



# CITY OF DULUTH

PLANNING & CONSTRUCTION SERVICES  
Community Planning Division  
411 West First Street – Room 208 - Duluth, Minnesota 55802-1197  
218-730-5580 – An Equal Opportunity Employer

## Planning Commission Agenda

City Council Chambers, 3<sup>rd</sup> Floor Duluth City Hall  
Tuesday, September 11, 2018 – 5:00 PM

### Call to Order and Roll Call

### Approval of Planning Commission Minutes (August 14, 2018)

### Consent Agenda

**Items that are perceived to be non-controversial or routine will be placed on the consent agenda. There will not be an individual public hearing on each of these items unless the applicant or a member of the public wishes to speak to the matter. These items on the consent agenda will be approved by the Planning Commission with one vote.**

- 1 PL 18-102 Vacate Platted Unimproved Alley at 901 North Arlington Avenue by Adrienne Michael Pearson
- 2 PL 18-106 Special Use Permit for Preschool at 8708 Vinland Street by Arrowhead Head Start
- 3 PL 18-119 Special Use Permit at 4628 Pitt Street by St. Michael's Catholic Church

### Unfinished Items (From August 14, 2018, Regular Planning Commission Meeting)

- 4 PL 18-100 Amend the Future Land Use Map from Neighborhood Mixed Use and Urban Residential to Urban Residential and Traditional Neighborhood Near the Intersection of Kenwood and Arrowhead Road
- 5 PL 18-068 UDC Map Amendment to Rezone Portions of Arrowhead Road and Kenwood Avenue from Residential-Traditional (R-1) and Residential-Urban (R-2) to Mixed Use-Neighborhood (MU-N) by the City of Duluth by the City of Duluth

### Public Hearings

- 6 10 Minute Presentation on the Duluth Natural Areas Program (DNAP) Proposal for Inclusion of Hartley Park in the DNAP program
- 7 PL 18-121 UDC Map Amendment to Rezone from Residential-Traditional (R-1) to Residential-Urban (R-2) for the Property at 515 North Lake Avenue by Sven and Kelsey Berg
- 8 PL 18-112 Preliminary Plat for The Jigsaw at the Southwest Corner of Anderson Road and Central Entrance by Launch Properties
- 9 PL 18-113 Vacation Platted Unimproved Right of Way for the Jigsaw at the Southwest Corner of Anderson Road and Central Entrance by Launch Properties
- 10 PL 18-115 Mixed Use Commercial (MU-C) Planning Review for a New Restaurant at 4426 Grand Avenue by Marvin Development LLC

11 PL 18-116 Concurrent Use Permit for Private Obstructions (Small Cell Antennas) in the Public Right of Way in the Public Right of Way in Six Locations (W College Street, W St. Marie Street, Junction Avenue) Near University of Minnesota Duluth West by CommNet Cellular Inc d/b/a Verizon Wireless

12 PL 18-110 Interim Use Permit for Vacation Dwelling Unit at 5727 Grand Avenue by Nathanael and Anna Bailey

Communications

- A. Manager's Report
  - Tax Forfeit
- B. Reports of Officers and Committees
  - Heritage Preservation Commission Representative
- C. Adjournment

City of Duluth  
Planning Commission  
August 14, 2018 Meeting Minutes  
Council Chambers - Duluth City Hall

Call to Order

President Mike Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, August 14, 2018, in city hall council chambers.

Roll Call

Attending: Gary Eckenberg, Janet Kennedy, Tim Meyer, Margie Nelson, Mike Schraepfer, Luke Sydow, Sarah Wisdorf (arrived during consent agenda items), and Zandra Zwiebel (arrived during consent agenda items)

Absent: Jason Crawford

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Emilie Voight, and Cindy Stafford

Approval of Planning Commission Minutes – July 10, 2018

**MOTION/Second:** Nelson/Meyer approve the minutes

**VOTE: (6-0)**

Consent Agenda and hearing

**Items that are perceived to be non-controversial or routine will be placed on the consent agenda. There will be no staff presentations on these items; the Planning Commission will be acting upon the staff recommendation and conditions written in the staff reports. There will not be an individual public hearing on each of these items unless the applicant or a member of the public wishes to speak to the matter. Instead there will be one public hearing for all the items on the consent agenda, and they will be addressed by the Planning Commission with one vote.**

1. PL 18-076 Variance from Use Specific Standards for an Elementary School at 5401 East Superior Street by Spirit of the Lake Community School
2. ~~PL 18-089 Variance from Coldwater Stream Setback at 114 South Central Avenue by Scott Stempihar of Krech Ojard and Moline Machine LLC.~~ Pulled from consent agenda and will be discussed further in the agenda under public hearings.
3. PL 18-092 Variance from Corner Side Setback in Residential-Urban (R-2) District at 3111 Church Place by St. Francis Health Services
4. PL 18-097 Minor Subdivision to Split One Existing Tax Parcel into Two Parcels at 1801 MacFarlane Road by St. Louis County
5. PL 18-105 Vacation of Utility Easement on Outlot D at the Corner of Idaho Street and 93<sup>rd</sup> Avenue West by City of Duluth  
**Staff:** N/A  
**Public:** No speakers.  
**MOTION/Second:** Sydow/Kennedy approve staff's recommendations for consent agenda items.

**VOTE: (8-0)**Public Hearings

2. PL 18-089 Variance from Coldwater Stream Setback at 114 South Central Avenue by Scott Stempihar of Krech Ojard and Moline Machine LLC
- Staff:** Kyle Deming asks if there are specific questions. Janet Kennedy is concerned about the location from the creek. She would like him to give an overview, so the community is aware of what is happening. The applicant is seeking a variance to shoreland structure and impervious surface setbacks to construct a building addition with a 17,000 sq. ft. footprint and make improvements to existing parking lot and driveways. Mitigation measures include site landscaping and storm water controls. Manager Fulton states it's currently a brownfield. It will be a substantial improvement over current conditions. He notes the practical difficulty is the power lines overhead. Zandra Zwiebel is interested in a financial retainer be held to ensure tree health. Deming states the commission can impose this as a condition. Kennedy notes the importance of keeping the water clean. She asks about the removal of pavement. Most of the pavement removed will be returned to grass. Stormwater management will either meet or exceed guidelines. Kennedy notes the structural limitations on the site and the setbacks are quite extensive. Manager Adam Fulton notes it is a brown field site, so it's more challenging than developing a suburban area. Chair Schraepfer states it is an improvement from what exists now.
- Applicant:** Gary Moline and Scott Stempihar address the commission. Moline notes this is a major expansion. They build quality buildings and the expansion is needed. They will do it right. Stempihar states they won't encroach any closer to the stream than current currently exists, and will mitigate by removing asphalt surfaces. He notes stormwater measures will exceed the minimum requirements. Tim Meyer questions what the practical difficulty is. Stempihar states it's a restrictive site which was not created/caused by the applicant (including the power lines). The site is 3.2 acres. Development is limited to 6,000 square feet due to powerlines and setbacks. Moline explained they have looked at other sites, and this is the last chance to develop in Duluth. They will create the type of jobs this community wants. Kennedy knows they have always been a good neighbor. She asks why option four isn't being considered. Moline states there isn't enough land on that site that they own or could buy, and it doesn't give them a campus setting. Kennedy asks about future expansion down the road. Moline said this expansion will allow them to double their shifts. Zwiebel asks about the commission adding a condition for to make sure trees stay alive. Moline is open to it, but is concerned that the power lines are a challenge. Manager Fulton states staff can work with the applicant to pinpoint details. Zwiebel notes the importance of a commitment to make sure the trees stay alive. Moline is in agreement and refers to his other buildings. Sarah Wisdorf thinks it's a great project. Chair Schraepfer concurs. Meyer is in support and feels the stormwater management will be an improvement.
- Public:** No Speakers
- MOTION/Second:** Meyer/Zwiebel approve staff's recommendations with the additional condition that financial retainer be established for landscaping to be determined by staff and the applicant.

**VOTE: (7-0, Sydow Abstained)**

6. 10 Minute Presentation and Optional Public Hearing for the Environmental Assessment Worksheet (EAW PL 18-104) for the Pastoret Terrace. Public Comment Period Monday

July 9 to Tuesday August 15, 2018, Decision at Special Meeting on Tuesday, August 28 at 5:00 PM

**Staff:** Steven Robertson gives an overview and shares the flow chart of the process. Heather Rand, Executive Director of DEDA, addresses the commission. The proposal is to demolish the Pastoret Terrace building (formerly known as the Kozy) located at 109 N 2<sup>nd</sup> Avenue East. In 2016 DEDA acquired the property from the county. In 2017 DEDA looked for developers. The three proposals they received did not meet the requirements. After 2-years of marketing, it is time to consider demolition due to its current dilapidated state. They hired Wenck Consulting. Amy Denz of Wenck and Associates addresses the commission. They prepared a due diligence EAW, which essentially means it was voluntary. The environmental review assesses potential impacts from the project and allows for public input and agency comments. As the Responsible Government Unit (RGU) the city chose to hold a voluntary public hearing to get further input and have an open public comment period. The building has gone through numerous fires. A building assessment report was performed by LHB. The building's current state is in poor condition, which has led to some health and safety concerns. As a brief summary of findings, the project is compatible with adjacent land uses and existing plans and ordinances. Construction BMPs would be used to minimize potential impacts due to stormwater. Project would not impact water resources. Waste generated from demolition would be handled and disposed of by a licensed contractor. State and federal laws would be followed. Demolition of the Pastoret Terrace building would remove a contributing resource from the Duluth Commercial Historic District (DCHD). However, the current structural condition and design integrity of the property warrants reevaluation of the current resource's contributing designation. The project has potential to affect the adjacent and nearby contributing resources. Protective measures would be implemented to provide adequate protection to adjacent historic buildings, including coordination with other building owners and regular monitoring during project demo. Potential odors, dust, and noise would be generated during demo which would be temporary and minimized using BMPs. Temporary impacts to traffic may occur during demo due to street closure. No potential cumulative effects were identified. Pastoret Terrace is not the only representative structure by Architect Traphagen in the city, nor does it maintain the original integrity as a representative structure of Traphagen's. The public comment period ends tomorrow. There will be continuing coordination with regulatory agencies and public representatives. The agency will compile, review and respond to substantive comments. The planning commission will decide if there is need for an Environmental Impact Statement (EIS) at a special meeting time: August 28, 2018. A record of decision will be made which will include findings of fact and responses to all substantive comments. Zwiebel this could be reclassified as a contributing building. Denz certain buildings within the district were nominated as historic in 2006. Since that time (due to fires and lack of care) the building is in different condition that it was in 2006, so therefore, SHPO might not consider it to be a contributing resource. Zwiebel refers to page 10 in the EAW. She asks for explanation of the statement, "Although the project site is identified in the Comprehensive Plan as HISTO, at this time, the city's heritage preservation commission has not designated it as one of the city's two historic preservation districts that are zoned Historic Resources Overlay (HR-O)." Zwiebel understand the two districts to be University of Minnesota – main campus and where we are right now. She asks if those are the two designated parts of the city. Denz believes so, but will get more information from their cultural licensed staff. She is interested in knowing what constitutes the other designation. Her concern about the project is once the building is gone it's gone. Zwiebel is the planning commission's representative on

the heritage preservation commission, so she is stating concerns related to this. She asks about Phase I which indicated there was potential for asbestos contamination. Throughout the EAW document it states BMP's will be used. She is concerned because in her neighborhood silt fences are knocked over and stormwater skirts are just left behind. She would like to see it spelled out more specifically. Denz explains the EAW is meant to be an informational document. Zwiebel would like to see the codes noted whether it's the Department of Health, or the EPA. These are the codes that need to be followed. Denz refer to section 12d which explain the Minnesota Rules they will follow including 7035.0805. She also refers to page 8 which lists the type of permits that will be needed from which agency. Those permits, including an asbestos inspection, will go into more detail. The permitting process will help address the further details. Per Denz, the EAW is not meant to make the decision, it's meant to inform the decision. The EAW will identify the impacts. Zwiebel understands, but still feels the permitting checklists could be more detailed. Manager Fulton states some documents Zwiebel is referring to will be further scrutinized in the permitting process as a demo permit. Zwiebel asks if the planning commission will see the demo permit. Manager Fulton states it will not come back to the planning commission. Zwiebel asks for explanation on the SHPO application for deconstruction and salvaging of Historic artifacts. What will that entail? Denz states she is not the cultural expert, but it will be addressed in the permitting application process further down the road. They will be addressing SHPO's concerns. Zwiebel asks if the community is informed about the salvaging of historic artifacts. Denz is unsure and it would be a state agency decision. Zwiebel notes the old age of the facility. In 2013, the ruling from the EPA and the MPCA was that lead was not an issue, but she is concerned about water run-off and dust issues. She wants to make sure these things are addressed. Chair Schraepfer notes this will be enforced by the construction services office. Manager Fulton notes this property has not been locally designated by the HPC. Rand thanks the commission for their responses and will get back to them in two weeks. Kennedy notes the voluntary EAW is appreciated. She asks what role does their cultural staff person play in the EAW process. Denz states their cultural person on staff is a licensed archaeologist who is working with SHPO on what potential impacts could occur. She refers to section 14 of the EAW which goes into further detail about the historic properties and what project impacts may be from a historical standpoint. Gary Eckenberg notes the press release from DEDA which states the building condition has deteriorated beyond feasible rehabilitation. Due to the potential demolition of a contributing building to the DCHD, a mandatory EAW is required. They have done the EAW, so the comment about something being appealed or brought back to SPHO specific to its designation. What is the purpose of that since the key piece was the EAW. Why would they want to bring it back to SHPO? Denz states it's framed in such a way that it's a contributing resource; however, since it was nominated the integrity of that resource has deteriorated. Based on its current condition its not known if it would be a contributing resource anymore. Eckenberg confirms there is no further requirement to get SHPO's blessing. Denz states there will be continuing coordination, because of the Duluth Historic Commercial District. But there is an argument it's no longer contributing given its current condition. They don't have SHPO's comments yet. Eckenberg asks about the 2006 nomination. Can anybody on staff with a historical background explain how and who nominated this? Per Denz, on the nomination form it listed 2 members of SHPO and the National Historic Preservation nominated the district and listed the building as a contributing resource. She doesn't know if the city was part of the nomination. Her staff can research and will provide more information. Manager Fulton concurs. Kennedy wants to receive information ahead of

time, so they have time to review. Fulton notes the answers to the commissioner questions will be mailed one week ahead of time. Zwiebel would also like a response on NESHAP (National Emission Standards for Hazardous Air Pollutants) issues as it pertains to dust and asbestos issues.

**Public:** Mike Poupore, president of the Duluth Heritage Preservation (HPC) addresses the commission. The historic significance is key to the district and is important. The building is structurally and viably sound. He disagrees that it has deteriorated past its significance. The interior of the building has changed, but he can go on and on about the significance of the structure itself. He noted that SHPO will be responding. The county has money set aside for the demo. The county can use this money to make the building marketable. Manager Fulton explains more information will be provided to the commissioners for their next meeting. Kennedy asks if the public can speak at the 8/28/18 meeting. Manager Fulton notes it will be at the discretion of the pc president, but is not required.

**Commissioners:** N/A

**MOTION/Second:** Decision at Special Meeting on Tuesday, August 28 at 5:00 PM

7. PL 18-090 Special Use Permit for 18 Stall Surface Parking Lot at 17 North 2<sup>nd</sup> Avenue East (Carter Hotel) by Lake Superior Consulting LLC and Fond du Lac Band of Lake Superior Chippewa

**Staff:** Steven Robertson introduces the applicant's proposal for a special use permit to construct a parking lot as a primary use at the former Carter Hotel property. The applicant will be demolishing the existing building located at 17 North 2<sup>nd</sup> Ave. East and constructing a parking lot. As a primary use parking lot, site features such as drive aisles and accesses must function independently of other neighboring sites and businesses. A Special Use Permit is required to construct a primary use parking lot in an F-8 Form District. Staff recommends approval with the conditions listed in the staff report. Zwiebel affirms the project will not affect the Clayton-Jackson-McGhie memorial. The band shall ensure the memorial will be protected during demolition. Zwiebel is concerned. What if something does happen to the memorial? Will compensation be distributed? Robertson notes it's a civil issue, which the city isn't involved in. Manager Fulton notes this is construction of a parking lot, and does not relate to the demo itself. Luke Sydow notes the lack of a landscaping plan. Also, what will the back of the memorial look like? Manager Fulton states the project is limited to the scope of the parking lot. Sydow is concerned about the aesthetics. Manager Fulton states it's a valid concern, but the neighboring property isn't relevant. Sydow states a retaining wall on the applicant's property might be visually pleasing. Kennedy questions exterior lighting. Robertson site plan doesn't include lighting, but it would need to meet the guidelines.

**Applicant:** Michael Murray addresses the commission. The protection of neighboring properties will be ensured. The contractors are professionals. A bond will be taken out by the contractor as standard procedure to protect the band from damages. A pre-demolition survey will be conducted of the memorial. Sydow asks about the back of the memorial. Murray states there will be a sidewalk with an aluminum fence. Les Mattefy notes the design will be aesthetically pleasing. Zwiebel asks the applicant if they had any discussion with the Clayton-Jackson-McGhie Memorial owners of what they might be looking for. Murray is concerned about blight in the neighborhood. He was met with support, and notes the smell of mold would be a good idea to clean it up. Zwiebel asks again if discussion has made with owners of the memorial. Murray wasn't aware the adjacent owner was not the city. They would consider open discussion.

**Public:** Susan Ault, Co-Chair of the Memorial, addresses the commission. It is city property. They have a memo of understanding with the city. As stewards they are responsible for being present and aware of property. The memorial is nominated as a local historic landmark. They are working on finalizing their plan. They support demo of hotel and support parking and the addition of trees. They support the existing north wall and have requests. They would like a structural engineer to assess the north wall. They would like to see a depiction of the view shed to make sure it enhances the memorial. She notes the easement between the back wall and the Carter Hotel which collects debris. They are seeking a solution. They also request a plan on how to protect memorial during demolition. They would like to see the planning commission to add these issues as conditions or table until they have time for further discussion. Heidi Hansen addresses the commission. She would like to see structural studies underneath the wall as well.

**Commissioners:** Margie Nelson would like to ensure the protection of the memorial. She is in support of the parking lot. Wisdorf concurs. Eckenberg asks staff if the commission has the ability to add conditions. Manager Fulton affirms as long as it addresses impacts to the surrounding properties in relation to the parking lot, and not to demolition. He notes the demolition project is subject to a very different set of rules. Kennedy states it is an option to put this on hold to have more communication. Murray agrees to work with the memorial board. The band wants to be good neighbors, and they want to clean up the neighborhood. They intend to make all the necessary steps to ensure the safety of the memorial. They want to leave the existing wall. The Band would like to move forward to mitigate parking issues due to superior street reconstruction forthcoming. Sydow confirms the applicant is in agreement with the added condition for discussion with the memorial reps. Murray affirms.

**MOTION/Second:** Zwiebel/Meyer approved as per staff's recommendations with the added condition that discussion ensue between the band, the Clayton-Jackson-McGhie representatives, and the city about how the project will eventually look.

**VOTE: (8-0)**

The next two items will be discussed together.

8. PL 18-100 Amend the Future Land Use Map from Neighborhood Mixed Use and Urban Residential to Urban Residential and Traditional Neighborhood Near the Intersection of Kenwood and Arrowhead Road
 

**Staff:** Steven Robertson introduces the city's proposal to amend the Comprehensive Land Use Map from Neighborhood Mixed Use to Urban Residential and Urban Residential to Traditional Neighborhood. Staff recommends approval based on the findings listed in the staff report. President Schraepfer notes they are seeking a more protected neighborhood for this approval and more density in the second item Robertson affirms. Wisdorf comments on 2<sup>nd</sup> item. Not to Robertson's knowledge. Current uses will be allowed.

**Applicant:** N/A

**Public:** Dave Hollapa, 1303 W. Arrowhead Rd., addresses the commission. He owns property on the SE corner of what is currently R-2. The comp plan in 2006. 3-6 months come back and rezone others. In 2006 they had the same discussion. He bought the property as a rental unit for kids, but also with the notion that the rezoning process was going to happen. It was his conscious decision to acquire due to future rezoning. Developers can assemble properties. Jim Palumbo addresses the commission. He lives in zoning A, which he sees as a healthy functioning neighborhood with young families and



retired folks. He doesn't want to see the character of his neighborhood change. There is a lack of affordable single-family dwellings in Duluth. Why take an achieved goal and change it to reach another goal? Just because you can, doesn't mean you should. He is strongly opposed. He asks for the neighbors who are in attendance at tonight's meeting and agree with him to stand. (A large group stood up in agreement.) Tom Boman, 1231 Maryland, addresses the commission. There have been already four apartment buildings including Kenwood Village. Diverse neighborhood and appeal to the commission on the subject of good neighbors. He wants to ensure the solidity of the neighborhood. He is opposed, and asks the planning commission to reject the proposal. Chad Ronchetti, 40 W. Cleveland St., addresses the commission. In 2009, Walgreens was denied by the planning commission. The city council also denied. Six years later enter Kenwood Village. During the six-year span, 100 signatures were gathered who opposed Walgreens. Concerns included a parking shortage, cars parking in yards and increased turn-around traffic. There has been no resolution with Duluth police. They need to figure out past developments before they take on new ones. He is opposed. Katie Krikorian, 1313 Missouri Ave., addresses the commission. She supports the neighbors in A, but also wants to discuss area C. She has lived in her home since 1985. Received letter stating the empty field would stay a field to protect the neighbors. She is concerned the city is setting the table for a developer to come in. They don't need more apartment buildings or strip malls. Further development is not needed. She is opposed and asks the planning commission to deny. Luke Goosens addresses the commission. He agrees with previous speakers and talks about Arrowhead Road between Kenwood and Woodland is already at capacity. He notes waiting to pull out of his driveway can take ten minutes. There are more options to move up versus moving out. Have proposals come first. He doesn't want to pre-emptively rezone. Becky Heinrich of Woodrich Circle lives in area A, and is opposed to the rezonings.

**Commissioners:** Wisdorf asks about area C. What are the buffer zones? Manager Fulton discusses John Kelley's memo about buffering. The buffer has not been finalized. When the area is completed, it will be walkable. Meyer asks if there are any specific development proposals being considered. Robertson states he is not aware of anything. Nelson asks if there will be a future small area plan for Kenwood. Manager Fulton notes it is tentatively scheduled for three years out. Nelson asks if they should wait, and do the small area plan together. Manager Fulton states this is a core investment area, and is a different process which doesn't include the need for a small area plan.

**MOTION/Second:** Zwiebel/Wisdorf tabled both items.

**VOTE: (7-1, Eckenberg opposed)**

9. PL 18-068 UDC Map Amendment to Rezone Portions of Arrowhead Road and Kenwood Avenue from Residential-Traditional (R-1) and Residential-Urban (R-2) to Mixed Use-Neighborhood (MU-N) by the City of Duluth by the City of Duluth

**Staff:** Steven Robertson introduces the city's proposal to rezone properties in the general area of West Arrowhead Road, Kenwood Avenue and Warren Avenue from Residential-Traditional (R-1) and Urban Residential (R-2) to Mixed Use-Neighborhood (MU-N), in conformance with the Comprehensive Plan's Future Land Use Map. Staff recommends approval based on the findings listed in the staff report.

**Applicant:** N/A

**Public:** (See above – items combined.)

**Commissioners:** (See above – items combined.)

**MOTION/Second:** (See above – items combined.)

(10-minute recess taken. Meeting resumed at 7:45 p.m.)

10. PL 18-095 UDC Map Amendment to Rezoning Portions of 4610 West Arrowhead Road to Mixed Use-Business (MU-B) by Lisa and Matt Mahoney  
**Staff:** Kaitlyn Scheibelhut introduces the applicants' proposal to rezone the remaining portion of 4610 W. Arrowhead Road in the Duluth Heights neighborhood from RR-1 to MU-B so the parcel has one zoning designation and is consistent with adjacent properties. Staff recommends approval with conditions listed in the staff report.  
**Applicant:** N/A  
**Public:** No speakers.  
**Commissioners:** N/A  
**MOTION/Second:** Eckenberg/Zwiebel recommend approval as per staff's recommendations.

**VOTE: (8-0)**

11. PL 18-007 Nomination by the Heritage Preservation Commission for Designation of the Lake Superior and Mississippi Rail Road as a Local Historic Resource  
**Staff:** Steven Robertson introduces the HPC's application for local landmark status of the Lake Superior and Mississippi Railroad. If the planning commission makes a positive recommendation, it is anticipated that the HPC will hold a public hearing on the nomination at their September meeting. The nomination would then be forwarded to city council shortly thereafter.  
**Applicant:** William Roche, the city manager of the Parks and Recreation Division addresses the commission. He wants to wait until the city adopts a mini-master plan. Final causeway Completion expected in 2019. Wisdorf affirms the city council will ultimately make the final decision. The project is largely dependent on external factors, including the EPA and US Steel. Roche is hopeful for a timeline for early 2019. Robertson notes the state statute of a 120-day timeline. The HPC would like feedback. Eckenberg notes a perceived conflict between city and the railroad. Chair Schraepfer notes the Western water front plan and the waterfront trail crossing. Zwiebel states a reason for the hold-up was for feedback on clean-up of US Steel site. The city has not reached terms with US Steel. It is unsure how the city would fund on its own. Kennedy feels adding the nomination will make the project significant. Manager Fulton discusses the level of complexity, including, congress, US Steel, and how it ties into many different aspects of the city. The Seaway Port Authority and DEDA are also involved. This has impacts both at state and federal levels. Designate or non-designation has an effect on all parties. It's tied into many moving pieces. Western waterfront trail is a piece, but not the whole picture. More time can be given for consideration. Eckenberg asks if a timeline is in play. Zoning applications which are complete have 120 days to reach a decision, but the timeline doesn't apply when it's a city proposal. Robertson suggests focusing on the application on hand.  
**Public:** Mike Casey, addresses the commission. Community thinks of the railroad as historic. US Steel clean-up going on for 30 years. May or may not fund. What does the community want to see happen? The railroad and the trail are important to the community. He would like to see the this move forward both rail and trail system that feeds off each other. Dick Winkler, addresses the commission. He spent 49 years as a conductor, and is a train historian. In 1850 Minnesota was a territory not a state. Everything coming into Duluth came through the rail line. The first people came by boat. There are 4 ½ miles left of railroad trail. This is one area of history worth preserving.

Consider the application and what the corridor brought in. Mike Poupore, of HPC addresses the commission. They would like to move it forward to recognize the historical nature of the rail road. He would like to save its history and teach children what created the city. Both the track and the corridor are special. He urges the planning commission to support it. Local designation doesn't protect the track from being destroyed. It's more of an honor to the railroad itself to recognize it. Lynn Hall addresses the commission. In October and again in November they gave a presentation to HPC. Now they are waiting for planning commission to weigh in. Historic reasoning is separate from the city's agenda. She is in support. Vicki Surges, narrator for railroad, addresses the commission. In 1870 the rail road had its first run. Currently tourists from all over the world come here to ride the train. Pete Cranka addresses the commission. He bought a train ticket three years ago, and was amazed the train car was well over 100 years old. He noted the wooden windows and beautiful views. He is a volunteer, and adds tourists come to Duluth specifically for the railroad. He encourages all to take a ride on the railroad. It's amazing.

**Commissioners:** Nelson asks if they need to keep the rail or just the corridor. Manager Fulton states it's subject to further dialog.

**MOTION/Second:** Zwiebel/Meyer support nomination

**VOTE: (8-0)**

12. PL 18-081 Preliminary Plat at 3800 West Superior Street by Superior Industrial LLC

**Staff:** Kyle Deming introduces the applicant's proposal for approval of the preliminary plat of 2.1 acres of Mixed Use-Business Park land in Oneota into one building lot, one outlot, and land for a street in a new plat called "Interstate West Addition." This is to facilitate the redevelopment of the site for a warehouse/showroom business. Based on the findings listed in the staff report, staff recommends approval.

**Applicant:** Eric Roeser represents the owner and asks if there are any questions. There are none.

**Public:** No speakers

**Commissioners:** N/A

**MOTION/Second:** Sydow/Wisdorf approved as per staff's recommendations.

**VOTE: (8-0)**

13. PL 18-094 Special Use Permit for Office Use in a Residential-Urban (R-2) District at 1830 East First Street by Zenith City Investments

**Staff:** Steven Robertson introduces the applicant's proposal for a special use permit for office use in an R-2 zone district. The applicant is proposing office use of approximately 4,500 square feet within the lower level of an existing building, formerly used as a church, and continue residential use in an existing single-family dwelling located west of the office on the same parcel. Staff recommends approval with the conditions listed in the staff report. Sydow questions the follow up on gravel versus asphalt. How do they assure it's done? Robertson states larger projects require an escrow. The trust is in staff to verify it is done. Sydow asks how the follow-up is enforced. Robertson states construction services will issue a Certificate of Occupancy on new developments. Sydow likes the re-use of the property, but is concerned with the timeline. Wisdorf asks if remodeling would require planning commission input. Robertson states minor improvements can be made by land use supervisor.

**Applicant:** Ryan Arola, architect for the applicant (Zenith City Investments), addresses the commission. Parking is populated for the entire building, not just the first floor. The special use permit is for the entire building.

**Public:** Jason Forsell addresses the commission. He lives kitty corner to the church. He verifies it will be used for office purposes, and the house will remain residential.

Robertson explains the zoning will not change. Office Use requires a special use in an R-2 zone district. Will landscaping be provided? Robertson notes additional new vegetation will be added.

**Commissioners:** N/A

**MOTION/Second:** Wisdorf/Meyer approved as per staff's recommendations.

**VOTE: (8-0)**

14. PL 18-093 Mixed Use-Commercial (MU-C) Planning Review for Hotel Expansion at 909 Cottonwood Avenue

**Staff:** Emilie Voight introduces the applicant's proposal for renovations to the existing hotel building which will include exterior cladding and insulation, window replacements, landscaping, and roofing parapets, interior finishes and ADA upgrades, and a pool addition of approximately 2,600 square feet. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Melissa Graftus of Architecture Advantage addresses the commission and asks for questions. Zwiebel asks about the trees. Graftus notes the planting of American Elms. Along the power lines they will be adding planters. Sydow suggests giving thought on the north/south line instead of planters to use full shrubs. Manager Fulton suggests include a condition related to landscaping on east side in conjunction with finalizing the parking lot.

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Eckenberg/Nelson approved as per staff's recommendations with additional condition that when parking lot is rebuilt, the landscaping requirement will comply.

**VOTE: (8-0)**

15. PL 18-087 Variance from Corner Side Setback in Residential-Traditional (R-1) Setback at 3801 Lake Avenue South by Patricia and Shelley Kuszler

**Staff:** Kyle Deming introduces the applicants' proposal for a variance from the front yard setbacks to construct a 24' x 28' by 16' tall two-stall garage located 9 feet from 38<sup>th</sup> Street rather than the required 25 feet. Staff recommends approval with the conditions listed in the staff report. Zwiebel asks about Tier 2 access points from the Park Point Plan. Per Deming, the city may need the right of way in the future for improved access to the Lake Superior shoreline such as parking or trailhead, so staff is requesting the setback be granted at no less than 15 feet to allow a vehicle to be parked in front of the garage without overhanging into the public street easement and blocking a future sidewalk or street.

**Applicant:** Patricia Kuszler and sister Shelley Kuszler address the commission. Their goal was to build, so they can be directly behind their neighbor's garage and not block their view and so they can fit in with the other houses in the neighborhood. Their neighbors are in support. Having a 15 foot driveway would create more impervious surface. They feel 9 feet is reasonable. The street is dirt with a small amount of gravel. Shoveling extra 15 feet in the driveway in the winter is unreasonable. It's not fair to hold

them to a standard that their neighbors aren't meeting. Zwiebel asks what the item is, which is shown in the aerial view. Per Patricia, it's a shed that will be removed.

**Public:** No speakers.

**Commissioners:** Wisdorf likes the 9 feet better due to the neighbors' buildings and it will eliminate the extra impervious surface.

**MOTION/Second:** Zwiebel/Eckenberg approved as per staff's recommendations.

**VOTE: (6-2, Schraepfer and Wisdorf opposed)**

16. PL 18-091 Variance from General Development Stream Setback at 1701 N 43<sup>rd</sup> Avenue East by Gayle Koop Foster Care LLC

**Staff:** Kyle Deming introduces the applicant's proposal for a variance from the UDC requirements which require a 50' structure setback for construction of a deck near 50<sup>th</sup> Ave E Creek. The applicant proposes to reconstruct a 24' by 12' deck with stairs on the back side of the home. The overall reduction to the setback would be 17' placing the deck 33' from the creek. Staff recommends approval with the conditions listed in the staff report. Zwiebel asks what the practical difficulty is in this situation. Deming states it's the position of the home.

**Applicant:** Mike Poupore who is representing the owner addresses the commission. He explains when the house was built the setback for the stream wasn't in effect at the time. They are mitigating around the stream to allow for natural vegetation.

**Public:** No speakers.

**Commissioners:** Zwiebel affirms the deck is pervious.

**MOTION/Second:** Zwiebel/Meyer approved as per staff's recommendations.

**VOTE: (8-0)**

17. PL 18-067 UDC Text Amendment by the City of Duluth

**Staff:** Steven Robertson introduces the city's four changes to the UDC: Enforcement (Section 50-39), Mixed Use Waterfront (Section 15.6 and 50-21), Structures in Common Open Space (Section 50-21) and Safe Routes to School (Section 50-23, 50-20 and 50-41). Staff recommends tabling.

**Applicant:** N/A

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Nelson/Zwiebel tabled recommend approval as per staff's recommendations.

**VOTE: (8-0)**

#### Communications

- A. Manager's Report – Fulton gives an overview. 9/12 tentative neighborhood meeting for The Essentia project.
- B. Reports of Officers and Committees  
-Heritage Preservation Commission Representative – Zwiebel states there was no meeting this month.
- C. Meeting adjourned at 9:37 p.m.

Respectfully,

---

Keith Hamre - Director  
Community Planning and Construction Services



**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 18-102		<b>Contact</b>	Steven Robertson, 218 730-5295	
<b>Type</b>	Vacation of Platted Right of Way (Alley)		<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	July 18, 2018	<b>60 Days</b>	September 16, 2018	
	<b>Date Extension Letter Mailed</b>	August 28, 2018	<b>120 Days</b>	November 15, 2018	
<b>Location of Subject</b>	901 North Arlington Avenue				
<b>Applicant</b>	Adrienne Pearson and Michael Pearson		<b>Contact</b>		
<b>Agent</b>			<b>Contact</b>		
<b>Legal Description</b>	See attached				
<b>Site Visit Date</b>	August 31, 2018		<b>Sign Notice Date</b>	August 29, 2018	
<b>Neighbor Letter Date</b>	August 24, 2018		<b>Number of Letters Sent</b>	12	

**Proposal:** The applicant is requesting the vacation of a platted, but unimproved alley.

**Recommended Action:** Recommend to the City Council to Approve.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Vacant	Preservation
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	P-1	Park	Park

**Summary of Code Requirements**

Vacation of public rights of way and/or easements require a Planning Commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

UCD Sec. 50-37.6.C – The Planning Commission shall review the proposed vacation, and Council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #5 – Promote reinvestment in neighborhoods.

Governing Principle Principal #7 - Create and maintain connectivity: Connectivity should be provided for vehicular and non-vehicular modes.

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 and neighborhood extensions, and new traditional neighborhood areas.

**Review and Discussion Items**

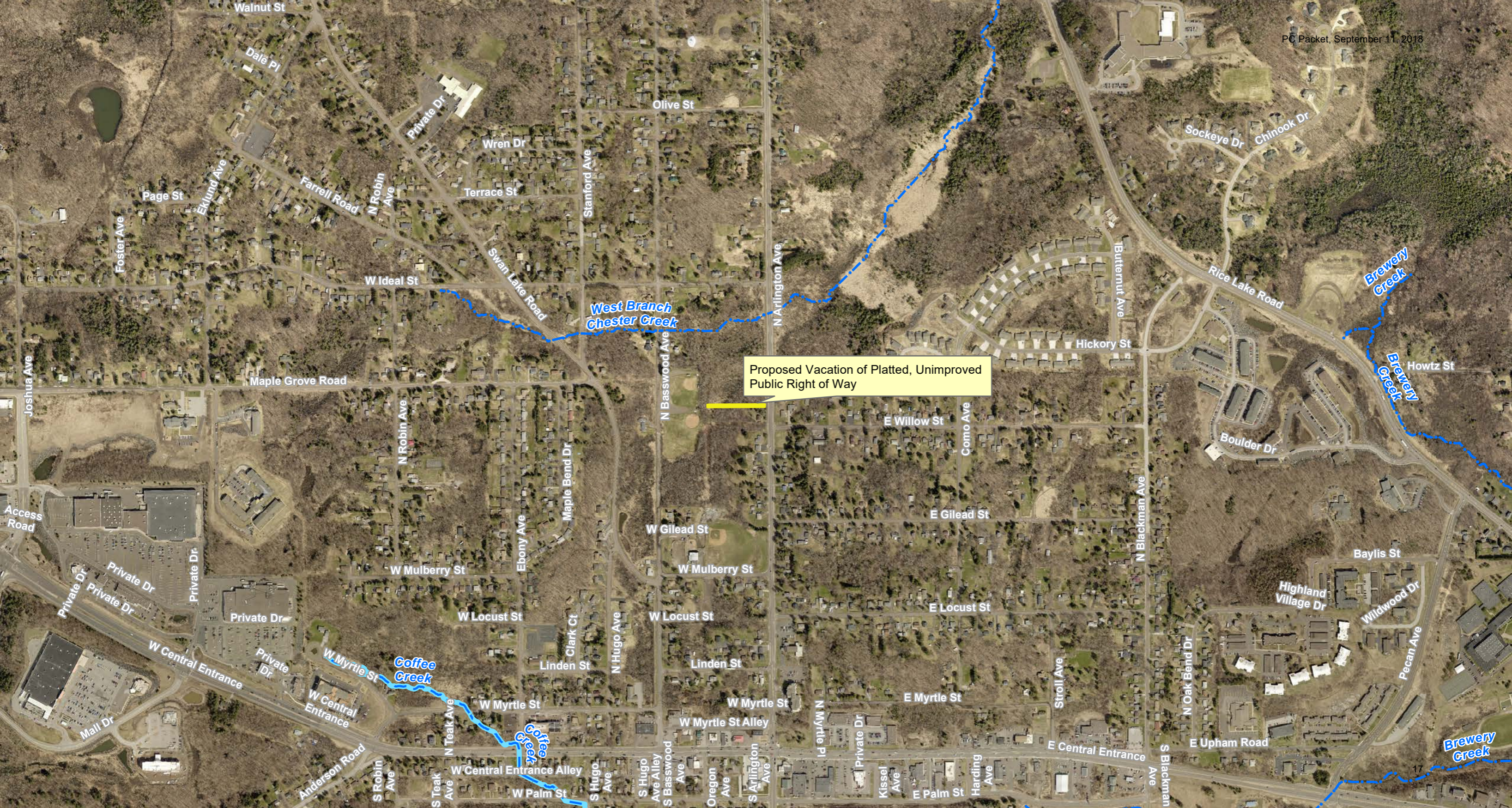
Staff finds that:

- 1) The applicant is requesting that the City vacate the subject alley to unify property that they own on both sides of the platted, but unimproved alley.
- 2) The alley has not been improved for public use. The City Engineering office has reviewed the proposed vacation and has indicated it is not needed for street or utility purposes. The City Engineering has signed the exhibit.
- 3) The pattern of platted streets and alleys in this area was done without regard to the topography and it is not likely that the City would want to try to extend the alley as platted due to the rolling topography.
- 4) The alley is not needed to provide public recreational access to any public water. The alley is not needed for access to the adjacent public park.
- 5) No new citizen comments have been received on this project
- 6) Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

**Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission recommend approval of the vacation of the alley as shown in the attached vacation exhibit.





Proposed Vacation of Platted, Unimproved Public Right of Way

West Branch Chester Creek

Coffee Creek

Coffee Creek

Brewery Creek

Brewery Creek

Brewery Creek

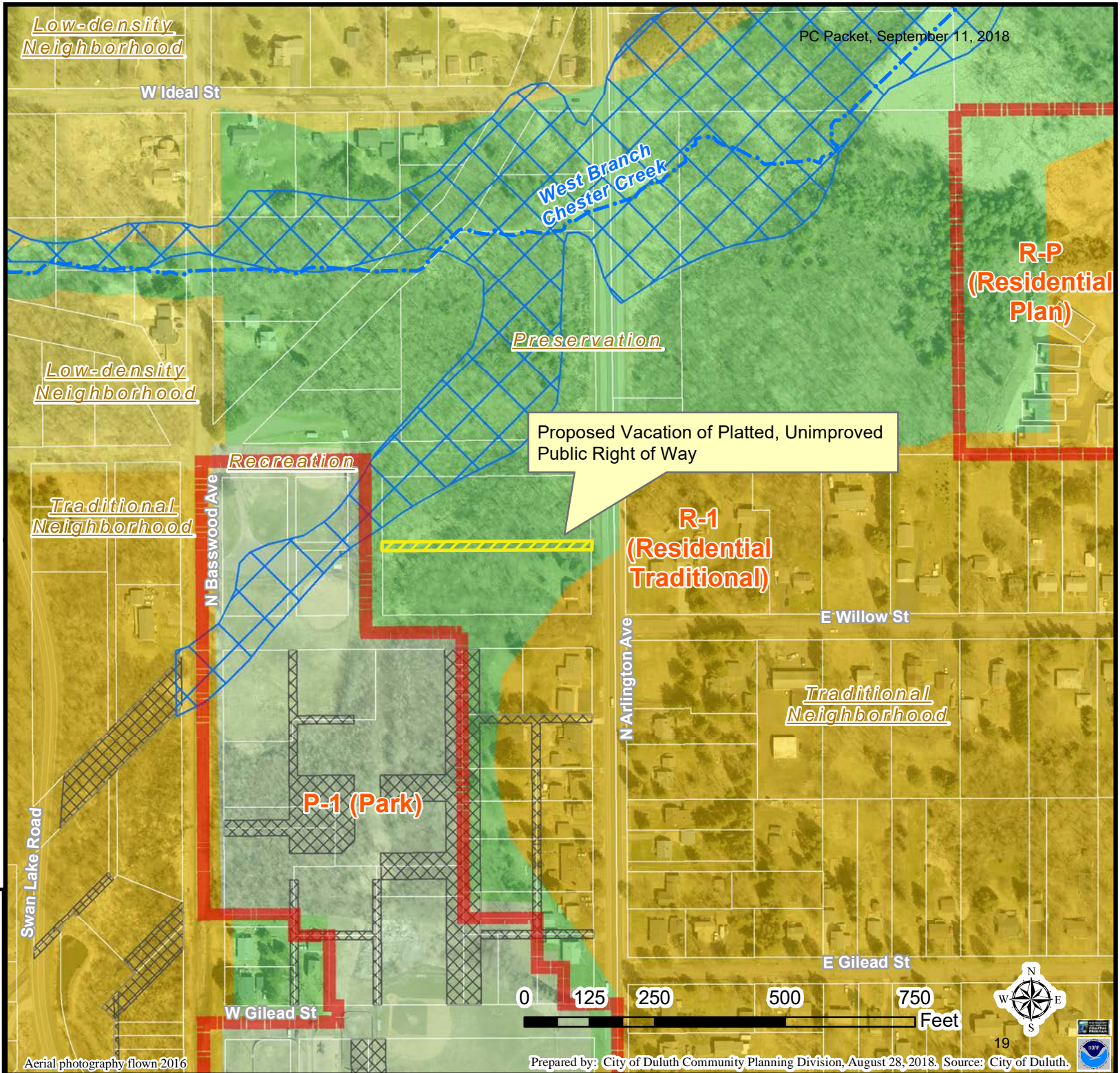


**Legend**

 Vacated ROW

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



**Legend**

- Vacated ROW
- Zoning Boundaries
- Floodplain (UDC)**
- General Flood Plain
- Flood Way
- Flood Fringe
- Trout Stream (GPS)
- Other Stream (GPS)

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**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL18-106	<b>Contact</b>	John Kelley, 218-730-5326	
<b>Type</b>	Special Use Permit	<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	August 6, 2018	<b>60 Days</b>	October 5, 2018
	<b>Date Extension Letter Mailed</b>	August 21, 2018	<b>120 Days</b>	December 4, 2018
<b>Location of Subject</b>	8708 Vineland Street			
<b>Applicant</b>	Arrowhead Economic Opportunity Agency, Inc.	<b>Contact</b>		
<b>Agent</b>	Norman Ferris	<b>Contact</b>		
<b>Legal Description</b>	LOTS 6 THRU 11 INC PT OF VAC ST ADJ			
<b>Site Visit Date</b>	August 31, 2018	<b>Sign Notice Date</b>	August 28, 2018	
<b>Neighbor Letter Date</b>	August 28, 2018	<b>Number of Letters Sent</b>	25	

**Proposal**  
Applicant proposes to use a current classroom at the Bayview Elementary School as a preschool. Preschools in an R-1 District require a special use permit.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Elementary School	Institutional, TN, LDN
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Low-Density Neighborhood

**Summary of Code Requirements**  
UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

- 1) The application is consistent with the Comprehensive Land Use;
- 2) The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
- 3) Without limiting the previous criteria, the Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

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

Governing Principle #8- Encourage mix of activities, uses, and densities.

Governing Principle #11- **Consider education systems in land use actions:** There is a connection between land use patterns and all level of educational facilities. School locations and housing opportunities for students and families require consideration of impacts on transportation and infrastructure systems, housing densities, parking, and non-student uses.

Future Land Use- Institutional: Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial, office uses, and residential uses in the fringe areas of the district.

Traditional Neighborhood: Characterized by a grid or connected street pattern, houses orientated with shorter dimension to 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.

Low Density Neighborhood: Single-family housing with urban services. Typified by curvilinear streets, houses with longer side parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non-residential uses are mainly uses such as schools and churches.

History: Bayview Elementary School is located within the City of Duluth but is part of the Proctor Public School District 704.

**Review and Discussion Items**

Staff Finds that:

- 1) Applicant would like to use an existing classroom in the Bayview Elementary School as a pre-school serving up to 20 children ages 3-5. The classroom will operate during the school year from September through May. Hours of operation would be from 8:00a.m. to 3:00p.m. The pre-school will use other current facilities at the school including the playground, gym and lunch room. Two licensed Teachers and a certified Teacher Assistant will be in the classroom. There are no plans for expansion of any of the facility for the pre-school use.
- 2) A preschool is a reasonable use in the R-1 district. A preschool requires a special use permit to operate in an R-1 district but will not alter the essential character of the neighborhood. The pre-school is within an existing elementary school and is located in a residential area.
- 3) UDC Sec. 50-20.2.G (Use Specific Standards). Not applicable.
- 4) UDC Sec. 50-24 (Parking and loading). Parking is required at 1 space per five persons care capacity. There is parking on two sides of the Elementary School with over 100 existing parking spots. Bussing will be provided for the classroom and there will also be drop-off and pick-up for the children. The applicant anticipates very little parent pick-up and drop-off do to the bussing.
- 5) UDC Sec. 50-25 (Landscaping and Tree Preservation). No additional landscaping is required as this project is not increasing the floor space by 25%, nor is the building expanding to accommodate the pre-school program being housed in an existing classroom.
- 6) UDC Sec. 50-26 (Screening, Walls and Fences). Not applicable.
- 7) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 8) UDC Sec. 50-31 (Exterior Lighting). No additional lighting is being planned for this project.
- 9) No citizen or City Departments comments were received at the time that this report was compiled.

