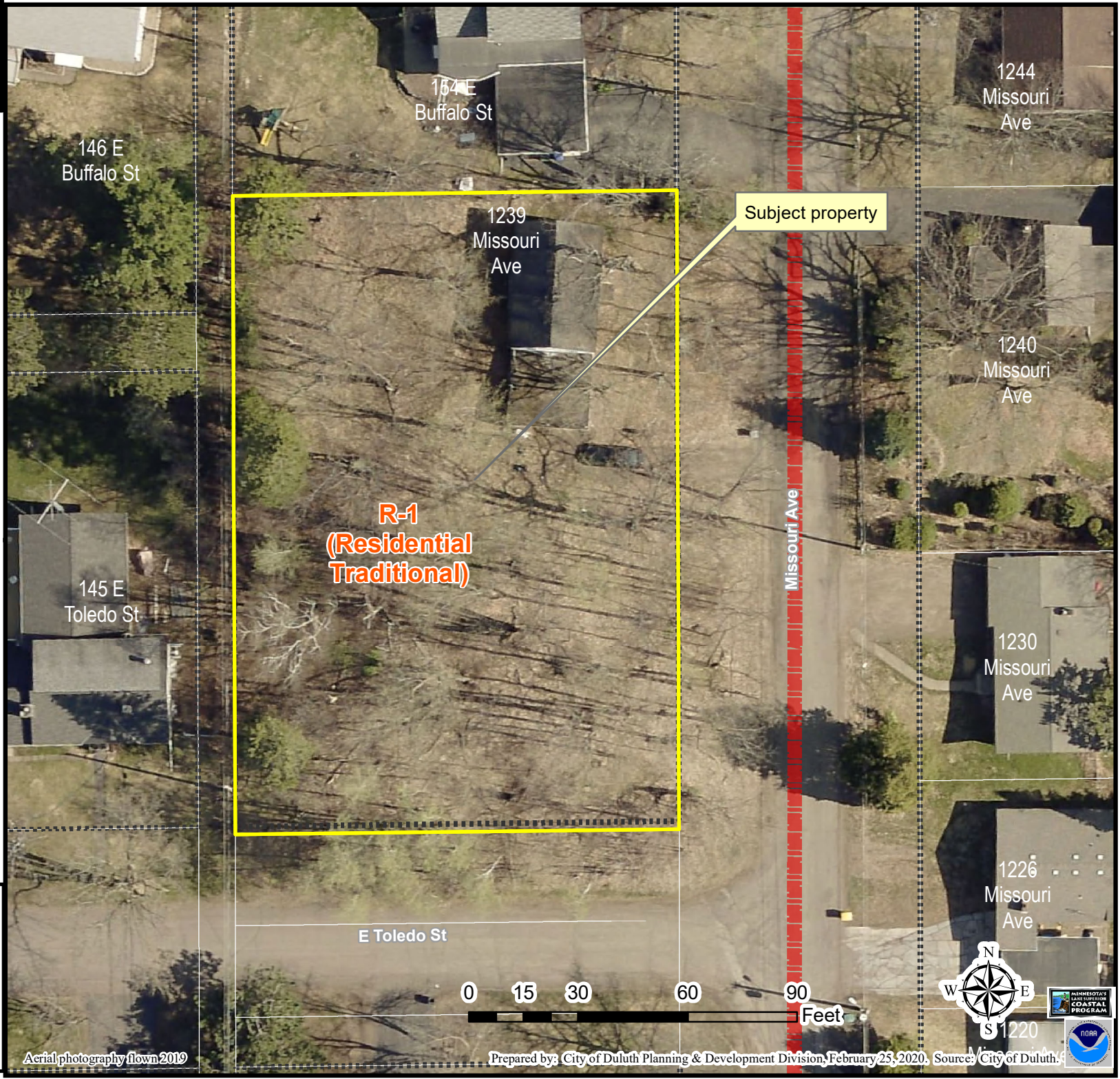


PL 21-025 Minor Subdivision Location Map

Legend

- Road or Alley ROW
- ⊠ Vacated ROW
- Easement Type**
 - ▨ Utility Easement
 - ▨ Other Easement
- ▨ Zoning Boundaries

