

Document B



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 23-162	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Final Plat	Planning Commission Date		December 12, 2023
Deadline for Action	Application Date	September 6, 2023	60 Days	November 5, 2023
	Date Extension Letter Mailed	September 15, 2023	120 Days	January 4, 2024
Location of Subject	Parcels 010-2720-00320, 010-2720-00321, 010-2720-00322, 010-2720-00260, 010-2720-00340 east of Woodland Avenue and north of Vassar Street			
Applicant	Kevin Christiansen	Contact		
Agent		Contact		
Legal Description	See attached			
Site Visit Date	November 30, 2023	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Final plat of 25 acres of land into 15 lots ranging from .26 acres to 1.96 acres into "Amity Bluffs."

Recommendation

Staff is recommending approval subject to included conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
Subject	R-1	Vacant/Undeveloped	Traditional Neighborhood/Open Space
North	RR-1	Vacant/Undeveloped	Open Space
South	R-1	Residential	Traditional Neighborhood
East	RR-1	Vacant/Undeveloped	Open Space
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

The planning commission shall approve the application, or approve it with modifications, if the application meets the following criteria:

- a. Is consistent with all applicable provisions 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 year 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;

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

Governing Principle #5 - Promote reinvestment in neighborhoods.

Housing Policy #2 - Provide affordable, attainable housing opportunities.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods.

Zoning – Residential-Traditional (R-1): established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.

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.

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.

Site history: The site consists of 5 parcels.

1. PL 21-064 rezoning from RR-1 to R-1 September 13, 2021
2. PL 21-181 Approved wetland delineation November 17, 2021
3. PL 22-056 Concept Plan approval by the Land Use Supervisor May 6, 2022
4. PL 23-070 Preliminary Plat approval by the Planning Commission on May 9, 2023

Review and Discussion Items

Staff finds:

- 1) The applicant is seeking Planning Commission approval of a final plat. The proposal is to plat a 25 acre unplatted area into 15 single family lots and two outlots. Outlot A will be used for storm water treatment purposes and Outlot B will be open space. Each lot will have frontage on a new public street connected to Woodland Avenue and running east terminating with a hammer head turnaround, and to the south ending in a cul-de-sac. The proposed lot sizes and widths conforms to the basic requirements of the R-1, Residential Traditional zoning district.
- 2) The Planning Commission’s approval of the Preliminary Plan was conditioned on the following:
 1. Prior to undertaking any site work, the following conditions shall be met:
 - a. The development agreement and final plat shall be recorded;
 - b. All necessary permits shall be obtained;
 - c. Erosion control measures shall be installed and inspected by appropriate city officials;
 2. Drainage and utility easements shall be established over all wetland areas.
 3. Wetland boundaries shall be permanently marked to prevent accidental impact.
 4. The applicant shall enter into a development agreement addressing applicable development terms as identified by City staff herein, and as further identified in the review of the Final Plat of Amity Bluffs. The development agreement shall be approved and recorded with the appropriate St. Louis County offices.
 5. The development agreement must be recorded prior to the Planning Commission President and Secretary signing the Final Plat.
 6. Wetlands shall be fully protected during construction, monitored for impacts due to silt and sediment, and restored if required upon inspection by appropriate city officials.
 7. The City Forester must approve the tree replacement plan and shall validate that the construction process does not impact the trees indicated for preservation on the site.