**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following conditions:

- 1) The proposal is consistent with the Comprehensive Land Use Plan.
- 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; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 18-119  
Special Use Permit  
Pre-School  
Zoning Map

PC Packet, September 11, 2018



**Legend**  
 Zoning Boundaries

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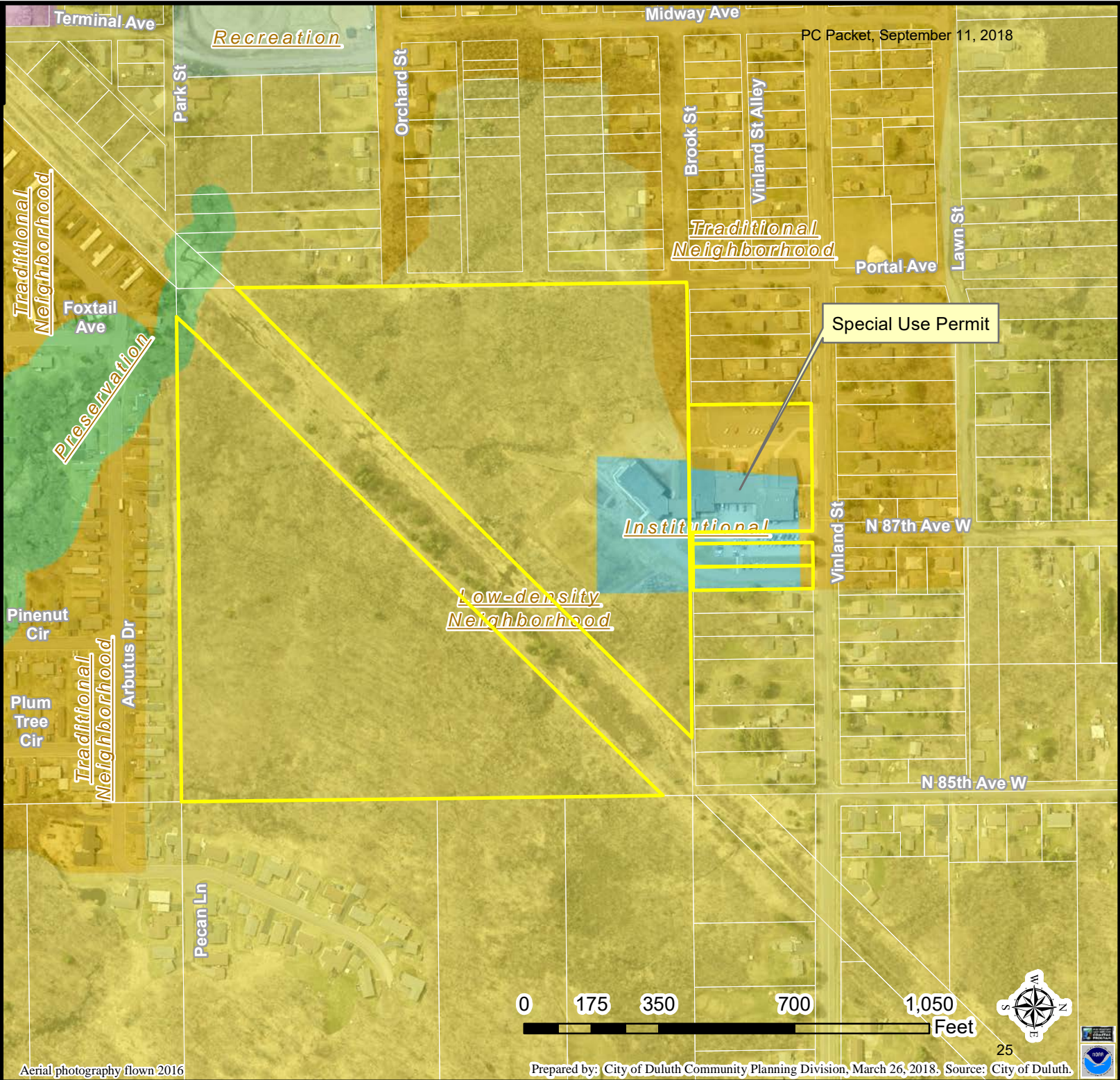




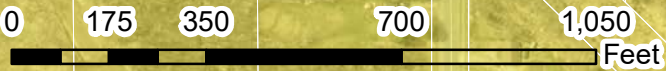
**Legend**  
**Future Land Use - Plus**  
**Future Land Use**

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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Aerial photography flown 2016





Prepared by: City of Duluth Community Planning Division, July 9, 2018. Source: City of Duluth.



Aerial photography flown 2016

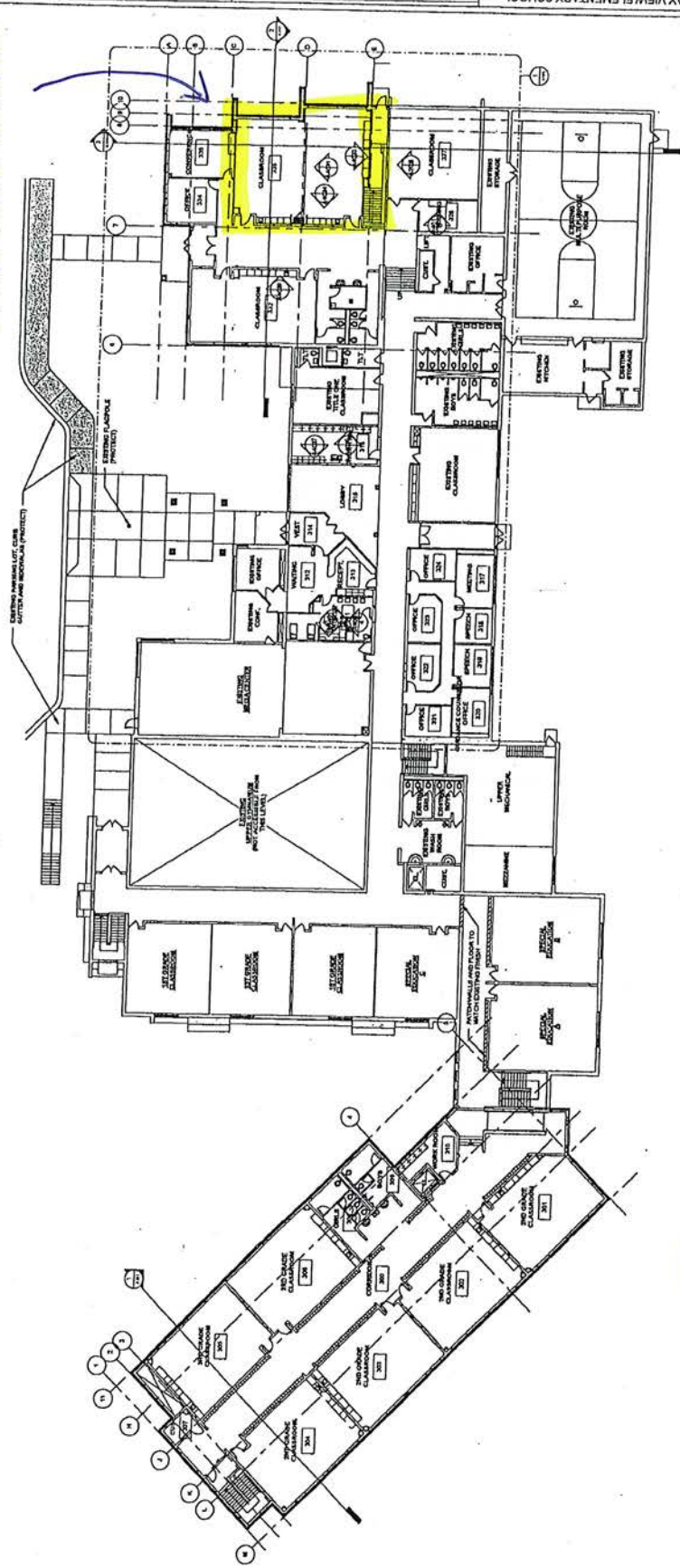
Vinland St

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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*Current classroom  
 planned for  
 Little Rails Preschool*



- GENERAL NOTES:**
1. ALL DIMENSIONS AND SPECIFICATIONS ARE COMPLIMENTARY TO EACH OTHER. FOR CLARIFICATION, DIMENSIONS GOVERN OVER THE ARCHITECT IMMEDIATELY ADJACENT TO THE DIMENSION.
  2. DO NOT SCALE THE DRAWINGS.
  3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS.
  4. THE GENERAL CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  5. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  6. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  7. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  8. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  9. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.
  10. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

2. FIRST FLOOR PLAN  
 1/8" = 1'-0"



July 27, 2018

**Special Use Permit Request for Little Rails Preschool at Bayview Elementary School (Proctor School District)**

Arrowhead Head Start is a Federal and State funded program serving children Birth to Five years of age and their families. We have been providing services to children ages 3 to 5 and their families since 1965 in St. Louis, Lake and Cook counties. We are provided classroom space in existing schools in most of the communities we serve. In some cases, our Head Start classrooms are “blended” with School Readiness classrooms operated by the school district. Head Start is required to license our classrooms through Rule 3 with the Minnesota Department of Human Services Licensing Division.

Partnering with the Proctor School District, we plan to open a blended early childhood classroom serving up to 20 children that will primarily be 4 years old. Our goal is to prepare these kiddos for Kindergarten. This classroom will operate during the school year from September through May. Hours planned for licensing are 8:00 a.m. to 3:00 p.m. We plan to use an existing classroom at the Bayview Elementary School, one that was designed for a preschool classroom. We will also use other current facilities at the school (i.e. playground, gym, lunch room, etc.) so no expansion of any facility space is needed. Bussing will be provided for the children in this classroom, but parents may drop-off and pick-up their child as well. Because we plan to bus the children we may only see a small number of children (1-4, if any) with parent pick-up and drop-off.

Our classroom fits the following Guiding Principles from the City of Duluth Comprehensive Plan:

**Principle #1: Reuse previously developed lands.** We are planning to use existing space at the Bayview Elementary School. The space was designed and built for early childhood education.

**Principle #2: Declare the necessity and secure the future of undeveloped places.** Surrounding the school is a “School Forest”. We plan to provide educational activities through the school forest and school gardens for this classroom (similar to the Hartley Nature Center).

**Principle #10: Take sustainable actions.** Again, we plan to use the school forest as a learning environment for the classroom, preserving the trees and vegetation in the school forest.

**Principle #11: Include consideration for education systems in land use actions.** Expanding a preschool classroom at the Bayview Elementary School will increase the number of children attending the school. This will be a neighborhood-area for more families with young children to consider residing in.

**Principle #12: Create efficiencies in delivery of public services.** The Bayview Elementary School is already utilizing existing public services.

Because the classroom will be in an existing public school building, this will not have a negative impact on the the community. Children will be supervised by teachers and teacher assistants at all times while attending school. We will have 2 licensed teachers and a certified Teacher Assistant in the classroom. The school building is surrounded by mature trees and vegetation between homes and the school. Pictures showing the trees/vegetation around the school are provided.

No additional material are needed to be in compliance with Use-Specific Standards in Section 50-20 or any Development Standards in Article 4. We will be using an existing classroom/school building that have been developed to these required standards. Existing parking on both sides of the school building will be used. Landscaping around the school building is shown in the included pictures.

Respectfully Submitted By,

A handwritten signature in blue ink that reads "Norman E. Ferris, III". The signature is written in a cursive style with a large initial "N" and a stylized "F".

Norman E. "Skip" Ferris, III  
Director, Arrowhead Head Start



**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL18-119	<b>Contact</b>	John Kelley, 218-730-5326	
<b>Type</b>	Special Use Permit	<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	August 13, 2018	<b>60 Days</b>	October 12, 2018
	<b>Date Extension Letter Mailed</b>	August 21, 2018	<b>120 Days</b>	December 11, 2018
<b>Location of Subject</b>	4628 Pitt Street			
<b>Applicant</b>	St. Michaels Catholic Church	<b>Contact</b>		
<b>Agent</b>	Chris McMahon	<b>Contact</b>		
<b>Legal Description</b>	LOTS 1 THRU 8, BLOCK 073, LONDON ADDITION TO DULUTH			
<b>Site Visit Date</b>	August 31, 2018	<b>Sign Notice Date</b>	August 28, 2018	
<b>Neighbor Letter Date</b>	August 28, 2018	<b>Number of Letters Sent</b>	85	

**Proposal**  
Applicant proposes to increase the pre-school enrollment by 10 students. The applicant will utilize the existing Lakeside St. Michaels school building for the additional 10 students. Preschools in an R-1 District require a special use permit.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Lakeside St. Michaels	Urban Residential
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Urban Residential
<b>East</b>	R-1	Residential	Urban Residential
<b>West</b>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements**  
UDC Section 50-37.10. Special Use Permits: Planning Commission shall approve the planning review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

- 1) The application is consistent with the Comprehensive Lane Use;
- 2) The application complies with all applicable provisions of this Chapter; including without limitations to any use-specific standards applicable to the proposed use, development or redevelopment, and is consistent with any approved district plan for the area.
- 3) Without limiting the previous criteria, the Commission may deny any application that would result in a random pattern of development with little contiguity to existing or programmed development or would cause anticipated negative fiscal or environmental impacts on the community.

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

Governing Principle #8- **Encourage mix of activities, uses, and densities.**

Governing Principle #11- **Consider education systems in land**

**use actions:** There is a connection between land use patterns and all level of educational facilities. School locations and housing opportunities for students and families require consideration of impacts on transportation and infrastructure systems, housing densities, parking, and non-student uses.

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

Future Land Use- Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

History: Lakeside School building has been in use as a school since 1893. St. Michael's purchased the building in 1988 for K-6 grade school use. In 2017 the Diocese of Duluth merged operation and eliminated the K-6 program but continued the pre-school program.

**Review and Discussion Items**

Staff Finds that:

- 1) Applicant would like to continue use of the existing classrooms and facilities in the Lakeside St. Michaels School as a pre-school. The schools current license from the State of Minnesota allows for 70 preschoolers. The current enrollment is 60 students. Applicant proposes to increase the pre-school enrollment by 10 students. The school building is open year round for pre-school and other educational programs. Hours of operation would be from 6:30a.m. to 5:45p.m. The pre-school will use other current facilities at the school including the playground, gym and lunch room. There are no plans for expansion of any of the facility for the pre-school use.
- 2) A preschool is a reasonable use in the R-1 district. A preschool requires a special use permit to operate in an R-1 district. The school has been operating as a pre-school for a number of years and is increasing the capacity by 10 children but will not alter the essential character of the neighborhood, which is mainly single-family homes.
- 3) UDC Sec. 50-20.2 (Use Specific Standards). Not applicable.
- 4) UDC Sec. 50-24 (Parking and loading). Parking is required at 1 space per five persons care capacity. The school has an existing parking lot in the southwest corner of the property. The applicant has noted on the site plan that 2 additional parking spot could be provided behind the school building off of Pitt Street Alley. The school is also utilizing the previous drop-off and pick-up area along Pitt Street as parking.
- 5) UDC Sec. 50-25 (Landscaping and Tree Preservation). No additional landscaping is required as this project is not increasing the floor space by 25%, nor is the building expanding to accommodate the increase in the number of preschoolers.
- 6) UDC Sec. 50-26 (Screening, Walls and Fences). Not applicable.
- 7) UDC Sec. 50-29 (Sustainability Standards) and 50-30 (Building Design Standards). These requirements do not apply for this project.
- 8) UDC Sec. 50-31 (Exterior Lighting). No additional lighting is being planned for this project.
- 9) No citizen or City Departments comments were received at the time that this report was compiled.

**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following conditions:

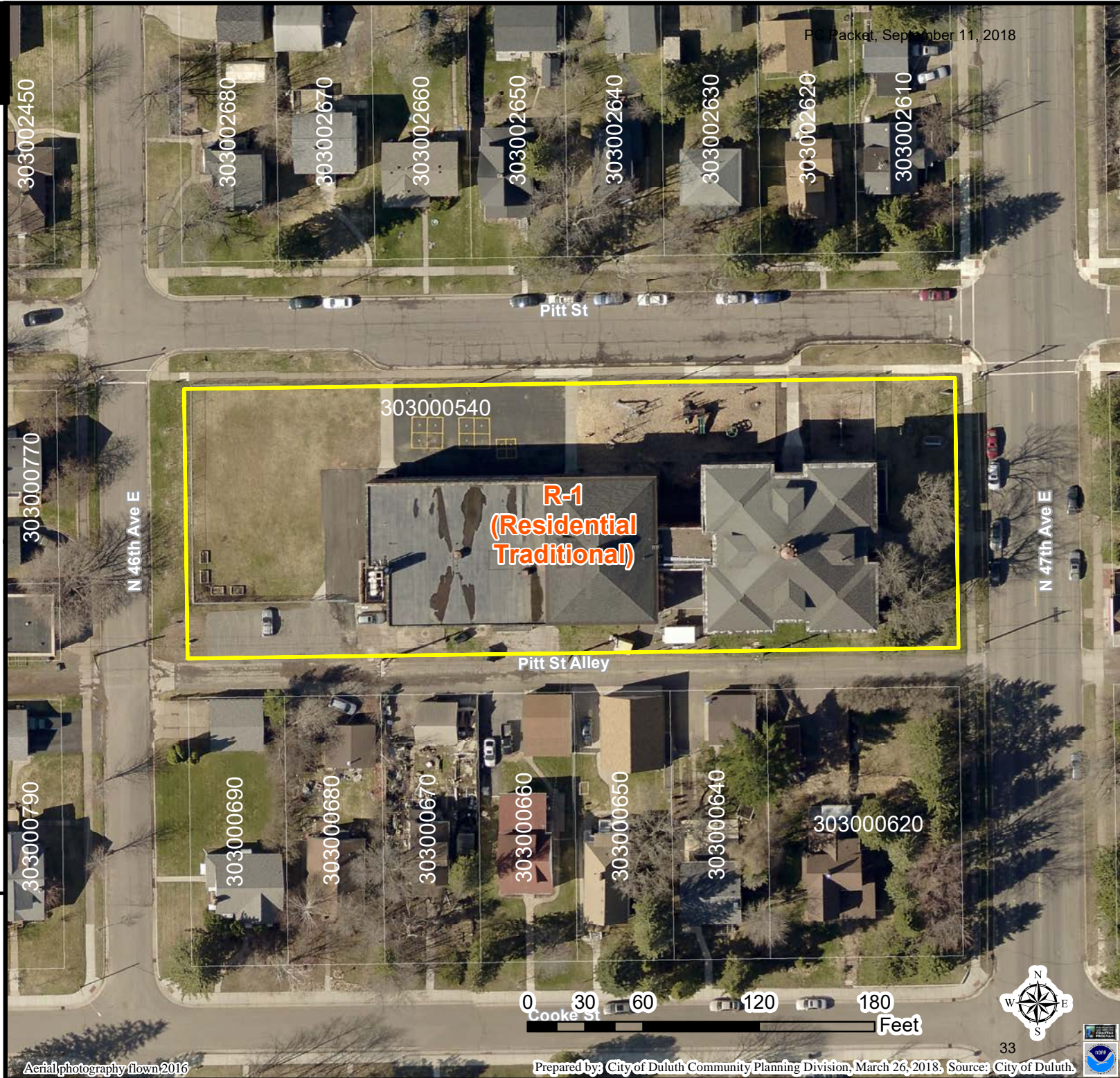
- 1) The proposal is consistent with the Comprehensive Land Use Plan.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





PL 18-119  
Special Use Permit  
Pre-school  
Zoning Map

PC Packet, September 11, 2018



**Legend**  
 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



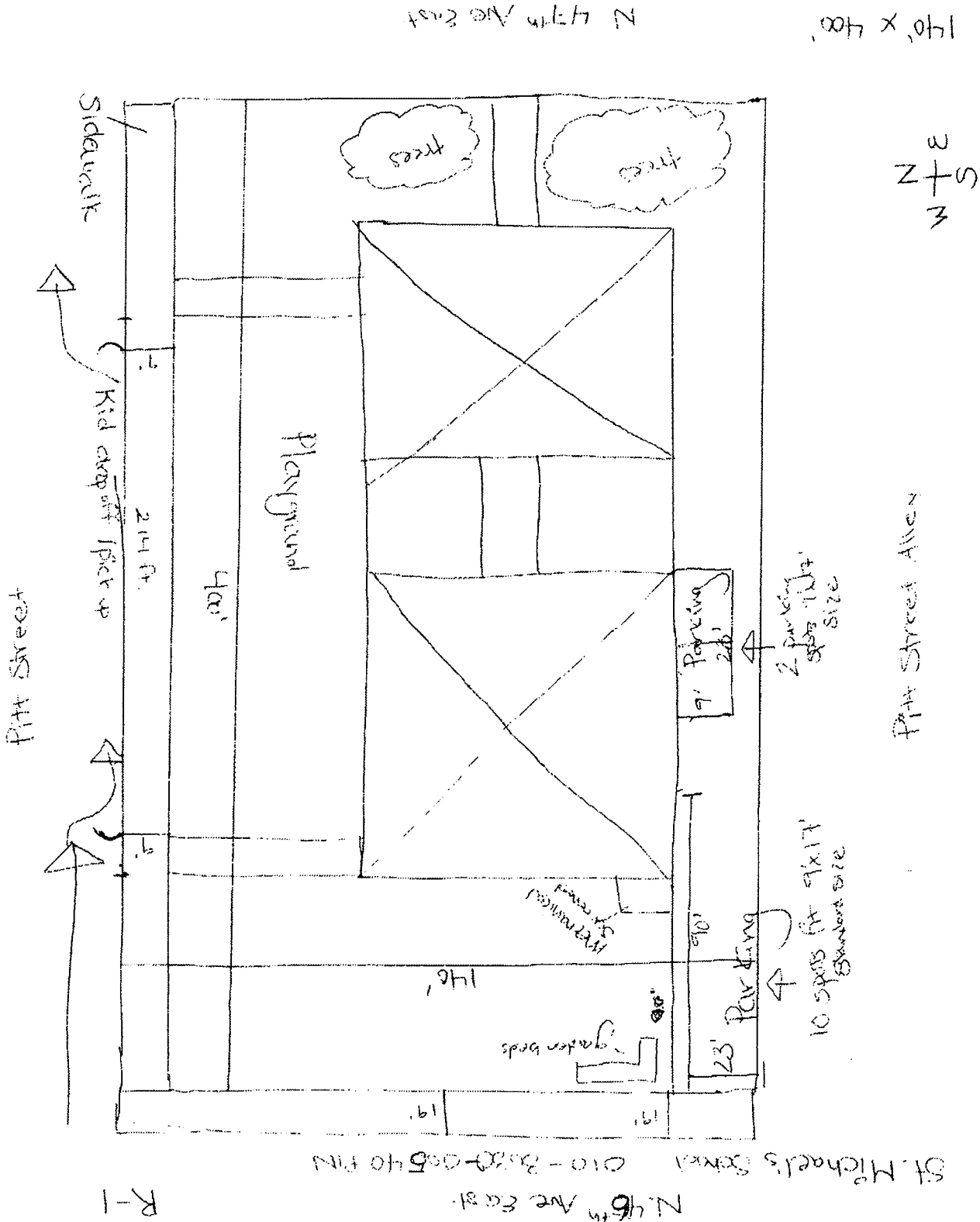


**Legend**  
**Future Land Use - Plus**  
**Future Land Use**

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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This is a briefing in support of St. Michael's Catholic Church to continue to operate St. Michael's Lakeside Early Learning in the former Lakeside School building located at 4628 Pitt St, Duluth, MN 55804. The Lakeside School building has been in use as a school since 1893, and St. Michael's, the operator of a school in the building since 1988, seeks to continue this proud legacy. We have no plans to submit, rather we were contacted by the City Planning Office as a result of a State licensing issue and asked to apply for a special use permit. While somewhat puzzled, we are happy to comply with this request.

**Background:** Founded in 1915, St. Michael's has operated a preschool/elementary school in the Lakeside neighborhood of Duluth since 1918. In 1988, with space in its facility at that time at maximum capacity, St. Michael's made an offer to the Duluth School Board to purchase the unused Lakeside School building on Pitt St. That offer was accepted, and at its height St. Michael's Lakeside School enrolled 267 students pre-k through grade eight. In 2017 the Diocese of Duluth made the tough decision to merge operations of the Catholic School system, eliminating the St. Michael's existing K-6 program. St. Michael's, with the approval of the Diocese, decided to continue its very successful pre-k program, which in 2012-2017 had averaged 67 students. Our current license from the State of Minnesota allows for 30 toddlers and 70 preschoolers. Our current enrollment is slightly below that at 23 toddlers and 60 preschoolers.

**Impact on the Community:** We believe that the old Lakeside School building serves as an anchor our community, having served as a focal point of activity for 130 years. St. Michael's Church is located two blocks east. Not only does St. Michael's Lakeside Early Learning serve our parish community, students come from all racial and religious backgrounds. St. Michael's is open to all. In addition, we are one of the few facilities that works with those on subsidized tuition from the Northland Foundation and the County. We currently have 16 students on some form of economic assistance. Many of our children live

within walking distance. Moreover, many of our teachers and aides live in the community as well. Our playground and fields are open to community to use after 4 pm and community organizations, like AA, use our facility for the cost of cleaning. St. Michael's believes that the Early Learning Center is an integral part of our mission to serve our church community *and* our neighborhood.

The building has trees on all sides to mitigate noise and adding to the natural beauty of the area, we have replace much of our damaged sidewalk, and have off street parking for staff. Working with the City of Duluth, we have changed drop-off and pickup procedures for our families to make it easier on the neighborhood, and school buses are no longer using Pitt St. for St. Michael's, lessening the impact on the community.

We have, to our knowledge, never received a negative complaint from the neighbors. We believe, and believe that the record will show, that we have built strong relationships with the community. Indeed, not only will the continued use of the facility not have a negative impact on the community, we believe that there is a long and clear positive impact that St. Michael's and our school have had on the community; a proud legacy that we seek to continue for many years to come.

**Advancing the governing principles:**

**Principle 1-** No one can argue that this is a good reuse of previously developed lands,

**Principles 3, 4, and 5-** certainly we support the traditional economic base. Childcare is critical for most to successfully participate in the economy. Moreover, recent articles in the News Tribune and other sources suggest that there are still far too few childcare spots to fulfill all of Duluth's needs. At a time when many other facilities are closing, St Michael's continues to thrive. Indeed, when the YMCA's Little Treasures and the Benedictine Sister's St. Anthony's programs closed, St. Michael's was able asorb those families into our program. Without a doubt, we are strengthening neighborhoods and supporting the economic base.

**Principles 6 and 7-** St. Michael's, not only the church, but also its school presence, have been a force in the Lakeside community since 1915. The Lakeside School building has given good service for 130 years. St. Michael's remains a vital vibrant force in our neighborhood, and are committed to the upkeep and maintenance of the old Lakeside School building. Not only have we maintained the building and grounds, we have entered into an agreement with city to replace a significant portion of the sidewalk around the building, have worked with the parking commission to come up with better use restrictions on Pitt St., and have worked with City regarding the planting of new trees on the boulevards of both 46st and 47<sup>th</sup> Avenues, and on both sides of Pitt St.

**Overall, we believe that St. Michael's Early Learning is consistent with, and will continue to operate under, the governing principles of the City of Duluth's Comprehensive Plan.**



**Public Administration Department  
Parks and Recreation Division**

City Hall - Ground Floor • 411 West First Street • Duluth, Minnesota • 55802  
218-730-4300 • [www.duluthmn.gov/parks/](http://www.duluthmn.gov/parks/)

PC Packet, September 11, 2018



August 9, 2018

Dear President Schraepfer and Members of the Planning Commission:

The City in partnership with Hartley Nature Center is nominating the Hartley Area to the Duluth Natural Areas Program. The DNAP, regulated by ordinance (Duluth City Code, Chapter 2, Article XXIX, Sect 2-152) and its' complimentary guidelines, is designed to protect and preserve Duluth's natural heritage. The mechanisms used to protect such lands include: identifying valued environmental properties owned by the city and/or owners interested in participating in the DNAP and establishing a means to protect such properties from development or exploitation. Protection of these lands in and around Hartley Park meet the City's declared purpose for Hartley Nature Center which is to "foster and enhance educational and recreational activities aimed at promoting the preservation of, learning about, and understanding of the natural environment of the Duluth area."

The City and HNC have followed an expanded public process beyond the requirements of the ordinance to nominate these lands because:

1. It provided an opportunity to re-visit the DNAP and its' purpose by taking extra time to educate citizens on this tool we have to better protect and preserve open spaces of ecological value.
2. It was important to provide education on the Hartley nomination and seek input. This was done by holding two stakeholder meetings and an open house.
3. It was important to seek input from the Parks and Recreation Commission. This was done through a series of three meetings. The first meeting was to educate the commission on the DNAP, the second was to present information on the nomination of Hartley to the DNAP, and the third was to obtain comments and a vote on the nomination.

The feedback we received was overwhelmingly supportive. Comments included questions about trails and if any would be removed. The natural area will hold to the trails shown in the 2014 mini master plan. Trail user groups have shown support for their role in the DNAP such as helping to maintain trails from erosion and protect plant communities by watching for invasive species. The Parks and Recreation Commission voted unanimously in support of the nomination. We also assured them that they would be part of the process for developing the management plan should the DNAP be approved.

At this time, we are bringing the nomination to the Planning Commission for a vote. Hartley meets the requirements for a DNAP because of its significant plant communities, designated cold water stream, and geologic features. Hartley's approval for a DNAP designation will help the city better manage the natural resources through restoration, monitoring and education. We are excited to bring the DNAP to the forefront as our best local tool for protecting and managing the City's 10,000 acres of open space and hope the Planning Commission will support this nomination.

Sincerely,

William Roche  
Parks and Recreation Manager  
City of Duluth Parks and Recreation  
218-730-4309  
[wroche@duluthmn.gov](mailto:wroche@duluthmn.gov)

Nomination of  
Hartley Park  
to the  
Duluth Natural Areas Program

*July 2018*

Nominated by:

City of Duluth in cooperation with Hartley Nature Center



## PREFACE

The Duluth Natural Areas Program (DNAP) was created as a city program to protect and preserve Duluth's natural heritage by using mechanisms to identify valued environmental properties owned by the city and/or other owners interested in participating by establishing a means to protect such properties from development or exploitation. The qualifications for lands to be incorporated into the DNAP and the various avenues to protect these special places are specified in the ordinance (Duluth City Code, Chapter 2, Article XXIX, Sect 2-152) and its complimentary guidelines.

Hartley is a prime candidate for the DNAP. Duluth's declared purpose for Hartley Nature Center is to *"foster and enhance educational and recreational activities aimed at promoting the preservation of, learning about, and understanding of the natural environment of the Duluth area."* Most of Hartley's city owned lands as well as some additional lands owned by the state and Hartley Nature Center meet the requirements of the DNAP because the lands are viable examples of significant native plant communities, natural water features and geologic landforms representative of the area and the land owners have expressed an interest in permanently protecting them.

This report provides the following information established in the guidelines for nominating Hartley lands to the DNAP:

- Nomination in Brief – background of the DNAP and the categories met for the nomination
- Nomination Area and Land Ownership – map of the land parcels incorporating the nomination area along with an ownership table
- Significant DNAP Scientific Criteria – assessment of the three environmental criteria (plants, water, geology) for which the lands are being nominated.

## I. NOMINATION IN BRIEF

Hartley Nature Center has worked in partnership with the City of Duluth to complete this application for Hartley Park to be included in the Duluth Natural Area Program (DNAP) and requests submission to the Planning Commission and City Council for review under Duluth City Code, Chapter 2, Article XXIX, Sect 2-152. Hartley Park has areas of high natural quality and unique environmental value that should be preserved and managed for future generations. Furthermore, on-going restoration is enhancing Hartley as Duluth's premier nature-based park.

A natural-area program within an urban environment creates opportunities and challenges different than in remote settings. While most natural areas require management and restoration of ecological features, management and restoration in urban areas must deal with past and present human pressure. The land-use history at Hartley Park offers a range of opportunities to protect high-quality natural features as well as opportunities to restore degraded plant communities to healthier ecological condition. Furthermore, Hartley Park's urban setting offers an opportunity to demonstrate Duluth's commitment to permanent protection of an important and well-known park already perceived by residents as a natural area. Finally, the combination of history, location, and mission offers the ability to demonstrate and educate the public about ecological restoration and land management focused on natural features.

The Master Plan for Hartley Park approved by the City of Duluth on July 21, 2014 says that *"The Park is ... a laboratory, classroom, and regional showcase for ecological restoration ... learning about, creating and advocating for visionary restoration of Hartley's diverse landscapes and similar landscapes in northern Minnesota."* It says that *"The Park provides a unique, immersive nature experience."* and that *"Preservation and restoration of natural resources is unusually important to the use of Hartley Park. Ecological restoration is not only essential to the extensive environmental education programming occurring in the Park, but it is integral to place-appropriate recreational use."* and *"to the unique purpose of Hartley as Duluth's premier nature-based park."*

The Hartley Park nomination includes approximately 620 acres in Duluth's east side. All of the lands nominated are parcels owned by the City of Duluth, State of Minnesota, and Hartley Nature Corporation: The area is one of the best and largest remaining examples of viable natural areas representative of the Duluth areas under the Significant Native Plant Communities, Natural Water Features, and Geological Landforms as described in the DNAP Guidelines under Article IV, Sections A, C, and E as follows:

Section A. Significant Native Plant Communities—Hartley Park is a viable and functional ecosystem within the City limits, including fourteen distinct, high quality occurrences of plant communities native to Duluth and a designation by MN DNR a site of Biodiversity Significance.

Section C. Natural Water Feature Area—Hartley Park includes the headwaters of both branches of Tischer Creek, a designated trout stream (MN Dept. of Natural Resources Class 2A cold water sport or commercial fish and associated aquatic life, and their habitats; i.e. the most sensitive surface waters) as well as numerous vernal pools, and unique wetlands.

Section E. Geological Landforms Area—Hartley Park contains outcrops from the Midcontinent Rift 1.1 billion years ago, as well as evidence from the Tettegouche Till Plain.

## II. NOMINATION AREA AND LAND OWNERSHIP

The City of Duluth, in partnership with Hartley Nature Center, is nominating Hartley Park for inclusion in the Duluth Natural Areas Programs (DNAP). The “Declaration of Policy” of the City’s lease agreement with Hartley Nature Center approved by the Duluth City Council on July 22, 2002 states that *“The City hereby declares its intention that the primary use of Hartley Park shall be that of a nature center and, as such, that Hartley Park be used as a facility to foster and enhance educational and recreational activities aimed at promoting the preservation of, learning about, and understanding of the natural environment of the Duluth area. In order to serve this purpose, the City hereby declares its intention to maintain ownership and control of Hartley Park as it presently exists, to develop, in cooperation with Lessee, a plan to manage Hartley Park with the intent of protecting its natural qualities...”*. Management to restore and protect natural qualities throughout the park is central to the Hartley Park Master Plan approved by the City of Duluth in 2014. Park management will prevent fragmentation, foster ecological restoration and provide ecological resiliency to the diverse complex of plant communities.

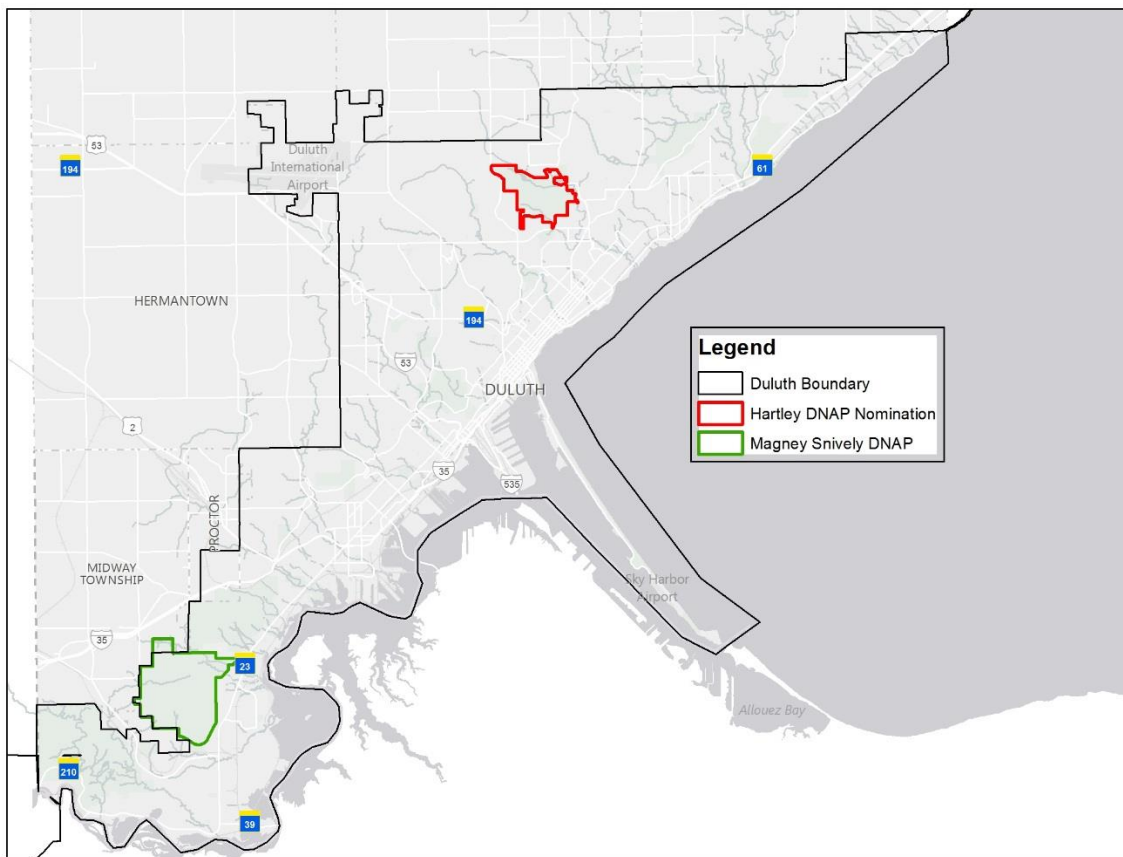


Figure 1: Hartley Park in proximity to the rest of the City of Duluth

The Hartley Park DNAP nomination includes approximately 620.41 acres in northeast Duluth. Figure 1 shows the proximity of Hartley Park in relation to the City of Duluth and the only currently existing DNAP area, Magney Snively, and figure 2 shows the proposed DNAP boundary for Hartley Park.

Figure 2 shows the proposed Hartley Park DNAP area in relation to the land ownership. Appendix A provides the parcel ownership table.

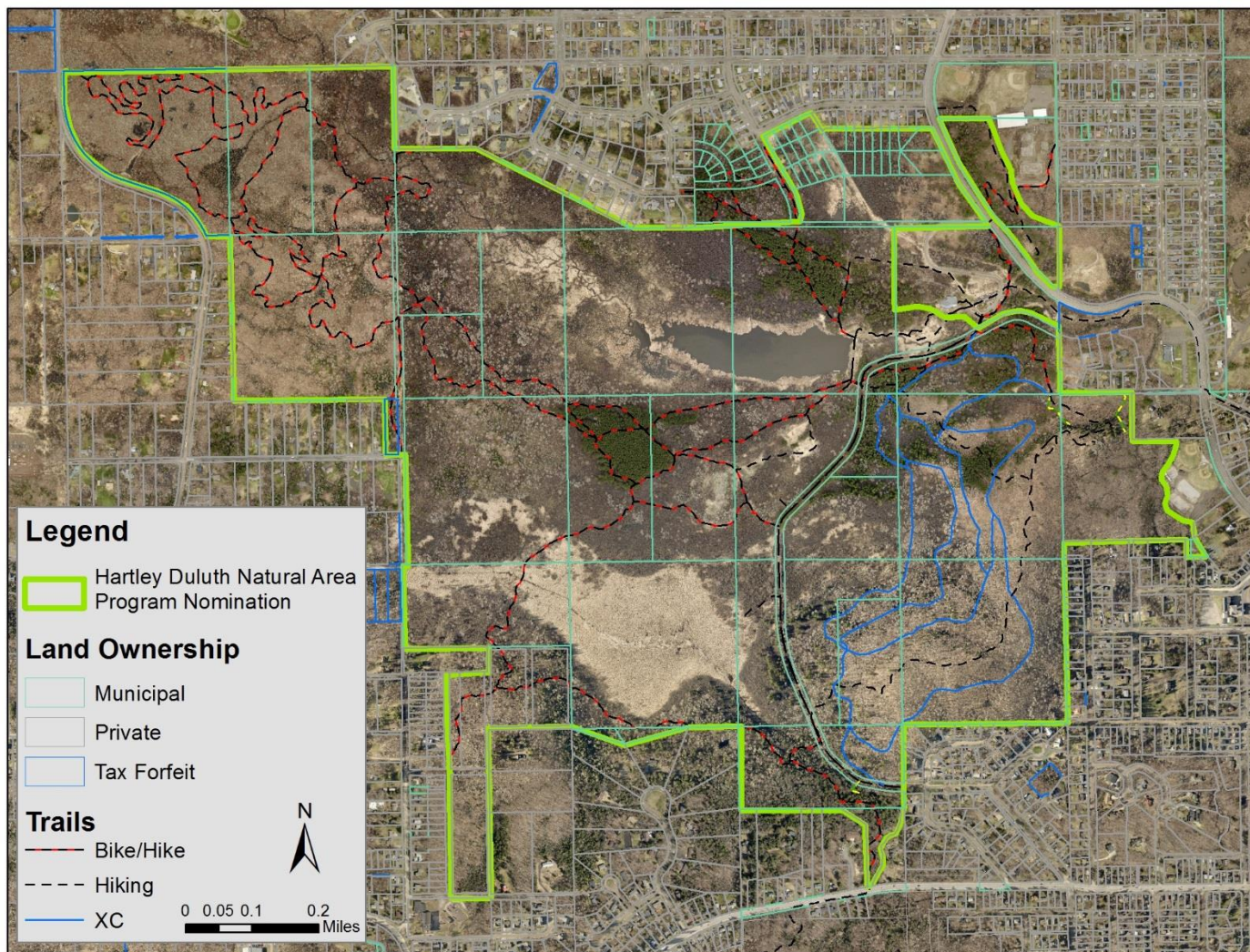


Figure 2: Hartley Park DNAP boundary

Hartley Park's wooded hills, fields, designated trout streams, pond, wetlands, and vernal pools provide ecological systems in a variety of habitats that include a rich diversity of flora and fauna. The park is identified with nature and is a community focus point for nature appreciation, education, preservation, and restoration.

The DNAP nominated area consists of approximately 573.51 acres owned by the City, 18.76 acres owned by Hartley Nature Corporation, and 28.14 acres owned by the State of Minnesota for a total of 620.41 acres (Figure 2).

### III. SIGNIFICANT DNAP SCIENTIFIC CRITERIA

Hartley Park is one of the largest areas of natural communities in Duluth. The management plan will be used to prevent fragmentation, guide restoration efforts, and give ecological resiliency to the diverse complex of plant communities

Below is some background on the significant science criteria supporting this nomination.

Significant Native Plant Communities--14 high quality occurrences totaling 488 acres of different undisturbed and viable native plant communities to the Duluth area are present within Hartley Park (Figure 3). Appendix B provides the breakdown of native plant communities in acreage.

The Sugar Maple-Basswood-(Bluebead Lily) MHn56 forest type is relatively rare in the Tettegouche Till Plain, and its presence increases Hartley's ecological significance. The predominant natural vegetation of the Tettegouche Till Plain is northern hardwood forest of sugar maple and red oak (MHn56), like the 171.4 acres found at Hartley. In Duluth, most of this forest has been removed or converted to aspen forest. This is one of the largest remaining remnants of northern hardwoods in Duluth (the Magney Snively Forest is the largest remnant).

Adding to Hartley's significance is the large wet meadow (WMn82b) and willow swamp (WMn1a) complex. This is the largest wet meadow in Duluth within the Tettegouche Till Plain. Outside the Tettegouche Till Plain, only a few wet meadows along the St. Louis River are larger.

Hartley Park is also home to a group of eastern white pine trees that have the highest natural resistance to white pine blister rust of any trees ever found in Minnesota. Cuttings collected by science staff from the University of Minnesota Cloquet Forestry Center and the United State Forest Service from several trees in this stand have been grafted for research to enhance propagation of blister rust resistance into Minnesota forests. The protection of this unique stand through a DNAP designation is a high priority, as this small population provides the opportunity to re-establish this ecologically important species.

### DNR Plant Community Types

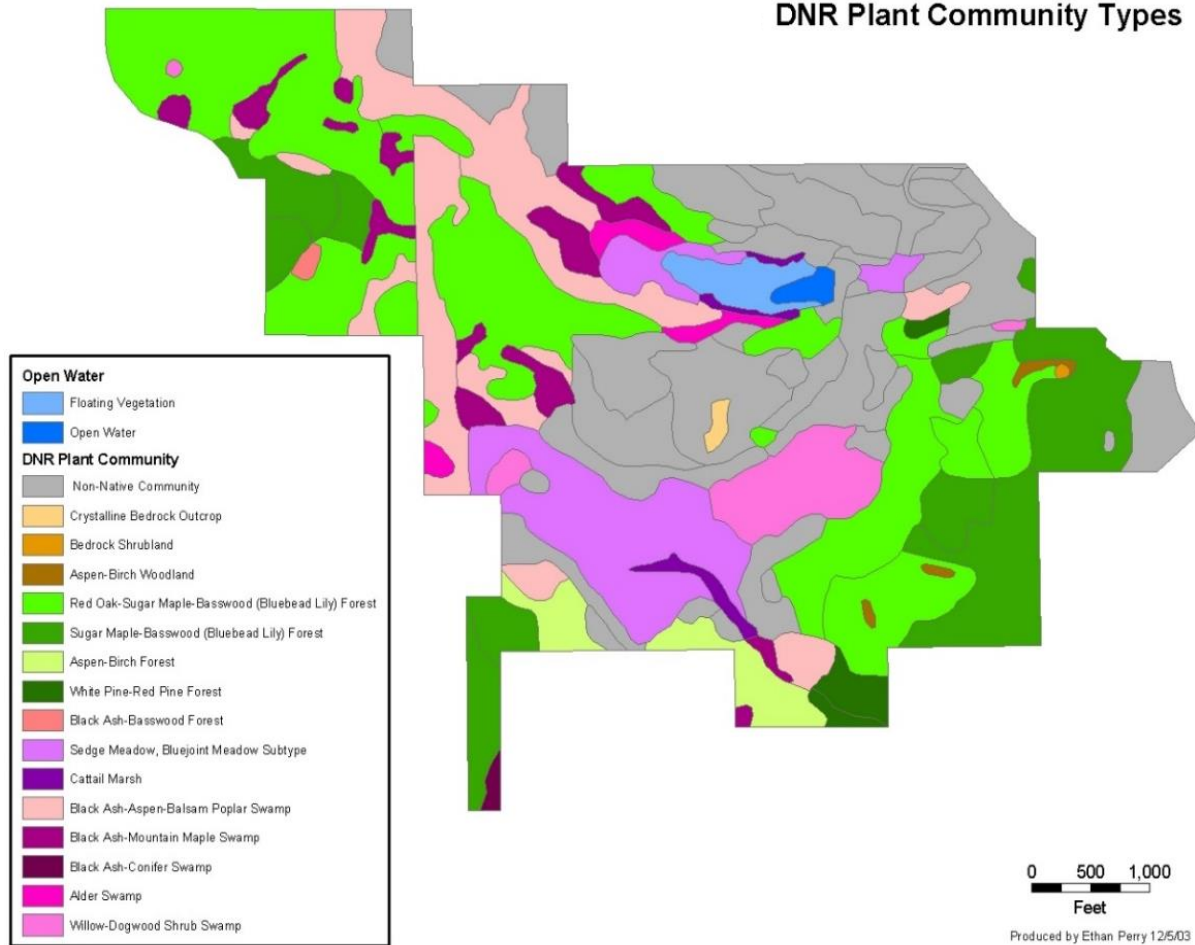


Figure 3 – MDNR Plant Community Types

The diversity of community types (two types of northern hardwood forest, three types of lowland forest, pine forest, wet meadow, willow swamp, etc.) is in and of itself significant. Further, 117 acres of BC-ranked plant communities (Figure 4) is considered significant for Duluth where all places have been impacted to some degree by humans and most places have been heavily impacted. These remnants stand among the best of natural vegetation in Duluth. Only the Magney-Snively and Park Point forests are assessed thus far as higher quality and the size of the wet meadow at Hartley further increases the significance. Using guidelines refined since the 2004 native plant community mapping and condition ranking, many of the previously unranked communities would now likely receive a D or CD ranking and some of the communities ranked D and CD would likely be ranked moderately higher. In addition, recent restoration projects focused on addressing non-native species and the lack of diversity in planted conifer stands to enhance the condition of lower ranked communities and is not represented in this mapping effort, nor are pending efforts to create new pollinator meadows.