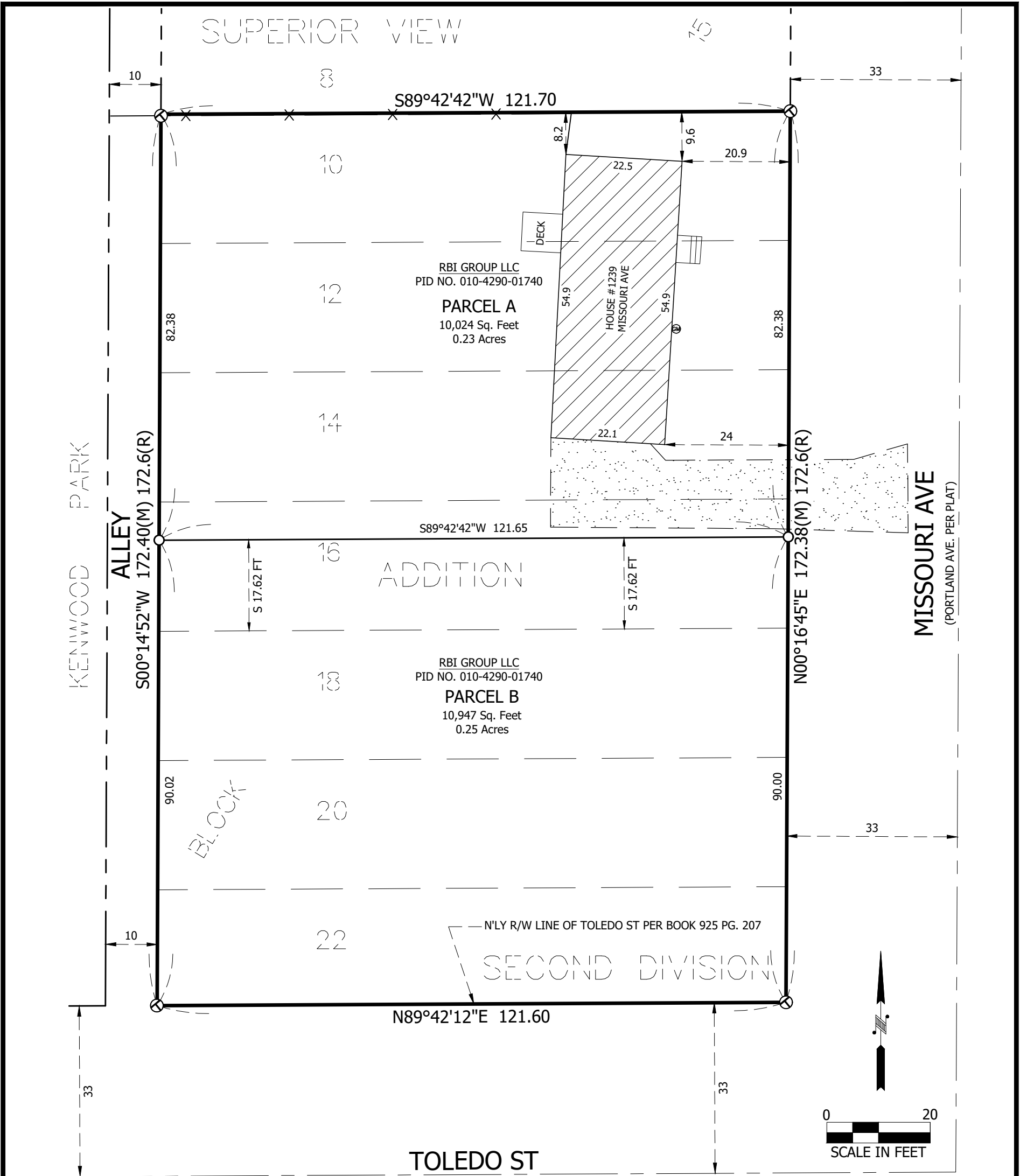
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.



Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, February 25, 2020. Source: City of Duluth.





PARENT LEGAL DESCRIPTION PER DOC. NO. 1393071
Lot 10 Block 15 Superior View Addition to Duluth Second Division
Lot 12 Block 15 Superior View Addition to Duluth Second Division
Lot 14 Block 15 Superior View Addition to Duluth Second Division
Lot 16 Block 15 Superior View Addition to Duluth Second Division, St. Louis County, Minnesota.
And
Lots 18, 20 and 22, Block 15 Superior View Addition to Duluth Second Division St. Louis County, Minnesota.

LEGAL DESCRIPTION OF PARCEL A
Lots 10, 12, 14 and 16, Block 15, Superior View Addition to Duluth Second Division, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT the South 17.62 feet of said Lot 16, Block 15, Superior View Addition to Duluth Second Division.

LEGAL DESCRIPTION OF PARCEL B
Lots 18, 20 and 22, Block 15, Superior View Addition to Duluth Second Division, according to the recorded plat thereof, St. Louis County, Minnesota, AND
The South 17.62 feet of Lot 16, said Block 15, Superior View Addition to Duluth Second Division.

LEGEND

- GRAVEL SURFACE
EXISTING BUILDINGS
GAS METER
R/W-RIGHT OF WAY
(M)-FIELD MEASURED DIMENSION
(R)-RECORD DIMENSION
FENCE LINE
CENTER LINE
RIGHT OF WAY LINE
PROPOSED PARCEL LINE
BOUNDARY LINE AS SURVEYED
FOUND T-STAKE MONUMENT
SET CAPPED REBAR RLS. NO. 49505

SURVEYOR'S NOTES

1. 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.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.

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. Evanson
David R. Evanson
DATE:2-15-2021 MN License #49505

CERTIFICATE OF SURVEY

CLIENT:1LLC
ADDRESS:1239 MISSOURI AVE,
DULUTH, MN 55811
DATE:2-15-2021
REVISIONS:3-8-21 ADD MINOR
SUBDIVISION
JOB NO:21-024
SHEET 1 OF 1

ALTA
LAND SURVEY COMPANY
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