- 3) Below is staff's response on the satisfaction of the preliminary plat conditions listed above:
1. The Development agreement is being prepared for review and approval.
 2. Applicant has added the required drainage and utility easements.
 3. The applicant shall install wetland signage. This requirement is also listed in the development agreement.
 4. Applicant has provided ample space in utility easements for required storm water basins.
 5. The development agreement is under development and will need to be approved by City Council and recorded before the plat is recorded.
 6. The developer shall install wetland boundary signs identifying the perimeter of wetlands. The wetland boundary sign conditions for approval will be defined in the Development Agreement and at the time of building permit submittal.
 7. The tree replacement plan condition's for approval will be defined in the Development Agreement and at the time of building permit submittal.
- 4) The developer agrees to convey that property described as Outlot A on the Plat to the City for storm water management and to dedicate to the City in trust for the general public all easements for streets, sidewalks, storm water management, and utilities as shown on the Plat at no cost to City.
- 5) 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.
- 6) 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. Prior to undertaking any site work, the following conditions shall be met:
 - a. The development agreement and final plat shall be recorded;
 - b. All necessary permits shall be obtained;
 - c. Erosion control measures shall be installed and inspected by appropriate city officials;
2. Drainage and utility easements shall be established over all wetland areas.
3. Wetland boundaries shall be permanently marked to prevent accidental impact.
4. The applicant to have the platted street name of James Street renamed to Katherine Lane prior to recording the plat.
5. The applicant shall enter into a development agreement addressing applicable development terms as identified by City staff herein, and as further identified in the review of the Final Plat of Amity Bluffs. The development agreement shall be approved and recorded with the appropriate St. Louis County offices.
6. The development agreement must be recorded prior to the Planning Commission President and Secretary signing the Final Plat.
7. Wetlands shall be fully protected during construction, monitored for impacts due to silt and sediment, and restored if required upon inspection by appropriate city officials.
8. The City Forester must approve the tree replacement plan and shall validate that the construction process does not impact the trees indicated for preservation on the site.



PL 23-162
Amity Bluffs
Final Plat

Legend

- Road or Alley ROW
- 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 2016

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



OFFICIAL PLAT
AMITY BLUFFS

LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 51 NORTH, RANGE 14
 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL PERSONS BY THESE PRESENTS: That Amity Bluffs LLC, a Minnesota limited liability company, owner of the following property:

Southeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 35, Township 51 North Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota.

AND

Southwest Quarter of Northeast Quarter of Southeast Quarter, Section 35, Township 51 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota.

Parcel 2:

That part of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 35, Township 51 North, Range 14 West of the Fourth Principal Meridian, lying northerly of the South 296.12 feet of said Northwest Quarter of the Southeast Quarter of the Southeast Quarter. Except the West 30.00 feet of said Northwest Quarter of the Southeast Quarter of the Southeast Quarter lying southerly of the northerly 25.00 feet thereof, and lying northerly of the North 50.00 feet of said South 346.12 feet of said Northwest Quarter of the Southeast Quarter of the Southeast Quarter, St. Louis County, Minnesota.

Has caused the same to be surveyed and platted as AMITY BLUFFS 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 Amity Bluffs LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 2023.

Signed : Amity Bluffs LLC

_____, Manager

Kevin Christianson

STATE OF MINNESOTA

COUNTY OF ST LOUIS

This instrument was acknowledged before me on this _____ day of _____, 2023 by Kevin Christianson, Manager of Amity Bluffs LLC, a Minnesota limited liability company.

 Notary Public for the State of Minnesota

My Commission Expires _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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, dimensions, labels and symbols 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 505.021, as of the date of this certificate are shown and labeled on this plat; and that 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 Surveyor's Certificate was acknowledged before me this _____ day of _____, 2023 by David R. Evanson, Minnesota License Number 49505.

 Notary Public for the State of 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 2023 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