## Native Plant Community Ranks Hartley Park

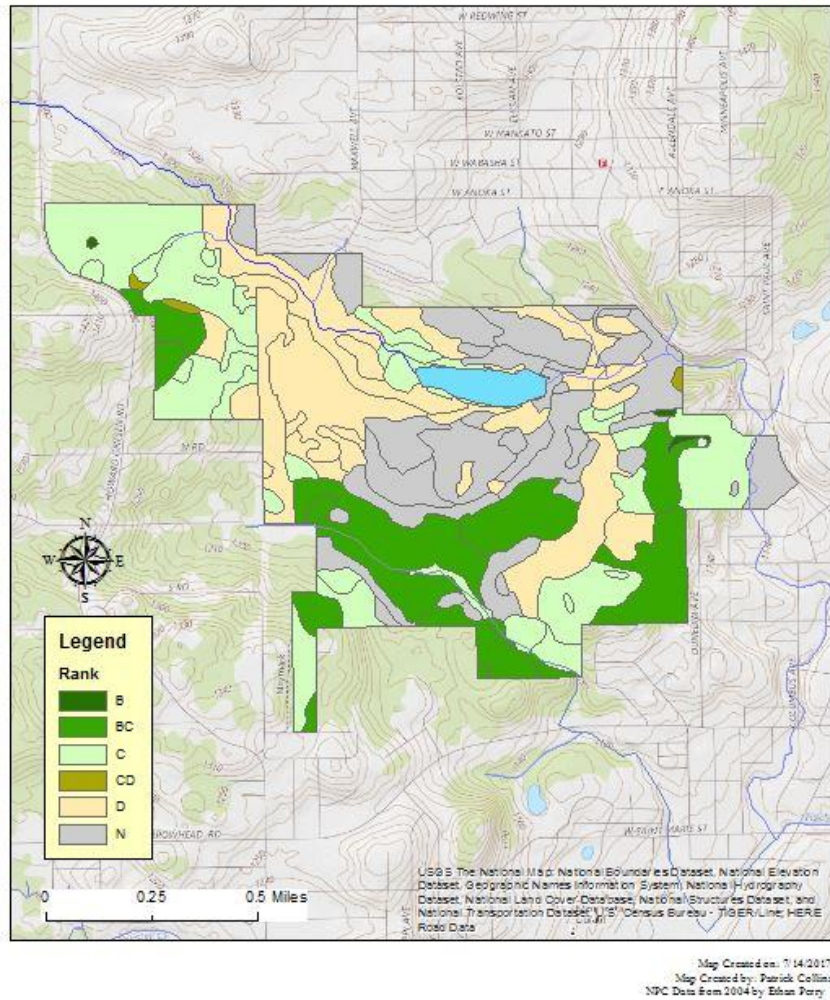


Figure 4 – Plant Diversity – Quality Rank

Most of the park will serve as a managed buffer for natural processes of native plant communities, and ongoing restoration will continue to improve the condition of those communities. In addition, the northwest of Hartley Park, across Howard Gnesen Road, there are natural areas linked with only a few intervening roads to the natural communities surrounding Wild Rice Lake. Connectivity to these natural areas may explain why animals such as otters and black bears frequent the habitat at Hartley Park.

Natural Water Feature Area—Hartley Park forms the wet meadow/shrub swamp headwaters of two branches of the designated cold-water trout stream, Tischer Creek. Coldwater streams are very sensitive to human caused disturbance, and therefore, are given the highest level of protection by the state. The Tischer Creek watershed (Figure 5) is one of Duluth’s 16 named trout stream watersheds that are grouped together as a potential management unit for the purpose of implementing the state’s new watershed restoration and protection strategy (WRAPS). Protection of the park’s streams and other aquatic resources is most easily and inexpensively accomplished by:

1. Protecting wetlands which provide water storage that reduces storm flows, streambank erosion, and downstream flooding (Figure 6);
2. Protecting and revegetating the stream and pond riparian zone; and,
3. Educating and informing the park’s user groups.

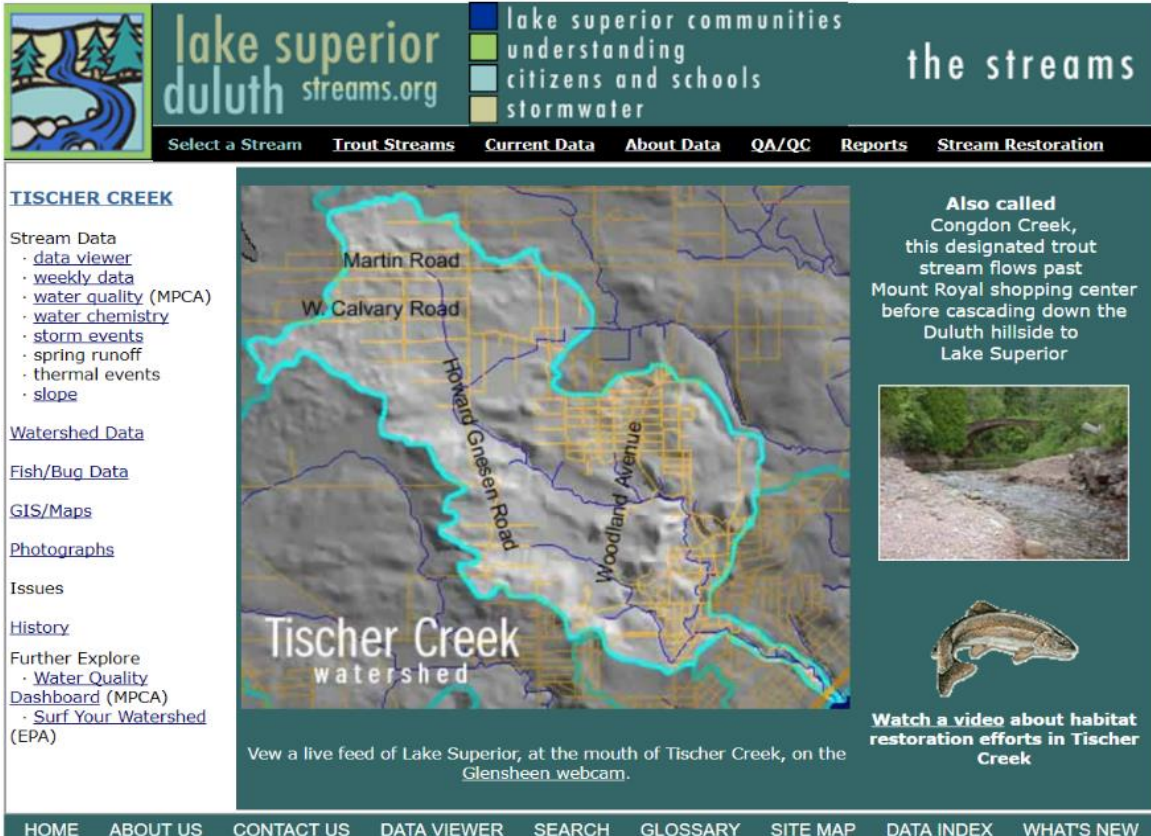


Figure 5 – Tischer Creek Watershed – Lake Superior Streams

Further, protecting the Tischer Creek ecosystem also serves to help protect the nearshore waters of Lake Superior, since it discharges into the lake at the Glensheen Mansion property. Headwater wetlands, such as those present in Hartley Park, are a critical component of protecting cold-water streams and the important habitat they provide. Protection of these natural wetland areas provides base flow to the streams during dry conditions, maintains the input of cool water to prevent overheating, and reduces peak flow events that cause flooding and downstream erosion. Additionally, because Lake Superior is extremely phosphorus deficient in regard to algal growth, protection of Hartley Park’s natural features, also known as “green infrastructure” is important to minimize the loading of excess phosphorus to the lake.



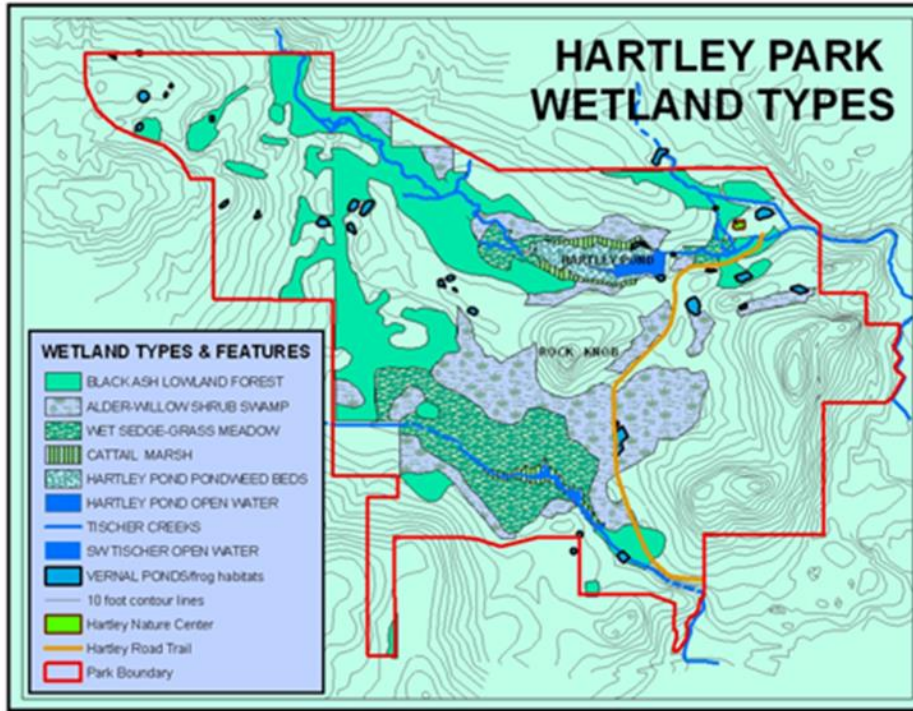


Figure 6: Wetland types within Hartley Park contribute to the health of Tischler Creek and retain water.

Vernal pools are small seasonally flooded wetlands that provide vital habitat for many native amphibians (e.g., blue-spotted salamanders, spring peepers, chorus frogs, gray treefrogs, wood frogs) and aquatic insects that require fish-free wetlands to survive. Plants and animals supported by vernal pools are the primary food base for terrestrial wildlife in northern forests (i.e., reptiles, small mammals, etc.). Research estimates 37,000 vernal pools may exist in the 740,000 acres of Minnesota's Lake Superior coastal zone (5 pools per 100 acres); however, many are unmapped due to their small size and ephemeral nature. Scientists at NRRI-UMD completed a project funded by Minnesota's Lake Superior Coastal Program (administered by MNDNR): "*Evaluating vital, small forested wetlands.*" The goal was to map potential vernal pool locations in the MN coastal zone, field verify vernal pool locations, and conduct public workshops to raise awareness about the value of vernal pools and recruit citizen scientists/volunteers to locate and monitor vernal pools throughout the MN Lake Superior coastal zone. The work included vernal pool surveys in National Forest, State Parks, and other public properties. In Hartley Park, the results show multiple vernal pools (Figure 7) that provide breeding habitat for a suite of northern amphibian species including the following observed in 2014: wood frog, northern leopard frog, spring peeper, western chorus frog, gray treefrog, mink frog, and blue-spotted salamander. All of these species require wetlands, such as vernal pools, for breeding, but also need upland terrestrial habitat for foraging, migration, and/or overwintering. Hartley Park is unique because it includes the breeding habitat for these amphibian species and the upland terrestrial habitat within an intact forested area, providing a safer environment for movement between habitats and migration (e.g., no roads to cross).

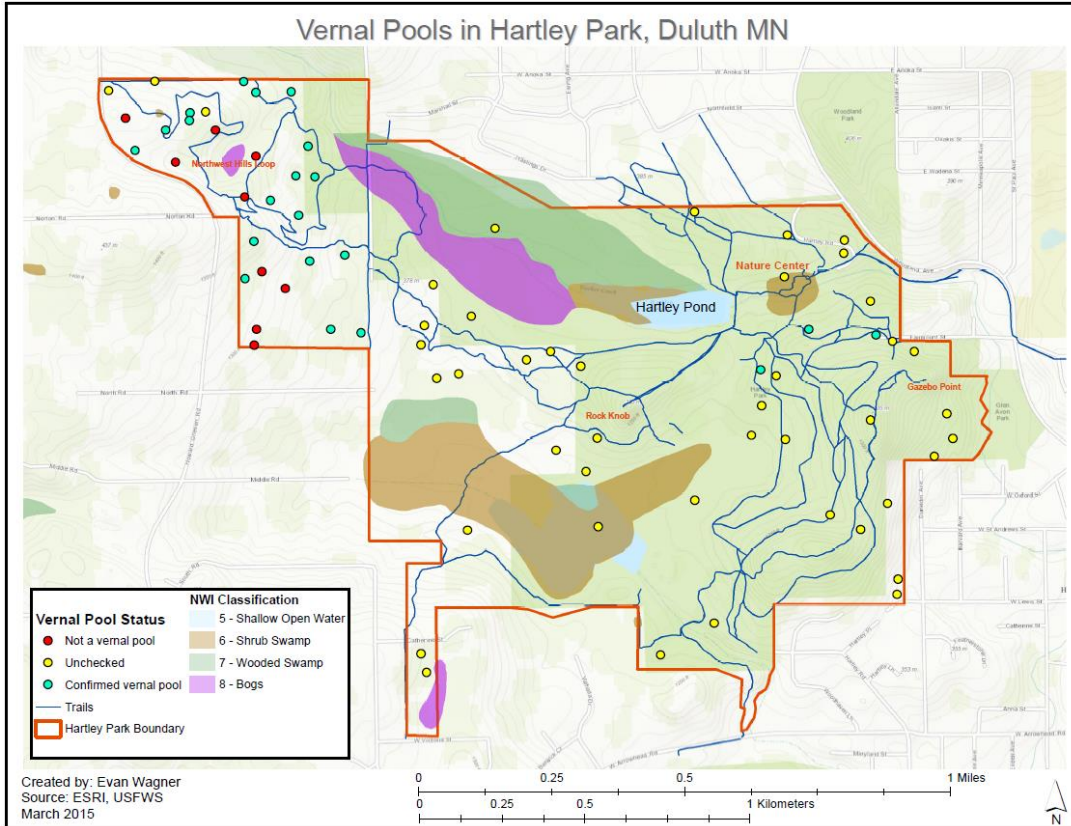


Figure 7 – Potential (yellow) and Verified (green) vernal pools in Hartley Park

**Geologic Landforms Area—Tettegouche Till Plain** - The Tettegouche Till Plain, a band of rolling topography at the crest of the slope overlooking Lake Superior and the St. Louis River, forms the backbone of Duluth. Hartley Park contains the substantially undisturbed geological landform of the Tettegouche Till Plain, illustrating the northwest to southeast flutes formed by the glacier (Figure 8).

The evidence of geologic history within Hartley Park exemplifies the Midcontinent Rift, including volcanism, intrusion, and crystallization of plutonic rocks such as the Duluth Gabbro Complex, and deposition of sediments, about 1.1 billion years ago.

This was followed by the Tettegouche Till Plain glaciation period that sculpted the landscape of Hartley.

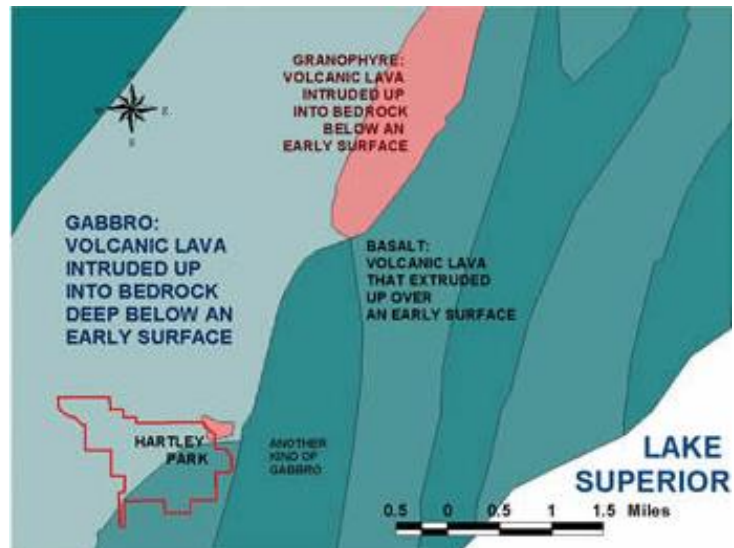


Figure 8: Approximate areas of geologic landforms

**APPENDIX A: - Table of Parcels/Owners**

Parcel #	Owner	Acres
010-2710-00330	53.5% of City of Duluth Parcel (36.19 acres)	19.37
010-3470-00250	State of Minnesota C278 L35	1.02
010-2710-00350	City of Duluth	38.83
010-2710-00525	City of Duluth	20.08
010-2710-00526	City of Duluth	20.07
010-2710-00540	State of Minnesota C278 L35 <i>(note: preliminary title review shows the City of Duluth as owner – June 2018)</i>	27.12
010-2710-00560	City of Duluth	39.14
010-2710-00572	City of Duluth	1.84
010-2710-00585	City of Duluth	17.30
010-2710-00595	City of Duluth	20.12
010-2710-00590	City of Duluth	9.6
010-2710-00596	City of Duluth	10.07
010-2710-00600	City of Duluth	40.25
010-2710-02820	City of Duluth	20.06
010-2710-02825	City of Duluth	20.07
010-2710-02830	City of Duluth	39.11
010-2710-02840	City of Duluth	20.04
010-2710-02860	City of Duluth	40.13
010-2710-03170	City of Duluth	39.09
010-2710-03180	City of Duluth	24.68
010-2710-03185	City of Duluth	12.30
010-2710-03190	City of Duluth	25.88
010-2710-03195	City of Duluth	11.52
010-2710-03200	City of Duluth	39.22
010-2710-03210	City of Duluth	18.40
010-1560-00740	HNC	3.95
010-1560-00500	HNC	3.92
010-3900-00010	HNC	3.44
010-1560-00330	HNC	1.46
010-1560-01360	HNC	5.99
010-2710-03245	City of Duluth	2.61
010-2116-00190	City of Duluth	0.24
010-2116-00200	City of Duluth	0.24

010-2116-00210	City of Duluth	0.25
010-2116-00220	City of Duluth	0.26
010-2116-00230	City of Duluth	0.41
010-2116-00240	City of Duluth	0.53
010-2116-00250	City of Duluth	0.27
010-2116-00260	City of Duluth	0.28
010-2116-00270	City of Duluth	0.29
010-2116-00280	City of Duluth	0.32
010-2116-00290	City of Duluth	0.33
010-2116-00300	City of Duluth	0.30
010-2116-00310	City of Duluth	0.32
010-2116-00320	City of Duluth	0.34
010-2116-00330	City of Duluth	0.35
010-2116-00340	City of Duluth	0.48
010-2116-00350	City of Duluth	2.71
010-2116-00480	City of Duluth	0.90
010-2116-00490	City of Duluth	0.37

010-2116-00500	City of Duluth	0.30
010-2116-00510	City of Duluth	0.29
010-2116-00520	City of Duluth	0.29
010-2116-00530	City of Duluth	0.29
010-2116-00540	City of Duluth	0.29
010-2116-00550	City of Duluth	0.29
010-2116-00560	City of Duluth	0.59
010-2116-00570	City of Duluth	0.50
010-2116-00580	City of Duluth	0.31
010-2116-00590	City of Duluth	0.31
010-2116-00600	City of Duluth	0.31
010-2116-00610	City of Duluth	0.31
010-2116-00620	City of Duluth	0.32
010-2116-00630	City of Duluth	0.41
010-2116-00640	City of Duluth	1.30
010-2116-00650	City of Duluth	8.43
	<b>Total Acres:</b>	<b>620.41</b>

**APPENDIX B: - DNAP Plant Communities Found in Hartley Park**

<b><u>DNR Code</u></b>	<b><u>Plant Community Type</u></b>	<b><u>Acreage in Hartley Park</u></b>
<b>WMn1a</b>	northern sedge meadow	52
<b>CPn79a</b>	northern alder swamp	53
<b>WMn82b</b>	willow-dogwood shrub swamp	23.9
<b>MHn62b</b>	wet-mesic black ash/sugar maple forest	1.1
<b>WFn31c</b>	very wet black ash swamp	1.3
<b>WFn71c</b>	wet black ash swamp	23.2
<b>CTn1b</b>	northern dry circumneutral cliff	0.3
<b>LSn5a</b>	lake superior dry bedrock shore	1.9
<b>ROn1a</b>	northern rock outcrop	1.3
<b>FDn3b</b>	dry-mesic red pine-white pine woodland	7.6
<b>FDn4c</b>	mesic aspen-birch-fir forest	16.3
<b>MHn5b</b>	northern rich maple-basswood forest	254.3
<b>MHn61a</b>	mesic white spruce-pine/paper birch forest	70
<b>Total Acres:</b>		<b>506.2</b>



August 2018

Dear President Schraepfer and Members of the Planning Commission,

On behalf of the Board of Directors of Hartley Nature Center, I am writing to express our enthusiasm and support for Hartley Park's inclusion in the Duluth Natural Areas Program. Hartley Nature Center's mission is to inspire lifelong connections with nature through education, play and exploration. Because Hartley Park functions as the nature center's classroom and laboratory, high-quality habitat is critical to our ongoing mission delivery.

We believe the DNAP designation and resultant management plan will bolster stewardship efforts, enhance the City's and HNC's ability to seek and secure grant funds for restoration projects, and help ensure the park remains a community asset for generations to come.

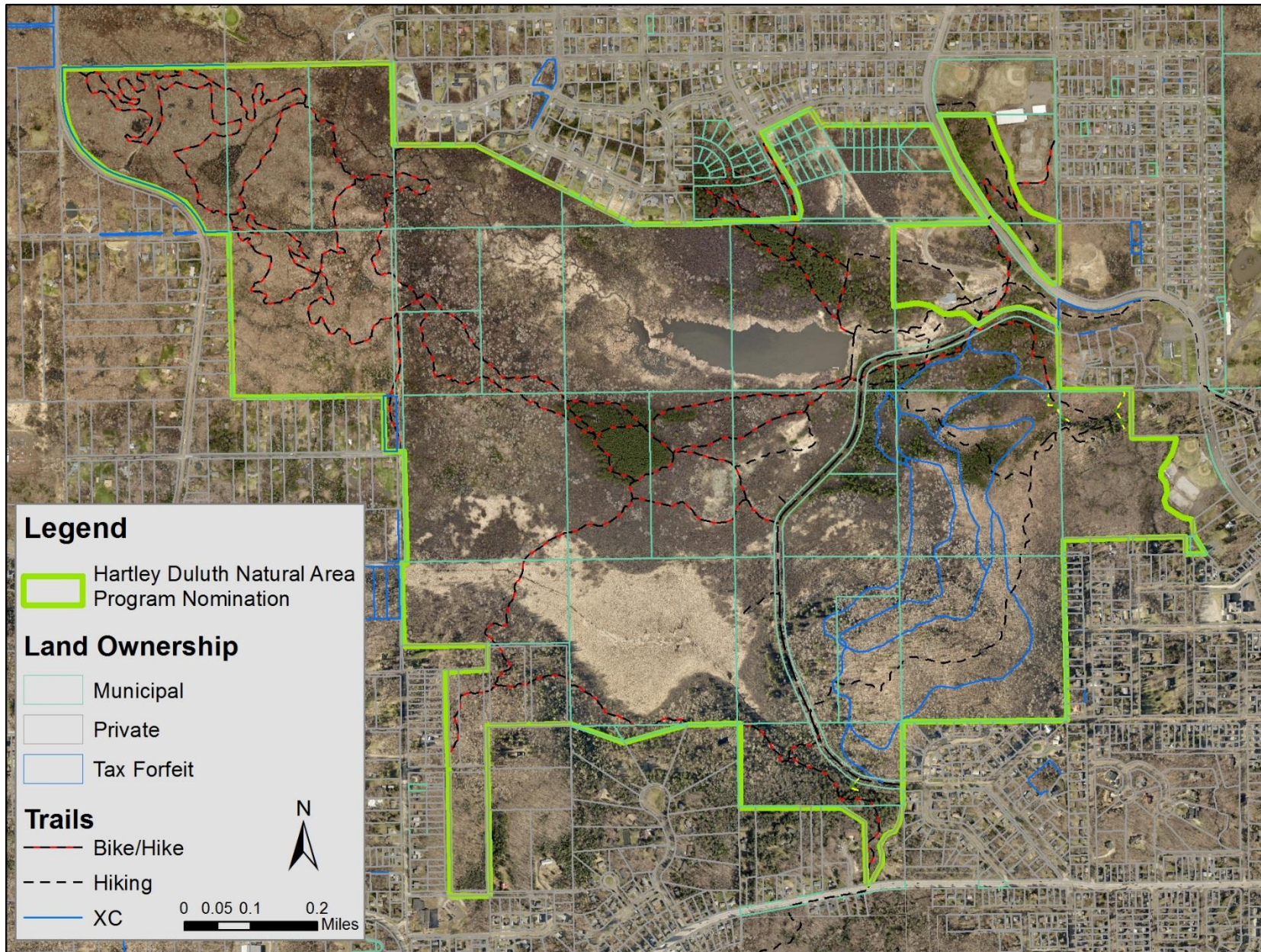
We are committed to partnering closely with the City to develop and implement the management plan for Hartley Park.

Sincerely

A handwritten signature in black ink that reads "Tom O'Rourke". The signature is written in a cursive, slightly slanted style.

Tom O'Rourke  
Executive Director

# Summary of Hartley Park's Eligibility for the Duluth Natural Areas Program



**Introduction**

Hartley Park has areas of high natural quality and unique environmental value that should be preserved under the DNAP (Duluth Natural Areas Program) for the benefit of future generations.

The “Declaration of Policy” of the lease agreement with Hartley Nature Center approved by the Duluth City Council states: *“The city hereby declares its intention that the primary use of Hartley Park shall be that of a nature center and, as such, that Hartley Park be used as a facility to foster and enhance educational and recreational activities aimed at promoting the preservation of, learning about, and understanding of the natural environment of the Duluth area. In order to serve this purpose, the City hereby declares its intention to maintain ownership and control of Hartley Park as it presently exists, to develop, in cooperation with Lessee, a plan to manage Hartley Park with the intent of protecting its natural qualities, and to authorize only those uses, events, and physical modifications of Hartley Park, including trails and other structures, which, in the determination of the City, do not materially interfere with its use as a nature center.”*

The Master Plan for Hartley Park approved by the City of Duluth on July 21, 2014 states: *“The Park is ... a laboratory, classroom, and regional showcase for ecological restoration ... learning about, creating and advocating for visionary restoration of Hartley’s diverse landscapes and similar landscapes in northern Minnesota.”* Further, it states: *“The Park provides a unique, immersive nature experience.”* and that *“Preservation and restoration of natural resources is unusually important to the use of Hartley Park. Ecological restoration is not only essential to the extensive environmental education programming occurring in the Park, but it is integral to place-appropriate recreational use.”* and *“to the unique purpose of Hartley as Duluth’s premier nature-based park.”*

Management to restore and protect natural qualities throughout the park is central to the Master Plan for Hartley Park and to the plan that will be submitted for management of Hartley Park under the DNAP. Park management will prevent fragmentation and give ecological resiliency to the diverse complex of plant communities.

Hartley Nature Center has worked in partnership with the City of Duluth to complete a DNAP application and requests it be submitted to the Planning Commission and City Council for review under Duluth City Code, Chapter 2, Article XXIX, Sect 2-152. The DNAP application elements noted in Article

IV.A.3., C.3., and E. 3 for significant plant communities, natural water features, and geological landforms are detailed in the full application.

**Significant Plant Communities**

The diversity of community types (two types of northern hardwood forest, three types of lowland forest, pine forest, wet meadow, willow swamp, etc.) are in and of itself significant. Hartley Park lies within a land type called the Tettegouche Till Plain, which forms the backbone of Duluth where the predominant natural vegetation is a northern hardwood forest of sugar maple and red oak. Historically, most of this forest was removed and is either gone or has since converted to aspen forest. Today, Hartley Park has one of the largest remaining forest remnants (Magney-Snively/Spirit Mountain Forest is the largest). All places in Duluth have been impacted to some degree by humans and most places have been heavily impacted. These remnants stand among the best of natural vegetation in Duluth. In addition, Hartley Park has one of the largest wet meadow and willow swamp complexes in Duluth, which further increases its significance. Most of the park will serve as a managed buffer for natural processes of native plant communities, and on-going restoration will continue to increase the number and size of those communities.

**Natural Water Feature**

Hartley Park includes the wet meadow/shrub swamp headwaters of two branches of the designated cold-water trout stream, Tischer Creek. Coldwater streams are very sensitive to human caused disturbance, and therefore, are given the highest level of protection by the state.

Hartley Park has numerous vernal pools that provide breeding habitat for a suite of northern amphibian species (e.g., blue-spotted salamanders, spring peepers, chorus frogs, gray treefrogs). Hartley Park is unique because it includes the breeding habitat for these amphibian species and the upland terrestrial habitat within an intact forested area, providing a safer environment for movement between habitats and migration (e.g., no roads to cross).

**Geologic Landforms Area**

The evidence of geologic history within Hartley Park exemplifies the Midcontinent Rift, including volcanism, intrusion, and crystallization of plutonic rocks such as the Duluth Gabbro Complex, and deposition of sediments, about 1.1 billion years ago. This was followed by Tettegouche Till Plain glaciation period that sculpted the landscape of Hartley.





**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 18-121	<b>Contact</b>	Steven Robertson	
<b>Type</b>	UDC Map Amendment, Rezone, from R-1 to R-2	<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	August 17, 2018	<b>60 Days</b>	
	<b>Date Extension Letter Mailed</b>	August 28, 2018	<b>120 Days</b>	
<b>Location of Subject</b>	515 North Lake Avenue			
<b>Applicant</b>	Sven and Kelsey Berg	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	010-3452-00420, 010-2680-00450			
<b>Site Visit Date</b>	August 29, 2017	<b>Sign Notice Date</b>	August 24, 2018	
<b>Neighbor Letter Date</b>	August 29, 2017	<b>Number of Letters Sent</b>	56	

**Proposal:** The applicant is proposing to properties from Residential Traditional (R-1) to Urban-Residential (R-2)

**Recommended Action:** Recommend to the City Council to Approve.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Traditional Neighborhood/Urban Res.
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-2	Residential	Urban Residential
<b>East</b>	R-1/R-2	Residential	Traditional Neighborhood/Urban Res.
<b>West</b>	P-1	Park	Recreation

**Summary of Code Requirements**

- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.

- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application:

1. Is consistent with the Comprehensive Land Use Plan;
2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
3. Is required by public necessity, convenience, or general welfare, or good zoning practice;
4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

- The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.

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

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 and neighborhood extensions, and new traditional neighborhood areas.

Principle #8 - Encourage mix of activities, uses and densities

Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulation. Mixed uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

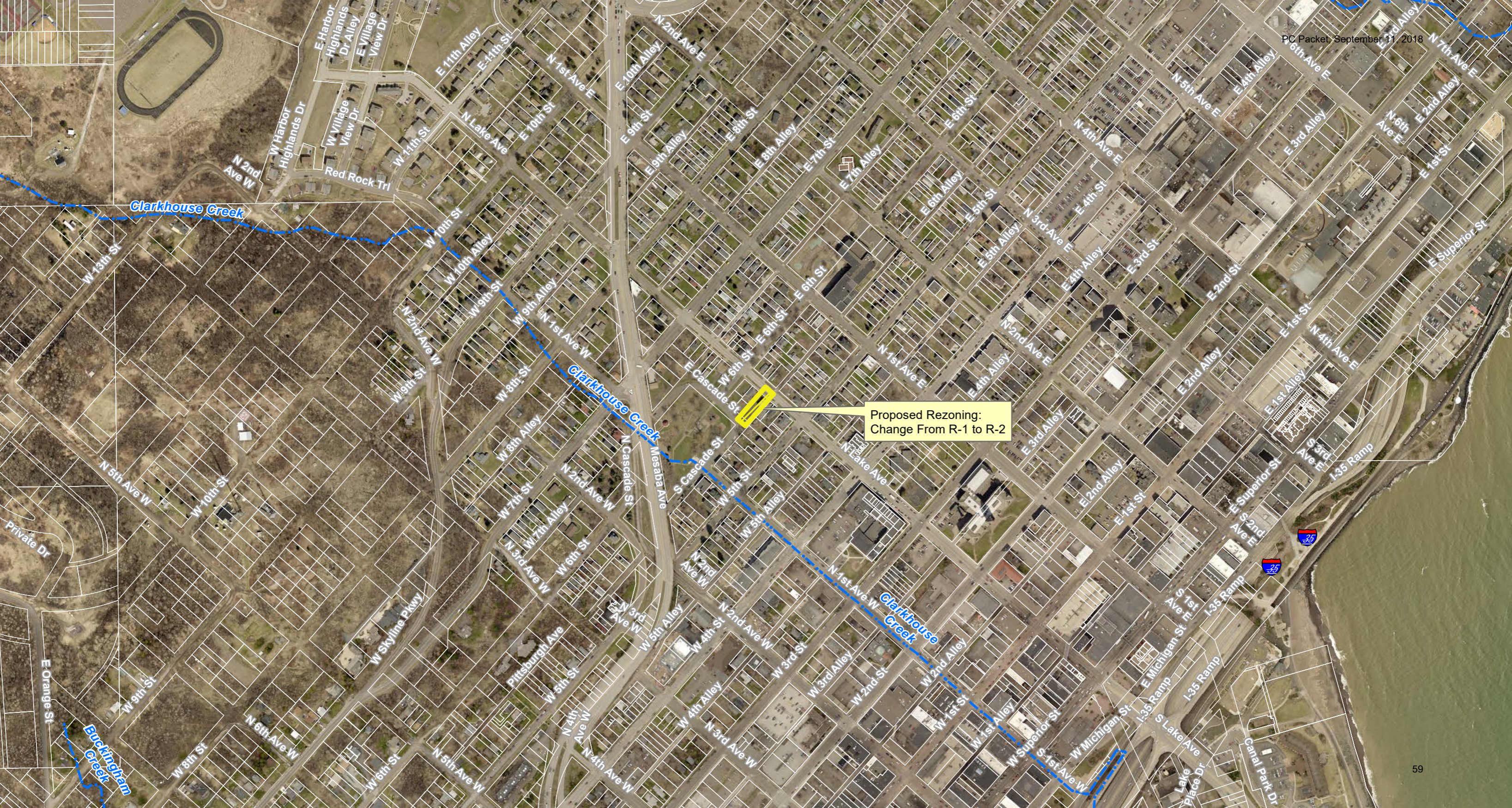
**Review and Discussion Items**

- 1) The applicant is proposing to properties from Residential Traditional (R-1) to Urban-Residential (R-2). The applicant's property is a split zoning of approximately 90% R-1 and 10% R-2. By rezoning it to R-2, the property owner can reuse the existing structure as a triplex apartment, which are allowed in the R-2 zone district.
- 2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area.
- 3) The future land use designation of this property is Traditional Neighborhood. It is described as being characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys; property with this designation is typically zoned R-1.
- 3) The purpose statement of the R-1 district is that it is 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.
- 4) The purpose statement of the R-2 district is that it is established to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations. The district is intended primarily for locations closer to commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods
- 5) Based on the character and development history of this area, and the purpose statements of the R-1 and R-2 zone districts, future land use designation of the general area, rezoning to R-2 is appropriate for this subject area.
- 6) The city, as of the date this was written, has received no formal written comments in regard to this proposal. The city has received one phone call asking for more information about the proposed rezoning.

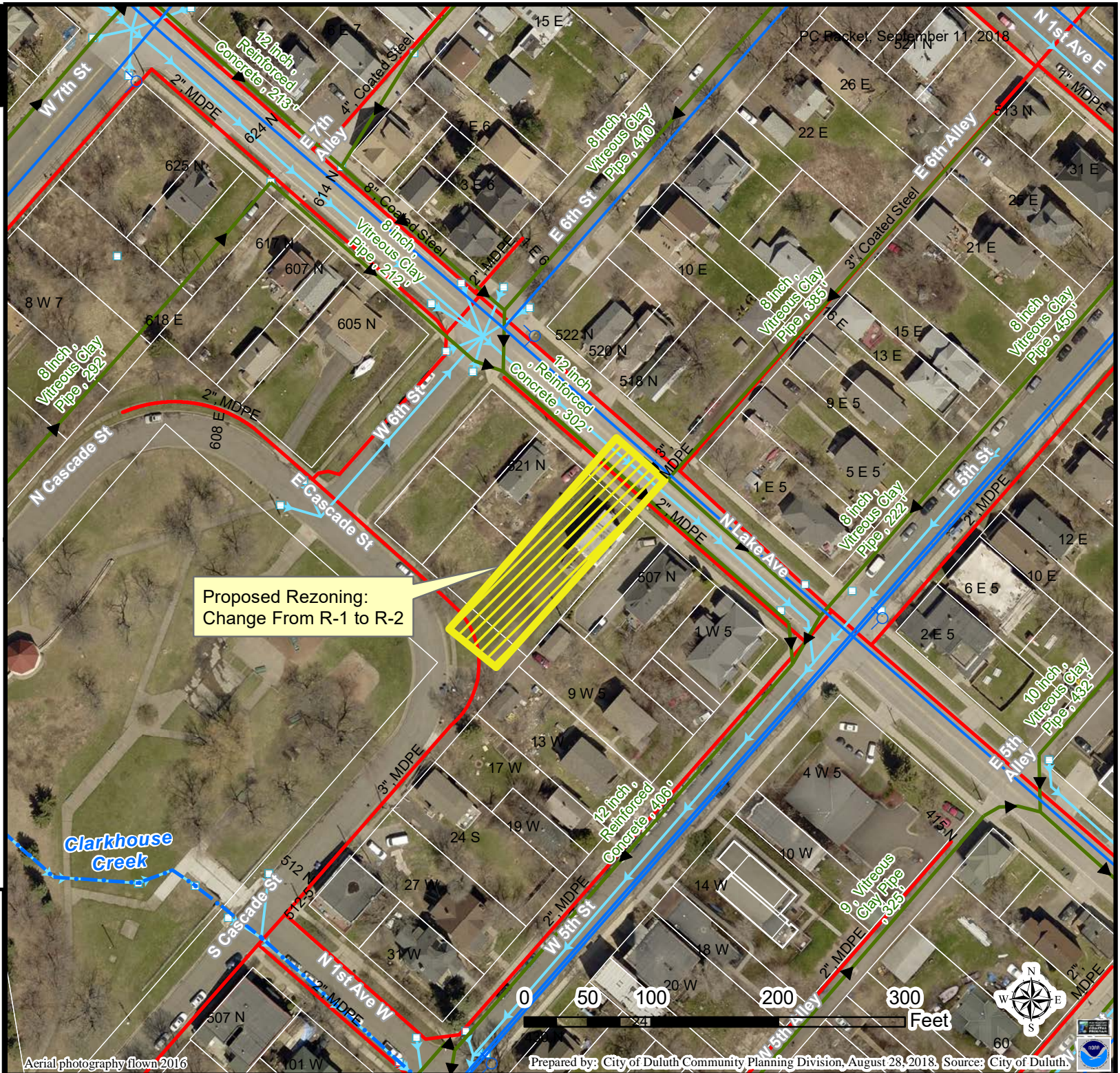
**Staff Recommendation**

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Residential-Traditional (R-1) to Urban-Residential (R-2):

- 1) R-2 is the zone most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this general area.
- 2) Material adverse impacts on nearby properties are not anticipated.



Proposed Rezoning:  
Change From R-1 to R-2

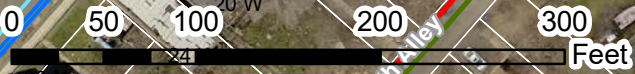


Proposed Rezoning:  
 Change From R-1 to R-2

**Legend**




- Trout Stream (GPS)
- - - Other Stream (GPS)

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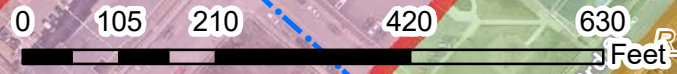




**Legend**

-  Zoning Boundaries
-  Trout Stream (GPS)
-  Other Stream (GPS)

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**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 18-112	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Preliminary Plat	<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	August 7, 2018	<b>60 Days</b>	October 16, 2018
	<b>Date Extension Letter Mailed</b>	August 28, 2018	<b>120 Days</b>	December 15, 2018
<b>Location of Subject</b>	Corner of Central Entrance and Anderson Road			
<b>Applicant</b>	Launch Properties	<b>Contact</b>	Dan Regan/Scott Moe	
<b>Agent</b>	Kimley-Horn	<b>Contact</b>	Brian Wurdeman	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	September 1, 2018	<b>Sign Notice Date</b>	August 28, 2018	
<b>Neighbor Letter Date</b>	August 24, 2018	<b>Number of Letters Sent</b>	65	

**Proposal:** The applicant is submitting a preliminary plat to replat approximately 3.5 acres of 7 lots into 3 lots. The applicant intends to ultimately construct 3 new principle structures for commercial uses (primarily restaurant and retail).

**Recommended Action:** Recommend approval with conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
<b>Subject</b>	MU-N	Residential/Undeveloped	Neighborhood Mixed Use
<b>North</b>	MU-C	Industrial	Mixed-Use Commercial
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	MU-N	Residential	Neighborhood Mixed Use
<b>West</b>	MU-N/MU-C	Res./Undeveloped/Com.	Neighborhood Mixed Use/Large Scale Com.

**Summary of Code Requirements**

The planning commission shall approve the application, or approve it with modifications if it determines that:

- (a) Is consistent with the comprehensive land use plan;
- (b) Is consistent with all applicable requirements of MSA 462.358 and Chapter 505;
- (c) Is consistent with all applicable provisions of this Chapter;
- (d) Is consistent with any approved district plan covering all or part of the area of the preliminary plat;
- (e) Is located in an area where adequate police, fire and emergency facilities are available to serve the projected population of the subdivision within the city's established response times, or the applicant has committed to constructing or financing public facilities that will allow police, fire or emergency service providers to meet those response times;
- (f) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

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

Governing Principle Principal #1 - Reuse previously developed lands,  
 Principle #2 - Declare the necessity and secure the future of undeveloped places,  
 Principle #7 - Create and maintain connectivity,  
 Principle #8 - Encourage mix of activities, uses and densities,  
 Principle #10 - Take sustainable actions,

Future Land Use – Neighborhood Mixed Use. Description: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.  
 Density/Intensity/Design: Site design should maintain a largely residential building character; Commercial-only uses should be adjacent to non-residential or other mixed use areas

**Review and Discussion Items**

**-Proposal.** The applicant is submitting a preliminary plat to replat approximately 3.5 acres of 7 lots into 3 lots. According to the applicant's cover letter: "Launch Properties is proposing a restaurant / retail redevelopment located at the southwest corner of the W Central Entrance and Anderson Road intersection. The proposed development is approximately 3.5 acres and will remain under the current Mixed Use-Neighborhood (MU-N) zoning. The proposed redevelopment will construct a 6,800± square foot multi-tenant building, a 2,700± square foot stand-a-lone restaurant, and a 7,700± square foot multi-tenant building. The Site redevelopment would include construction of new sidewalks/trails, parking, landscaping, utilities, stormwater management, retaining walls, signage, and lighting to support the proposed development. One right-in only driveway is proposed along W Central Entrance and one full access driveway is proposed along Anderson Road. The development proposes a drive-thru for the western two buildings, and patio seating to accommodate the proposed restaurant tenants in each of the proposed buildings."

The platting process starts with the applicant first submitting a "concept plan", which is essentially a basic first draft of the potential development. The concept plan is circulated around to various city departments for their review, with comments and suggestions sent back to the applicant (August 2, 2018). The applicant makes changes, as appropriate, and submits a preliminary plat, which is reviewed by the Planning Commission at a public hearing. The applicant takes the information they received and further updates their exhibits, and submits them to the Planning Commission for a final plat review and approval. If the Planning Commission approves the final plat, the applicant submits the information for review (St. Louis County Surveyor) and recording (County Recorder).

**-Site Layout.** The development site consists of 7 existing lots. Most of the lots are in two subdivisions: Maple Grove Tracts of Duluth and Central Entrance Addition. The western most tax parcel (010-2710-05872) is not platted. The three new proposed lots will be adjacent to platted public right of way, Central Entrance; it is maintained by Minnesota Department of Transportation which has access management standards (to limit conflicts caused by new or poorly planned driveways or curb cuts). All three proposed lots will meet minimum lot width and lot area required by the MU-N zone district.

The proposed redevelopment will essentially surround one existing single family structure at 411 Anderson Road. There may be some land use conflicts between the proposed development and the adjacent residential property. The applicant is proposing to sod and landscape the area directly to the west of the residences, and leave the area to the north and east unaltered with the existing trees remaining, other than what is needed to impact for grading and utilities.

**-Wetlands.** The July 2018 Wetland Delineation report identifies two wetlands on site. Wetland A is a Type 2 - Fresh Wet Meadow wetland and is approximately 0.12 acres; it is in the the lowest topographical position located in the northeast corner of the project site. Wetland B is also as Type 2 -Fresh Wet Meadow wetland, and is approximately 0.04 acres; it is in a small depression located under the overhead power line along the western edge of the project site. Wetland A will not be impacted by the development; the applicant is submitting for approval to impact Wetland B.

**-Tree Preservation.** The developer is proposing to remove most of the existing trees on site. The removal will include a total of 224 inches of special trees DBH (Diameter at Breast Height) greater than 20 inches diameter, 876 inches of special trees less than 20 inches in diameter, and at 954 inches of other significant trees. Special tree species include: white pines, red (Norway) pines, white cedars, white spruces, eastern hemlocks, sugar maples, American basswoods, American elms, yellow birches and all oak species.

The applicant will need to submit a tree replacement plan for approval by the City Forester. The exhibit submit with the application will need to be revised as it accounts for several trees being preserved that are not on the applicant's property/prosed development. Trees that are to be preserved will need to protected with fencing during construction (critical root radius). The removal of special trees over 20 inches DBH must be approved by the City Forester, City Engineering, or Land Use Supervisor.

**-Utilities.** The applicant is proposing to put in private utility (sewer and water) mains throughout the development to service the three commercial structures, instead of public mains. Both the Engineering and Construction Services and Inspections divisions confirm that it is acceptable with their standards. The city does not own, maintain, or take responsibility for the operation or safety of private utilities, now or in the future. Private mains must be reviewed by the City prior to installation, and cannot run under structures. The applicant will need to ensure that there are private easements for utilities and access between all three platted lots.

**-Stormwater.** A stormwater management plan has been submitted by the applicant, and has been given preliminary approval. The plan notes that "The existing drainage area is 94% pervious and consists of a densely-grassed area with a residential homes located off of West Central Entrance and a residential home located off of Anderson Road...The site generally sheet flows from northwest to southeast. Runoff from Drainage Area 1 discharges to the existing wetland on site through either sheet flow or through a drainage ditch located along West Central Entrance. The wetland outlets through a 24" FES to storm sewer located in West Central Entrance and Anderson Road. Runoff from Drainage Area 2 sheet flows toward Anderson Road and is collected in the existing storm sewer network...This network outlets to existing storm sewer located in West Central entrance and Anderson Road. The existing wetland at the southwest corner of West Central Entrance and Anderson Road will not be impacted as part of this development. The site is part of the St. Louis River Watershed. Stormwater flows to the City storm sewer system south of West Myrtle Street then ultimately to Coffee Creek. Coffee Creek is not considered an impaired water way; however, it is a MnDNR- designated trout stream...The elevation difference from the highest to lowest point within the site is approximately 52 feet (1371 to 1319); slopes generally range from 3%- 20% however slopes run at roughly 45% down to an existing ditch along West Central Entrance".

The applicant's stormwater management report directs water away from the residential property at 411 Anderson Road and into a storm water pond adjacent to Anderson Road.

**-Traffic Analysis.** The applicant submitted a 32-page traffic impact analysis. In the conclusion, the report states that "the proposed development is anticipated to generate 207 driveway trips and 109 net new trips during the PM peak hour, which is based on information provided in the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition.... Based on the analysis, all intersections are anticipated to operate at an acceptable LOS with the addition of project traffic in the Build-Out Total (2019) analysis, and no off-site mitigation is needed to provide acceptable LOS (Level of Service). It is recommended that an exclusive right-turn lane be constructed at the site access along W Central Entrance, providing a total length of 225 feet (125-foot full lane and 100-foot taper)". City Engineering has reviewed the report and stated that "based on the report, it appears all of the intersections that were studied on the local street will still operate at an acceptable level with the projected traffic



and without making any changes to the street or existing traffic control.... Looking at their numbers, existing vs projected, it doesn't appear that it will be a substantial increase along Anderson..."

**-Access.** The applicant is proposing one right only turn lane to access the development off of Central Entrance, with a second entrance full intersection at Anderson Road. The applicant had asked MnDOT for a right in/right out at Central Entrance (similar to the two existing access for the hotel and the credit union on the north side of central entrance). However, staff from MnDOT expressed concerns about the right-in/right-out "because of the access location relative to the median nose, we believe some drivers will try to make an unsafe maneuver to U-turn (or essentially turn left out of the driveway). We discussed moving the access west but realize with the slopes and current site layout, that wouldn't be ideal for the developer. Instead, we would like to see a right-in only with a narrower driveway. This way, drivers leaving the development would still end up at the Central Entrance and Anderson Rd signalized intersection but wouldn't have the opportunity to make that unsafe maneuver".

The lack of a second exit from this development is a concern for planning staff. The applicant should continue working with MnDOT staff to find an alternative (such as extending the median) to allow for a right out onto Central Entrance.

**-Connectivity.** The applicant is proposing to construct an approximately 350-foot-long public sidewalk along Anderson Road. The applicant is also proposing an approximately 300-foot-long public bike trail within the right of way of unimproved Apple Street. There will be some private sidewalks within the development to allow customers to move between the three commercial structures, as well as access to the proposed public bike trail and public sidewalk.

**-Public Comment.** At the time that this was written, staff have received two phone calls from citizens on the project, asking for more information. The applicant is hosting a public information meeting (September 6, 2018 at 5:30pm at: Duluth Heights Community Recreation Center, 33 West Mulberry Street) that will likely generate more public comment. The applicant will record a summary of comments at the meeting.

**Staff Recommendation**

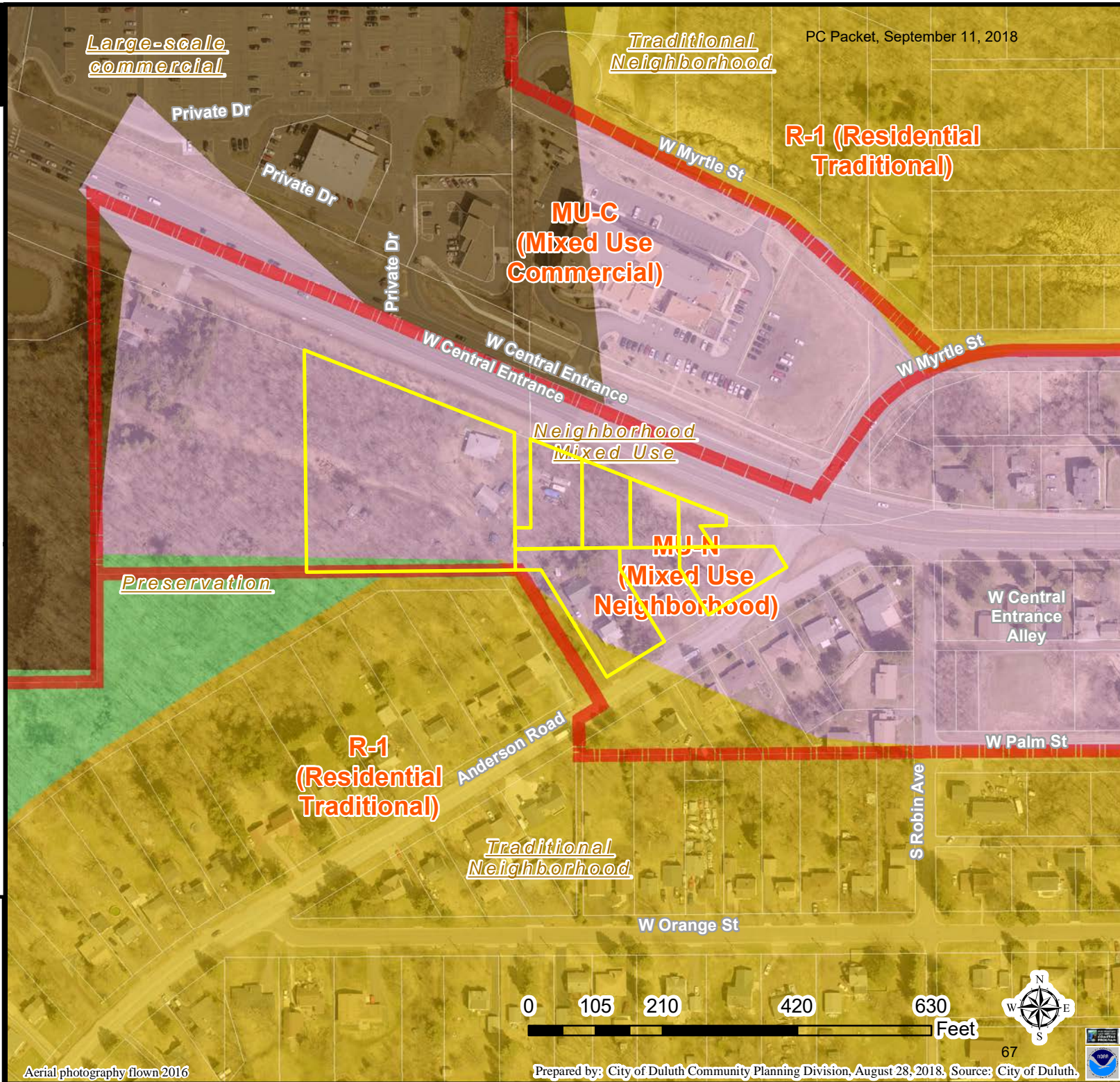
Based on the above findings, staff recommends that Planning Commission approve the Preliminary Plat with the conditions listed above, including:

1. Applicant submit a revised tree replacement plan for review and approval.
2. Applicant work with the City and MnDOT to have a second exit (right out) on Central Entrance.
3. If deemed necessary by the Examiner of Titles, existing right of way in the replat area be vacated concurrent with recording of the plat.



PL 18-113 Partial Vacation of Apple Street

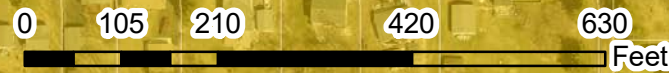
PL 18-112 Preliminary Plat



**Legend**

 Zoning Boundaries

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Private Dr

JPK TR  
DULUTH  
LLC

MN DEPT OF  
TRANSPORTATION

NATIONAL RETAIL  
PROPERTIES, LP

CITY OF  
DULUTH

ELLISON  
DONALD G

CARL  
LAWRENCE E

CARL  
LAWRENCE E

WOOD JAMES F

WOOD JAMES F

WOOD JAMES F

WOOD JAMES F

TUOMINEN  
CHRIS  
J ETUX

KUTASEVICH  
STEVEN D &  
PENELOPE

BRATEK  
JACOB J &  
JULIEN C

HOME DEPOT  
USA INC

HILDRETH  
ELIAS L &  
CASEY L

GARRAMONE  
EVE M

501 A

WHITE  
HEATHER L

WOOD MICHAEL  
K & DANA K

HIGHLAND  
STEVE R

PETRICH  
WADE &  
TRACI

CARLSON  
CRAIG A

BUSHEY  
LAWRENCE A

408 A

ONKUZU LYNN M

VATALARO  
CLARA

3" MDPE

3" MDPE

2" MDPE

2" MDPE

UNKNOWN

517 W

W Central Entrance

ST OF MN  
C278 L35

CITY OF  
DULUTH

CITY OF  
DULUTH

501 W

W Myrtle St

W Myrtle St

Anderson Road

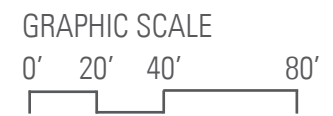
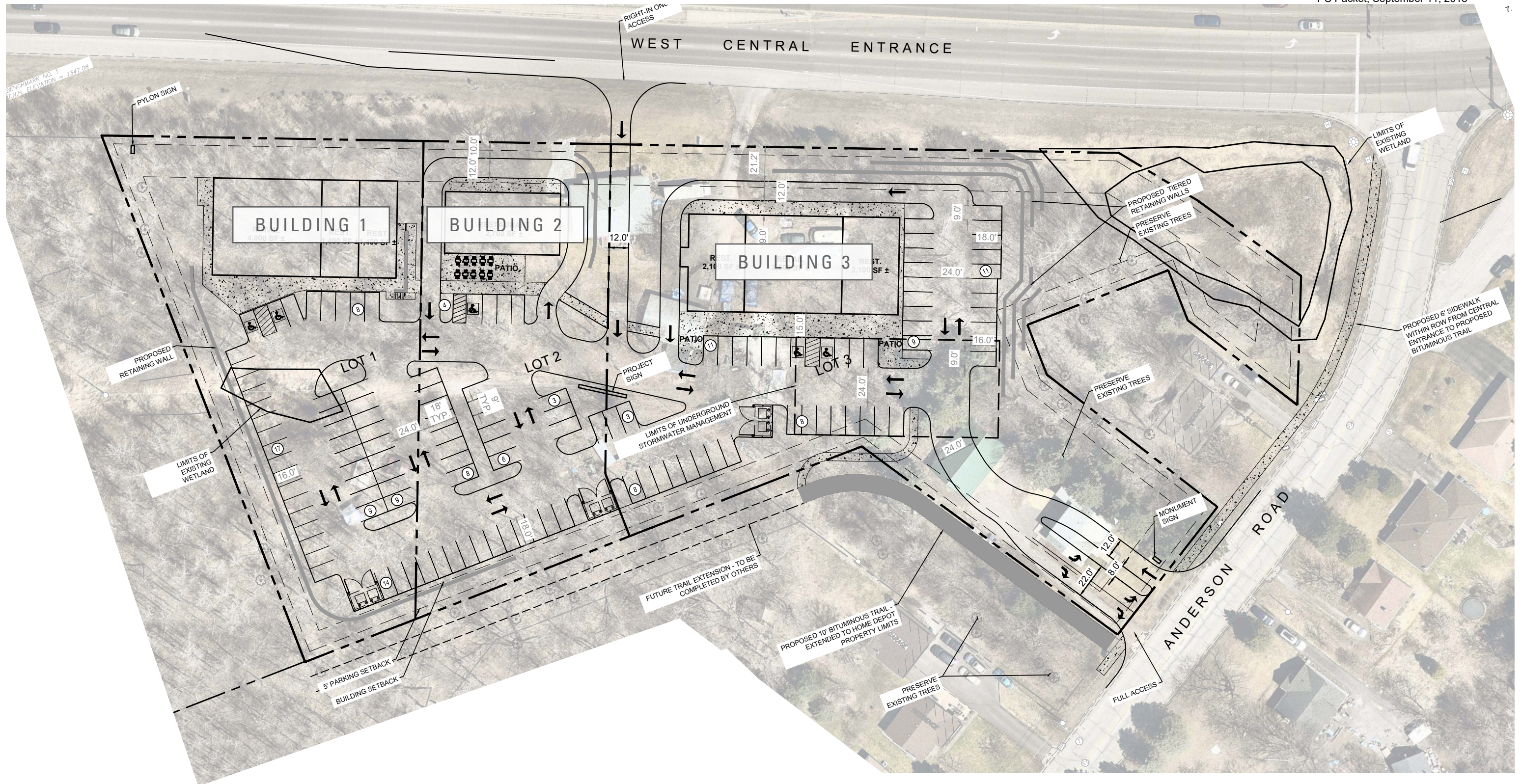
8 inch  
Vitreous Clay  
Pipe - 255'

3" MDPE

8 inch  
Vitreous Clay  
Pipe - 269'

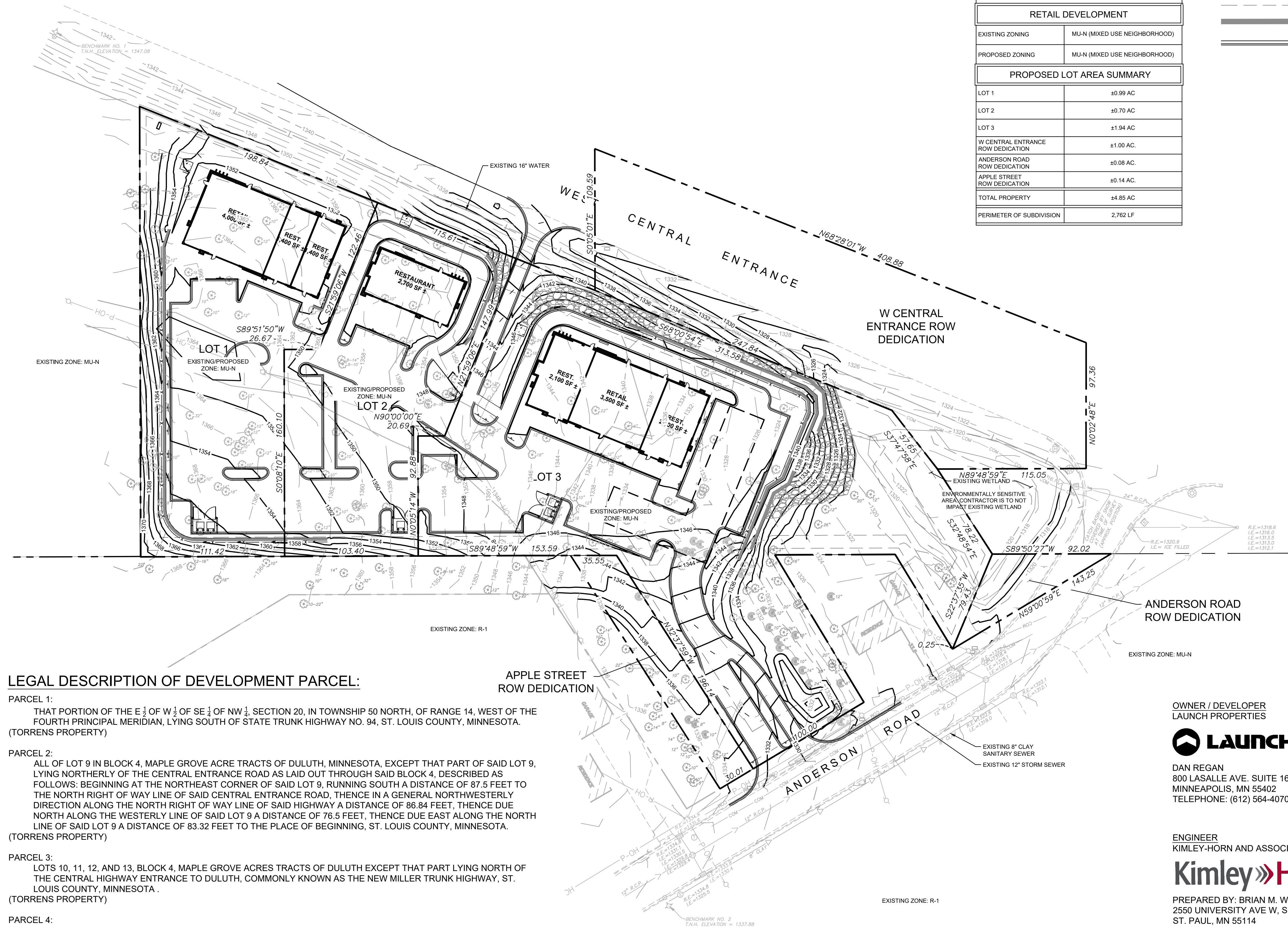
417 A

421 A



K:\TWC\_LDEV\LAUNCH PROPERTIES\DULUTH-JIGSAW3 Design\CAD\PlanSheets\_P\PRELIMINARY PLAT.dwg August 06, 2018 - 3:25pm

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



PROPERTY SUMMARY	
RETAIL DEVELOPMENT	
EXISTING ZONING	MU-N (MIXED USE NEIGHBORHOOD)
PROPOSED ZONING	MU-N (MIXED USE NEIGHBORHOOD)
PROPOSED LOT AREA SUMMARY	
LOT 1	±0.99 AC
LOT 2	±0.70 AC
LOT 3	±1.94 AC
W CENTRAL ENTRANCE ROW DEDICATION	±1.00 AC.
ANDERSON ROAD ROW DEDICATION	±0.08 AC.
APPLE STREET ROW DEDICATION	±0.14 AC.
TOTAL PROPERTY	±4.85 AC
PERIMETER OF SUBDIVISION	2,762 LF

LEGEND	
	PROPERTY LINE
	SETBACK LINE
	RETAINING WALL
	PROPOSED CURB AND GUTTER. SEE DETAILS.

**LEGAL DESCRIPTION OF DEVELOPMENT PARCEL:**

- PARCEL 1:**  
 THAT PORTION OF THE E 1/2 OF W 1/2 OF SE 1/4 OF NW 1/4, SECTION 20, IN TOWNSHIP 50 NORTH, OF RANGE 14, WEST OF THE FOURTH PRINCIPAL MERIDIAN, LYING SOUTH OF STATE TRUNK HIGHWAY NO. 94, ST. LOUIS COUNTY, MINNESOTA. (TORRENS PROPERTY)
- PARCEL 2:**  
 ALL OF LOT 9 IN BLOCK 4, MAPLE GROVE ACRE TRACTS OF DULUTH, MINNESOTA, EXCEPT THAT PART OF SAID LOT 9, LYING NORTHERLY OF THE CENTRAL ENTRANCE ROAD AS LAID OUT THROUGH SAID BLOCK 4, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 9, RUNNING SOUTH A DISTANCE OF 87.5 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID CENTRAL ENTRANCE ROAD, THENCE IN A GENERAL NORTHWESTERLY DIRECTION ALONG THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY A DISTANCE OF 86.84 FEET, THENCE DUE NORTH ALONG THE WESTERLY LINE OF SAID LOT 9 A DISTANCE OF 76.5 FEET, THENCE DUE EAST ALONG THE NORTH LINE OF SAID LOT 9 A DISTANCE OF 83.32 FEET TO THE PLACE OF BEGINNING, ST. LOUIS COUNTY, MINNESOTA. (TORRENS PROPERTY)
- PARCEL 3:**  
 LOTS 10, 11, 12, AND 13, BLOCK 4, MAPLE GROVE ACRES TRACTS OF DULUTH EXCEPT THAT PART LYING NORTH OF THE CENTRAL HIGHWAY ENTRANCE TO DULUTH, COMMONLY KNOWN AS THE NEW MILLER TRUNK HIGHWAY, ST. LOUIS COUNTY, MINNESOTA. (TORRENS PROPERTY)
- PARCEL 4:**  
 LOT 1, CENTRAL ENTRANCE ADDITION, ST. LOUIS COUNTY, MINNESOTA. (TORRENS PROPERTY)
- PARCEL 5:**  
 LOT 4, CENTRAL ENTRANCE ADDITION AND LOT 3, EXCEPT THE EASTERLY 20 FEET, CENTRAL ENTRANCE ADDITION, ST. LOUIS COUNTY, MINNESOTA. (TORRENS PROPERTY)
- TORRENS PROPERTY

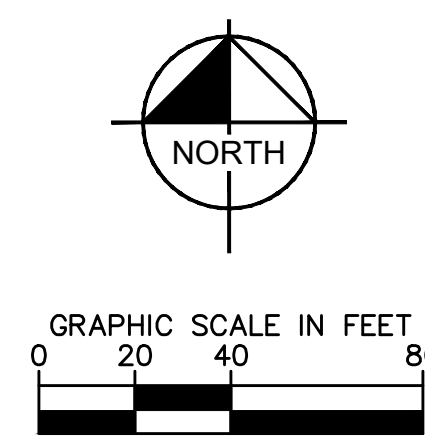
OWNER / DEVELOPER  
 LAUNCH PROPERTIES

DAN REGAN  
 800 LASALLE AVE. SUITE 1610  
 MINNEAPOLIS, MN 55402  
 TELEPHONE: (612) 564-4070

ENGINEER  
 KIMLEY-HORN AND ASSOCIATES, INC.

PREPARED BY: BRIAN M. WURDEMAN, P.E.  
 2550 UNIVERSITY AVE W, SUITE 238 N  
 ST. PAUL, MN 55114  
 TELEPHONE (651) 645-4197

SURVEYOR  
 EGAN, FIELD, AND NOWAK INC.  
 ERIC ROESER, RLS  
 1229 TYLER STREET NE, SUITE 100  
 MINNEAPOLIS, MN 55413  
 TELEPHONE (612) 466-3300



**PRELIMINARY PLAT**

THE JIGSAW  
 PREPARED FOR  
 LAUNCH PROPERTIES

DULUTH, MN

SHEET NUMBER  
**1 OF 1**

KIMLEY-HORN PROJECT #160734013  
 DATE 08/07/2018  
 SCALE AS SHOWN  
 DESIGNED BY BMW  
 DRAWN BY ACL  
 CHECKED BY WDM

BRIAN M. WURDEMAN  
 MN LIC. NO. XXXXX  
 DATE: 08/07/2015

EVERY COUNTY HAS 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.

© 2017 KIMLEY-HORN AND ASSOCIATES, INC.  
 2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114  
 PHONE: 651-645-4197  
 WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE	BY

# SITE DEVELOPMENT PLANS FOR THE JIGSAW

SECTION 20, TOWNSHIP 50N, RANGE 14W  
DULUTH, SAINT LOUIS COUNTY, MN

**PROJECT TEAM:**

**ENGINEER**  
KIMLEY-HORN AND ASSOCIATES, INC.



PREPARED BY: BRIAN WURDEMAN, P.E.  
2550 UNIVERSITY AVE W, SUITE 238 N  
ST. PAUL, MN 55114  
TELEPHONE (651) 645-4197

**LANDSCAPE ARCHITECT**  
KIMLEY-HORN AND ASSOCIATES, INC.  
CHAD FEIGUM  
2550 UNIVERSITY AVE W, SUITE 238 N  
ST. PAUL, MN 55114  
TELEPHONE (651) 645-4197

**GEOTECHNICAL ENGINEER**  
BRAUN INTERTEC CORPORATION  
STEVEN B. MARTIN P.E.  
4511 WEST FIRST STREET, SUITE 4  
DULUTH, MN 55807  
TELEPHONE (218) 624-4967

**OWNER / DEVELOPER**  
LAUNCH PROPERTIES



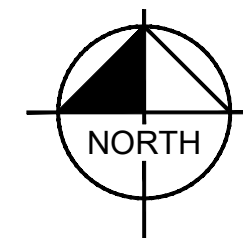
DAN REGAN  
800 LASALLE AVE. SUITE 1610  
MINNEAPOLIS, MN 55402  
TELEPHONE: (612) 564-4060

**SURVEYOR**  
EGAN, FIELD, AND NOWAK INC.  
BRENT R. PETERS  
1229 TYLER STREET NE, SUITE 100  
MINNEAPOLIS, MN 55413  
TELEPHONE (612) 466-3300

**ARCHITECT**  
RSP ARCHITECTS  
JEFF HYSJULIEN, AIA  
1220 MARSHALL STREET NE  
MINNEAPOLIS, MN 55413  
TELEPHONE: (612) 677-7100



**VICINITY**  
**N.T.S.**



**SITE**

DRAWING INDEX	
SHEET NO.	SHEET TITLE
C0.0	COVER SHEET
C3.0	SITE PLAN
C4.0	GRADING PLAN
C4.1	STORMWATER MANAGEMENT PLAN
C5.0	UTILITY PLAN
L1.0	LANDSCAPE PLAN
L1.1	PLANTING PLAN
L1.2	TREE PRESERVATION PLAN
L1.3	TREE PRESERVATION PLAN

**NOTES:**

1. CONTRACTOR SHALL CONFIRM THAT THE EXISTING CONDITIONS FOR THE SITE MATCH WHAT IS SHOWN ON THE DRAWINGS INCLUDED PRIOR TO CONSTRUCTION.
2. IF REPRODUCED, THE SCALES SHOWN ON THESE PLANS ARE BASED ON A 22" X 34" SHEET.
3. ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICES COMPANIES SHALL BE PERFORMED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL CONNECTION OF SERVICES.
4. ALL GENERAL CONTRACTOR WORK TO BE COMPLETED (EARTHWORK, FINAL UTILITIES, AND FINAL GRADING) BY THE MILESTONE DATE IN PROJECT DOCUMENTS.



Know what's below.  
Call before you dig.

No.	REVISIONS	DATE	BY

**Kimley-Horn**  
2017 KIMLEY-HORN AND ASSOCIATES, INC.  
2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114  
PHONE: 651-645-4197  
WWW.KIMLEY-HORN.COM

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.

BRIAN M. WURDEMAN  
MN LIC. NO. 5313  
DATE: 08/07/2018

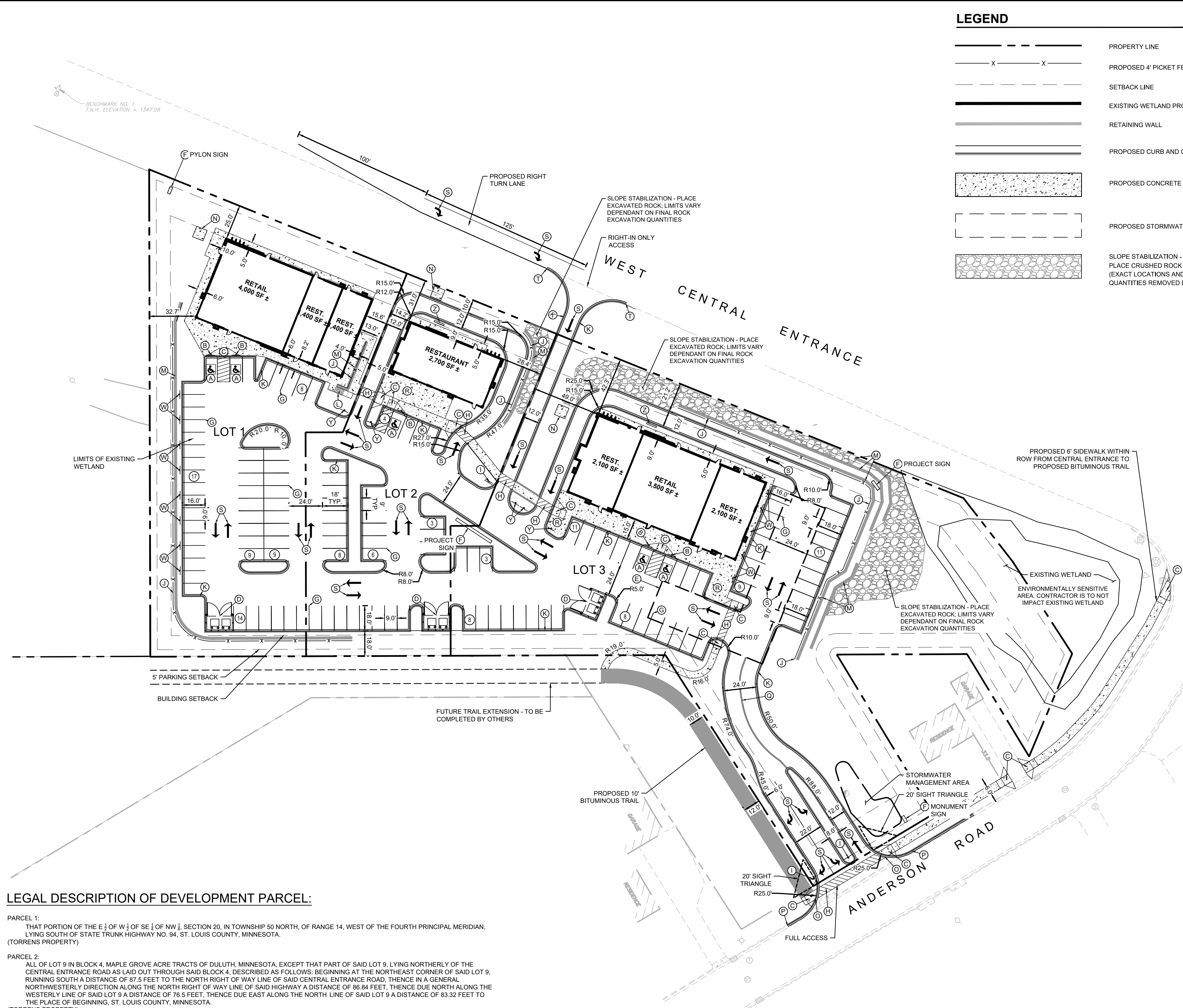
KHA PROJECT	160734013
DATE	08/07/2018
SCALE	AS SHOWN
DESIGNED BY	LEC
DRAWN BY	LEC
CHECKED BY	BMW

**COVER SHEET**

**THE JIGSAW**  
PREPARED FOR  
**LAUNCH PROPERTIES**

DULUTH MN  
SHEET NUMBER  
**C0.0**

PRELIMINARY - NOT FOR CONSTRUCTION



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TORRENS PROPERTY

**OVERALL SITE DATA TABLE**

	LOT AREA	BUILDING	PARKING PROVIDED	RATIO PROVIDED	PARKING REQUIRED	RATIO REQUIRED*	MAXIMUM RATIO PERMITTED
LOT 1	0.99 ACRES	6,800 SQ. FT.	49 SPACES	7.21	32 SPACES	4.71	
LOT 2	0.70 ACRES	2,700 SQ. FT.	29 SPACES	10.74	18 SPACES	6.67	
LOT 3	1.94 ACRES	7,860 SQ. FT.	50 SPACES	6.36	39 SPACES	4.96	
	3.63 ACRES	17,360 SQ. FT.	128 SPACES	7.37	89 SPACES	5.13	7.70

\*CITY OF DULUTH MINIMUM REQUIRED PARKING RATIOS:  
RETAIL - 3.0 / 1,000 SF  
RESTAURANT - 6.5 / 1,000 SF  
\*\*CITY OF DULUTH MAXIMUM PERMITTED PARKING RATIO: 1.5 TIMES MINIMUM REQUIRED PARKING RATIO

**LEGEND**

- PROPERTY LINE
- X-X- PROPOSED 4' PICKET FENCE
- SETBACK LINE
- EXISTING WETLAND PROTECTION BOUNDARY
- RETAINING WALL
- PROPOSED CURB AND GUTTER, SEE DETAILS.
- [Pattern] PROPOSED CONCRETE PAVEMENT, SEE DETAILS.
- [Pattern] PROPOSED STORMWATER MANAGEMENT AREA
- [Pattern] SLOPE STABILIZATION - PLACE CRUSHED ROCK EXCAVATION (EXACT LOCATIONS AND LIMITS DEPENDENT ON QUANTITIES REMOVED DURING CONSTRUCTION)

**SITE PLAN NOTES**

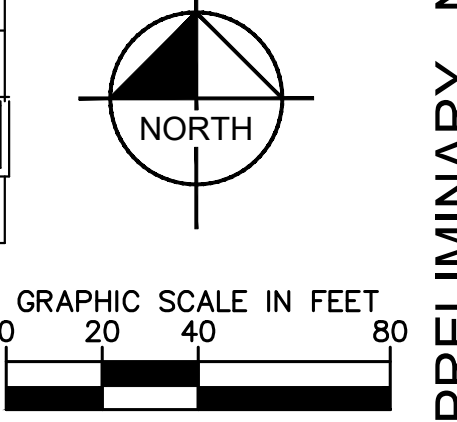
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
2. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
3. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
4. EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
6. SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY EGAN, FIELD & NOWAK, INC. DATED 01/31/2018
- 6.1. KIMLEY-HORN ASSUMES NO LIABILITY FOR ANY ERRORS, INACCURACIES, OR OMISSIONS CONTAINED THEREIN.
7. Pylon / Monument / Project Signs shall be constructed by others. Signs are shown for graphical & informational purposes only. Contractor to verify size, location and any required permits necessary for the construction of the Pylon / Monument Sign.
8. CONTRACTOR SHALL REFERENCE ARCH / MEP PLANS FOR SITE LIGHTING AND ELECTRICAL PLAN.
9. NO PROPOSED LANDSCAPING SUCH AS TREES OR SHRUBS, ABOVE AND UNDERGROUND STRUCTURES, OR OTHER OBSTRUCTIONS SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHTS OF WAY UNLESS SPECIFICALLY NOTED ON PLANS OTHERWISE.
10. REFERENCE ARCHITECTURAL PLANS FOR DUMPSTER ENCLOSURE DETAILS.
11. REFER TO FINAL PLAT OR ALTA SURVEY FOR EXACT LOT AND PROPERTY BOUNDARY DIMENSIONS.
12. ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
13. ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.

**KEYNOTE LEGEND**

- (A) ACCESSIBLE STALL
- (B) ACCESSIBLE SIGN
- (C) CURB RAMP
- (D) DUMPSTER ENCLOSURE, REF ARCH PLANS
- (E) LIMITS OF UNDERGROUND STORMWATER MANAGEMENT
- (F) GENERAL LOCATION OF MONUMENT/PYLON/PROJECT SIGNS. REF ARCH PLANS. LOCATION PROVIDED FOR REFERENCE ONLY. EXACT LOCATION OF SIGN TO BE PROVIDED WITH SIGN PERMIT
- (G) PAVEMENT MARKING, 4" SOLID WHITE (TYP.)
- (H) PEDESTRIAN CROSSWALK
- (I) STOP SIGN
- (J) PROPOSED 4" ALUMINUM PICKET FENCE ON TOP OF WALL
- (K) B612 CURB AND GUTTER
- (L) PROPOSED STAIRS WITH RAILING
- (M) SMALL BLOCK RETAINING WALL. CONTRACTOR TO SUBMIT PLANS FOR ENGINEERS REVIEW PRIOR TO CONSTRUCTION.
- (N) TRANSFORMER PAD. COORDINATE WITH MNPPOWER
- (O) TRANSITION TO B618 CURB AND GUTTER
- (P) MATCH TO EXISTING B618 CURB AND GUTTER
- (Q) PAVEMENT MARKING, 4" DOUBLE YELLOW SOLID LINE
- (R) PROPOSED PATIO
- (S) DIRECTIONAL PAVEMENT MARKING
- (T) MATCH EDGE OF PAVEMENT/FLASH
- (U) FIRE DEPARTMENT CONNECTION
- (V) NOT USED
- (W) "COMPACT CARS ONLY" SIGN
- (X) NOT USED
- (Y) DO NOT ENTER SIGN
- (Z) MENU BOARD

**CODE REQUIREMENTS SUMMARY**

PERVIOUS/PARKING SUMMARY		
		COMPLIANCE
INTERIOR PERVIOUS AREA	15% PERVIOUS FOR 50 SPACES OR MORE	YES, PROPOSING 18%
INTERIOR LANDSCAPE AREA WIDTH	MINIMUM 8' WIDTH	YES
COMMERCIAL-RESIDENTIAL BUFFER	MINIMUM 15' LANDSCAPE BUFFER ON SHARED BORDER OR FENCE	YES, PROPOSING LANDSCAPE BUFFER
PARKING STALL SIZE	COMPACT: 8.5'X15' STANDARD: 9'X17'	YES
MAX. ALLOWABLE COMPACT STALLS	45% FOR 100- 149 PROPOSED	YES, PROPOSING 13.28%
RETAIL PARKING	3 SPACES/ 1,000 SF	YES
RESTAURANT PARKING	6.5 SPACES/ 1,000 SF	YES
SETBACKS SUMMARY		
BUILDING		
SIDE (EAST)	15'	YES
SIDE (WEST)	15'	YES
REAR	25'	YES
STREET FRONTAGE LANDSCAPE		
FRONT	AVERAGE 15'	YES
SIDE	AVERAGE 10'	YES
REAR	AVERAGE 5' ON LOT LINES OF DOUBLE FRONTAGE	YES
SIDEWALK		
SIDEWALK WIDTH	5' MINIMUM WIDTH	YES



PRELIMINARY - NOT FOR CONSTRUCTION

**THE JIGSAW**

PREPARED FOR  
**LAUNCH PROPERTIES**

**Kimley»Horn**

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2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114  
PHONE: 651-454-1877  
WWW.KIMLEY-HORN.COM

NO.	REVISIONS	DATE	BY

KHA PROJECT: 160734013  
DATE: 08/07/2018  
SCALE: AS SHOWN  
DESIGNED BY: LEC  
DRAWN BY: LEC  
CHECKED BY: BMW

MINNESOTA  
BRIAN M. WURDEMAN  
DATE: 08/07/2018  
M.N. LIC. NO.: 5313

**SITE PLAN**

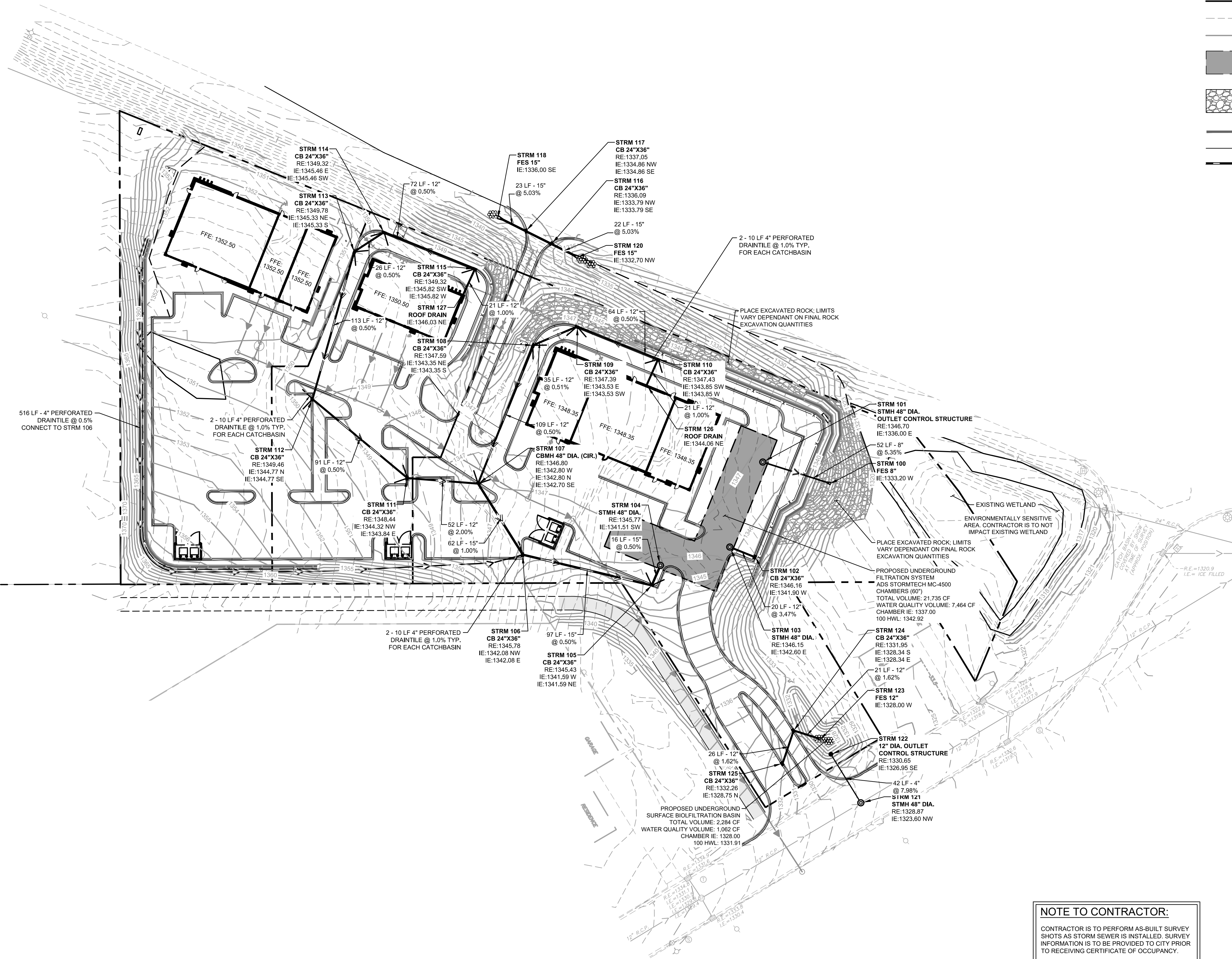
MN

DULUTH

SHEET NUMBER  
**C3.0**







**LEGEND**

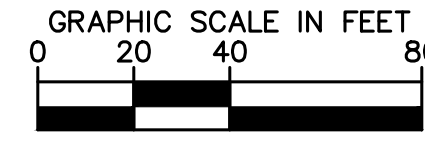
- PROPERTY LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- UNDERGROUND STORMWATER MANAGEMENT
- PLACE CRUSHED ROCK EXCAVATION
- RETAINING WALL
- PROPOSED DRAINTILE
- PROPOSED STORM SEWER
- PROPOSED FLARED END SECTION
- PROPOSED RIPRAP
- PROPOSED STORM MANHOLE (SOLID CASTING)
- PROPOSED STORM MANHOLE (ROUND INLET CASTING)
- PROPOSED STORM MANHOLE/ CATCH BASIN (CURB INLET CASTING)

**GRADING PLAN NOTES**

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF DULUTH, SPECIFICATIONS AND BUILDING PERMIT REQUIREMENTS.
2. CONTRACTOR TO CALL GOPHER STATE CALL ONE @ 1-800-252-1166 AT LEAST TWO WORKING DAYS PRIOR TO EXCAVATION/CONSTRUCTION FOR UTILITY LOCATIONS.
3. STORM SEWER PIPE SHALL BE AS FOLLOWS:  
RCP PER ASTM C-76  
HOPE: 0' - 10' PER AASHTO M-252  
POLYPROPYLENE PIPE: 12' OR GREATER PER AASHTO M330 AND MNDOT 2451.3D  
PVC SCH. 40 PER ASTM D-3034
- 3.1. STORM SEWER FITTINGS SHALL BE AS FOLLOWS:  
RCP PER ASTM C-76, JOINTS PER ASTM C-361, C-990, AND C-443  
HOPE PER ASTM 3212  
POLYPROPYLENE PER AASHTO M330  
PVC PER ASTM D-3034, JOINTS PER ASTM D-3212
4. CONTRACTOR TO FIELD VERIFY THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO THE START OF SITE GRADING. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT ENGINEER OF ANY DISCREPANCIES OR VARIATIONS.
5. SUBGRADE EXCAVATION SHALL BE BACKFILLED IMMEDIATELY AFTER EXCAVATION TO HELP OFFSET ANY STABILITY PROBLEMS DUE TO WATER SEEPAGE OR STEEP SLOPES. WHEN PLACING NEW SURFACE MATERIAL ADJACENT TO EXISTING PAVEMENT, THE EXCAVATION SHALL BE BACKFILLED PROMPTLY TO AVOID UNDERMINING OF EXISTING PAVEMENT.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL CONTROL.
7. CONTRACTOR SHALL EXCAVATE DRAINAGE TRENCHES TO FOLLOW PROPOSED STORM SEWER ALIGNMENTS.
8. GRADES SHOWN ARE FINISHED GRADES. CONTRACTOR SHALL ROUGH GRADE TO SUBGRADE ELEVATION AND LEAVE STREET READY FOR SUBBASE.
9. ALL EXCESS MATERIAL, BITUMINOUS SURFACING, CONCRETE ITEMS, ANY ABANDONED UTILITY ITEMS, AND OTHER UNSTABLE MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF OFF THE CONSTRUCTION SITE.
10. REFER TO THE UTILITY PLAN FOR SANITARY SEWER MAIN, WATER MAIN SERVICE LAYOUT AND ELEVATIONS AND CASTING / STRUCTURE NOTATION.
11. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION OF PAVEMENTS AND CURB AND GUTTER WITH SMOOTH UNIFORM SLOPES TO PROVIDE POSITIVE DRAINAGE.
12. INSTALL A MINIMUM OF 4" CLASS 5 AGGREGATE BASE UNDER CURB AND GUTTER AND CONCRETE SIDEWALKS.
13. UPON COMPLETION OF EXCAVATION AND FILLING, CONTRACTOR SHALL RESTORE ALL STREETS AND DISTURBED AREAS ON SITE. ALL DISTURBED AREAS SHALL BE RE-VEGETATED WITH A MINIMUM OF 4" OF TOPSOIL.
14. ALL SPOT ELEVATIONS/CONTOURS ARE TO GUTTER / FLOW LINE UNLESS OTHERWISE NOTED.
15. GRADING FOR ALL ON SITE SIDEWALKS AND ACCESSIBLE ROUTES INCLUDING CROSSING DRIVEWAYS SHALL CONFORM TO CURRENT ADA STATE/NATIONAL STANDARDS. IN NO CASE SHALL ACCESSIBLE RAMP SLOPES EXCEED 1 VERTICAL TO 12 HORIZONTAL. IN NO CASE SHALL ON SITE SIDEWALK CROSS SLOPES EXCEED 2%. IN NO CASE SHALL ON SITE LONGITUDINAL SIDEWALK SLOPES EXCEED 5%. IN NO CASE SHALL ACCESSIBLE PARKING STALLS OR AISLES EXCEED 2% (1.5% TARGET) IN ALL DIRECTIONS. SIDEWALK ACCESS TO EXTERNAL BUILDING DOORS AND GATES SHALL BE ADA COMPLIANT. CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF ADA CRITERIA CANNOT BE MET IN ANY LOCATION PRIOR TO PAVING. NO CONTRACTOR CHANGE ORDERS WILL BE ACCEPTED FOR A.D.A COMPLIANCE ISSUES.
16. MAINTAIN A MINIMUM OF 0.5% GUTTER SLOPE TOWARDS LOW POINTS.
17. CONTRACTOR TO PROVIDE 3" INSULATION BY 5' WIDE CENTERED ON STORM PIPE IF LESS THAN 4" OF COVER IN PAVEMENT AREAS AND LESS THAN 3' OF COVER IN LANDSCAPE AREAS.
18. ROOF DRAIN INVERT CONNECTIONS AT THE BUILDING SHALL BE AT ELEVATION 1304.88 OR LOWER UNLESS NOTED OTHERWISE. REFERENCE MEP PLANS FOR ROOF DRAIN CONNECTION.
19. ALL STORM SEWER CONNECTIONS SHALL BE GASKETED AND WATER TIGHT INCLUDING MANHOLE CONNECTIONS.
20. ALL STORM SEWER PIPE SHALL BE AIR TESTED IN ACCORDANCE WITH THE CURRENT PLUMBING CODE.
21. MAINTAIN A MINIMUM OF 1.25% SLOPE IN BITUMINOUS PAVEMENT AREAS, 0.5% SLOPE IN CONCRETE PAVEMENT AREAS.
22. CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "INFALL CURB" WHERE PAVEMENT DRAINS TOWARD GUTTER, AND "OUTFALL" CURB WHERE PAVEMENT DRAINS AWAY FROM GUTTER.

**NOTE TO CONTRACTOR:**  
CONTRACTOR IS TO PERFORM AS-BUILT SURVEY SHOTS AS STORM SEWER IS INSTALLED. SURVEY INFORMATION IS TO BE PROVIDED TO CITY PRIOR TO RECEIVING CERTIFICATE OF OCCUPANCY.

**NOTE TO CONTRACTOR:**  
OBSERVATION OF STORMWATER MANAGEMENT INSTALLATION IS REQUIRED. CONTRACTOR IS TO NOTIFY ENGINEER 72 HOURS PRIOR TO CONSTRUCTION OF SURFACE FILTRATION BASIN AND UNDERGROUND STORMTECH SYSTEM.