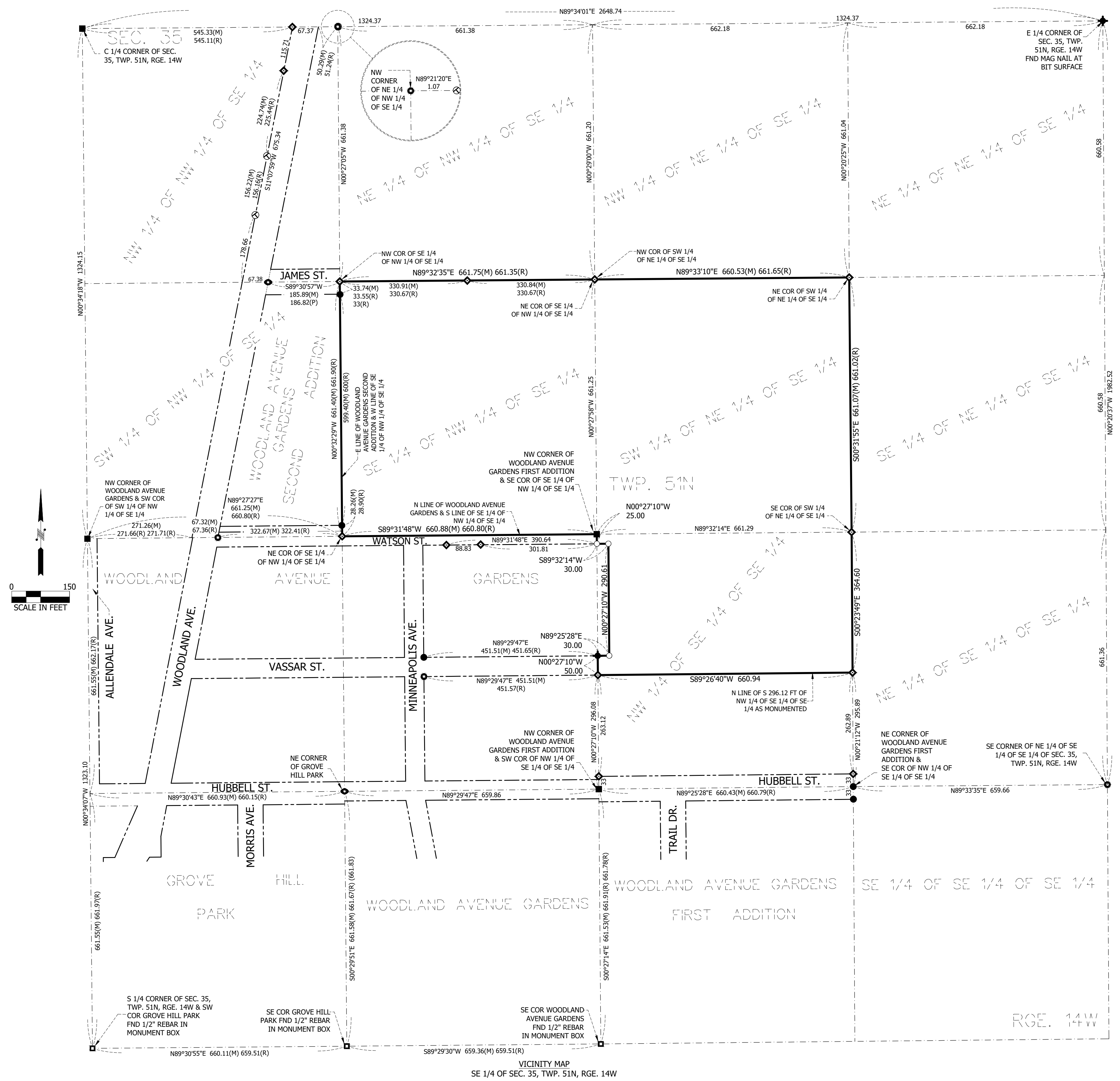
ST. LOUIS COUNTY RECORDER

I hereby certify that this plat of AMITY BLUFFS 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