PRELIMINARY - NOT FOR CONSTRUCTION

THE JIGSAW  
PREPARED FOR  
LAUNCH  
PROPERTIES

STORMWATER  
MANAGEMENT  
PLAN

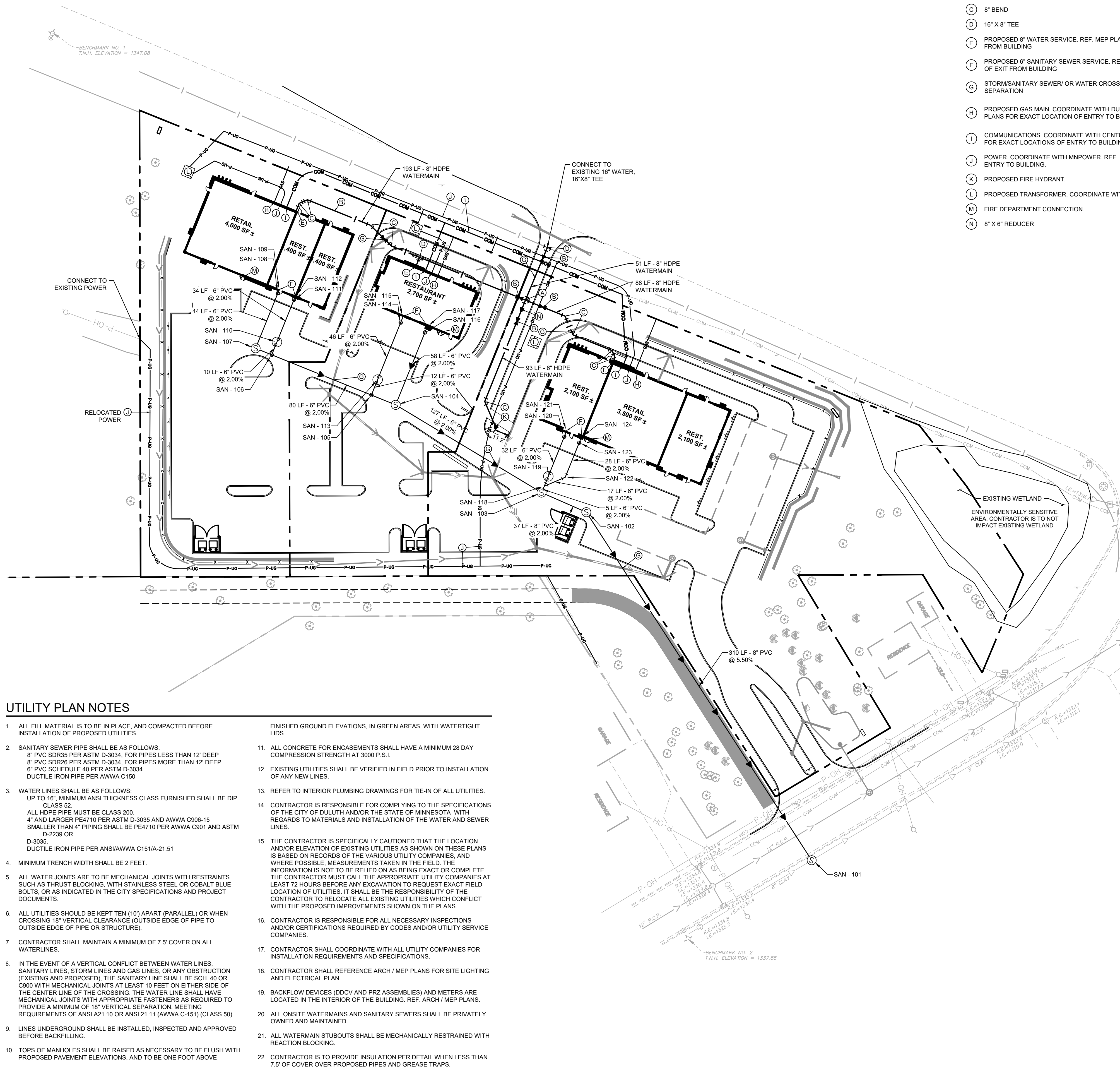
KHA PROJECT	160734013
DATE	04/30/2018
SCALE	AS SHOWN
DESIGNED BY	BMW
DRAWN BY	ACL
CHECKED BY	WDM

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No.	REVISIONS	DATE	BY

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UTILITY PLAN NOTES

- 1. ALL FILL MATERIAL IS TO BE IN PLACE, AND COMPACTED BEFORE INSTALLATION OF PROPOSED UTILITIES.
2. SANITARY SEWER PIPE SHALL BE AS FOLLOWS:
8" PVC SDR35 PER ASTM D-3034, FOR PIPES LESS THAN 12' DEEP
8" PVC SDR26 PER ASTM D-3034, FOR PIPES MORE THAN 12' DEEP
6" PVC SCHEDULE 40 PER ASTM D-3034
DUCTILE IRON PIPE PER AWWA C150
3. WATER LINES SHALL BE AS FOLLOWS:
UP TO 16", MINIMUM ANSI THICKNESS CLASS FURNISHED SHALL BE DIP CLASS 52
ALL HDPE PIPE MUST BE CLASS 200.
4" AND LARGER PE4710 PER ASTM D-3035 AND AWWA C906-15
SMALLER THAN 4" PIPING SHALL BE PE4710 PER AWWA C901 AND ASTM D-2239 OR
DUCTILE IRON PIPE PER ANSII/AWWA C151/A-21.15
4. MINIMUM TRENCH WIDTH SHALL BE 2 FEET.
5. ALL WATER JOINTS ARE TO BE MECHANICAL JOINTS WITH RESTRAINTS SUCH AS THRUST BLOCKING, WITH STAINLESS STEEL OR COBALT BLUE BOLTS, OR AS INDICATED IN THE CITY SPECIFICATIONS AND PROJECT DOCUMENTS.
6. ALL UTILITIES SHOULD BE KEPT TEN (10) FEET (PARALLEL) OR WHEN CROSSING 18" VERTICAL CLEARANCE (OUTSIDE EDGE OF PIPE TO OUTSIDE EDGE OF PIPE OR STRUCTURE).
7. CONTRACTOR SHALL MAINTAIN A MINIMUM OF 7.5' COVER ON ALL WATERLINES.
8. IN THE EVENT OF A VERTICAL CONFLICT BETWEEN WATER LINES, SANITARY LINES, STORM LINES AND GAS LINES, OR ANY OBSTRUCTION (EXISTING AND PROPOSED), THE SANITARY LINE SHALL BE SCH. 40 OR C900 WITH MECHANICAL JOINTS AT LEAST 10 FEET ON EITHER SIDE OF THE CENTER LINE OF THE CROSSING. THE WATER LINE SHALL HAVE MECHANICAL JOINTS WITH APPROPRIATE FASTENERS AS REQUIRED TO PROVIDE A MINIMUM OF 18" VERTICAL SEPARATION, MEETING REQUIREMENTS OF ANSI A21.10 OR ANSI 21.11 (AWWA C-151) (CLASS 50).
9. LINES UNDERGROUND SHALL BE INSTALLED, INSPECTED AND APPROVED BEFORE BACKFILLING.
10. TOPS OF MANHOLES SHALL BE RAISED AS NECESSARY TO BE FLUSH WITH PROPOSED PAVEMENT ELEVATIONS, AND TO BE ONE FOOT ABOVE FINISHED GROUND ELEVATIONS, IN GREEN AREAS, WITH WATERTIGHT LIDS.
11. ALL CONCRETE FOR ENCASEMENTS SHALL HAVE A MINIMUM 28 DAY COMPRESSION STRENGTH AT 3000 P.S.I.
12. EXISTING UTILITIES SHALL BE VERIFIED IN FIELD PRIOR TO INSTALLATION OF ANY NEW LINES.
13. REFER TO INTERIOR PLUMBING DRAWINGS FOR TIE-IN OF ALL UTILITIES.
14. CONTRACTOR IS RESPONSIBLE FOR COMPLYING TO THE SPECIFICATIONS OF THE CITY OF DULUTH AND/OR THE STATE OF MINNESOTA WITH REGARDS TO MATERIALS AND INSTALLATION OF THE WATER AND SEWER LINES.
15. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
16. CONTRACTOR IS RESPONSIBLE FOR ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES.
17. CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES FOR INSTALLATION REQUIREMENTS AND SPECIFICATIONS.
18. CONTRACTOR SHALL REFERENCE ARCH / MEP PLANS FOR SITE LIGHTING AND ELECTRICAL PLAN.
19. BACKFLOW DEVICES (DDCV AND PRZ ASSEMBLIES) AND METERS ARE LOCATED IN THE INTERIOR OF THE BUILDING. REF. ARCH / MEP PLANS.
20. ALL ONSITE WATERMANS AND SANITARY SEWERS SHALL BE PRIVATELY OWNED AND MAINTAINED.
21. ALL WATERMAIN STUBOUTS SHALL BE MECHANICALLY RESTRAINED WITH REACTION BLOCKING.
22. CONTRACTOR IS TO PROVIDE INSULATION PER DETAIL WHEN LESS THAN 7.5' OF COVER OVER PROPOSED PIPES AND GREASE TRAPS.

KEYNOTE LEGEND

- (A) 8" X 8" CROSS
(B) 8" GATE VALVE
(C) 8" BEND
(D) 16" X 8" TEE
(E) PROPOSED 8" WATER SERVICE, REF. MEP PLANS FOR EXACT LOCATION OF EXIT FROM BUILDING
(F) PROPOSED 6" SANITARY SEWER SERVICE, REF. MEP PLANS FOR EXACT LOCATION OF EXIT FROM BUILDING
(G) STORM/SANITARY SEWER/ OR WATER CROSSING, MAINTAIN 18" MINIMUM OF SEPARATION
(H) PROPOSED GAS MAIN, COORDINATE WITH DULUTH COMFORTSYSTEMS, REF. MEP PLANS FOR EXACT LOCATION OF ENTRY TO BUILDING.
(I) COMMUNICATIONS, COORDINATE WITH CENTURYLINK/CHARTER, REF. MEP PLANS FOR EXACT LOCATIONS OF ENTRY TO BUILDING.
(J) POWER, COORDINATE WITH MNPOWER, REF. MEP PLANS FOR EXACT LOCATIONS OF ENTRY TO BUILDING.
(K) PROPOSED FIRE HYDRANT.
(L) PROPOSED TRANSFORMER, COORDINATE WITH MNPOWER.
(M) FIRE DEPARTMENT CONNECTION.
(N) 8" X 6" REDUCER

LEGEND

- PROPERTY LINE
SETBACK LINE
EXISTING WATER
EXISTING STORM SEWER
EXISTING SANITARY SEWER
PROPOSED REDUCER
PROPOSED TEE
PROPOSED GATE VALVE
PROPOSED HYDRANT
PROPOSED SANITARY SEWER MANHOLE
PROPOSED SANITARY CLEANOUT
PROPOSED WATERMAIN
PROPOSED SANITARY SEWER
PROPOSED STORM SEWER
PROPOSED STORM SEWER
PROPOSED UNDERGROUND ELECTRIC
PROPOSED TELEPHONE
PROPOSED GAS MAIN

Table with columns: STRUCTURE NO., STRUCTURE/CASTING TYPE, RIM/GRATE ELEVATION, INVERT ELEVATION IN, PIPE SIZE IN, PIPE SLOPE IN, INVERT ELEVATION OUT, PIPE SIZE OUT, PIPE SLOPE OUT, PIPE MATERIAL. Lists structures SAN-101 through SAN-124.

\*NOTE:
1. ALL SANITARY SEWER PIPES ARE PRIVATELY OWNED AND MAINTAINED.
2. CONTRACTOR TO PROVIDE INSULATION PER DETAIL WHEN LESS THAN 7.5' OF COVER FOR PROPOSED PIPES AND GREASE TRAPS

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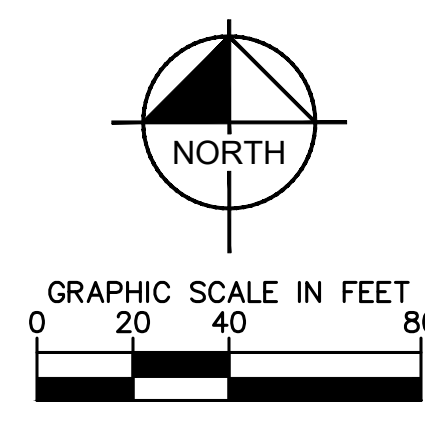
THE JIGSAW
PREPARED FOR
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PROPERTIES
DULUTH MN
SHEET NUMBER
C5.0

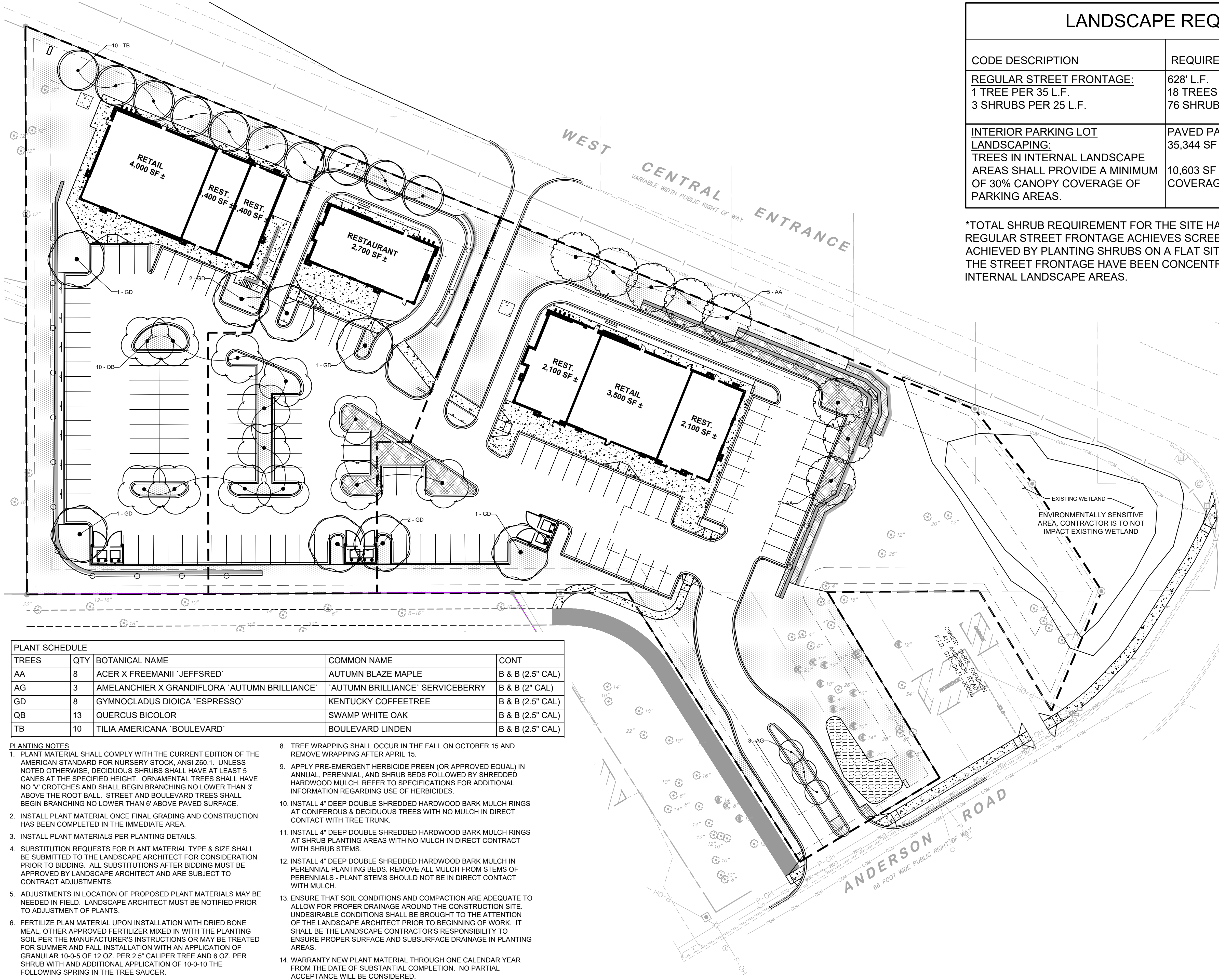
UTILITY PLAN

KHA PROJECT 160734013
DATE 08/07/2018
SCALE AS SHOWN
DESIGNED BY LEC
DRAWN BY LEC
CHECKED BY BMW
BRIAN M. WURDEMAN
MIN. LIC. NO. 53113
DATE: 08/07/2021

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Table with columns: No., REVISIONS, DATE, BY. Includes a revision record.





### LANDSCAPE REQUIREMENTS

CODE DESCRIPTION	REQUIRED	PROPOSED
<b>REGULAR STREET FRONTAGE:</b> 1 TREE PER 35 L.F. 3 SHRUBS PER 25 L.F.	628' L.F. 18 TREES 76 SHRUBS	18 TREES 67 SHRUBS*
<b>INTERIOR PARKING LOT LANDSCAPING:</b> TREES IN INTERNAL LANDSCAPE AREAS SHALL PROVIDE A MINIMUM OF 30% CANOPY COVERAGE OF PARKING AREAS.	PAVED PARKING AREA: 35,344 SF  10,603 SF OF CANOPY COVERAGE REQUIRED	PROPOSED CANOPY COVER AREA: 12,723 SF  APPROX 36% OF TOTAL PARKING AREA

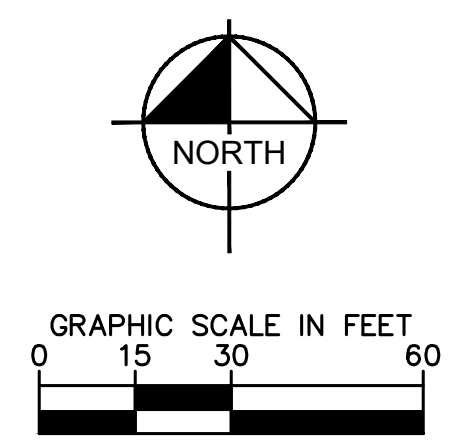
\*TOTAL SHRUB REQUIREMENT FOR THE SITE HAS BEEN MET. GRADING ALONG THE REGULAR STREET FRONTAGE ACHIEVES SCREENING THAT WOULD NORMALLY BE ACHIEVED BY PLANTING SHRUBS ON A FLAT SITE. THE SHRUBS REQUIRED ALONG THE STREET FRONTAGE HAVE BEEN CONCENTRATED IN THE STREET FRONTAGE AND INTERNAL LANDSCAPE AREAS.

### LEGEND

	SOD (38,398 SF)
	PLANTING BED
	MNDOT SEED MIX 33-361, STORMWATER NORTHEAST

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT
AA	8	ACER X FREEMANII 'JEFFSRED'	AUTUMN BLAZE MAPLE	B & B (2.5" CAL)
AG	3	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	'AUTUMN BRILLIANCE' SERVICEBERRY	B & B (2" CAL)
GD	8	GYMNOCLADUS DIOICA 'ESPRESSO'	KENTUCKY COFFEETREE	B & B (2.5" CAL)
QB	13	QUERCUS BICOLOR	SWAMP WHITE OAK	B & B (2.5" CAL)
TB	10	TILIA AMERICANA 'BOULEVARD'	BOULEVARD LINDEN	B & B (2.5" CAL)

- PLANTING NOTES**
- PLANT MATERIAL SHALL COMPLY WITH THE CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1. UNLESS NOTED OTHERWISE, DECIDUOUS SHRUBS SHALL HAVE AT LEAST 5 CANES AT THE SPECIFIED HEIGHT. ORNAMENTAL TREES SHALL HAVE NO 'V' CROTCHES AND SHALL BEGIN BRANCHING NO LOWER THAN 3' ABOVE THE ROOT BALL. STREET AND BOULEVARD TREES SHALL BEGIN BRANCHING NO LOWER THAN 6' ABOVE PAVED SURFACE.
  - INSTALL PLANT MATERIAL ONCE FINAL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
  - INSTALL PLANT MATERIALS PER PLANTING DETAILS.
  - SUBSTITUTION REQUESTS FOR PLANT MATERIAL TYPE & SIZE SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR CONSIDERATION PRIOR TO BIDDING. ALL SUBSTITUTIONS AFTER BIDDING MUST BE APPROVED BY LANDSCAPE ARCHITECT AND ARE SUBJECT TO CONTRACT ADJUSTMENTS.
  - ADJUSTMENTS IN LOCATION OF PROPOSED PLANT MATERIALS MAY BE NEEDED IN FIELD. LANDSCAPE ARCHITECT MUST BE NOTIFIED PRIOR TO ADJUSTMENT OF PLANTS.
  - FERTILIZE PLANT MATERIAL UPON INSTALLATION WITH DRIED BONE MEAL, OTHER APPROVED FERTILIZER MIXED IN WITH THE PLANTING SOIL PER THE MANUFACTURER'S INSTRUCTIONS OR MAY BE TREATED FOR SUMMER AND FALL INSTALLATION WITH AN APPLICATION OF GRANULAR 10-0-5 OF 12 OZ. PER 2.5" CALIPER TREE AND 6 OZ. PER SHRUB WITH AND ADDITIONAL APPLICATION OF 10-0-10 THE FOLLOWING SPRING IN THE TREE SAUCER.
  - INSTALL 18" DEPTH OF PLANTING SOIL IN AREAS RECEIVING GROUND COVER, SHRUBS, PERENNIALS, & ANNUALS UNLESS OTHERWISE NOTED.
  - TREE WRAPPING SHALL OCCUR IN THE FALL ON OCTOBER 15 AND REMOVE WRAPPING AFTER APRIL 15.
  - APPLY PRE-EMERGENT HERBICIDE PREEN (OR APPROVED EQUAL) IN ANNUAL, PERENNIAL AND SHRUB BEDS FOLLOWED BY SHREDDED HARDWOOD MULCH. REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING USE OF HERBICIDES.
  - INSTALL 4" DEEP DOUBLE SHREDDED HARDWOOD BARK MULCH RINGS AT CONIFEROUS & DECIDUOUS TREES WITH NO MULCH IN DIRECT CONTACT WITH TREE TRUNK.
  - INSTALL 4" DEEP DOUBLE SHREDDED HARDWOOD BARK MULCH RINGS AT SHRUB PLANTING AREAS WITH NO MULCH IN DIRECT CONTACT WITH SHRUB STEMS.
  - INSTALL 4" DEEP DOUBLE SHREDDED HARDWOOD BARK MULCH IN PERENNIAL PLANTING BEDS. REMOVE ALL MULCH FROM STEMS OF PERENNIALS - PLANT STEMS SHOULD NOT BE IN DIRECT CONTACT WITH MULCH.
  - ENSURE THAT SOIL CONDITIONS AND COMPACTION ARE ADEQUATE TO ALLOW FOR PROPER DRAINAGE AROUND THE CONSTRUCTION SITE. UNDESIRABLE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BEGINNING OF WORK. IT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO ENSURE PROPER SURFACE AND SUBSURFACE DRAINAGE IN PLANTING AREAS.
  - WARRANTY NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION. NO PARTIAL ACCEPTANCE WILL BE CONSIDERED.
  - TREES IN CONFLICT WITH MONUMENT SIGNS ON SITE MAY BE LIMBED TO A HEIGHT DEEMED APPROPRIATE IN ACCORDANCE WITH THE AMERICAN STANDARD FOR NURSERY STOCK.



PRELIMINARY - NOT FOR CONSTRUCTION

THE JIGSAW  
PREPARED FOR  
LAUNCH  
PROPERTIES

LANDSCAPE PLAN

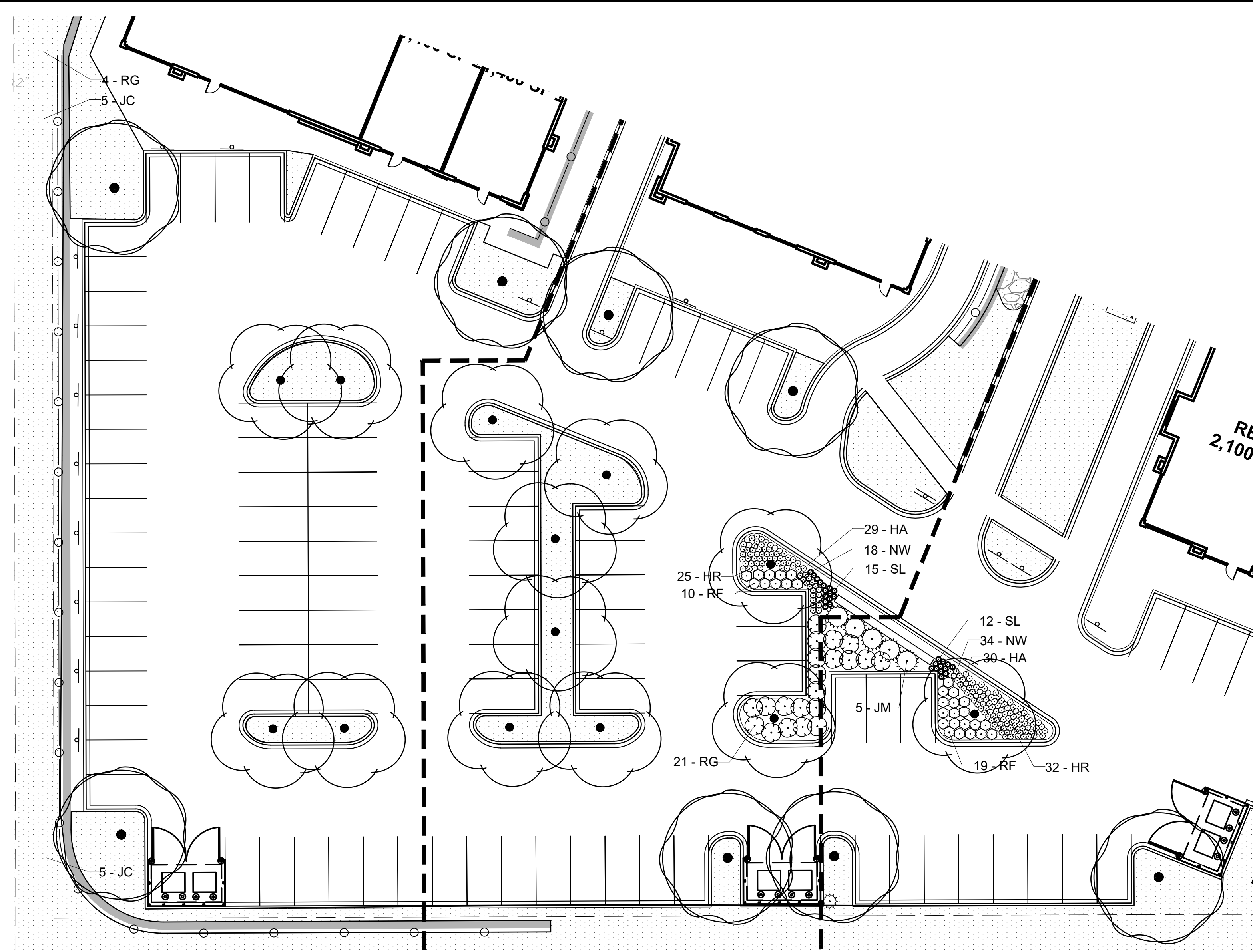
KHA PROJECT: 160734013  
DATE: 08/07/2018  
SCALE: AS SHOWN  
DESIGNED BY: MPI  
DRAWN BY: MPI  
CHECKED BY: JLK

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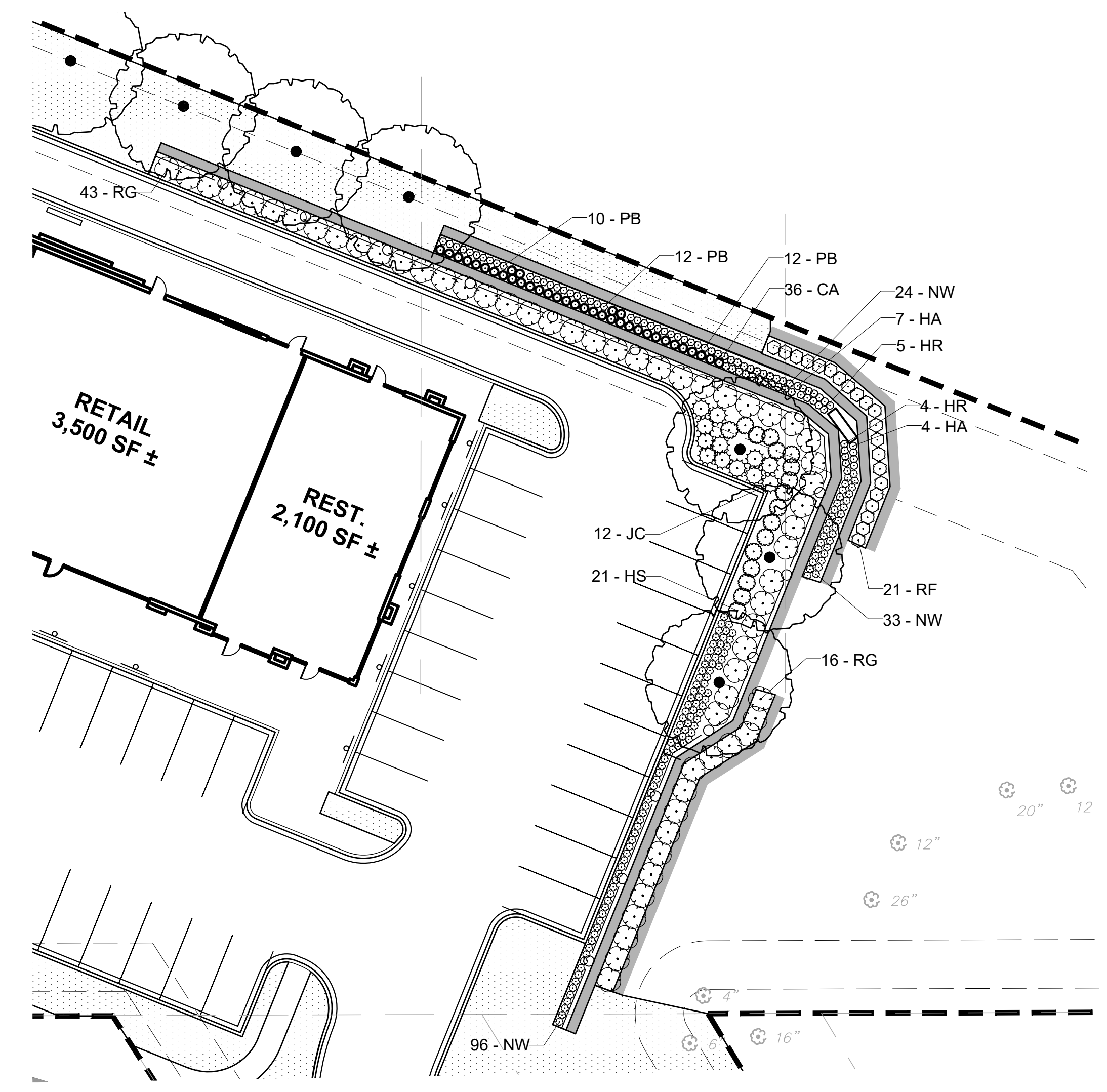
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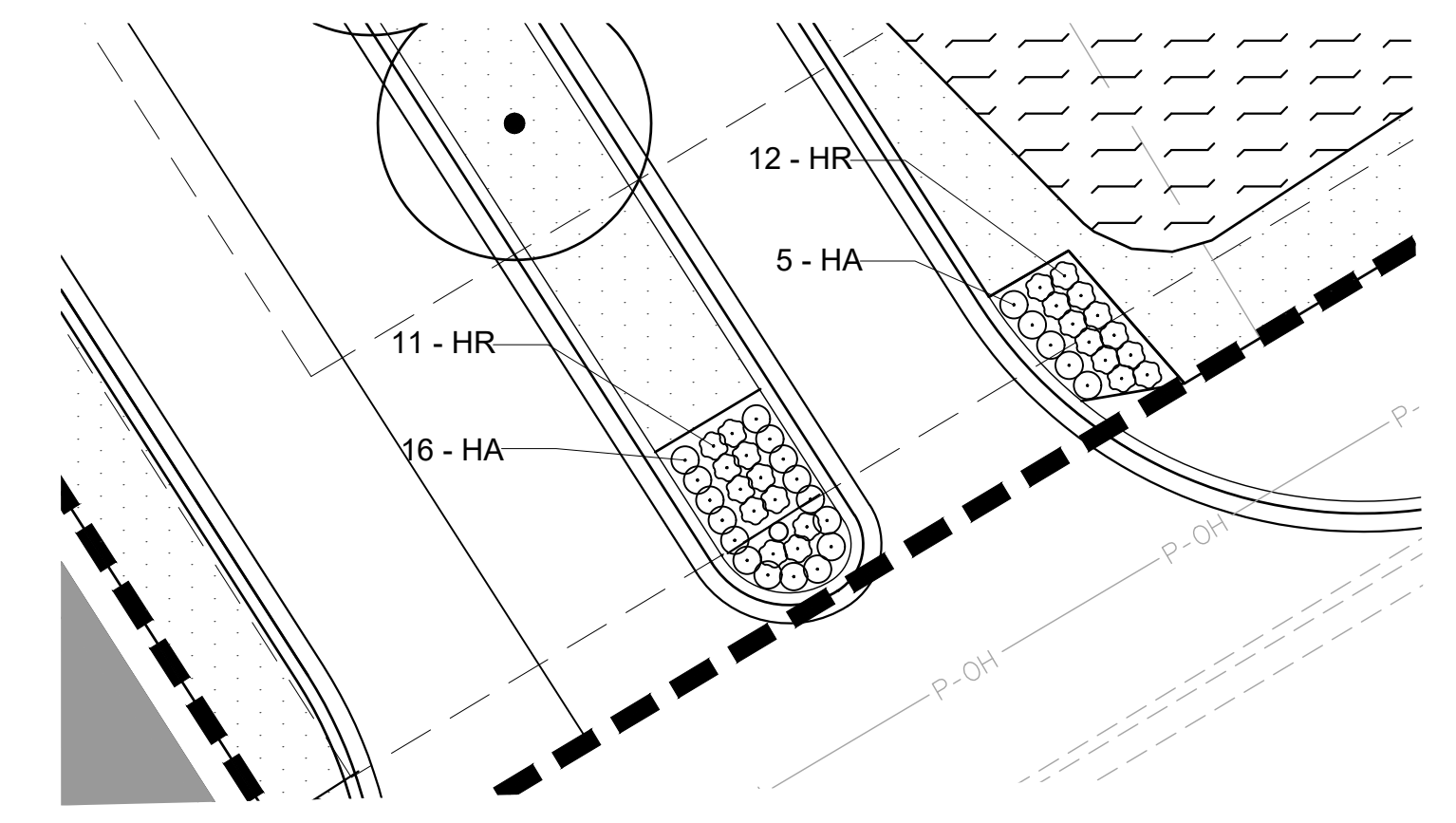


1 PLANTING PLAN ENLARGEMENT  
1" = 20'

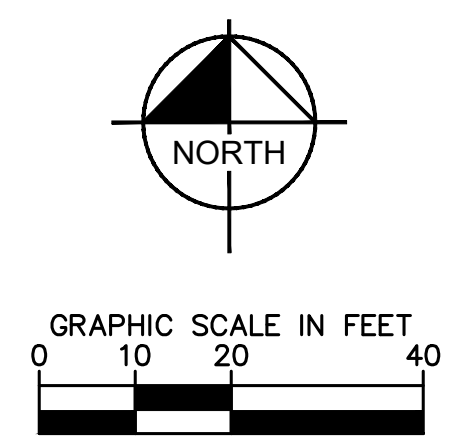
PLANT SCHEDULE				
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE
HS	17	HYDRANGEA ARBORESCENS 'ANNABELLE'	ANNABELLE SMOOTH HYDRANGEA	#5 CONT.
JC	13	JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	#5 CONT.
JM	5	JUNIPERUS SCOPULORUM 'MEDORA'	MEDORA JUNIPER	#15 CONT.
RG	80	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	#5 CONT.
RF	50	ROSA X 'FOXI PAVEMENT'	FOXI PAVEMENT ROSE	#2 CONT.
PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	SIZE
CA	36	CALAMAGROSTIS ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	#1 CONT.
HA	91	HEMEROCALLIS X 'APRICOT SPARKLES'	APRICOT SPARKLES DAYLILY	#1 CONT.
HR	89	HEMEROCALLIS X 'RUBY STELLA'	RUBY STELLA DAYLILY	#1 CONT.
NW	205	NEPETA X FAASSENII 'WALKERS LOW'	WALKERS LOW CATMINT	#1 CONT.
PB	34	PHLOX PANICULATA 'BARSIXTYFIVE'	PINK GARDEN PHLOX	#1 CONT.
SL	27	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM GRASS	#1 CONT.



2 PLANTING PLAN ENLARGEMENT  
1" = 20'



3 PLANTING PLAN ENLARGEMENT  
1" = 10'



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**THE JIGSAW**  
PREPARED FOR  
**LAUNCH PROPERTIES**

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JENNIFER L. KRANTZ  
MINN  
DATE: 09/07/2018, LIC. NO. 50576

No.	REVISIONS	DATE	BY

SHEET NUMBER  
**L1.1**



**EXISTING TREES**

	Species	Size	Classification	Status
74037	Red Pine	30	Special (> 20")	Remove
74039	Spruce	22	Special (> 20")	Remove
74041	Red Pine	14	Special (6"-20")	Remove
74043	Maple	6	Special (6"-20")	Remove
74044	Red Pine	24	Special (> 20")	Preserve
74046	Maple	20	Special (6"-20")	Preserve
74048	Maple	26	Special (> 20")	Preserve
74049	Red Pine	8	Special (6"-20")	Preserve
74050	Maple	6	Special (6"-20")	Preserve
74053	Maple	34	Special (> 20")	Preserve
74054	Arborvitae	12	Significant	Preserve
74056	Maple	20	Special (6"-20")	Preserve
74058	Maple	6	Special (6"-20")	Preserve
74059	Fir	16	Special (6"-20")	Preserve
74061	Maple	26	Special (> 20")	Preserve
74063	Spruce	4		Preserve
74065	Spruce	18	Special (6"-20")	Preserve
74067	Spruce	10	Special (6"-20")	Preserve
74069	Spruce	14	Special (6"-20")	Preserve
74101	Fir	10	Special (6"-20")	Preserve
74102	Spruce	12	Special (6"-20")	Preserve
74103	Red Pine	10	Special (6"-20")	Preserve
74105	Spruce	20	Special (6"-20")	Preserve
74107	Maple	6	Special (6"-20")	Preserve
74108	Maple	4		Preserve
74109	Maple	4		Preserve
74110	Maple	6	Special (6"-20")	Preserve
74112	Spruce	10	Special (6"-20")	Remove
74113	Yellow Birch	26	Special (> 20")	Remove
74115	Maple	6	Special (6"-20")	Preserve
74116	Maple	6	Special (6"-20")	Remove
74118	Spruce	8	Special (6"-20")	Remove
74119	Red Pine	8	Special (6"-20")	Remove
74121	Spruce	12	Special (6"-20")	Remove
74123	Maple	4		Remove
74126	Aspen	6		Remove
74128	Aspen	10	Significant	Remove
74129	Aspen	12	Significant	Remove
74131	Aspen	12	Significant	Remove
74141	Maple	20	Special (6"-20")	Preserve
74143	Aspen	12	Significant	Preserve
74146	Maple	26	Special (> 20")	Preserve
74149	Maple	4		Preserve
74151	Box Elder	16	Significant	Preserve
74154	Aspen	12	Significant	Preserve
74277	Maple	10	Special (6"-20")	Preserve
74278	Maple	8	Special (6"-20")	Remove
74279	Yellow Birch	10	Special (6"-20")	Remove
74280	Aspen	12	Significant	Preserve
74281	Maple	8	Special (6"-20")	Preserve
74283	Maple	10	Special (6"-20")	Preserve
74284	Maple	10	Special (6"-20")	Preserve
74286	Yellow Birch	10	Special (6"-20")	Preserve
74288	Aspen	12	Significant	Preserve
74289	Aspen	12	Significant	Preserve
74290	Aspen	14	Significant	Preserve
74292	Spruce	10	Special (6"-20")	Preserve
74294	Hemlock	8	Special (6"-20")	Preserve
74295	Spruce	14	Special (6"-20")	Preserve
74296	Elm	8	Special (6"-20")	Preserve

74297	Yellow Birch	14	Special (6"-20")	Preserve
74299	Maple	6	Special (6"-20")	Preserve
74300	Aspen	10	Significant	Remove
74302	Maple	16	Special (6"-20")	Remove
74303	Aspen	10	Significant	Remove
74305	Yellow Birch	22	Special (> 20")	Remove
74307	Aspen	10	Significant	Remove
74308	Maple	10	Special (6"-20")	Preserve
74309	Ash	14	Significant	Preserve
74365	Spruce	20	Special (6"-20")	Remove
74366	Spruce	12	Special (6"-20")	Remove
74367	Tamarack	8	Special (6"-20")	Remove
74368	Oak	16	Special (6"-20")	Remove
74369	Spruce	12	Special (6"-20")	Remove
74370	Spruce	6	Special (6"-20")	Remove
74371	Red Pine	18	Special (6"-20")	Remove
74372	Hemlock	8	Special (6"-20")	Remove
74373	Spruce	10	Special (6"-20")	Remove
74374	Basswood	8	Special (6"-20")	Remove
74375	Maple	8	Special (6"-20")	Remove
74376	Aspen	10	Significant	Remove
74423	Yellow Birch	10	Special (6"-20")	Remove
74424	Basswood	8	Special (6"-20")	Remove
74425	Aspen	10	Significant	Remove
74426	Basswood	8	Special (6"-20")	Remove
74427	Aspen	16	Significant	Remove
74428	Maple	6	Special (6"-20")	Remove
74429	Aspen	16	Significant	Remove
74430	Maple	4		Remove
74431	Maple	4		Remove
74432	Maple	10	Special (6"-20")	Remove
74434	Basswood	10	Special (6"-20")	Remove
74435	Maple	6	Special (6"-20")	Remove
74436	Yellow Birch	22	Special (> 20")	Remove
74437	Maple	16	Special (6"-20")	Remove
74438	Walnut	12	Special (6"-20")	Remove
74439	Maple	12	Special (6"-20")	Remove
74440	Maple	10	Special (6"-20")	Remove
74441	Maple	12	Special (6"-20")	Remove
74442	Maple	18	Special (6"-20")	Remove
74443	Maple	12	Special (6"-20")	Remove
74444	Maple	18	Special (6"-20")	Remove
74445	Maple	12	Special (6"-20")	Remove
74446	Yellow Birch	18	Special (6"-20")	Remove
74447	Maple	14	Special (6"-20")	Remove
74448	Maple	18	Special (6"-20")	Remove
74449	Maple	12	Special (6"-20")	Remove
74450	Basswood	18	Special (6"-20")	Remove
74451	Oak	24	Special (> 20")	Remove
74532	Maple	4		Remove
74533	Maple	4		Remove
74534	Walnut	10	Special (6"-20")	Remove
74535	Aspen	12	Significant	Remove
74536	Aspen	12	Significant	Remove
74537	Aspen	10	Significant	Remove
74538	Basswood	6	Special (6"-20")	Remove
74539	Aspen	12	Significant	Remove
74540	Aspen	16	Significant	Remove
74541	Aspen	10	Significant	Remove
74542	Spruce	6	Special (6"-20")	Remove

74543	Basswood	4		Remove
74544	Spruce	6	Special (6"-20")	Remove
74545	Spruce	6	Special (6"-20")	Remove
74546	Spruce	6	Special (6"-20")	Remove
74565	Maple	12	Special (6"-20")	Preserve
74566	Maple	4		Preserve
74567	Maple	6	Special (6"-20")	Preserve
74568	Maple	14	Special (6"-20")	Preserve
74569	Maple	14	Special (6"-20")	Preserve
74743	Maple	20	Special (6"-20")	Remove
74792	Maple	14	Special (6"-20")	Remove
74793	Maple	14	Special (6"-20")	Remove
74794	Maple	16	Special (6"-20")	Remove
74795	Maple	10	Special (6"-20")	Remove
74796	Maple	8	Special (6"-20")	Remove
74797	Basswood	16	Special (6"-20")	Remove
74798	Maple	10	Special (6"-20")	Remove
74799	Maple	16	Special (6"-20")	Remove
74800	Basswood	8	Special (6"-20")	Remove
74801	Basswood	8	Special (6"-20")	Remove
74802	Aspen	8		Remove
74831	Basswood	6	Special (6"-20")	Remove
74832	Aspen	10	Significant	Remove
74833	Aspen	10	Significant	Remove
74834	Aspen	10	Significant	Remove
74835	Basswood	10	Special (6"-20")	Remove
74836	Basswood	14	Special (6"-20")	Remove
74837	Aspen	14	Significant	Remove
74838	Aspen	10	Significant	Remove
74839	Ash	10	Significant	Remove
74843	Aspen	12	Significant	Remove
74844	Maple	16	Special (6"-20")	Remove
74845	Basswood	20	Special (6"-20")	Remove
74846	Aspen	10	Significant	Remove
74847	Aspen	10	Significant	Remove
74848	Aspen	10	Significant	Preserve
74849	Basswood	6	Special (6"-20")	Preserve
74850	Aspen	10	Significant	Remove
74851	Aspen	12	Significant	Remove
74852	Aspen	12	Significant	Remove
74861	Aspen	10	Significant	Remove
74862	Basswood	16	Special (6"-20")	Remove
74875	Yellow Birch	12	Special (6"-20")	Remove
74876	Aspen	10	Significant	Remove
74877	Basswood	24	Special (> 20")	Remove
74878	Yellow Birch	14	Special (6"-20")	Remove
74879	Yellow Birch	14	Special (6"-20")	Remove
74880	Basswood	22	Special (> 20")	Remove
74881	Aspen	10	Significant	Remove
74895	Aspen	12	Significant	Remove
74896	Ironwood	10	Special (6"-20")	Remove
74897	Aspen	10	Significant	Remove
74902	Aspen	18	Significant	Remove
74903	Basswood	10	Special (6"-20")	Remove
74904	Elm	6	Special (6"-20")	Preserve
74905	Oak	32	Special (> 20")	Preserve
74906	Basswood	14	Special (6"-20")	Preserve
74907	Aspen	10	Significant	Preserve
74908	Oak	22	Special (> 20")	Preserve
74917	Maple	22	Special (> 20")	Preserve

74922	Aspen	10	Significant	Remove
74923	Aspen	10	Significant	Preserve
74930	Aspen	10	Significant	Remove
74931	Maple	10	Special (6"-20")	Remove
74932	Aspen	10	Significant	Remove
74933	Aspen	12	Significant	Remove
74934	Aspen	10	Significant	Remove
74939	Aspen	16	Significant	Remove
74942	Aspen	16	Significant	Remove
74943	Oak	16	Special (6"-20")	Preserve
74944	Aspen	18	Significant	Preserve
74945	Aspen	10	Significant	Preserve
74950	Aspen	14	Significant	Remove
74951	Aspen	18	Significant	Remove
74962	Aspen	10	Significant	Remove
74963	Basswood	10	Special (6"-20")	Preserve
74964	Basswood	20	Special (6"-20")	Preserve
74965	Maple	22	Special (> 20")	Preserve
74966	Yellow Birch	12	Special (6"-20")	Preserve
74968	Basswood	16	Special (6"-20")	Preserve
74996	Aspen	12	Significant	Remove
74997	Aspen	16	Significant	Remove
74999	Aspen	12	Significant	Remove
75000	Aspen	10	Significant	Remove
75001	Aspen	10	Significant	Remove
75005	Aspen	10	Significant	Remove
75006	Aspen	10	Significant	Remove
75007	Maple	8	Special (6"-20")	Remove
75008	Aspen	10	Significant	Remove
75009	Aspen	12	Significant	Preserve
75010	Aspen	10	Significant	Remove
75011	Aspen	10	Significant	Remove
75012	Ironwood	10	Special (6"-20")	Remove
75013	Aspen	10	Significant	Remove
75014	Yellow Birch	32	Special (> 20")	Remove
75015	Aspen	10	Significant	Remove
75016	Aspen	10	Significant	Remove
75017	Aspen	10	Significant	Remove
75018	Aspen	16	Significant	Remove
75019	Aspen	12	Significant	Remove
75020	Aspen	10	Significant	Remove
75021	Aspen	10	Significant	Remove
75022	Aspen	10	Significant	Remove
75023	Aspen	10	Significant	Remove
75024	Aspen	12	Significant	Remove
75025	Aspen	16	Significant	Remove
75026	Aspen	10	Significant	Remove
75027	Aspen	12	Significant	Remove
75028	Aspen	12	Significant	Remove
75029	Aspen	16	Significant	Remove
75030	Aspen	12	Significant	Remove
75031	Aspen	12	Significant	Remove
75032	Aspen	12	Significant	Preserve
75033	Aspen	10	Significant	Remove
75034	Aspen	12	Significant	Preserve
75035	Aspen	12	Significant	Preserve
75036	Aspen	10	Significant	Preserve
75037	Aspen	10	Significant	Remove
75042	Aspen	12	Significant	Preserve
75061	Aspen	12	Significant	Remove

**TREE REMOVAL CALCULATIONS**

REMOVALS: SPECIAL TREES (DBH > 20")  
 PERCENT OF DBH TO BE REPLACED: 50%  
 REPLACEMENT RATIO:  
 SPECIAL TREE: 1" REPLACEMENT : 1.5" REMOVED  
 OTHER TREE SPECIES: 1" REPLACEMENT : 1" REMOVED  
 TOTAL DBH REMOVED: 224"  
 REPLACEMENT REQUIREMENTS: 75" OF SPECIAL TREES OR 112" OF OTHER TREE SPECIES

REMOVALS: SPECIAL TREES (DBH 6-20")  
 PERCENT OF DBH TO BE REPLACED: 25%  
 REPLACEMENT RATIO:  
 SPECIAL TREE: 1" REPLACEMENT : 1.5 REMOVED  
 OTHER TREE SPECIES: 1" REPLACEMENT : 1" REMOVED  
 TOTAL DBH REMOVED: 876"  
 REPLACEMENT REQUIREMENTS: 146" OF SPECIAL TREES OR 219" OF OTHER TREE SPECIES

REMOVALS: OTHER SIGNIFICANT TREES  
 PERCENT OF DBH TO BE REPLACED: 10%  
 REPLACEMENT RATIO:  
 SPECIAL TREE: 1" REPLACEMENT : 1.5" REMOVED  
 OTHER TREE SPECIES: 1" REPLACEMENT : 1" REMOVED  
 TOTAL DBH REMOVED: 954"  
 REPLACEMENT REQUIREMENTS: 64" OF SPECIAL TREES OR 96" OF OTHER TREE SPECIES

**TOTAL REPLACEMENT TREES REQUIRED:**  
 114 SPECIAL TREES (285" DBH)  
 OR  
 171 TREES (427" DBH)

**TREE PRESERVATION CALCULATIONS**

PRESERVED: TREES OVER 12" DBH  
 CREDIT RATIO:  
 1 TREE PRESERVED = 3 TREES CREDITED  
 TOTAL TREES PRESERVED: 38 TREES  
 TREES CREDITED: 114

PRESERVED: TREES DBH 8"-11.9"  
 1 TREE PRESERVED = 2 TREES CREDITED  
 TOTAL TREES PRESERVED: 14 TREES  
 TREES CREDITED: 28 TREES

PRESERVED: TREES DBH 5"-7.9"  
 1 TREE PRESERVED = 1 TREE CREDITED  
 TOTAL TREES PRESERVED: 9 TREES  
 TREES CREDITED: 9 TREES

**TOTAL TREES CREDITED:**  
 151 TREES

**TOTAL REPLACEMENT TREES REQUIRED:**  
 171 2.5" CALIPER (CAL.) TREES (427" DBH)  
**TOTAL NUMBER OF TREE CREDITS:**  
 151 TREES  
 171-151= 20 2.5" CAL. REPLACEMENT TREES REQUIRED

PRELIMINARY - NOT FOR CONSTRUCTION

THE JIGSAW  
 PREPARED FOR  
 LAUNCH  
 PROPERTIES

**To:** City of Duluth Planning Commission

**From:** Brian M. Wurdeman, P.E., Kimley-Horn  
William D. Matzek, P.E., Kimley-Horn  
Scott Moe, Launch Properties

**Date:** August 7, 2018

**Subj:** Launch Properties - Jigsaw Site  
Land Use / Project Narrative  
SWC W Central Entrance and Anderson Road, Duluth, MN

Launch Properties is proposing a restaurant / retail redevelopment located at the southwest corner of the W Central Entrance and Anderson Road intersection. The proposed development is approximately 3.5 acres and will remain under the current Mixed Use-Neighborhood (MU-N) zoning. The proposed redevelopment will construct a 6,800± square foot multi-tenant building, a 2,700± square foot stand-a-lone restaurant, and a 7,700± square foot multi-tenant building. The Site redevelopment would include construction of new sidewalks/trails, parking, landscaping, utilities, stormwater management, retaining walls, signage, and lighting to support the proposed development. One right-in only driveway is proposed along W Central Entrance and one full access driveway is proposed along Anderson Road. The development proposes a drive-thru for the western two buildings, and patio seating to accommodate the proposed restaurant tenants in each of the proposed buildings.

Below are examples of how the proposed development will achieve the City's Governing Principles and thus create a positive impact on the community. By achieving these principles; the City will receive a creative, economically viable, and marketable development.

1. Reuse previously developed lands
  - a. The proposed development will redevelop the currently under-utilized property. The proposed development will provide a high quality, aesthetically appealing development along W Central Entrance.
  - b. The proposed redevelopment will provide a tax benefit for the City of Duluth by redeveloping the under-utilized property.
2. Support traditional economic base
  - a. The proposed redevelopment will provide a tax benefit for the City of Duluth by redeveloping the under-utilized property.
  - b. Multiple tenants have already been identified with a few highly marketable spaces remaining to be leased.
3. Support emerging economic growth sectors
  - a. The proposed redevelopment includes multiple tenant spaces which will have outdoor patios providing a space for outdoor interaction.



4. Strengthen neighborhoods
  - a. The proposed redevelopment proposes a sidewalk extension along Anderson Road and the construction of a multi-use path along the western edge of the property. These connections will promote pedestrian/bicycle travel between the neighborhood and local businesses.
  - b. The tenants in the retail and restaurant spaces will provide services to the surrounding neighborhood and community.
  - c. The proposed redevelopment is located at the corner of an intersection, maintaining the social integrity of the neighborhood and upholding its identity.
5. Reinforce the place-specific
  - a. The proposed redevelopment features a development sign, tiered retaining walls, and high-quality landscape plantings to provide an aesthetically pleasing development.
6. Create and maintain connectivity
  - a. The proposed redevelopment proposes a sidewalk extension along Anderson Road and the construction of a multi-use path along the western edge of the property. These connections will promote pedestrian/bicycle travel between the neighborhood and local businesses.
7. Encourage mix of activities, uses, and densities
  - a. Because the proposed redevelopment includes seven tenant spaces, there is opportunity for a wide variety of uses to best serve the community.
8. Support private actions that contribute to the public realm
  - a. The proposed development will redevelop the currently under-utilized property. The proposed development will provide a high quality, aesthetically appealing development along W Central Entrance and Anderson Road.
  - b. The proposed redevelopment contains retaining walls, landscaping, and fencing that will, in turn, provide an aesthetically pleasing screen to the adjacent residential property. The redevelopment will preserve as many of the existing significant trees on-site as possible to provide a buffer to the neighboring properties.
  - c. The proposed redevelopment offers setbacks along the adjacent right-of-way, as well as along the residential property.
9. Take sustainable actions
  - a. The proposed redevelopment features an underground filtration basin, as well as high-quality landscape plantings.
  - b. The proposed redevelopment utilizes sidewalks/trails along W Central Entrance and Anderson Road to promote pedestrian traffic from the neighborhood to the local businesses.

10. Create efficiencies in delivery of public services
  - a. The proposed redevelopment makes use of the existing utility and roadway infrastructure adjacent to the Site. Public roadway/utility improvements are not anticipated to accommodate the proposed redevelopment.

Launch Properties and Kimley-Horn will work diligently with City staff on the proposed project such that it meets the City's vision of the Site.

Please contact me at (651) 645-4197 if you have any questions.

Sincerely,

**KIMLEY-HORN AND ASSOCIATES, INC.**



Brian M. Wurdeman, P.E.



August 7, 2018

Kyle Deming  
City of Duluth Planning Division  
411 West First Street, Room 208  
Duluth, MN 55802-1197

**RE: Central Entrance (south side) at Anderson Rd**  
**File Number: *PL 18-098***

Dear Mr. Deming,

Kimley-Horn has reviewed the comments provided by City of Duluth, dated August 2, 2018, and has modified the plans accordingly. The comments and responses are listed below. Responses to comments are in ***bold italics***.

## **STORMWATER COMMENTS**

Contact: Tom Johnson, Storm Water Engineer, [tajohnson@duluthmn.gov](mailto:tajohnson@duluthmn.gov), 218-730-5103

1. The preliminary Stormwater Management Narrative demonstrates that they are looking at the requirements and have put in place holders in the preliminary plan for stormwater BMPs.
2. ***See the Stormwater Management Report included within this submittal for additional stormwater information for the project.***
3. The stormwater management plan for the proposed Jigsaw Project discusses the MPCA/City of Duluth Requirements for stormwater.
4. ***See the Stormwater Management Report included within this submittal for additional stormwater information for the project.***
5. The narrative states that only 50% reduction in TSS is required, but it should state that no net increase in TSS from the existing conditions is the goal.  
***See the Stormwater Management Report included within this submittal for additional stormwater information for the project.***
6. Though not specifically stated in the narrative, the project will need to address temperature controls for discharge from the site as the project is located in the Coffee Creek watershed, a MnDNR-designated trout stream. The proposed BMP will need to meet this requirement.  
***See the Stormwater Management Report included within this submittal for additional stormwater information for the project. The proposed project includes filtration BMPs, underground stormwater, grassy swales, and shading of the proposed parking lot. These proposed BMPs and site design elements will provide temperature controls for the site stormwater.***

7. The runoff from 95% of impervious surfaces must be captured and conveyed to a BMP, as this includes the driveway entrances to the site. The driveway off of Anderson Road and the entry/exit onto West Central Entrance will need to address stormwater management for these sections of the project. You may be allowed to discharge directly to a City utility structure after treatment.  
***See the Stormwater Management Report included within this submittal for additional stormwater information for the project. The proposed project includes filtration BMPs, underground stormwater, and grass swales to provide treatment treatment for the proposed impervious surfaces prior to discharging into the public storm sewer system.***
8. The stormwater management system will also need to protect down-gradient property owners from new drainage patterns and increased flows/volumes. This would include MnDOT and their roadway and ROW, as well as the home located at 411 Anderson Road. It will be very important to implement curbing around impervious surfaces as well as grading to divert any water from the home.  
***See the Stormwater Management Report included within this submittal for additional stormwater information for the project. The proposed project includes curb and gutter, storm sewer, filtration BMPs, underground stormwater, and grass swales to divert and control the runoff rate and volume of stormwater directed to the MNDOT Roadway and adjacent properties. The peak stormwater runoff rates will be 75% of the pre-project conditions.***
9. A full drainage report will be required as part of the final project plan. A Preliminary Design Submittal and Meeting shall take place with the City Engineering Division prior to final plans to discuss in greater detail the stormwater management system and address any potential issues and determine if needed, options to the drainage plan if site constraints dictate.  
***See the Stormwater Management Report included within this submittal for additional stormwater information for the project.***
10. Engineering Guidelines found on the City webpage shall be reviewed and the project shall be consistent with this document.  
***See the Stormwater Management Report included within this submittal for additional stormwater information for the project.***

## STREET/ACCESS COMMENTS

1. We are very concerned about having all of the vehicle traffic exiting the site via Anderson Rd. This will be a major concern of the surrounding neighborhood. You should do everything possible to secure a right-out access to Central Entrance to avoid excessive traffic on Anderson Rd.  
***Acknowledged. MNDOT has expressed concern with allowing exiting movements directly to W Central Entrance due to illegal U-turning movements. It is their belief that forcing motorists to exit via Anderson Road is a safer design for motorists.***
2. A traffic study is required for the project and we understand that it is underway. Please contact Taryn Erickson, Traffic Engineer, [tjerrickson@duluthmn.gov](mailto:tjerrickson@duluthmn.gov), 218-730-5087, early in

- the review so that we have adequate time to comment.  
***A Traffic Study is included within this submittal.***
3. Anderson Rd. has on-street parking for residents. Let us know if the traffic study recommends alteration of on-street parking for turn lanes, etc.  
***A Traffic Study is included within this submittal.***
  4. Move the multi-use path as far northeast as possible in the ROW to preserve as many trees in the buffer as possible.  
***The multi-use path has been revised to be located as far northeast as possible within the ROW to preserve as many existing trees as feasible.***
  5. Work with MnDOT on pedestrian crossing at Central Entrance to link new sidewalk along Anderson Rd.  
***Acknowledged. We will work with MNDOT on a pedestrian crossing at Central Entrance/Anderson Road to link the proposed sidewalk to the sidewalk north of Central Entrance.***
  6. Locate monument signs outside site triangle (20 feet on each side from the ROW and driveway).  
***Acknowledged. The proposed signs have been located outside of the site triangle.***
  7. Consider lot lines and relationship to parking layout to avoid splitting parking areas.  
***The propose lot lines have been revised to avoid bisecting parking stalls.***
  8. Continue on path to vacate underlying easements in the platted area even if rededicating the easements in the new plat.  
***Acknowledged. ROW Vacations, a Preliminary, and Final Plat are included with this submittal.***
  9. Add ROW dedications for land under Central Entrance.  
***Acknowledged. A Preliminary and Final Plat are included with this submittal.***
  10. For the preliminary plat, in addition to the road cross-section, include road profile that shows grades of all the public and private roads on this development especially at intersections.  
***Please refer to the Grading Plan for the grading of the proposed driveways to Central Entrance and Anderson Road.***

## UTILITIES REVIEW COMMENTS

Contact: Eric Shaffer, Chief Engineer for Utilities, [eshaffer@duluthmn.gov](mailto:eshaffer@duluthmn.gov), 218-730-5072

1. Public water mains are in Central Entrance and Anderson Rd. Because of the steep slopes and distance to the main, we assume you will want a public water main in front of the buildings. We will want a hydrant at the end of the public main for flushing. A 20-foot wide utility easement will be needed for the public mains.

- It is currently proposed that the water main will be private with a private agreement allowing access and maintenance between the parties in the development. A statement of how the commonly owned land will be operated and maintained is included with this submittal.***
2. Sanitary sewer is in Anderson Rd. and we assume you will be extending a public main in front of the buildings. A 20-foot wide utility easement will be needed for the public mains.  
***It is currently proposed that the sanitary sewer will be private with a private agreement allowing access and maintenance between the parties in the development. A statement of how the commonly owned land will be operated and maintained is included with this submittal.***
  3. There will need to be a grease trap in front of each restaurant.  
***Acknowledged. A grease trap has been provided for each of the buildings with restaurant tenants.***

#### FIRE DEPARTMENT REVIEW COMMENTS

1. Fire Department will want hydrant(s) near the building fronts.  
***Acknowledged. One new fire hydrant is proposed along the front of the buildings.***
2. If buildings aren't sprinkered additional access to the buildings may be needed.  
***It is anticipated that the buildings will be sprinklered.***
3. You will need blasting permits from the Fire Department is you intend to do rock removal.  
***Acknowledged.***

Thank you for the thorough review of the layout. Please contact me with any questions regarding the responses.

Sincerely,  
KIMLEY-HORN AND ASSOCIATES, INC.



Brian Wurdeman, P.E.



## MEMORANDUM

Date: August 1, 2018

To: Taryn Erickson, PE  
Project Engineer – City of Duluth

From: Douglas Arnold, P.E.  
Kimley-Horn and Associates, Inc.

Subject: Launch Properties Jigsaw Site – Traffic Impact Study  
W Central Entrance at Anderson Road, Duluth, MN

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### Executive Summary

Launch Properties is proposing to develop an +/- 3.77-acre site located on the southwest corner of W Central Entrance and Anderson Road in Duluth, MN. The development is anticipated to include +/- 17,200 square feet of retail and restaurant space.

The proposed development is anticipated to generate 207 driveway trips and 109 net new trips during the PM peak hour, which is based on information provided in the Institute of Transportation Engineers (ITE) *Trip Generation*, 10th Edition. Access to the development is proposed to be located along W Central Entrance, with a right-in only driveway located approximately 500 feet west of Anderson Road and along Anderson Road, with a full access driveway located approximately 400 feet south of W Central Entrance.

Based on discussion with City staff, a Traffic Impact Study was performed to quantify operating conditions of adjacent intersections for Existing Conditions (2018), Build-Out Background (2019), and Build-Out Total Conditions (2019). The analysis focused on level of service (LOS) and delay at the intersections W Central Entrance & Anderson Road, Anderson Road & Orange Street, and U.S. Highway 53 & Anderson Road during the weekday PM peak period, as well as vehicle queueing during the weekday PM peak hour W Central Entrance & Anderson Road, Anderson Road & Orange Street, and U.S. Highway 53 & Anderson Road.

Based on the analysis, all intersections are anticipated to operate at an acceptable LOS with the addition of project traffic in the Build-Out Total (2019) analysis, and no off-site mitigation is needed to provide acceptable LOS. It is recommended that an exclusive right-turn lane be constructed at the site access along W Central Entrance, providing a total length of 225 feet (125-foot full lane and 100-foot taper).



## Introduction

Launch Properties is proposing to develop a site located on the southwest corner of W Central Entrance and Anderson Road in Duluth, St. Louis County, Minnesota. The site is +/- 3.77 acres and is currently partially undeveloped but also occupied by several houses and outbuildings. Exhibit 1 in Appendix A shows the site location and study area. The site is planned to be developed to accommodate +/- 7,500 square feet of retail space and +/- 9,700 square feet of restaurant space.

As part of the development process, a Traffic Impact Study has been requested by City staff to quantify any impacts the proposed development will have on the adjacent public street intersections.

## Existing Conditions

The proposed development has frontage on two public roadways; W Central Entrance and Anderson Road, with driveways along both roadways. Additionally, U.S. Highway 53 and Orange Street are two public roadways likely to experience some site related traffic. Following provides more information on the adjacent roadways:

- W Central Entrance is an east-west divided highway with two lanes in each direction. At its intersection with Anderson Road, left-turn lanes are provided on both the eastbound and westbound approaches and a right-turn lane is provided on the eastbound approach. The speed limit is 30 miles per hour within the study area. Duluth Transit bus stops are located on both the west and east sides of Anderson Road along W Central Entrance. The existing Average Daily Traffic (ADT) is 19,300 vehicles per day west of Anderson Road and 23,500 vehicles per day east of Anderson Road.
- Anderson Road is a north-south undivided roadway with one lane in each direction and a posted speed limit of 30 miles per hour. At its intersection with W Central Entrance, there are no turn lanes provided and north of W Central Entrance, Anderson Road changes into W Myrtle Street. The existing ADT is 2,600 vehicles per day between W Central Entrance and U.S. Highway 53.
- U.S. Highway 53 is a two lane north-south undivided roadway with a two-way left-turn lane (TWLTL) provided within the study area. At its intersection with Anderson Road, dedicated lanes are provided for left-turn and right-turn movements along U.S. Highway 53, and left-turn lanes are provided along Anderson Road. A Duluth Transit bus stop is located just north of Anderson Road. The speed limit is 45 miles per hour. The existing ADT is 12,200 vehicles per day north of Anderson Road and 13,800 vehicles per day south of Anderson Road.
- Orange Street is a two lane east-west undivided roadway south of the proposed site. At its intersection with Anderson Road, a northbound dedicated right-turn lane is provided. The existing ADT is estimated to be 500 vehicles per day east of Anderson Road.

The intersection of W Central Entrance and Anderson Road, the intersection of Anderson Road and Orange Street, and the intersection of U.S. Highway 53 & Anderson Road will be included as study intersections. Existing lane geometry and intersection control is provided in Exhibit 2 in Appendix A.





Peak period turning movement counts were collected at the study intersections on Wednesday, July 11, 2018, and Thursday, July 12, 2018. Exhibit 3 in Appendix A provides a summary of the ADT and PM peak hour turning movement counts. Volumes along Anderson Road from Orange Street to U.S. Highway 53 were not balanced due to the number of residential cross streets that would likely create imbalances even without the data collection date variance.

## Proposed Development

The proposed site will be a multi-use strip mall-style development with 7,500 square feet of retail space, 7,600 square feet of fast casual restaurants (four restaurants in total), and a 2,100 square foot coffee shop with drive-through.

### Site Trip Generation

The trip generation for the proposed development has been prepared based on information provided in the Institute of Transportation Engineers (ITE) *Trip Generation*, 10th Edition. For each of the land use categories, the average rate for the peak hour of the adjacent street was used. Trips related to the 7,500 SF of retail space were generated using Land Use Code (LUC) 820, Shopping Center. The 2,100 SF of restaurant space with the drive-through window was considered LUC 937 (Coffee/Donut Shop with Drive-Through Window) based on the proposed tenant. The remaining 7,600 SF of restaurant space was considered LUC 930 (Fast Casual Restaurant). Internal capture was applied to the forecasted trip generation to account for shared trips and trips that are already on the roadway network, and was calculated consistent with ITE's Trip Generation Handbook, 3rd Edition. Internal capture was calculated between the retail and restaurant uses. Pass-by for the coffee shop was calculated based on rates for the fast-food with drive-through land use. Pass-by for the other restaurants was calculated based on rates for a high-turnover (sit-down) restaurant. Table 1 provides a summary of the trip generation calculation.

Table 1 – Proposed Site Trip Generation

Land Use Description	Intensity	PM Peak Hour		
		In	Out	Total
Shopping Center (ITE 820)	7,500 SF	13	15	28
Fast Casual Restaurant (ITE 930)	7,600 SF	60	49	109
Coffee/Donut Shop with Drive-Through Window (ITE 937)	2,100 SF	46	46	92
Total Traffic		119	110	229
<i>Retail Internal Capture Reduction</i>		-7	-4	-11
<i>Restaurant Internal Capture Reduction</i>		-4	-7	-11
Total Driveway Traffic		108	99	207
<i>Retail Pass-By Capture (34%)</i>		-2	-2	-4
<i>Restaurant Pass-By Capture (43%)</i>		-25	-25	-50
<i>Coffee Shop Pass-By Capture (50%)</i>		-22	-22	-44
Net New Vehicle Trips		59	50	109



### Site Development Access

Proposed access to the site is anticipated to be provided by one right-in only driveway along W Central Entrance approximately 500 feet from Anderson Road and one full access driveway along Anderson Road spaced approximately 400 feet from W Central Entrance. The site is anticipated to be open for business in 2019.

### Trip Distribution and Assignment

The directional distribution was based on the current traffic patterns in the area, the location of the proposed site access, and the anticipated routes that will provide site users with the fastest and most convenient path to and from the site. The estimated trip distribution for the site-generated traffic is illustrated in Exhibit 4 in Appendix A. All pass-by traffic is assumed to be from W Central Entrance. The same trip distribution and pass-by assumptions were also applied to the traffic generated from the adjacent development.

The anticipated site traffic distribution is listed below:

- To/from the west on W Central Entrance – 35%
- To/from the east on W Central Entrance – 30%
- To/from the south on U.S. Highway 53 – 20%
- To/from the west on Anderson Road – 10%
- To/from the east on Orange Street – 3%
- To/from the north on Myrtle Street – 2%

In accordance with the estimated site trip generation and distribution, weekday PM peak hour site traffic volumes were assigned to each of the study intersections. The resulting trip assignment of the project traffic is presented in Exhibit 5 in Appendix A.

### Volume Development

*Existing (2018)* turning movement volumes were collected in July 2018 at the study intersections and are provided in Exhibit 3.

*Build-Out Background (2019)* turning movement volumes for the weekday PM peak hour at the study intersections were developed for Build-Out Background (2019) conditions based on historic growth and traffic from committed developments in the area. Based on a review of historic traffic volumes along W Central Entrance, there has not been a significant amount of growth. However, a 2.0% background growth rate was applied to existing volumes. In addition to background growth, anticipated traffic from the committed development that is currently under construction on the northeast corner of W Central Entrance & Anderson Road was included in the Build-Out Background traffic volume development. More detailed information on the committed development is provided in Appendix B. Exhibit 6 provides the weekday PM peak hour turning movement volumes for Build-Out Background (2019) conditions.

*Build-Out Total (2019)* turning movement volumes were developed by adding the project traffic volumes provided in Exhibit 5 to the Build-Out Background turning movement volumes provided in Exhibit 6. Build-Out Total (2019) turning movement volumes are provided in Exhibit 7.



## Conclusions and Recommendations

Launch Properties is proposing to develop an +/- 3.77-acre site located on the southwest corner of W Central Entrance and Anderson Road in Duluth, MN. The development is anticipated to include +/- 17,200 square feet of retail and restaurant space.

The proposed development is anticipated to generate 207 driveway trips and 109 net new trips during the PM peak hour, which is based on information provided in the Institute of Transportation Engineers (ITE) *Trip Generation*, 10th Edition. Access to the development is proposed to be located along W Central Entrance, with a right-in only driveway located approximately 500 feet west of Anderson Road and along Anderson Road, with a full access driveway located approximately 400 feet south of W Central Entrance.

Based on discussion with City staff, a Traffic Impact Study was performed to quantify operating conditions of adjacent intersections for Existing Conditions (2018), Build-Out Background (2019), and Build-Out Total Conditions (2019). The analysis focused on level of service (LOS) and delay at the intersections W Central Entrance & Anderson Road, Anderson Road & Orange Street, and U.S. Highway 53 & Anderson Road during the weekday PM peak period, as well as vehicle queueing during the weekday PM peak hour W Central Entrance & Anderson Road, Anderson Road & Orange Street, and U.S. Highway 53 & Anderson Road.

Based on the analysis, all intersections are anticipated to operate at an acceptable LOS with the addition of project traffic in the Build-Out Total (2019) analysis, and no off-site mitigation is needed to provide acceptable LOS. It is recommended that an exclusive right-turn lane be constructed at the site access along W Central Entrance, providing a total length of 225 feet (125-foot full lane and 100-foot taper).



PRELIMINARY - NOT FOR CONSTRUCTION

SHEET NUMBER  
EX 2

THE JIGSAW  
PREPARED FOR  
LAUNCH  
PROPERTIES

PROPOSED  
DRAINAGE  
EXHIBIT

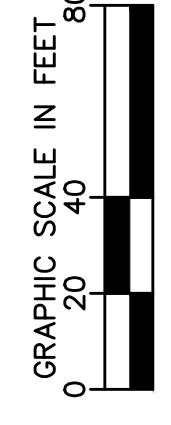
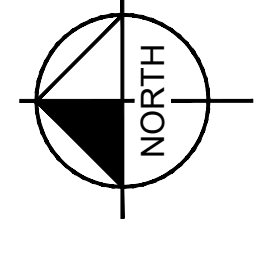
KHA PROJECT  
160734013  
DATE  
04/30/2018  
SCALE AS SHOWN  
DESIGNED BY BMW  
DRAWN BY ACL  
CHECKED BY WDM

HERSBY 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.  
BRIAN M. WURDEMAN  
LIC. NO. XXXXX




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2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114  
PHONE: 651-645-4197  
WWW.KIMLEY-HORN.COM



NO.	REVISIONS	DATE	BY



Legend

-  Delineated Wetland Boundaries
-  Project Site
-  LiDAR Contours 2 foot

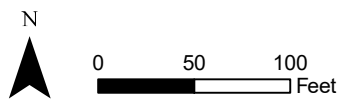
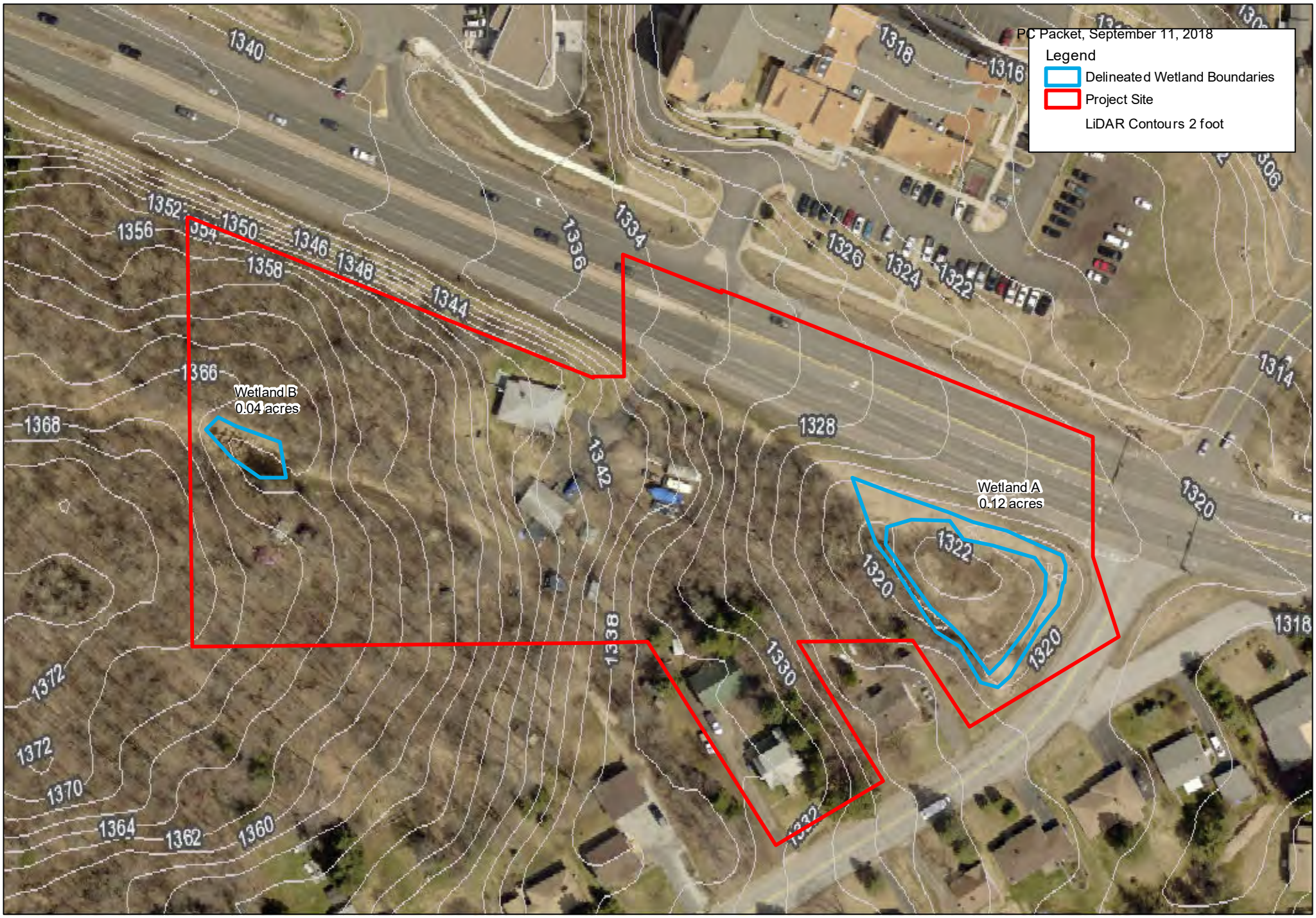


Figure 4. 2-foot Lidar Contours



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 18-113	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Vacation of Two Platted Rights of Way	<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	August 7, 2018	<b>60 Days</b>	October 16, 2018
	<b>Date Extension Letter Mailed</b>	August 28, 2018	<b>120 Days</b>	December 15, 2018
<b>Location of Subject</b>	Corner of Central Entrance and Anderson Road			
<b>Applicant</b>	Launch Properties	<b>Contact</b>	Dan Regan/Scott Moe	
<b>Agent</b>	Kimley-Horn	<b>Contact</b>	Brian Wurdeman	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	September 1, 2018	<b>Sign Notice Date</b>	Need to verify	
<b>Neighbor Letter Date</b>	August 24, 2018	<b>Number of Letters Sent</b>	65	

**Proposal:** The applicant is requesting the vacation of two platted, but unimproved, rights of way.

**Recommended Action:** Recommend to the City Council to Approve.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
<b>Subject</b>	MU-N	Residential/Undeveloped	Neighborhood Mixed Use
<b>North</b>	MU-C	Industrial	Mixed-Use Commercial
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	MU-N	Residential	Neighborhood Mixed Use
<b>West</b>	MU-N/MU-C	Res./Undeveloped/Com.	Neighborhood Mixed Use/Large Scale Com.

**Summary of Code Requirements**

Vacation of public rights of way and/or easements require a Planning Commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

UCD Sec. 50-37.6.C – The Planning Commission shall review the proposed vacation, and Council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

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

Governing Principle #5 – Promote reinvestment in neighborhoods.

Governing Principle Principal #7 - Create and maintain connectivity: Connectivity should be provided for vehicular and non-vehicular modes.

Future Land Use – Neighborhood Mixed Use. Description: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

Density/Intensity/Design: Site design should maintain a largely residential building character; Commercial-only uses should be adjacent to non-residential or other mixed use areas

**Review and Discussion Items**

Staff finds that:

- 1) The applicant is requesting that the City vacate the two rights of way of shown in the attached exhibits; the applicant is proposing to make use of the rights of way for a new proposed commercial development (PL 18-112).
- 2) Neither rights of way are currently needed for public use. The City Engineering office has reviewed the proposed vacations and has indicated they are not needed for street or utility purposes. The western half of the platted but unimproved Apple Street is remaining as a potential future bike or trail access.
- 3) The two rights of way are not needed to provide access to any public water. Vacating the rights of way will not have impacted or deny access to other property owners.
- 4) No new citizen comments have been received on this specific item (other comments have been received on the preliminary plat application PL 18-112). Technical review of the exhibit has not been completed; there may be some minor changes to the legal descriptions of the exhibits.
- 5) Vacations of rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

**Staff Recommendation**

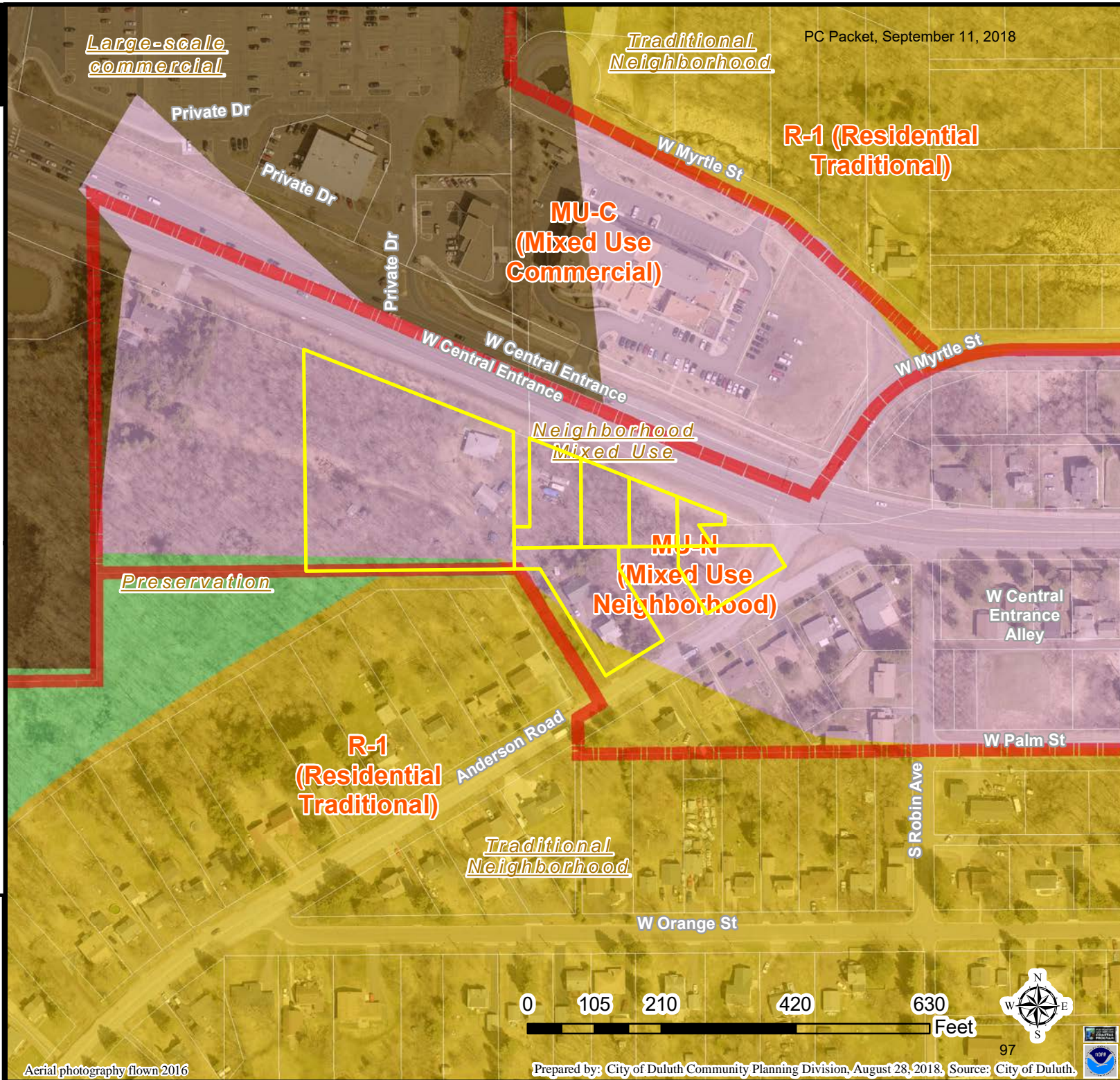
Based on the above findings, staff recommends that Planning Commission recommend approval of the vacation of the rights of way as shown in the attached vacation exhibits.



PL 18-113 Partial Vacation of Apple Street

PL 18-112 Preliminary Plat





**Legend**

 Zoning Boundaries

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Private Dr

JPK TR DULUTH LLC

MN DEPT OF TRANSPORTATION

NATIONAL RETAIL PROPERTIES, LP

CITY OF DULUTH

ELLISON DONALD G

CARL LAWRENCE E

CARL LAWRENCE E

WOOD JAMES F

WOOD JAMES F

WOOD JAMES F

WOOD JAMES F

TUOMINEN CHRIS J ETUX

KUTASEVICH STEVEN D & PENELOPE

BRATEK JACOB J & JULIEN C

HOME DEPOT USA INC

HILDRETH ELIAS L & CASEY L

GARRAMONE EVE M

501 A

WHITE HEATHER L

WOOD MICHAEL K & DANA K

417 A

8 inch Vitreous Clay Pipe - 269'

2" MDPE

HIGHLAND STEVE R

PETRICH WADE & TRACI

CARLSON CRAIG A

BUSHEY LAWRENCE A

408 A

ONKUZU LYNN M

VATALARO CLARA

98

W Central Entrance

UNKNOWN

2" MDPE

3" MDPE

3" MDPE

2" MDPE

517 W

501 W

W Myrtle St

ST OF MN C278 L35

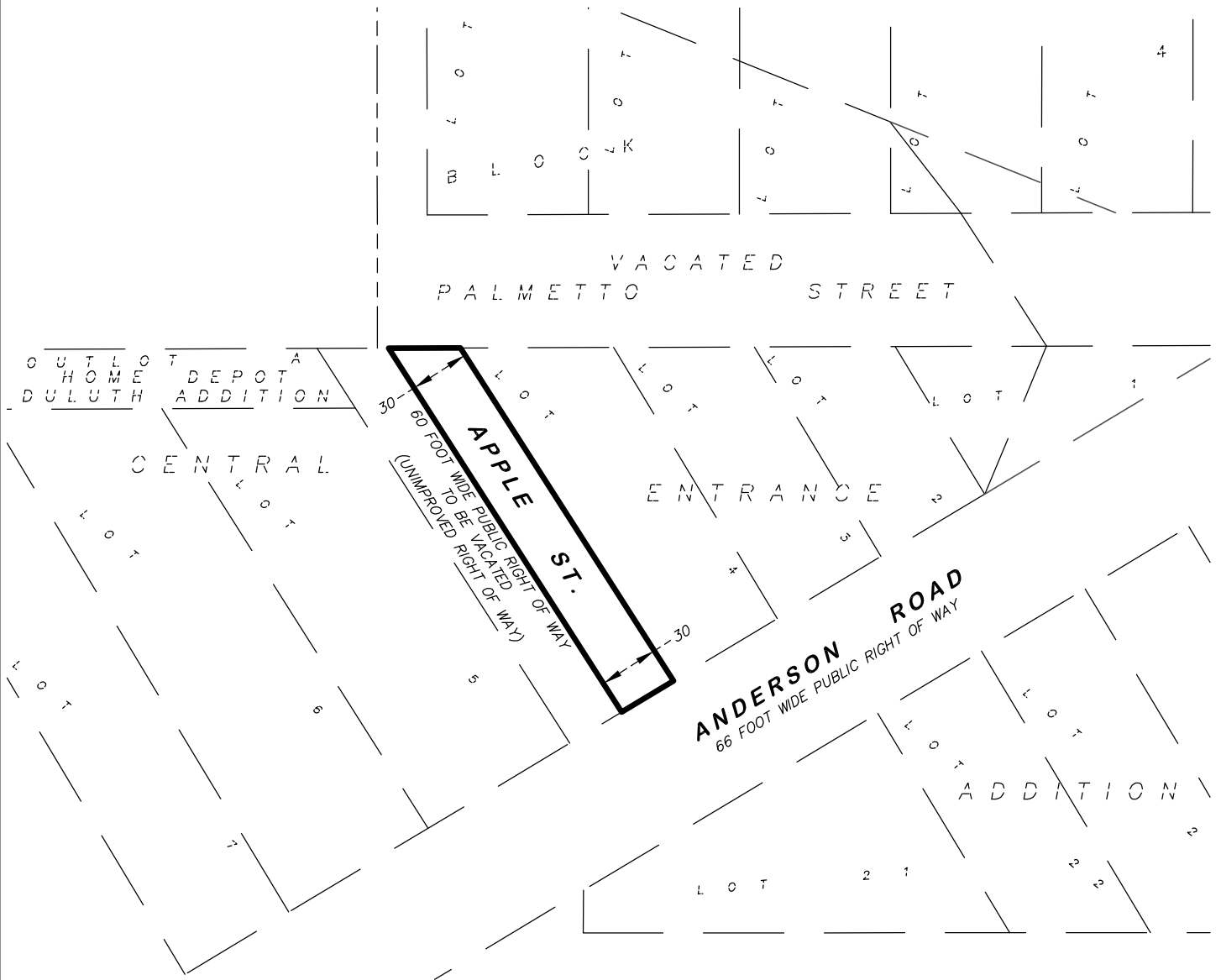
Anderson Road

8 inch Vitreous Clay Pipe - 255'

3" MDPE

404 A

# APPLE STREET VACATION EXHIBIT

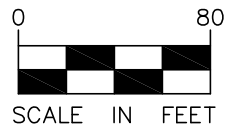
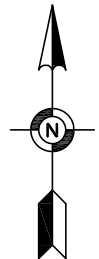


### DESCRIPTION OF APPLE STREET TO BE VACATED:

The East Half of Apple St. dedicated in the plat of CENTRAL ENTRANCE ADDITION, St. Louis County, Minnesota, lying northerly of the north line of Anderson Road.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

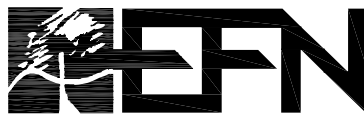
Approved by: \_\_\_\_\_, City of Duluth Engineer



### ALLEY VACATION EXHIBIT FOR:

**Kimley-Horn and Associates, Inc.**

SITE LOCATION: 421 Anderson Road  
Duluth, Minnesota 55811



**Egan, Field & Nowak, Inc.**

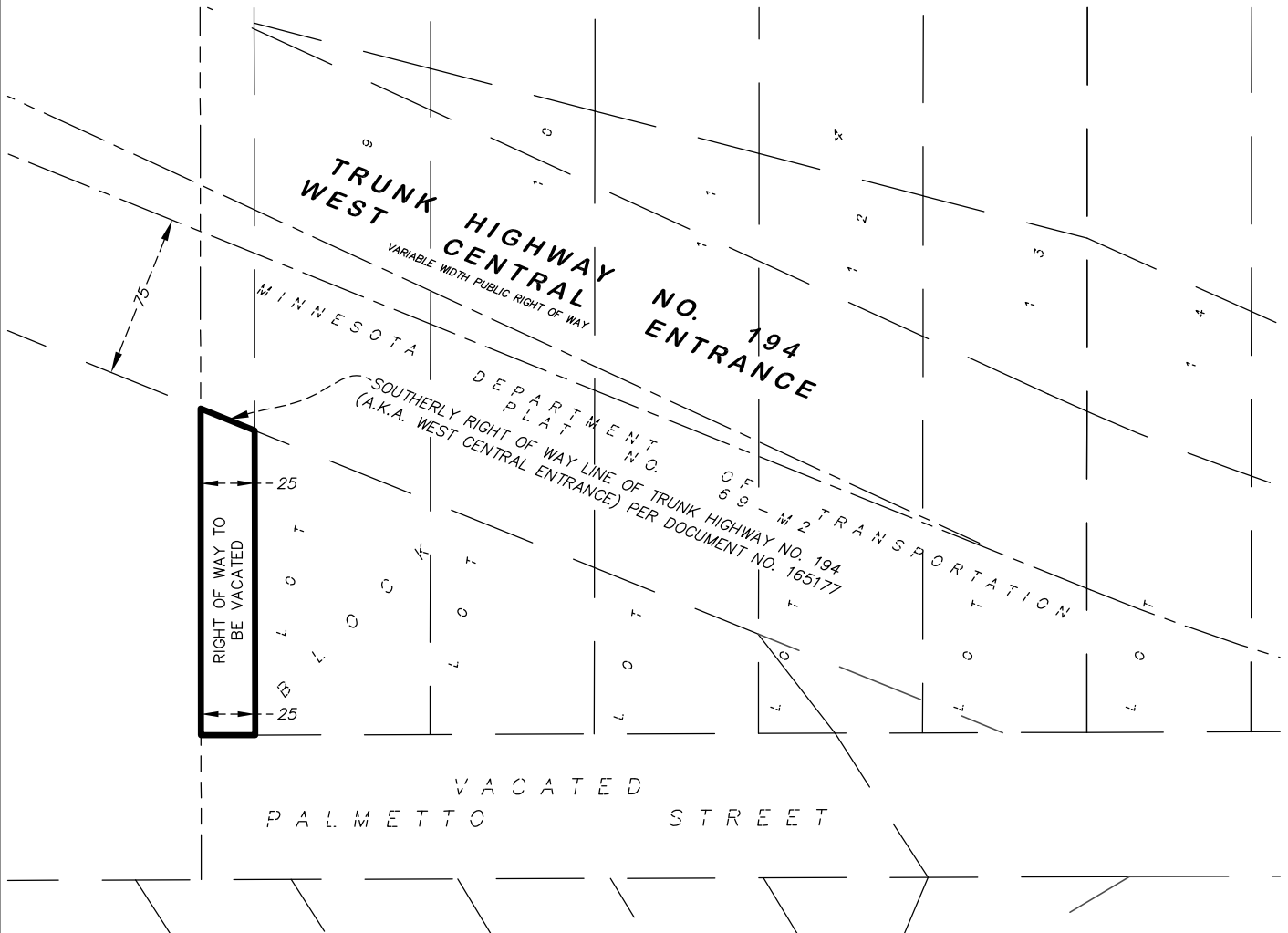
land surveyors since 1872

1229 Tyler Street NE, Suite 100  
Minneapolis, Minnesota 55413  
PHONE: (612) 466-3300  
FAX: (612) 466-3383

[WWW.EFNSURVEY.COM](http://WWW.EFNSURVEY.COM)

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# RIGHT OF WAY VACATION EXHIBIT

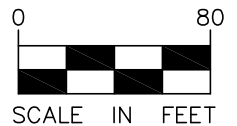
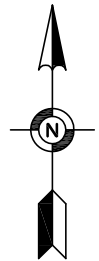


### DESCRIPTION OF RIGHT OF WAY TO BE VACATED:

All that part of the 25.00 foot wide right of way lying westerly of Block 4, as dedicated in the plat of MAPLE GROVE ACRE TRACTS OF DULUTH, MINNESOTA which lies southerly of the southerly right of way line of Trunk Highway No. 194 as now located and established as described in Document No. 165177.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

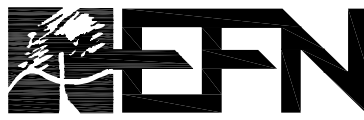
Approved by: \_\_\_\_\_, City of Duluth Engineer



### ALLEY VACATION EXHIBIT FOR:

**Kimley-Horn and Associates, Inc.**

SITE LOCATION: 604 West Central Entrance  
Duluth, Minnesota 55811



**Egan, Field & Nowak, Inc.**

land surveyors since 1872

1229 Tyler Street NE, Suite 100  
Minneapolis, Minnesota 55413

PHONE: (612) 466-3300

FAX: (612) 466-3383

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**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 18-115	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Planning Review	<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	August 7, 2018	<b>60 Days</b>	October 6, 2018
	<b>Date Extension Letter Mailed</b>	August 21, 2018	<b>120 Days</b>	December 5, 2018
<b>Location of Subject</b>	4426 Grand Avenue			
<b>Applicant</b>	Marvin Development IV, LLC	<b>Contact</b>		
<b>Agent</b>	Barb Schneider	<b>Contact</b>		
<b>Legal Description</b>	PIDs 010-3610-08090 and 010-3610-08002.			
<b>Site Visit Date</b>	August 31, 2018	<b>Sign Notice Date</b>	August 28, 2018	
<b>Neighbor Letter Date</b>	August 28, 2018	<b>Number of Letters Sent</b>	17	

**Proposal**

Applicant proposes to develop a vacant parcel for a 2,723 square foot Taco Bell restaurant building with a drive-thru and 23 stall parking lot.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Vacant parcel	Neighborhood Commercial
<b>North</b>	MU-C	Vacant Parcel	Neighborhood Commercial
<b>South</b>	MU-C	Commercial/manufacturing	Neighborhood Commercial
<b>East</b>	MU-C	Commercial	Neighborhood Commercial
<b>West</b>	MU-C	Whole Foods Co-op	Neighborhood Commercial

**Summary of Code Requirements**

50-15.3 MU-C District - Planning review by the Planning Commission is required for most development and redevelopment.

50-18.1E Storm Water Management - Addresses water runoff quality and quantity pre- and post-construction.

50-23 Connectivity and Circulation - Focuses on pedestrian and bicycle accommodations.

50-24 Parking and Loading - Addresses required minimum and maximum parking spaces and loading docks, dimensional standards, snow storage and pedestrian circulation.

50-25 Landscaping and Tree Preservation - Landscaping standards such as materials, plant size, location, and tree preservation

50-26 Screening, Walls, and Fences - Screening of mechanical equipment, loading areas, and commercial containers, plus regulations regarding fences and retaining walls.

50-29 Sustainability Standards - Sustainability point system for new development.

50-30 Design Standards - Building standards for multi-family, commercial, institutional, and industrial buildings.

50-31 Exterior Lighting - Directs the minimum and maximum illumination values and lighting fixtures for a site.