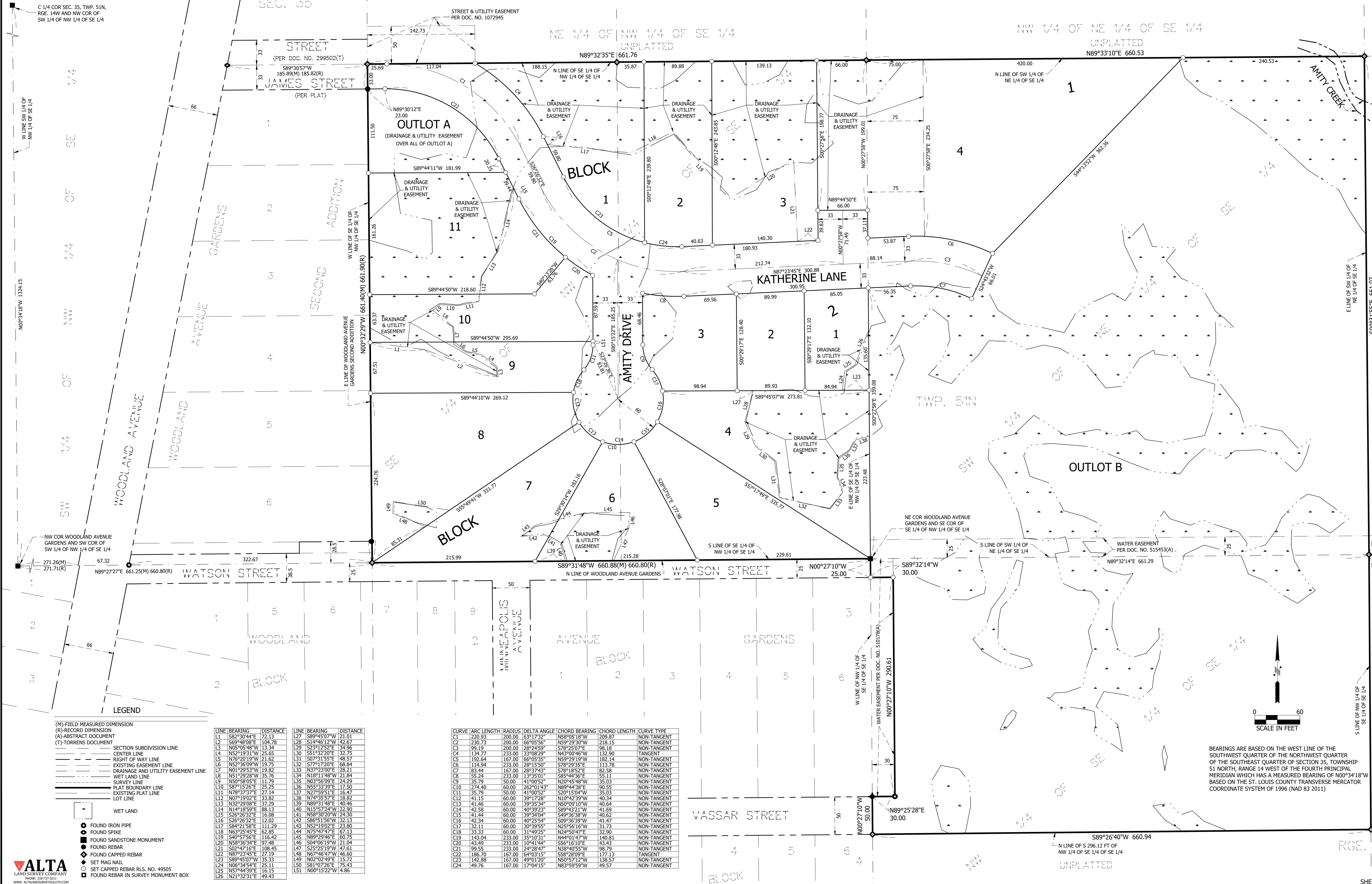
County Recorder

Deputy



AMITY BLUFFS

LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 51 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA



LEGEND

(M)-FIELD MEASURED DIMENSION
 (R)-RECORD DIMENSION
 (A)-ABSTRACT DOCUMENT
 (T)-TORRENS DOCUMENT

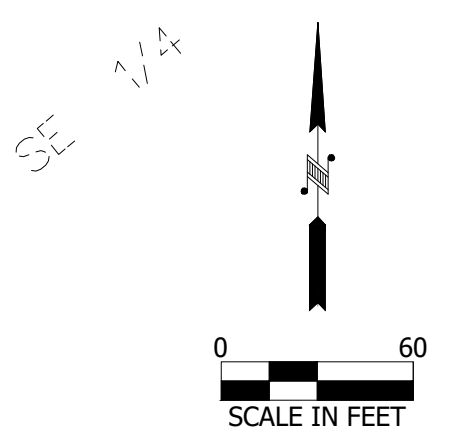
SECTION SUBDIVISION LINE
 CENTER LINE
 RIGHT OF WAY LINE
 EXISTING EASEMENT LINE
 DRAINAGE AND UTILITY EASEMENT LINE
 SURVEY LINE
 WET LAND LINE
 PLAT BOUNDARY LINE
 EXISTING PLAT LINE
 LOT LINE

WET LAND

FOUND IRON PIPE
 FOUND SPIKE
 FOUND SANDSTONE MONUMENT
 FOUND REBAR
 FOUND CAPPED REBAR
 SET HMC NAIL
 SET CAPPED REBAR RLS. NO. 49505
 FOUND REBAR IN SURVEY MONUMENT BOX