50-37.11 Planning Review - Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

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

Governing Principle #1 – Reuse previously developed lands: while this site is undeveloped, it lies along a developed street, in between a retail development and multi-family neighborhood. This governing principle directly refers to “scattered vacant parcels” and savings in existing public infrastructure when roads and utilities are already present.

Governing Principle #7 – Create and maintain connectivity: Connectivity should be provided for vehicular and non-vehicular modes

Future Land Use – Neighborhood Commercial: Small- to moderate-scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

**Review and Discussion Items**

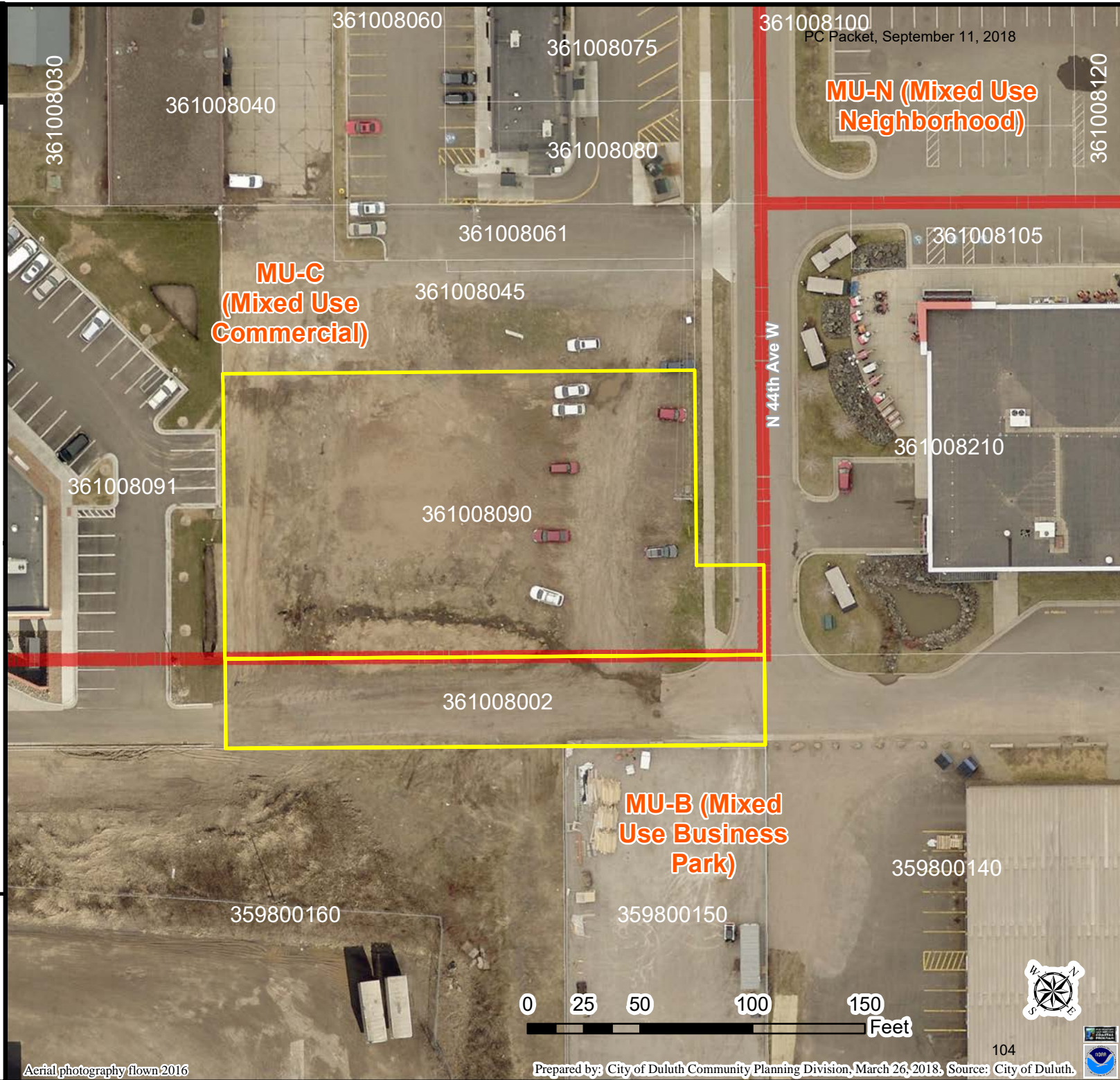
Staff finds that:

- 1) The development site consists of two vacant parcels with frontage along North 44<sup>th</sup> Avenue West. Applicant is proposing to construct a 2,723 Square foot building for a Taco Bell restaurant with a drive-thru and a 23 stall parking lot on the north side of the building.
- 2) 50-15.3 (MU-C District) – Site plan and building elevations show that buildings will meet property setbacks and height requirements.
- 3) 50-20.3.Q (Use Specific Standards - Restaurant) – Restaurants with drive-thru’s are permitted in the MU-C zone district. Drive-thru lanes shall allow for stacking space for 5 cars. The proposed drive-thru lane will accommodate the required number of cars.
- 4) 50-23 (Connectivity) – Plans provide for a sidewalk connection between the building entrances and the existing sidewalk along North 44<sup>th</sup> Avenue West.
- 5) 50-24 (Parking) – Parking is required at 6.5 spaces per 1000 sq. ft. of floor space. This would require 20 parking spaces. The site plan depicts 23 parking spaces meeting the dimensional standard for stall’s and the required 24-foot-wide drive isle.
- 6) 50-25 (Landscaping) – Street frontage landscaping is provided and meets UDC requirements. Parking lots with less than 25 spaces must provide 30% tree canopy coverage. The parking lot canopy coverage plan exceeds the requirement for 30% tree canopy coverage at maturity.
- 7) 50-26 (Screening) – As noted on building elevations, all roof top mechanical equipment shall be screened from view by the parapets. Building plans depict a trash room within the southwest corner of the building. No fences or retaining walls are proposed.
- 8) 50-29 (Sustainability) – Not applicable. Building is under 10,000 square feet of gross floor area.
- 9) 50-30 (Design Standards) - Project meets standards for non-residential design, with details provided on the attached UDC Design Standards and on the Building Elevations Sheet.
- 10) 50-31 (Exterior Lighting) – All lighting is proposed to be full cut-off fixtures that meet all UDC requirements.
- 11) Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within 1 year.

**Staff Recommendation**

Staff recommends approval of the Planning Review, subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to Site Plan, exterior elevations, photometric plan, and lighting details submitted with this application..
- 2) Prior to receiving a building permit, applicant shall deposit an escrow (performance bond, cash, or other financial security equal to the amount of landscaping improvements) to ensure implementation of the landscape plan. This amount shall be held, without interest, until the applicant has installed the required landscaping, hired a certified professional to inspect landscaping and confirm that all landscaping was installed correctly and according to approved plans, and forwarded the inspection results to the city along with a request for reimbursement of escrow. This escrow shall not be released until all public improvements, including proposed trail, are completed. Applicant is to maintain required landscaping and replace any vegetation that expires for a period of one year following the installation of trees and shrubs.
- 3) Developer shall file paperwork to merge or combine parcels, as appropriate, to ensure that no buildings or parking spaces are constructed over multiple lot lines. Documentation of any cross-easements for parking shall be provided to the city.
- 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; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



**Legend**  
 Zoning Boundaries

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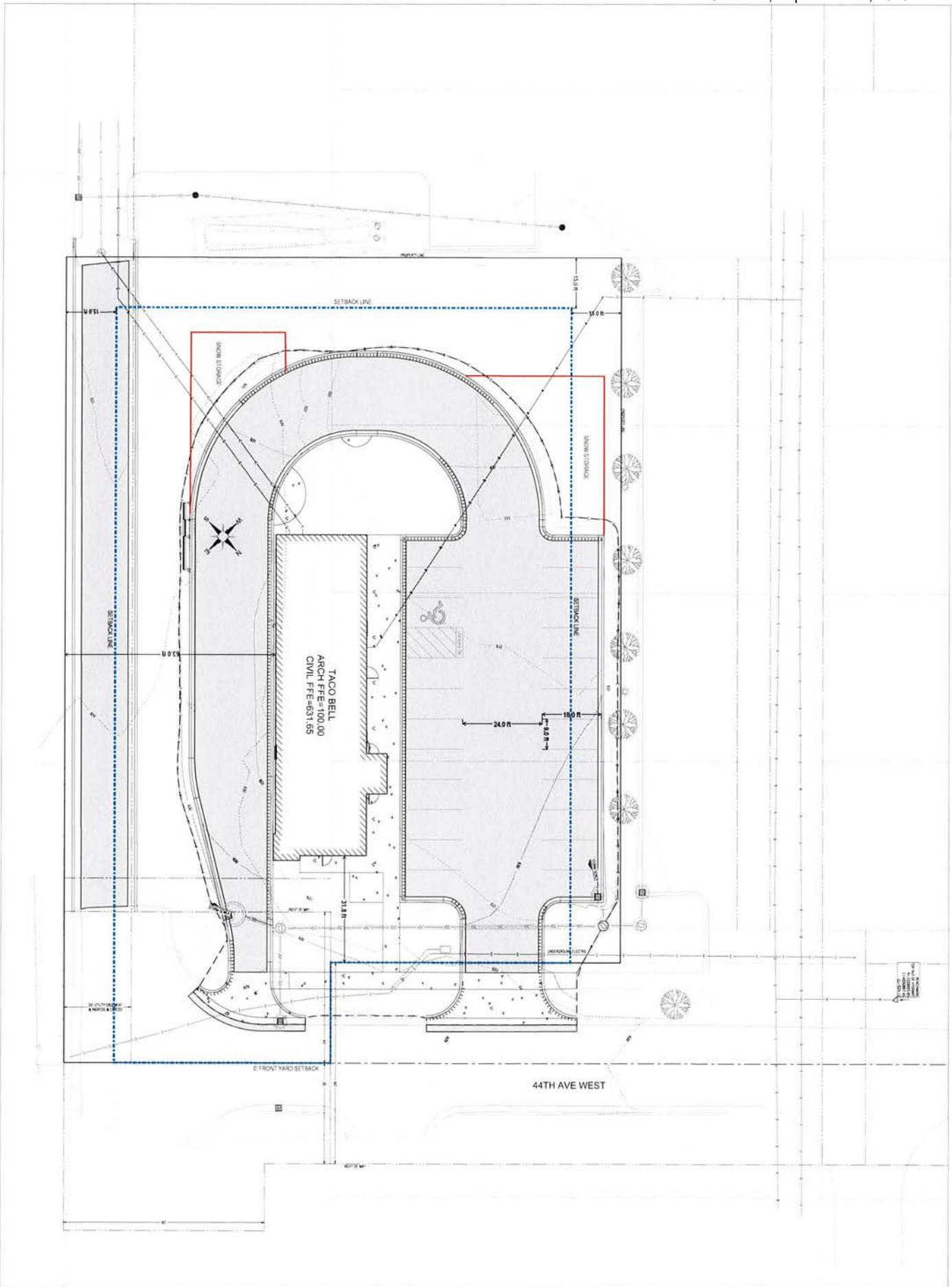
**Legend**  
**Future Land Use - Plus**  
**Future Land Use**

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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*General  
Mixed Use*





C3.0  
SITE & GRADING

REVISIONS

NO.	DATE	DESCRIPTION



Marvin Dev  
**SITE & GRADING**

MARVIN DEVELOPMENT IV, LLC  
TACO BELL  
SITE LAYOUT  
44th GRAND AVE

**Northland**  
Engineering & Construction  
106

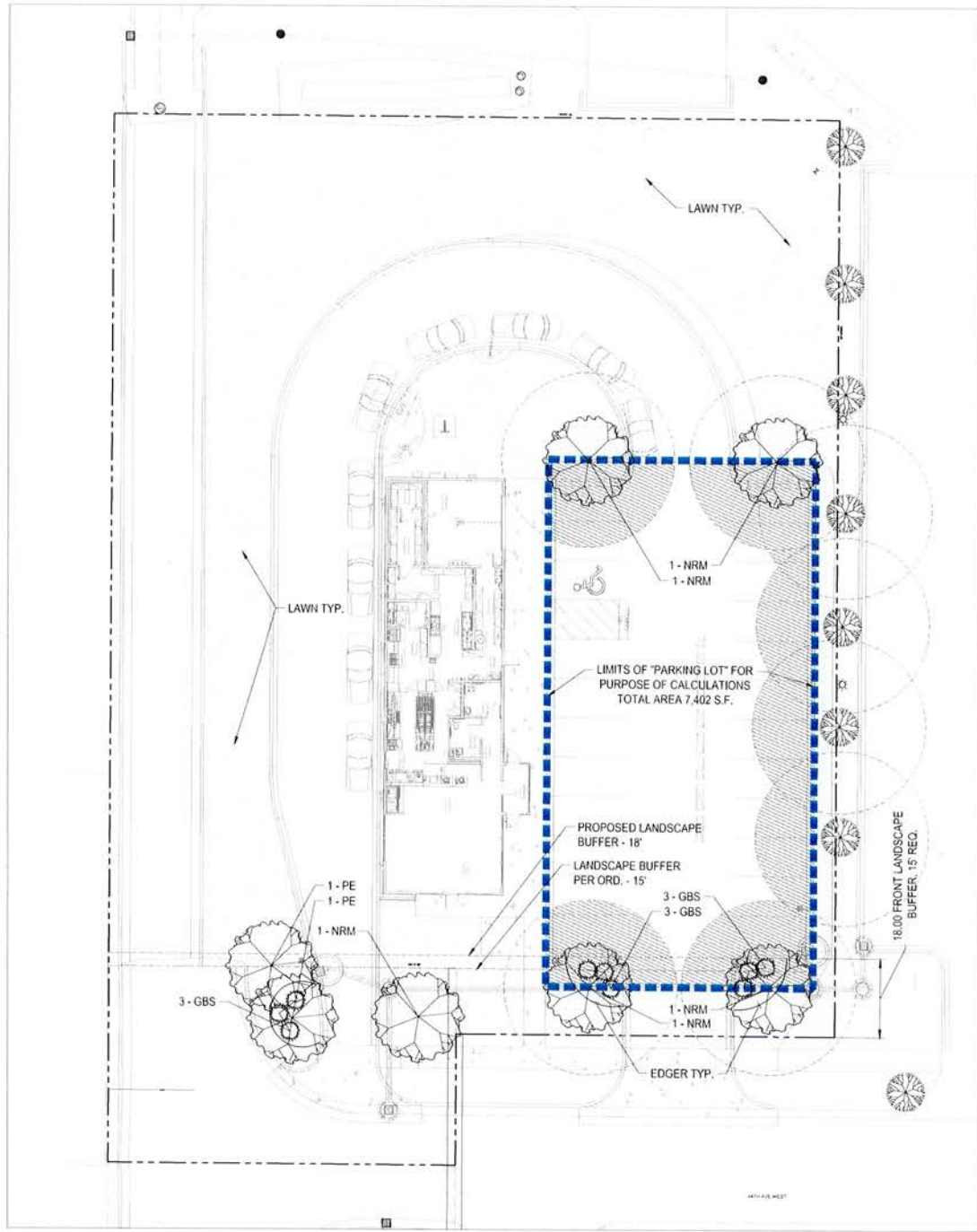


400 West 37<sup>th</sup> Street  
Suite 200  
St. Louis Park, Minnesota  
65455  
612.437.1234  
planforce.com



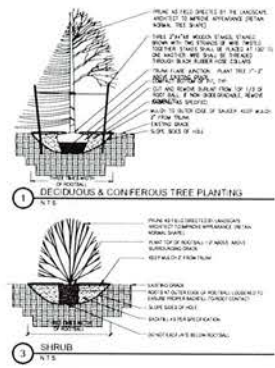
44TH AVENUE WEST & WEST 2ND STREET  
DALLAS, TX

PRELIMINARY  
NOT FOR  
CONSTRUCTION



**PLANT SCHEDULE - ENTIRE SITE**

SYM	QUANT	COMMON NAME	BOTANICAL NAME	DATE	ROOT	COMMENTS/NOTES
DE	3	NORTHWOOD HEMLOCK	Amorpha Nordströmii	3/17	S&S	STRAIGHT LEAK & FULL FORM 40 DR. CANOPY
PE	2	FRONCEYON Elm	Ulmus americana	3/17	S&S	STRAIGHT LEAK & FULL FORM 30 DR. CANOPY
<b>INTERIORS SHRUBS</b>						
GBS	3	DMAY GLOBE BLUE SHRUBS	Penstemon obscurus	3/17	CONT	DENSE BRANCHING



**IRRIGATION NOTES:**

- ENTIRE SITE SHALL BE FULLY IRRIGATED. THE CONTRACTOR SHALL SUBMIT IRRIGATION SCHEDULING FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- SEE MECHANICAL AND ELECTRICAL PLANS AND SPECIFICATIONS FOR IRRIGATION WATER, METER AND POWER CONNECTIONS.
- CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND AND/OR ABOVE GROUND FACILITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND COSTS ASSOCIATED WITH CORRECTING ERRORS SHALL BE BORNE BY THE CONTRACTOR.
- SERVICE EQUIPMENT AND INSTALLATION SHALL BE PER LOCAL UTILITY COMPANY STANDARDS AND SHALL BE PER NATIONAL AND LOCAL CODES. EXACT LOCATION SERVICE EQUIPMENT SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT OR EQUIVALENT AT THE JOB SITE.
- CONTRACTOR SHALL COORDINATE WITH LOCAL UTILITY COMPANY FOR THE PROPOSED ELECTRICAL SERVICE AND METERING FACILITIES.
- IRRIGATION WATER LINE CONNECTION SHALL BE SET AT BUILDING VENTRY WITH MECHANICAL PLANS CHANGE.
- ALL MAIN LINES SHALL BE 18" BELOW FINISHED GRADE.
- ALL LATERALS SHALL BE 18" TO 24" BELOW FINISHED GRADE.
- ALL IRRIGATION RISERS AND PIPES SHALL BE GRADE OR BELOW.
- CONTRACTOR SHALL LAY ALL SIZES AND CONDUIT AT 2' BELOW THE FINISHED GRADE OF THE TOP OF PAVEMENT. EXTEND SIZES TO 2" BEYOND PAVEMENT.
- CONTRACTOR SHALL MARK THE LOCATION OF ALL SIZES AND CONDUIT WITH THE BLEEDING MATERIAL, 1/2" TO 2" ABOVE FINISHED GRADE AND CAPS.
- FABRICATE ALL PIPES TO MANUFACTURER'S SPECIFICATIONS WITH CLEAN AND SQUARE CUT ENDS. USE QUALITY GRADE PIPING AND SOLVENT CEMENT FORMULATED FOR INTENDED TYPE OF CONNECTION.
- BACKFILL ALL TRENCHES WITH SOIL FREE OF SHARP OBJECTS AND DEBRIS.
- ALL VALVE BOXES AND COVERS SHALL BE BLACK IN COLOR.
- GROUP VALVE BOXES TOGETHER AND WHEN SPACE IS REQUIRED, LOCATE VALVE BOXES AS NEAR AS POSSIBLE TO THE MAIN LINE.
- IRRIGATION CONTROLLER LOCATION SHALL BE VERIFIED ON SITE WITH DRAWINGS REPRESENTATIVE.
- CONTROL WIRING TO GROUP OBJECT (BURST, SOAK) COVERS IRRIGATION WIRE. RUN WIRE'S MEANING THE WIRE SHOULD BE PROOF SPACES AND SHOULD NOT BE OVERLAPPED. RUN SEPARATE HOT AND COMMON WIRE TO EACH VALVE AND ONE (1) SPARE WIRE AND GROUND TO FURFEEB IN CASE OF SHORT CIRCUIT, LEAK, OR LOSS OF CONTROL WIRE.
- GROUP OVERHEAD PIPING ON BUILDINGS. PAINTMENT SHALL BE CONDUCTED BY A QUALIFIED ADDRESSING RADIUS OR ARC ON SPRINKLER HEADS AND ON CONTROL ON AUTOMATIC VALVES.
- ADJUST PRESSURE REGULATING VALVES FOR OPERATING PRESSURE ON SITES.
- USE SOLENOIDS ON ALL HEADS.
- PRESENTATION ASSET OF ANNUAL DRINKINGS SHALL BE MAINTAINED ON SITE AT ALL TIMES IN AN UPDATED CONDITION.
- ALL PIPES AND OVERHEADS SHALL HAVE THREATS BLOCKING AT EACH TURN.
- ALL AUTOMATIC PRESSURE CONTROL VALVES SHALL HAVE 3" MINIMUM CLEARANCE TO BE MAINTAINED UNDERNEATH VALVE AND VALVE BOX SHALL HAVE EXTENT 1' BEYOND PERIMETER OF VALVE BOX.
- THE SITE SHALL BE 1" MINIMUM SPACING BETWEEN BOTTOM OF VALVE BOX COVER AND TOP OF VALVE STRUCTURE.

- LANDSCAPE NOTES:**
- WHEN SHOWING SHRUBS SHALL BE MAINTAINED WITH A SEPTUM AFTER INSTALLATION ANCHOR TIGHTENING OR OPERATIONS OF SHRUBS HARDWOOD SHALL OVER AND TO BARKERS. COVER TOP PROTECT ROOTS SAMPLE PRIOR TO BE PLANTING. PLOT FLOOR TO BE VALLEY VIEW SLAB (BARKER) ON APPROXIMATE EQUAL. WHERE APPLICABLE.
  - IF SHOWING IN AN UNCOMMON SIZES AND SPECIES SHALL BE DEVELOPED TO BE TO COMPLIMENT NEW LANDSCAPING. OWNER TO APPROVE BOLLER SAMPLE PRIOR TO INSTALLATION.
  - PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERMEN STANDARDS AND SHALL BE FREE FROM DISEASE, DAMAGE AND DEFOLIATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLANTINGS OF PLANT MATERIALS FOR QUALITY ACCEPTANCE PURPOSES.
  - UPON RECEIPT OF A QUOTE FROM THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN IN THE PLAN. THE PLAN SHALL GROUND CONTRACTOR OF VEGETATION SHALL BE WORKED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE MAINTAINED FOR THE FULL DURATION BE ADDED FROM SUBSTITUTION COMPLIANCE DATE.
  - AREAS DELIMITED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 4" ANTI-EROSION SOIL AS SHOWN IN LISTS OF OTHERS NOTED ON THE DRAWINGS.
  - CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND AND/OR ABOVE GROUND FACILITIES (LIGHT FIXTURES, SOUPNS AND WINDOWS) CONTRACTOR SHALL STATE IN THE FINAL LOCATION OF THE LANDSHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
  - ALL PLANT MATERIALS SHALL BE ANTI-EROSION MAINTAINED UNTIL ACCEPTANCE.
  - REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
  - DESIGN AND MAINTAIN ALL PAVED SURFACE AREAS OF DRIVEWAYS FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
  - REPAIR AT NO COST TO THE OWNER PERMANENT SYSTEM DAMAGED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
  - PROVIDE LIFE LINE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE A FULLY PROGRAMMABLE SYSTEM CAPABLE OF AT LEAST DATE AND TIME. THE SYSTEM SHALL PROVIDE HEAD TO HEAD IRRIGATION AND BE CAPABLE OF GUARANTEEING THE RISK OF PREVENTION IN ALL SYSTEMS SHALL EXTEND INTO THE PUBLIC RIGHT OF WAY TO THE EDGE OF PARKING OR CURB.
  - CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PROTECTIVE COVER, PRIOR TO INSTALLATION.

**LANDSCAPE CALCULATIONS**

**LANDSCAPE REQUIREMENTS**  
BASED ON WORKING DRAWINGS

STREET FRONTAGE	TREES 1 PER 35 LF +	SHRUBS 1 PER 25 LF +
167' / 35'	5 TREES	7 SHRUBS
PARKING LOT FRONTAGE	167' / 25'	7 TREES
0' / 35'	0 TREES	0 SHRUBS
0' / 25'	0 TREES	0 SHRUBS

**PARKING LOT:**  
INTERIOR: N/A + 25 PARKING SPACES

**TOTAL TREES:** 5  
**TOTAL SHRUBS:** 7

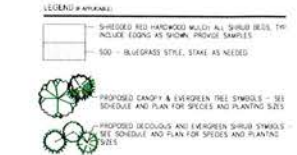
**CANOPY LOT COVERAGE**

CANOPY COVERAGE	SURFACE AREA OF LOT	AREA OF CANOPY OVER LOT	PERCENT COVERAGE
	7,402.0	2,990.0	40.4%

Legend: CANOPY COVERAGE WITHIN PARKING LOT AREA

**ZONING NOTES**

PER CITY OF DALLAS ZONING ORDINANCE TITLE 25B.01  
LOT COVER PERCENT: 11% MAX STREET FRONTAGE BUFFER (80%)



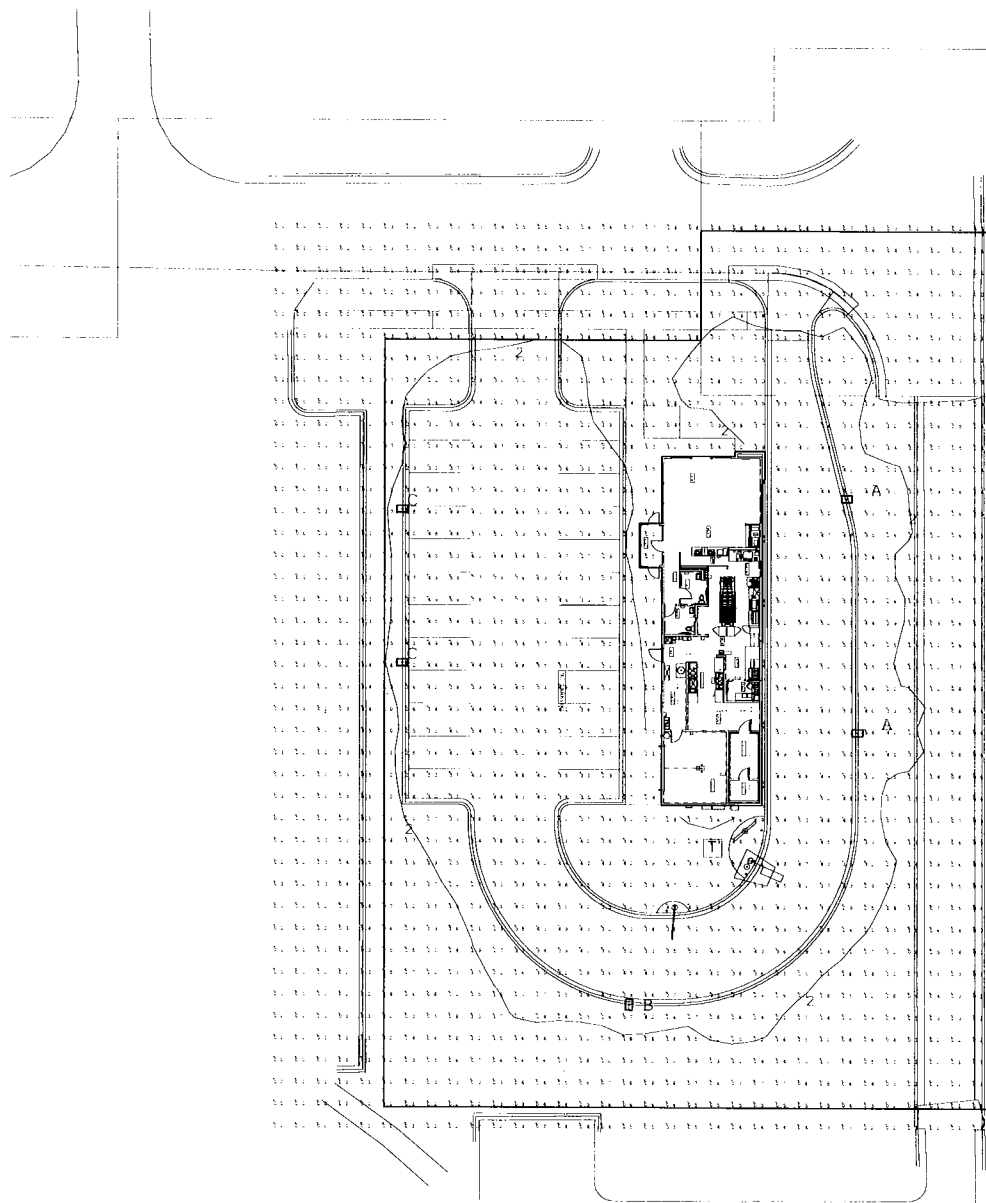
Border Foods  
3625 Boerne Avenue N  
New Hope, MN 55428

CivilSite  
11111 BOERNE AVENUE, SUITE 200  
NEW HOPE, MN 55428  
612.437.1234  
civilsite.com

PROJECT: 20180911-001  
DATE: 08.29.2018  
REVISION: 01

EXPLORER LLC  
10110 GOLF COURSE, #2 SUITE  
DALLAS, TX 75243

LANDSCAPE PLAN  
SHEET NO. 101  
DATE: 08.29.2018



TACO BELL  
 N. 44TH AVE. WEST  
 DULUTH, MN  
 PREPARED BY: JOHN BUJAKE  
 ACCUSERV LIGHTING & EQUIPMENT  
 877.707.7378  
 jobjake@accu-serv.com  
 AUGUST 28, 2018

TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE
TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE
TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE

TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE
TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE
TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE	TYPE

NOTE: COURT LEVEL AT THE PROPERTY LINE BUT IS 6'-0" HIGH - 4' FOUR-CORNER  
 FIXTURES ARE 12" x 12" IN SIZE  
 SCALE: 1/8" = 1'-0"

**PLANFORCE**  
 ARCHITECTURE + DESIGN

9700 West 92nd Street  
 Suite 200  
 St. Louis Park, Minnesota  
 55425-5999  
 planforcegroup.com

**TACO BELL**

44th AVE WEST AND WEST 2ND ST  
 DULUTH, MN

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

**Border Foods**  
 5425 Superior Ave N  
 New Hope, MN 55428

With this plan, the owner understands that the plan is preliminary and not for construction. The owner is responsible for obtaining all necessary permits and approvals from the local authority having jurisdiction.

DATE: 08/28/18  
 PROJECT: TACO BELL  
 DRAWING: PHOTOMETRIC PLAN

EXPLORER LITE  
 BUILDING: 2,800 GSF, 42 SEATS

PHOTOMETRIC PLAN

Scale: 1/8" = 1'-0"  
 Date: 08/28/18  
 Drawn: JB

**TACO BELL**  
 44TH AND 2ND, DULUTH, MN



**PLANFORCE**  
ARCHITECTURE + DESIGN

4931 West 39th Street  
Suite 300  
St. Louis Park, Minnesota

952-541-9999

planforcegroup.com



44TH AVE WEST AND WEST 2ND ST  
DULUTH, MN

PRELIMINARY  
NOT FOR  
CONSTRUCTION

**Border Foods**

5425 Boone Ave. N  
New Hope, MN 55428

I hereby certify that the plan prepared by me or under my direct supervision and that my seal is placed in accordance with the laws of the State of Minnesota.

Signature	_____ Sign: Schneider
Registration	33047
Project Contact	Chris Mader
Phone Number	952-541-9999
Project Name	PC Packet 17.1
Date	08-08-2018

EXPLORER LITE  
BUILDING 2,690 GSF, 42 SEATS

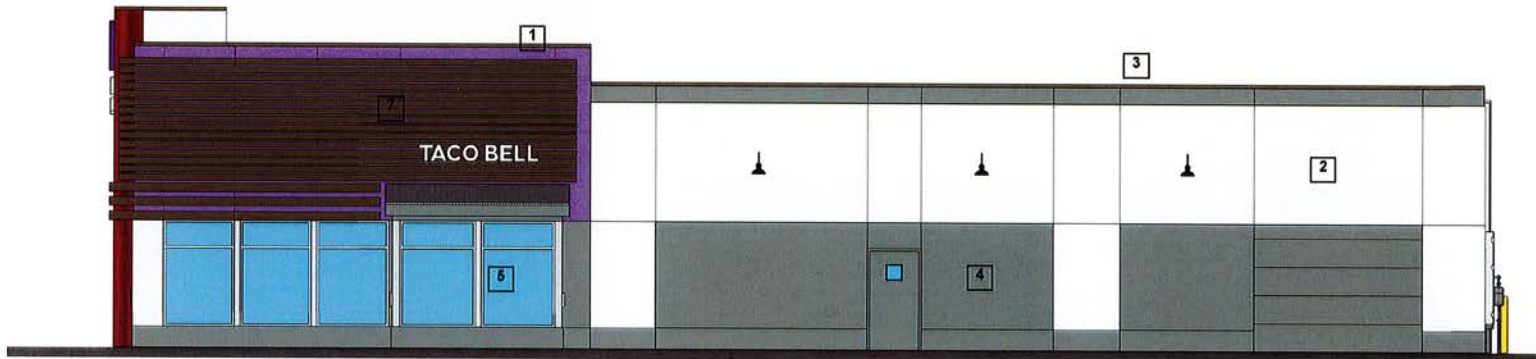
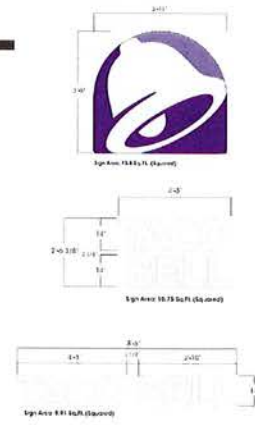
COLORED ELEVATIONS

Project: 2018-0019  
Client: 0006  
Created: 08

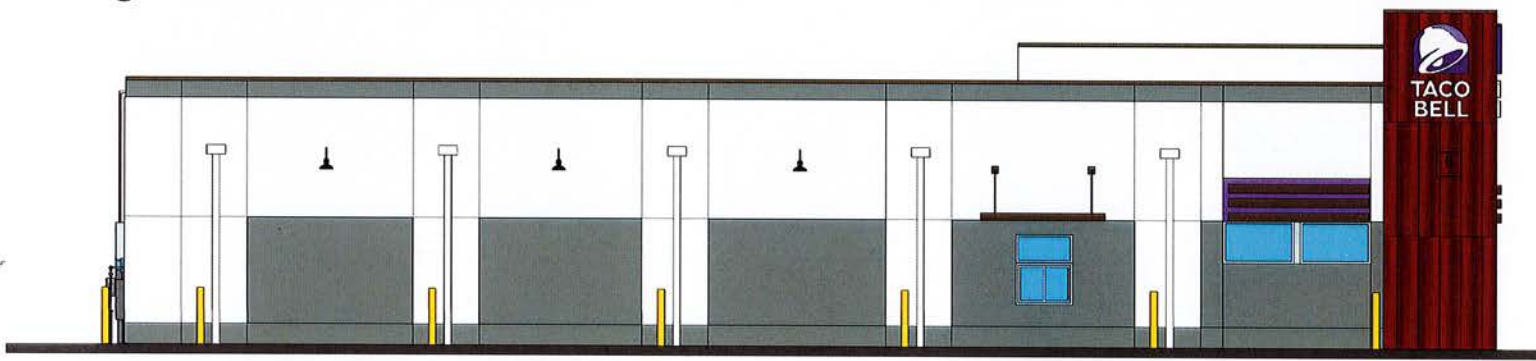
**A4.2**

**TACO BELL**  
44TH AND 2ND, DULUTH, MN

- 1 EIFS SHERWIN WILLIAMS DARK PURPLE TB2603C
- 2 EIFS SHERWIN WILLIAMS NATURAL CHOICE SW7011
- 3 EIFS SHERWIN WILLIAMS IRON ORE SW7059
- 4 EIFS/PAINT SHERWIN WILLIAMS ATTITUDE GRAY SW7050
- 5 ALUMINUM STOREFRONT
- 6 RUST WALL METAL PANEL
- 7 SLAT WALL AND VALANCE METAL PANEL



1 ENTRY ELEVATION



2 DRIVE THRU ELEVATION



3

4



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 18-116, CUP	<b>Contact</b>	Steven Robertson, 218-730-5295	
<b>Type</b>	Concurrent Use Permit to Place Private Obstructions in Public Right of Way/Public Facilities (6 Light Poles)	<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	August 9, 2018		
	<b>Date Extension Letter Mailed</b>	N/A	<b>90 Days* (237.163)</b>	November 7, 2018
<b>Location of Subject</b>	6 Separate Sites Near UMD			
<b>Applicant</b>	Verizon Wireless	<b>Contact</b>		
<b>Agent</b>	Amy Dresch	<b>Contact</b>		
<b>Legal Description</b>				
<b>Site Visit Date</b>	August 31, 2018	<b>Sign Notice Date</b>	August 27, 2018	
<b>Neighbor Letter Date</b>	N/A for Concurrent Use	<b>Number of Letters Sent</b>	N/A for Concurrent Use	

**Proposal.** The applicant is proposing to “install six small wireless facilities on existing distribution poles that are owned and operated by Minnesota Power within the dedicated public right of way”. The six proposed locations are located within a one-mile area surrounding the UMD campus. The attachments will include one exterior mounted panel antenna, and two radio units mounted approximately between at least 23 to 37 feet above the ground. The replacement poles will be approximately 35 feet tall.

**Recommended Action:** Recommend to the City Council to Approve With Conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-I	Public Right of Way	Institutional
<b>North</b>	R-1/R-C	Residential	Traditional Neighborhood/Preservation
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1/R-2/MU-P	Residential	Traditional Neighborhood/Neigh. Comm.
<b>West</b>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements**

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

- 1) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
- 2) No portion of a public easement proposed of use is being physically occupied by the public.

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

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

Future Land Use: Institutional: Applicable to university and college and public school campuses, large religious facilities or governmental campuses, cemeteries, etc. Applies primarily to existing facilities.

**Review and Discussion Items**

- 1) The applicant is proposing six small wireless facilities on existing Minnesota Power Distribution Poles. The attachments for the small cell facilities will include one exterior mounted panel antenna, and two radio units mounted approximately between at least 23 to 37 feet above the ground. The replacement poles will be approximately 35 feet tall.
- 2) Granting a concurrent use permit would give the applicant the ability to use dedicated public rights-of-way, with conditions, while preserving other existing public uses in the same right-of-way corridors. Concurrent use permits require a public hearing and recommendation by the Planning Commission, and is approved by the City Council via ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at the County as they are voidable permits issued by the City to applicants who are private users of public rights-of-way.
- 3) All six of the small wireless facilities will be similar in general configuration. Ownership of the poles will remain with Minnesota Power, with the poles in dedicated public right of way.
- 4) Each of the six sites and replacement wooden poles will have a structure analysis. The new poles will have a structural analysis by the manufacturer to ensure that they can support the weight of the private small cell facilities and required public infrastructure.
- 5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way. The city will own the poles and continue to use them for utility purposes (lighting).
- 6) The UDC generally requires that new wireless facilities follow a location standard: first they should be collocated on existing towers or other structures on city owned properties first, and then existing towers or other structures on other (private) property, and so forth down the location standard list. As these small wireless facilities would be located on existing infrastructure in public right of way, and as per the recent change in state statute, the city is processing these applications as concurrent use permits and not special use permits, and the UDC's use-specific standards do not apply in this specific situation.
- 7) The city has the ability to regulate land use, however, the Federal Communications Commission preempts local review on the potential environmental effects of radio frequency (RF) emissions, with the presumption that the applicant and service provider is in compliance with the Commission's RF rules. The applicant has submitted FCC categorical exclusion documentation for all six sites.
- 8) At the time that this memo was written, no written comments from the public have been received. City Engineering was still reviewing the exhibits at the time this staff report was written, and will likely have some requests for changes related to some of the technical aspects of the installations in the right of way.

**Staff Recommendation:**

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the two concurrent use permits subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report

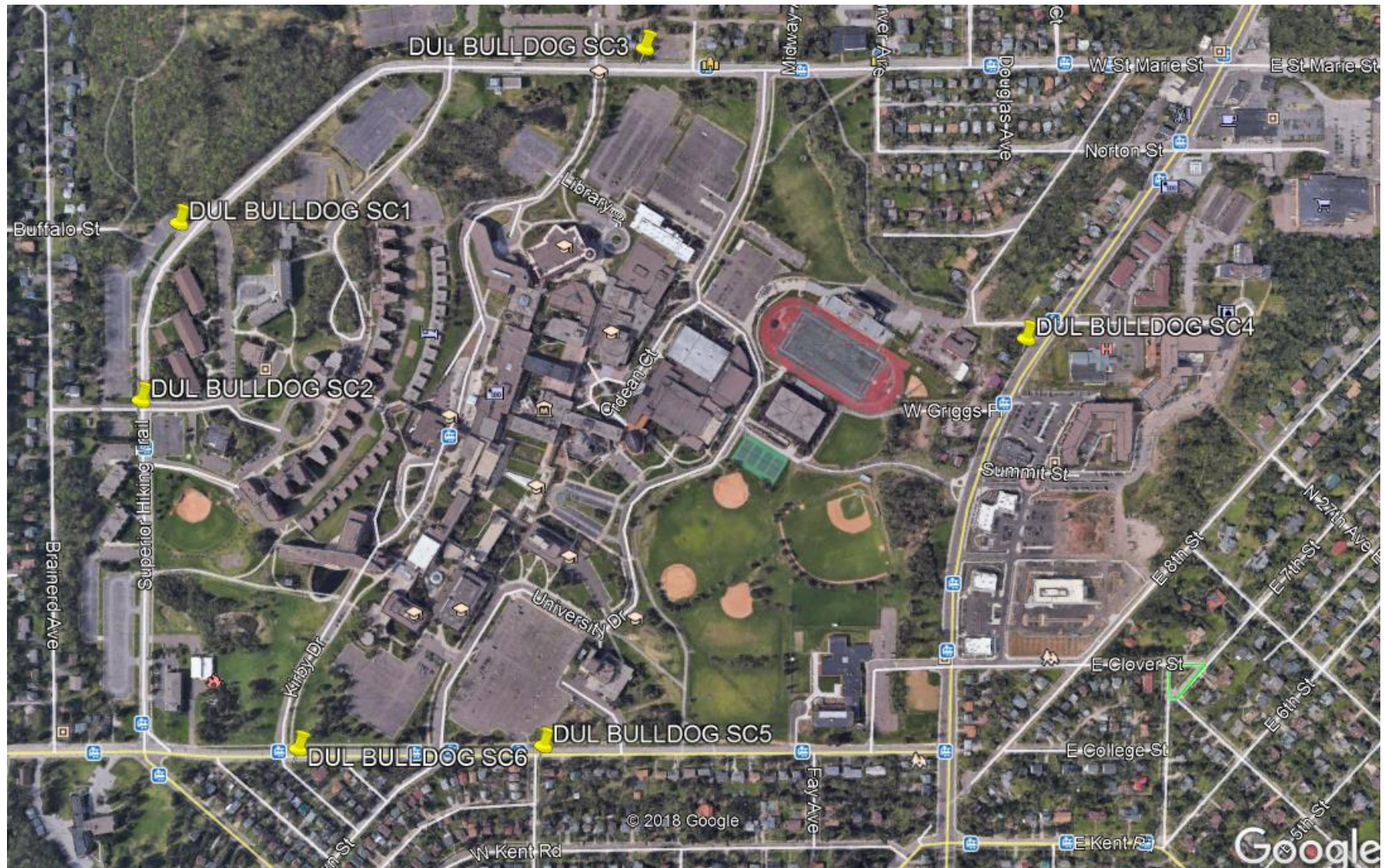
- 2) Applicant, or his or her successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice.
- 3) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, all other changes must be approved by amending the City Council's approved ordinance.





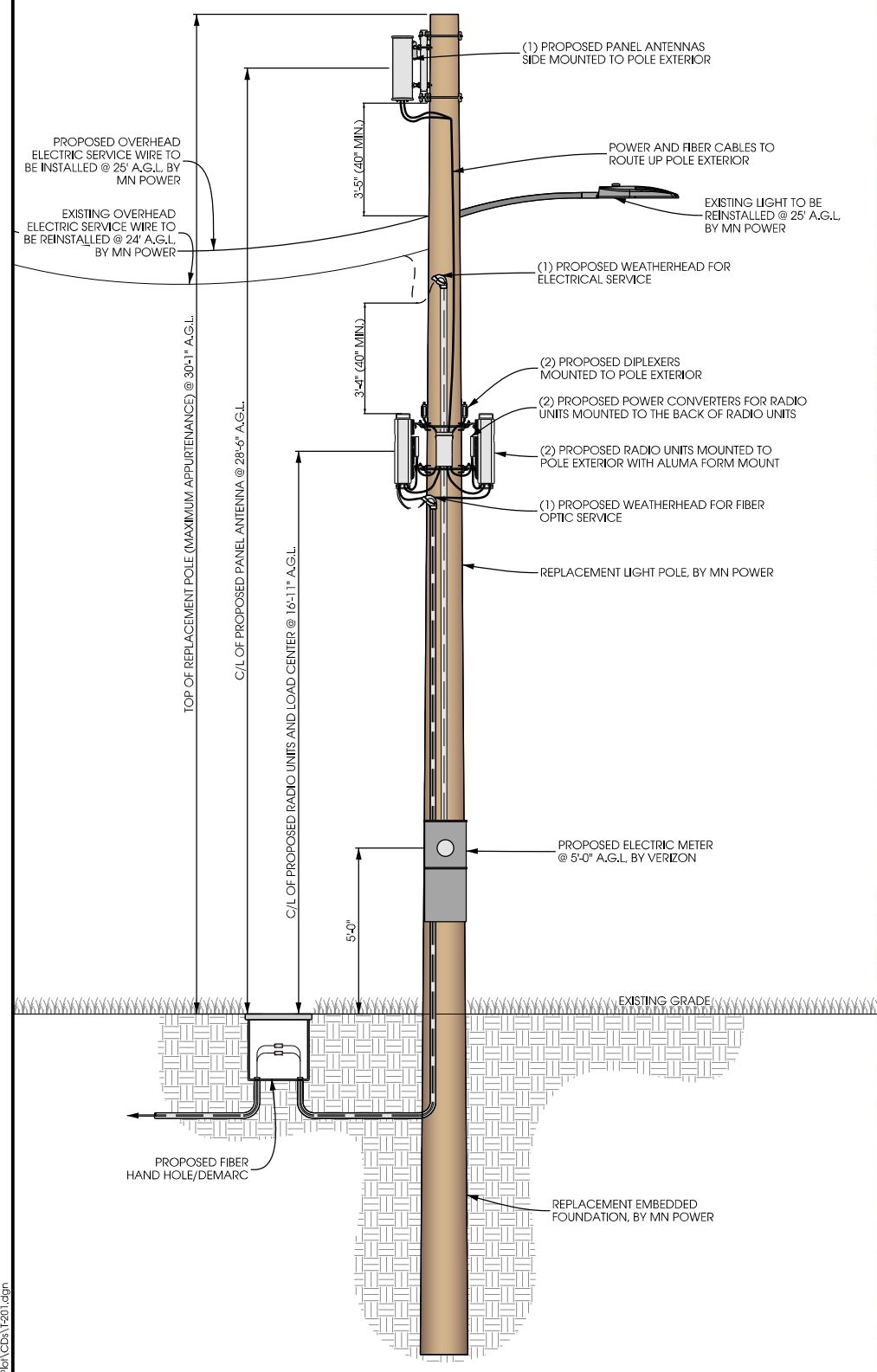
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

### DUL BULLDOG SC1 – SC6 PROPOSED VZW SMALL CELL LOCATIONS



EXISTING POLE	
POLE HEIGHT:	25'-1" A.G.L.
MAXIMUM APPUTENANCE HEIGHT:	25'-1" A.G.L.
PROPOSED POLE	
POLE HEIGHT:	30'-1" A.G.L.
ANTENNA TIP HEIGHT:	29'-6" A.G.L.
MAXIMUM APPUTENANCE HEIGHT:	30'-1" A.G.L.