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S82°30'44"E	72.13	L27	S89°45'07"W	21.01
L2	S69°48'08"E	104.78	L28	S14°46'12"W	42.67
L3	N05°05'48"W	13.34	L29	S23°12'52"E	34.96
L4	N52°19'31"W	25.65	L30	S51°32'20"E	32.75
L5	N76°20'19"W	21.62	L31	S07°31'55"E	48.57
L6	N52°36'09"W	19.75	L32	S77°17'20"E	68.84
L7	N01°29'53"W	19.82	L33	N37°23'00"E	28.21
L8	N51°29'28"W	35.76	L34	N18°11'48"W	21.84
L9	N00°39'05"E	11.79	L35	N03°56'09"E	24.29
L10	S87°15'26"E	25.25	L36	N55°33'39"E	17.50
L11	N78°37'37"E	27.14	L37	N27°59'51"E	16.47
L12	N07°19'02"E	33.82	L38	N74°25'57"E	18.82
L13	N32°29'08"E	37.29	L39	N89°31'48"E	40.46
L14	N14°18'59"E	88.13	L40	N15°47'24"W	22.90
L15	S26°26'32"E	16.06	L41	N59°30'20"W	24.30
L16	S26°26'32"E	12.02	L42	S86°51'56"W	32.13
L17	S84°21'58"E	111.29	L43	N52°19'02"E	23.80
L18	N63°25'45"E	62.85	L44	N75°47'47"E	67.13
L19	S40°57'56"E	116.42	L45	N89°29'46"E	60.75
L20	N58°36'34"E	97.48	L46	S04°06'19"W	21.04
L21	S02°47'16"E	108.45	L47	S25°25'19"W	47.61
L22	N87°23'45"E	27.19	L48	N67°46'47"W	46.60
L23	S89°45'07"W	35.33	L49	N02°02'49"E	15.72
L24	N06°34'54"E	25.11	L50	S81°07'26"E	75.43
L25	N57°44'39"E	16.15	L51	N00°15'22"W	4.86
L26	N21°32'31"E	49.43			

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	CURVE TYPE
C1	220.93	200.00	63°17'32"	N58°05'18"W	209.87	NON-TANGENT
C2	230.73	200.00	N9°29'30"W	218.15	NON-TANGENT	
C3	99.19	200.00	28°24'59"	S78°25'07"E	98.18	NON-TANGENT
C4	134.77	233.00	33°08'29"	N43°00'46"W	132.90	TANGENT
C5	182.64	167.00	66°05'35"	N59°29'19"W	182.14	NON-TANGENT
C6	114.94	233.00	28°15'50"	S78°29'35"E	113.78	NON-TANGENT
C7	83.44	167.00	28°37'43"	S78°18'52"E	82.58	NON-TANGENT
C8	55.24	233.00	13°35'01"	S85°44'36"E	55.11	NON-TANGENT
C9	35.79	50.00	41°00'52"	N20°45'48"W	35.03	NON-TANGENT
C10	274.40	60.00	262°01'43"	N89°44'38"E	90.55	NON-TANGENT
C11	35.79	50.00	41°00'52"	S20°15'04"W	35.03	NON-TANGENT
C12	41.15	60.00	39°17'28"	N10°42'39"W	40.34	NON-TANGENT
C13	41.46	60.00	39°35'34"	N50°09'10"W	40.64	NON-TANGENT
C14	42.58	60.00	40°39'23"	S89°43'21"W	41.69	NON-TANGENT
C15	41.44	60.00	39°44'04"	S49°36'38"W	40.62	NON-TANGENT
C16	42.34	60.00	40°25'54"	S89°36'39"W	41.47	NON-TANGENT
C17	32.11	60.00	30°39'55"	N25°56'16"W	31.73	NON-TANGENT
C18	33.33	60.00	31°49'25"	N24°50'47"E	32.90	NON-TANGENT
C19	143.04	233.00	35°10'21"	N44°01'47"W	140.81	NON-TANGENT
C20	43.49	233.00	10°41'44"	S56°16'10"E	43.43	NON-TANGENT
C21	99.55	233.00	24°28'47"	N38°40'55"W	98.79	NON-TANGENT
C22	186.70	167.00	64°03'15"	S58°28'09"E	177.13	TANGENT
C23	142.88	167.00	49°01'20"	N50°57'12"W	138.57	NON-TANGENT
C24	49.76	167.00	17°04'15"	N83°59'59"W	49.57	NON-TANGENT



BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 51 NORTH, RANGE 14 WEST OF THE FOURTH PRINCIPAL MERIDIAN WHICH HAS A MEASURED BEARING OF N00°34'18"W BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996 (NAD 83 2011)