**NOTES:**  
 TYPICAL INSTALLATION SHOWN.  
 ALL ELEVATIONS ARE ASSUMED TO BE MEASURED FROM ABOVE GRADE LEVEL.



**A POLE ELEVATION**  
 SCALE: 11" x 17" - 1" = 5'-0"  
 22" x 34" - 1" = 2'-6"

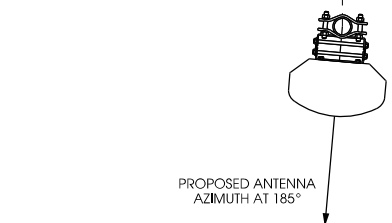


**B SITE ELEVATION**



TRUE NORTH

**NOTES:**  
 PC Packet, September 11, 2018  
 VERIZON TO PROVIDE FINAL RF CONFIGURATION



**C ANTENNA ORIENTATION**  
 SCALE: NTS

ANTENNAS					
QUANTITY	MAKE	MODEL	CENTERLINE	TIP HEIGHT	AZIMUTH
1	JMA	X7CQAP-FRO-260	28'-6" AGL	29'-6" AGL	185°

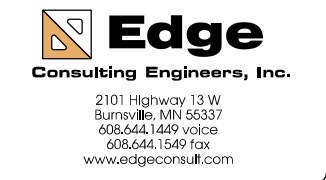
EQUIPMENT			
QUANTITY	TYPE	MAKE	MODEL
2	RRU	ERICSSON	RRUS32 B66
2	PSU	EMERSON	PSU AC 08
2	DIPLEXER	COMMSCOPE	CBC1923T-4310 E11F13PO6

CABLING			
QUANTITY	TYPE	MAKE	MODEL
16	COAX	COMMSCOPE	LDF4-50

**D ANTENNA AND CABLING**  
 SCALE: NTS



**E RF WARNING SIGNS**  
 SCALE: NTS



PROJECT NO: 20171666352  
 LOCATION CODE: 473799  
 EDGE PROJECT NO: 16773  
 CHECKED BY: OGD

REV.	DATE	DESCRIPTION	INT.
A	04/13/2018	PRELIM SMALL CELL DWGS	MWH
B	04/24/2018	PRELIM SMALL CELL DWGS	MWH

**- PRELIMINARY -  
 NOT FOR CONSTRUCTION**

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.

DUL BULLDOG SC 1  
 DULUTH, MINNESOTA  
 REPLACEMENT LIGHT POLE  
 SMALL CELL DRAWINGS

SHEET TITLE  
**SITE ELEVATION**

SHEET NUMBER  
**T-201**



Jacobs Engineering Group, Inc  
2727 Patton Road  
Roseville, Minnesota 55113  
www.jacobs.com



2101 Highway 13 W  
Burnsville, MN 55337  
608.644.1449 voice  
608.644.1549 fax  
www.edgeconsult.com

PROJECT NO: 20171666352  
LOCATION CODE: 473799  
EDGE PROJECT NO: 16773  
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REV.	DATE	DESCRIPTION	INT.
A	04/13/2018	PRELIM SMALL CELL DWGS	MWH
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DUL BULLDOG SC1 1  
DULUTH, MINNESOTA  
REPLACEMENT LIGHT POLE  
SMALL CELL DRAWINGS

SHEET TITLE  
**SITE PLAN**

SHEET NUMBER  
**C-101**

**POWER AND FIBER ROUTING NOTE:**  
THE PROPOSED POWER AND FIBER ROUTES ARE PRELIMINARY, AND WILL BE CONFIRMED WITH THE FIBER PROVIDER PRIOR TO CONSTRUCTION. IF THE GENERAL CONTRACTOR NOTICES ANY DISCREPANCIES BETWEEN THESE PLANS AND THE ACTUAL SOURCES OF POWER AND FIBER, THE VERIZON CONSTRUCTION ENGINEER AND PROJECT ENGINEER ARE TO BE NOTIFIED PRIOR TO COMMENCING WORK.



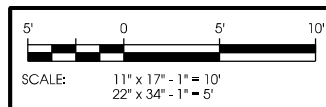
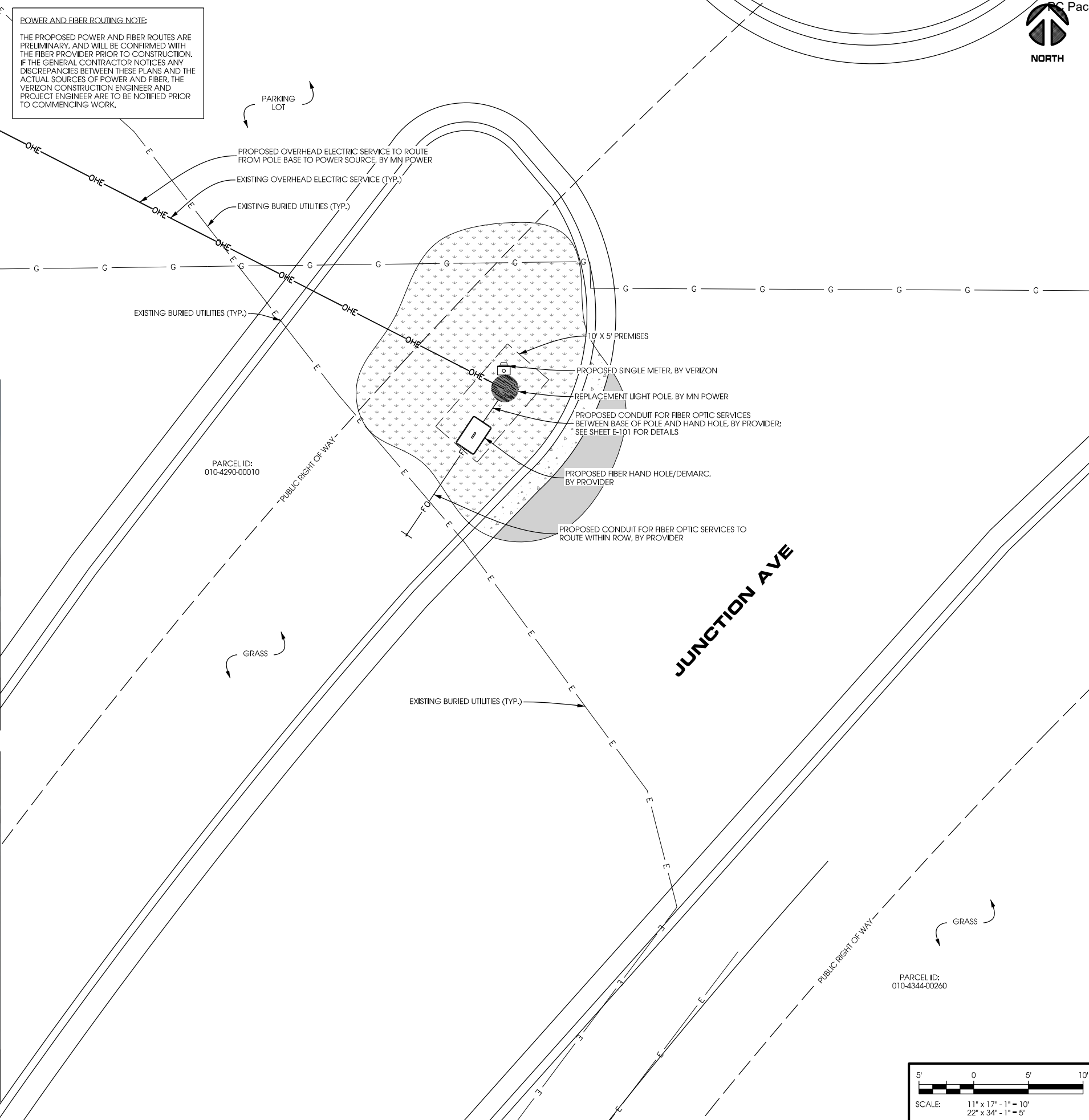
**A AERIAL OVERVIEW**



**B SITE OVERVIEW [LOOKING NORTHEAST]**



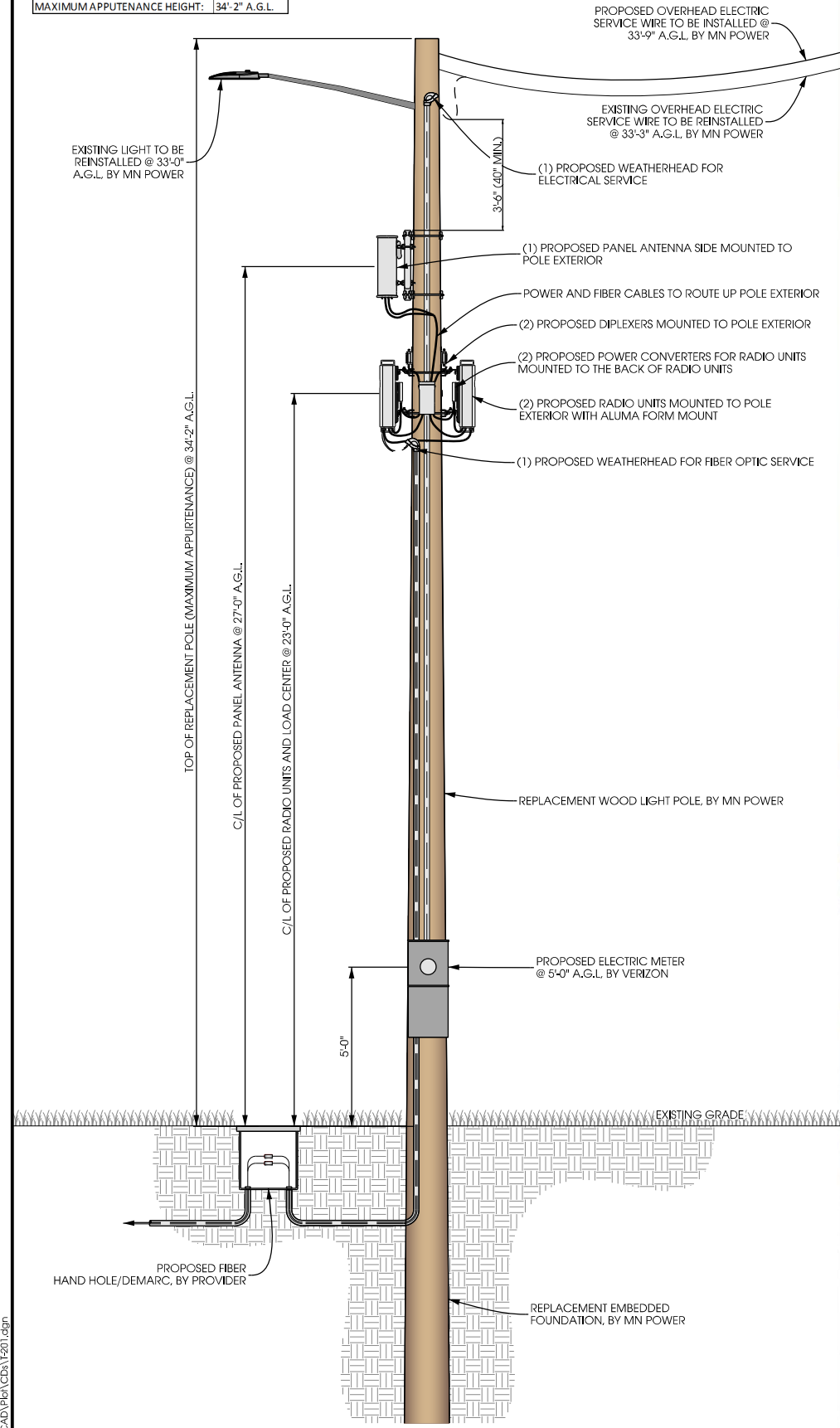
**C POLE BASE [LOOKING NORTH]**



LA:16700\16773\CAD\REF\CD\A\C-101.dgn

EXISTING POLE	
POLE HEIGHT:	34'-2" A.G.L.
MAXIMUM APPUTENANCE HEIGHT:	34'-2" A.G.L.
PROPOSED POLE	
POLE HEIGHT:	34'-2" A.G.L.
ANTENNA TIP HEIGHT:	28'-0" A.G.L.
MAXIMUM APPUTENANCE HEIGHT:	34'-2" A.G.L.

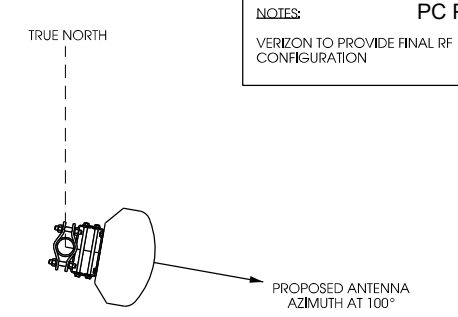
**NOTES:**  
TYPICAL INSTALLATION SHOWN.  
ALL ELEVATIONS ARE ASSUMED TO BE MEASURED FROM ABOVE GRADE LEVEL.



**A POLE ELEVATION**  
SCALE: 11" x 17" - 1" = 5'-0"  
22" x 34" - 1" = 2'-6"



**B SITE ELEVATION**



**C ANTENNA ORIENTATION**  
SCALE: NTS

ANTENNAS					
QUANTITY	MAKE	MODEL	CENTERLINE	TIP HEIGHT	AZIMUTH
1	JMA	X7CQAP-FRO-260	27'-0" AGL	28'-0" AGL	100°

EQUIPMENT			
QUANTITY	TYPE	MAKE	MODEL
2	RRU	ERICSSON	RRUS32 B66
2	PSU	EMERSON	PSU AC 08
2	DIPLEXER	COMMSCOPE	CBC1923T-4310 E11F13PO6

CABLING			
QUANTITY	TYPE	MAKE	MODEL
16	COAX	COMMSCOPE	LDF4-50

**D ANTENNA AND CABLING**  
SCALE: NTS



**E RF WARNING SIGNS**  
SCALE: NTS



PROJECT NO: 20171666352  
LOCATION CODE: 473780  
EDGE PROJECT NO: 16774  
CHECKED BY: OGD

REV.	DATE	DESCRIPTION	INT.
A	04/24/2018	PRELIM SMALL CELL DWGS	MWH
B	04/26/2018	PRELIM SMALL CELL DWGS	MWH
C	07/26/2018	PRELIM SMALL CELL DWGS	MWH

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DUL BULLDOG SC 1 2  
DULUTH, MINNESOTA  
REPLACEMENT WOOD LIGHT POLE  
SMALL CELL DRAWINGS

SHEET TITLE  
**SITE ELEVATION**

SHEET NUMBER  
**T-201**



Jacobs Engineering Group, Inc  
2727 Patton Road  
Roseville, Minnesota 55113  
www.jacobs.com



2101 Highway 13 W  
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PROJECT NO: 20171666352  
LOCATION CODE: 473780  
EDGE PROJECT NO: 16774  
CHECKED BY: OGD

REV.	DATE	DESCRIPTION	INT.
A	04/24/2018	PRELIM SMALL CELL DWGS	MWH
B	04/26/2018	PRELIM SMALL CELL DWGS	MWH
C	07/26/2018	PRELIM SMALL CELL DWGS	MWH

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DUL BULLDOG SC1 2  
DULUTH, MINNESOTA  
REPLACEMENT WOOD LIGHT POLE  
SMALL CELL DRAWINGS

SHEET TITLE  
**SITE PLAN**

SHEET NUMBER  
**C-101**  
118

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EXISTING BURIED UTILITIES (TYP.)

**E NIAGARA ST**

EXISTING BURIED UTILITIES (TYP.)

PROPOSED OVERHEAD ELECTRIC SERVICE TO ROUTE FROM POLE BASE TO POWER SOURCE, BY MN POWER  
EXISTING OVERHEAD ELECTRIC SERVICE (TYP.)

10' X 5' PREMISES  
REPLACEMENT WOOD LIGHT POLE, BY MN POWER

PROPOSED SINGLE METER, BY VERIZON  
PROPOSED FIBER OPTIC SERVICE CONDUIT BETWEEN POLE BASE AND HAND HOLE, BY PROVIDER; SEE SHEET E-101 FOR DETAILS  
PROPOSED FIBER HAND HOLE/DEMARC, BY PROVIDER

PROPOSED FIBER OPTIC SERVICE CONDUIT TO ROUTE WITHIN RIGHT OF WAY, BY PROVIDER

PUBLIC RIGHT OF WAY

EXISTING BURIED UTILITIES (TYP.)

EXISTING BURIED UTILITIES (TYP.)

EXISTING BURIED UTILITIES (TYP.)

EXISTING BURIED UTILITIES (TYP.)

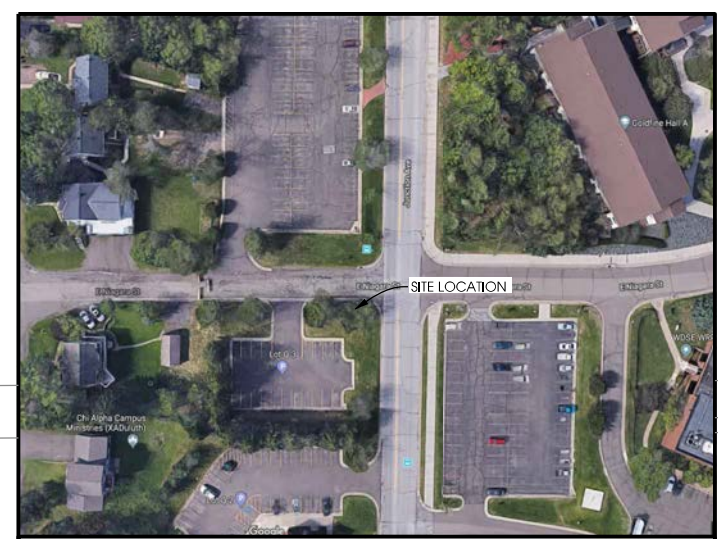
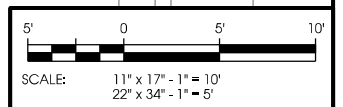
EXISTING BURIED UTILITIES (TYP.)

PARKING LOT

PUBLIC RIGHT OF WAY

**JUNCTION AVE**

SIDEWALK



**A AERIAL OVERVIEW**



**B SITE OVERVIEW**



**C POLE BASE**

LA:16700\16774\CAD\PE\VCDA\C-101.dgn





Jacobs Engineering Group, Inc  
2727 Patton Road  
Roseville, Minnesota 55113  
www.jacobs.com



2101 Highway 13 W  
Burnsville, MN 55337  
608.644.1449 voice  
608.644.1549 fax  
www.edgeconsult.com

PROJECT NO: 20171666354  
LOCATION CODE: 473801  
EDGE PROJECT NO: 16775  
CHECKED BY: OGD

REV.	DATE	DESCRIPTION	INT.
A	04/13/2018	PRELIM SMALL CELL DWGS	MWH
B	04/24/2018	PRELIM SMALL CELL DWGS	MWH

- PRELIMINARY -  
NOT FOR CONSTRUCTION

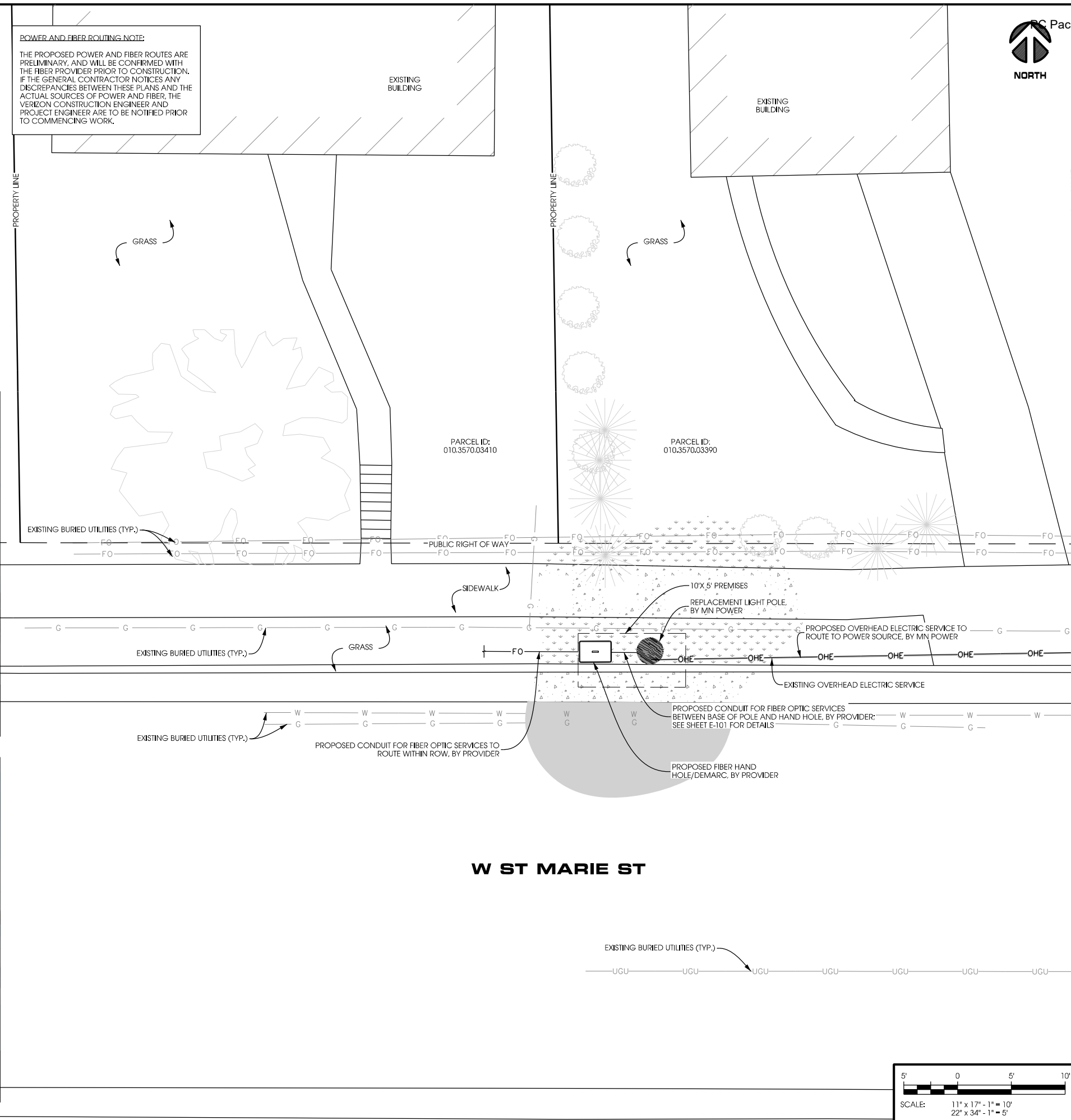
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DUL BULLDOG SC1 3  
DULUTH, MINNESOTA  
REPLACEMENT LIGHT POLE  
SMALL CELL DRAWINGS

SHEET TITLE  
**SITE PLAN**

SHEET NUMBER  
**C-101**  
120

**POWER AND FIBER ROUTING NOTE:**  
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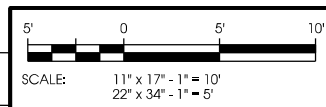
**A AERIAL OVERVIEW**



**B SITE OVERVIEW (LOOKING EAST)**



**C SITE OVERVIEW (LOOKING NORTH)**

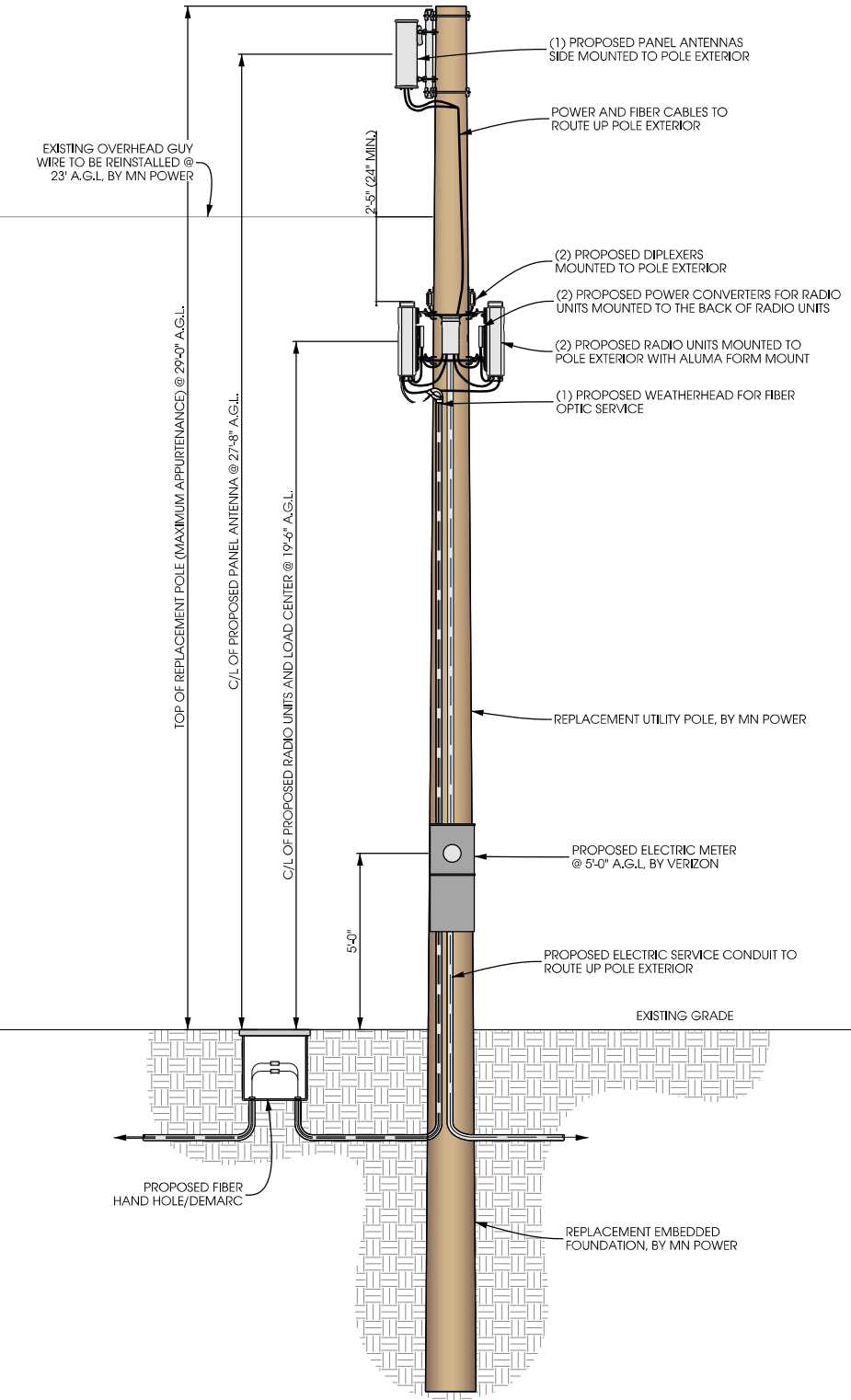


LA:16700\16775\CAD\PLN\CDA\C-101.dgn

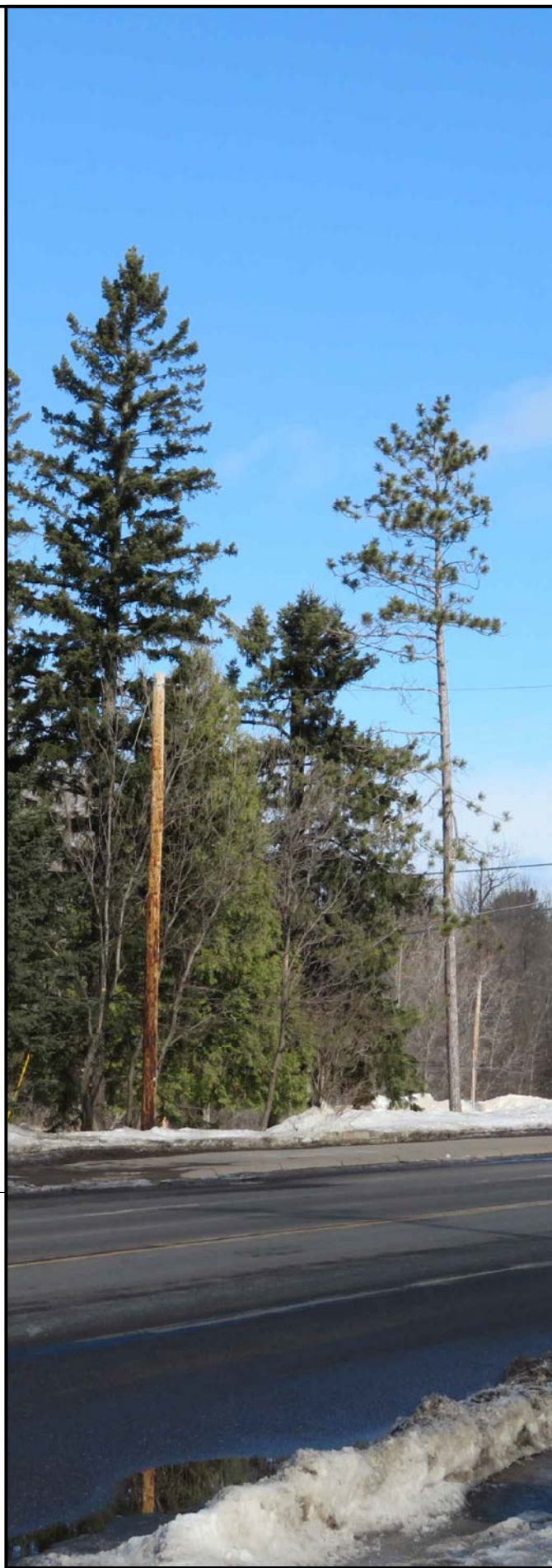


EXISTING POLE	
POLE HEIGHT:	29'-0" A.G.L.
MAXIMUM APPURTENANCE HEIGHT:	29'-0" A.G.L.
PROPOSED POLE	
POLE HEIGHT:	29'-0" A.G.L.
ANTENNA TIP HEIGHT:	28'-8" A.G.L.
MAXIMUM APPURTENANCE HEIGHT:	29'-0" A.G.L.

**NOTES:**  
 TYPICAL INSTALLATION SHOWN.  
 ALL ELEVATIONS ARE ASSUMED TO BE MEASURED FROM ABOVE GRADE LEVEL.



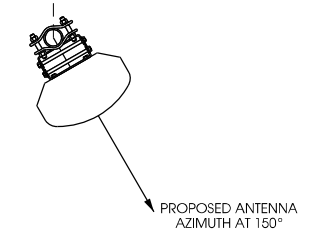
**A POLE ELEVATION**  
 SCALE: 11" x 17" - 1" = 5'-0"  
 22" x 34" - 1" = 2'-6"



**B SITE ELEVATION**



TRUE NORTH



**C ANTENNA ORIENTATION**  
 SCALE: NTS

ANTENNAS					
QUANTITY	MAKE	MODEL	CENTERLINE	TIP HEIGHT	AZIMUTH
1	JMA	X7CQAP-FRO-260	27'-8" AGL	28'-8" AGL	150°

EQUIPMENT			
QUANTITY	TYPE	MAKE	MODEL
2	RRU	ERICSSON	RRUS32 B66
2	PSU	EMERSON	PSU AC 08
2	DIPLEXER	COMMSCOPE	CBC1923T-4310 E11F13PO6

CABLING			
QUANTITY	TYPE	MAKE	MODEL
16	COAX	COMMSCOPE	LDF4-50



**E RF WARNING SIGNS**  
 SCALE: NTS

PC Packet, September 11, 2018



PROJECT NO: 20171666355  
 LOCATION CODE: 473802  
 EDGE PROJECT NO: 16776  
 CHECKED BY: OGD

REV.	DATE	DESCRIPTION	INT.
A	04/13/2018	PRELIM SMALL CELL DWGS	MWH
B	04/24/2018	PRELIM SMALL CELL DWGS	MWH
C	06/14/2018	PRELIM SMALL CELL DWGS	ZRS

**- PRELIMINARY -  
 NOT FOR CONSTRUCTION**

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DUL BULLDOG SC1 4  
 DULUTH, MINNESOTA  
 REPLACEMENT UTILITY POLE  
 SMALL CELL DRAWINGS

SHEET TITLE  
**SITE ELEVATION**

SHEET NUMBER  
**T-201**

PROJECT NO: 20171666355  
 LOCATION CODE: 473802  
 EDGE PROJECT NO: 16776  
 CHECKED BY: OGD

REV.	DATE	DESCRIPTION	INT.
A	04/13/2018	PRELIM SMALL CELL DWGS	MWH
B	04/24/2018	PRELIM SMALL CELL DWGS	MWH
C	06/14/2018	PRELIM SMALL CELL DWGS	ZRS

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DUL BULLDOG SC1 4  
 DULUTH, MINNESOTA  
 REPLACEMENT UTILITY POLE  
 SMALL CELL DRAWINGS

SHEET TITLE  
**SITE PLAN**

SHEET NUMBER  
**C-101**  
 122

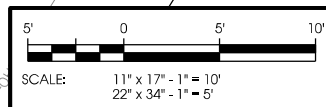
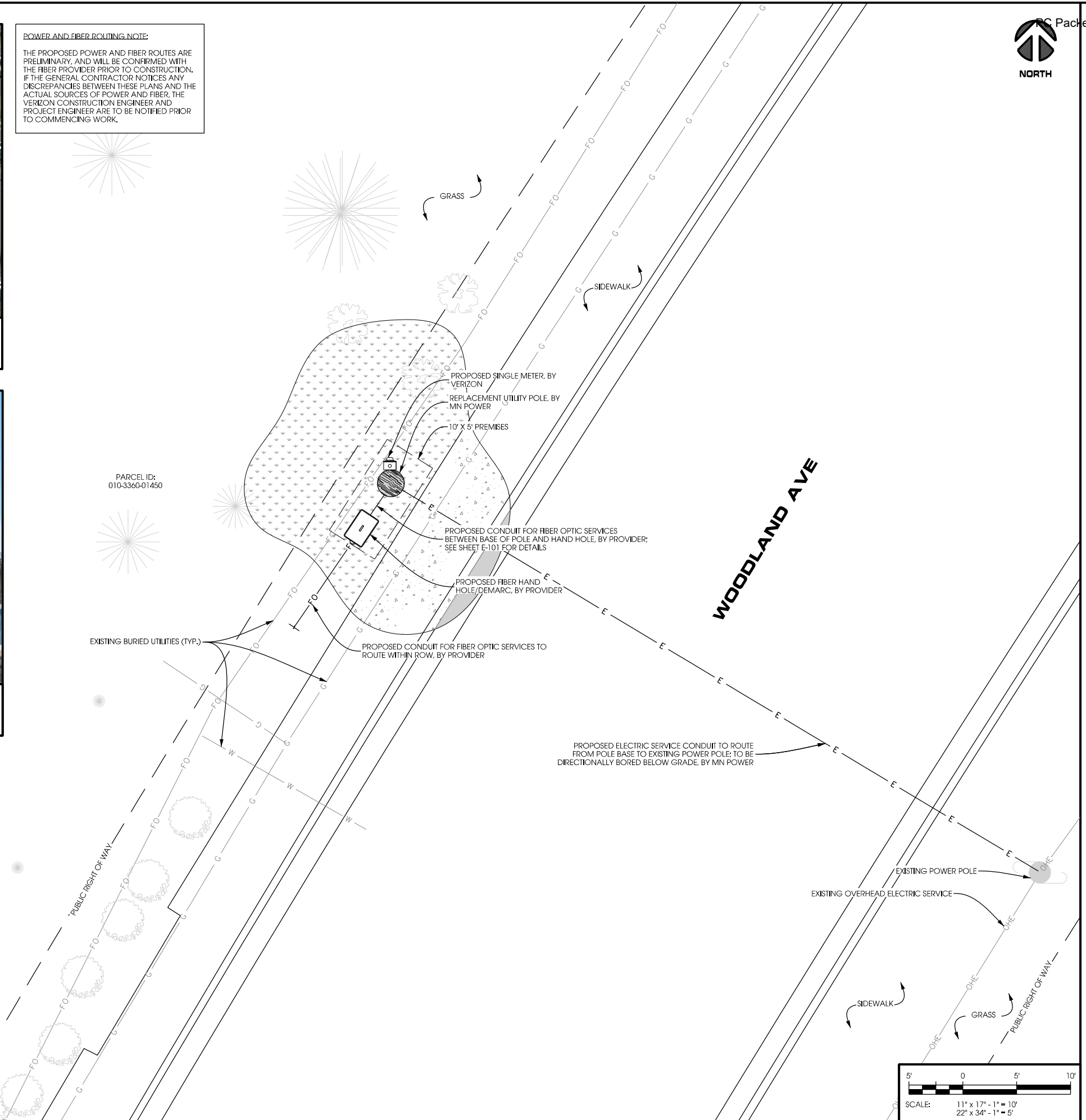
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**A AERIAL OVERVIEW**



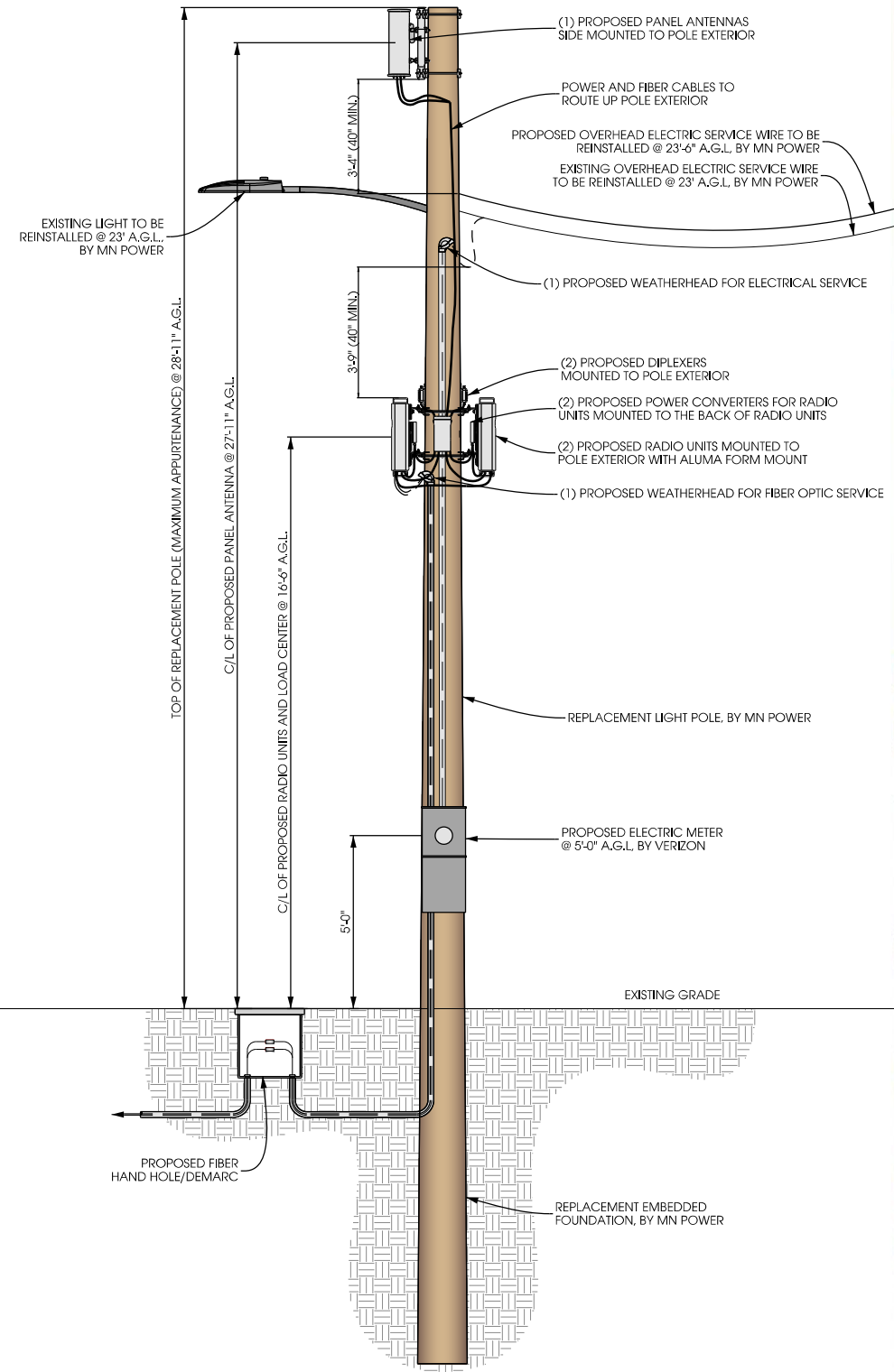
**B SITE OVERVIEW [LOOKING NORTHWEST]**



LA:16700\16776\CAD\PE\VCDA\C-101.dgn

EXISTING POLE	
POLE HEIGHT:	23'-11" A.G.L.
MAXIMUM APPUTENANCE HEIGHT:	23'-11" A.G.L.
PROPOSED POLE	
POLE HEIGHT:	28'-11" A.G.L.
ANTENNA TIP HEIGHT:	28'-10" A.G.L.
MAXIMUM APPUTENANCE HEIGHT:	28'-11" A.G.L.

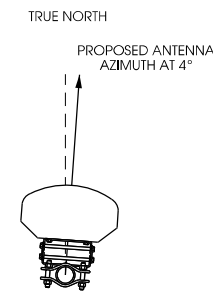
**NOTES:**  
 TYPICAL INSTALLATION SHOWN.  
 ALL ELEVATIONS ARE ASSUMED TO BE MEASURED FROM ABOVE GRADE LEVEL.



**A POLE ELEVATION**  
 SCALE: 11" x 17" - 1" = 5'-0"  
 22" x 34" - 1" = 2'-6"



**B SITE ELEVATION**



**C ANTENNA ORIENTATION**  
 SCALE: NTS

ANTENNAS					
QUANTITY	MAKE	MODEL	CENTERLINE	TIP HEIGHT	AZIMUTH
1	JMA	X7CQAP-FRO-260	27'-11" AGL	28'-10" AGL	4°

EQUIPMENT			
QUANTITY	TYPE	MAKE	MODEL
2	RRU	ERICSSON	RRUS32 B66
2	PSU	EMERSON	PSU AC 08
2	DIPLEXER	COMMSCOPE	CBC1923T-4310 E11F13PO6

CABLING			
QUANTITY	TYPE	MAKE	MODEL
16	COAX	COMMSCOPE	LDF4-50



**E RF WARNING SIGNS**  
 SCALE: NTS



PROJECT NO:	20171666356
LOCATION CODE:	473803
EDGE PROJECT NO:	16777
CHECKED BY:	OGD

REV.	DATE	DESCRIPTION	INT.
A	04/16/2018	PRELIM SMALL CELL DWGS	MWH
B	04/24/2018	PRELIM SMALL CELL DWGS	MWH

- PRELIMINARY -  
 NOT FOR CONSTRUCTION

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DUL BULLDOG SC1 5  
 DULUTH, MINNESOTA  
 REPLACEMENT LIGHT POLE  
 SMALL CELL DRAWINGS

SHEET TITLE  
**SITE ELEVATION**

SHEET NUMBER  
**T-201**



Jacobs Engineering Group, Inc  
2727 Patton Road  
Roseville, Minnesota 55113  
www.jacobs.com



2101 Highway 13 W  
Burnsville, MN 55337  
608.683.1032 voice  
608.644.1549 fax  
www.edgeconsult.com

PROJECT NO: 20171666356  
LOCATION CODE: 473803  
EDGE PROJECT NO: 16777  
CHECKED BY: OGD

REV.	DATE	DESCRIPTION	INT.
A	04/16/2018	PRELIM SMALL CELL DWGS	MWH
B	04/24/2018	PRELIM SMALL CELL DWGS	MWH

**- PRELIMINARY -  
NOT FOR CONSTRUCTION**

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DUL BULLDOG SC1 5  
DULUTH, MINNESOTA  
REPLACEMENT LIGHT POLE  
SMALL CELL DRAWINGS

SHEET TITLE  
**SITE PLAN**

SHEET NUMBER  
**C-101**  
124

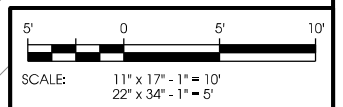
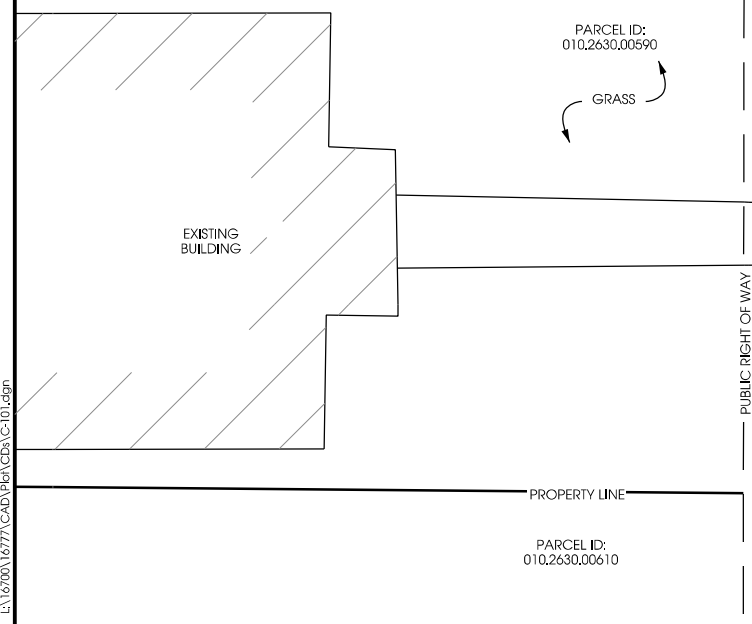
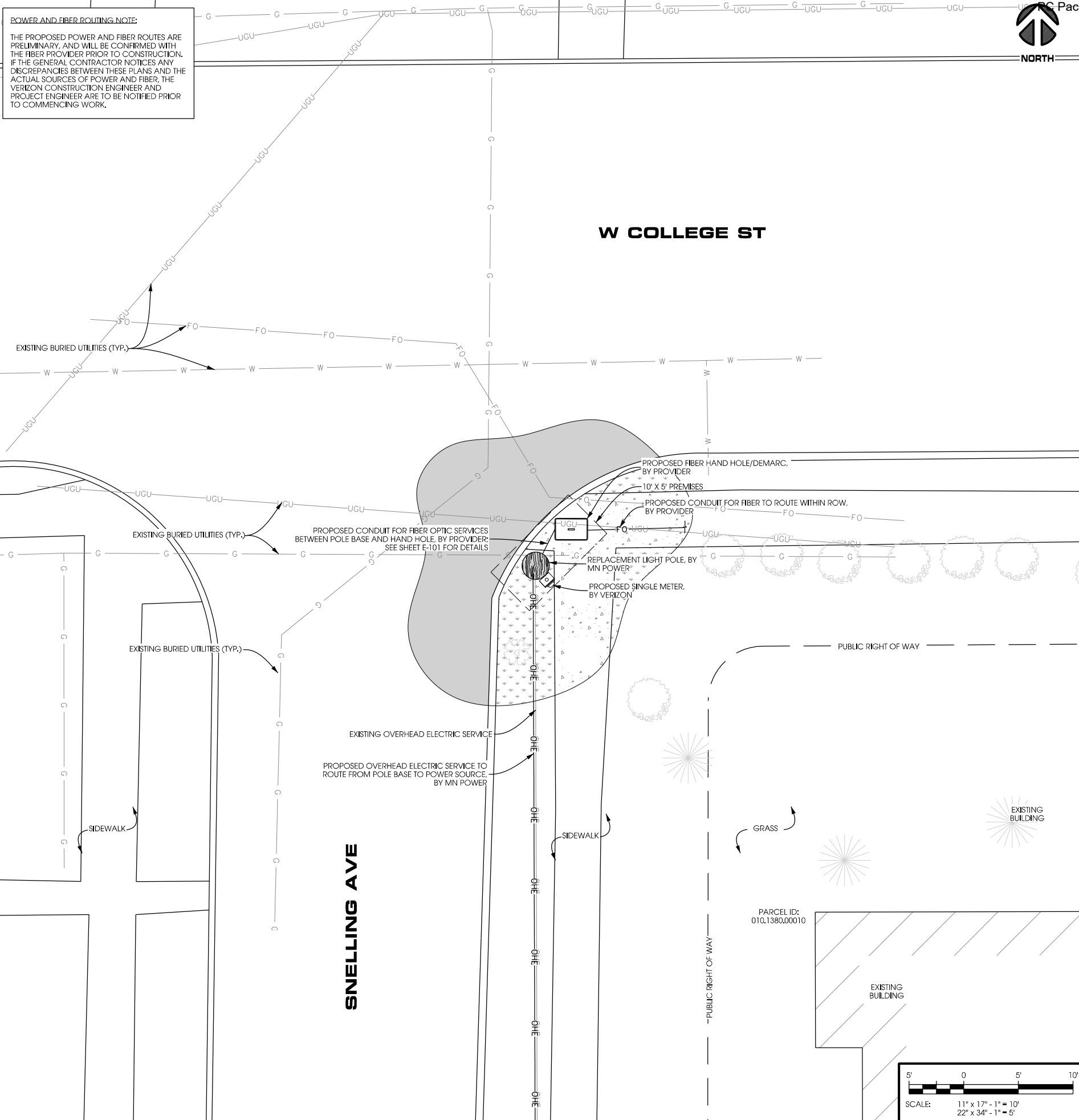
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**A AERIAL OVERVIEW**



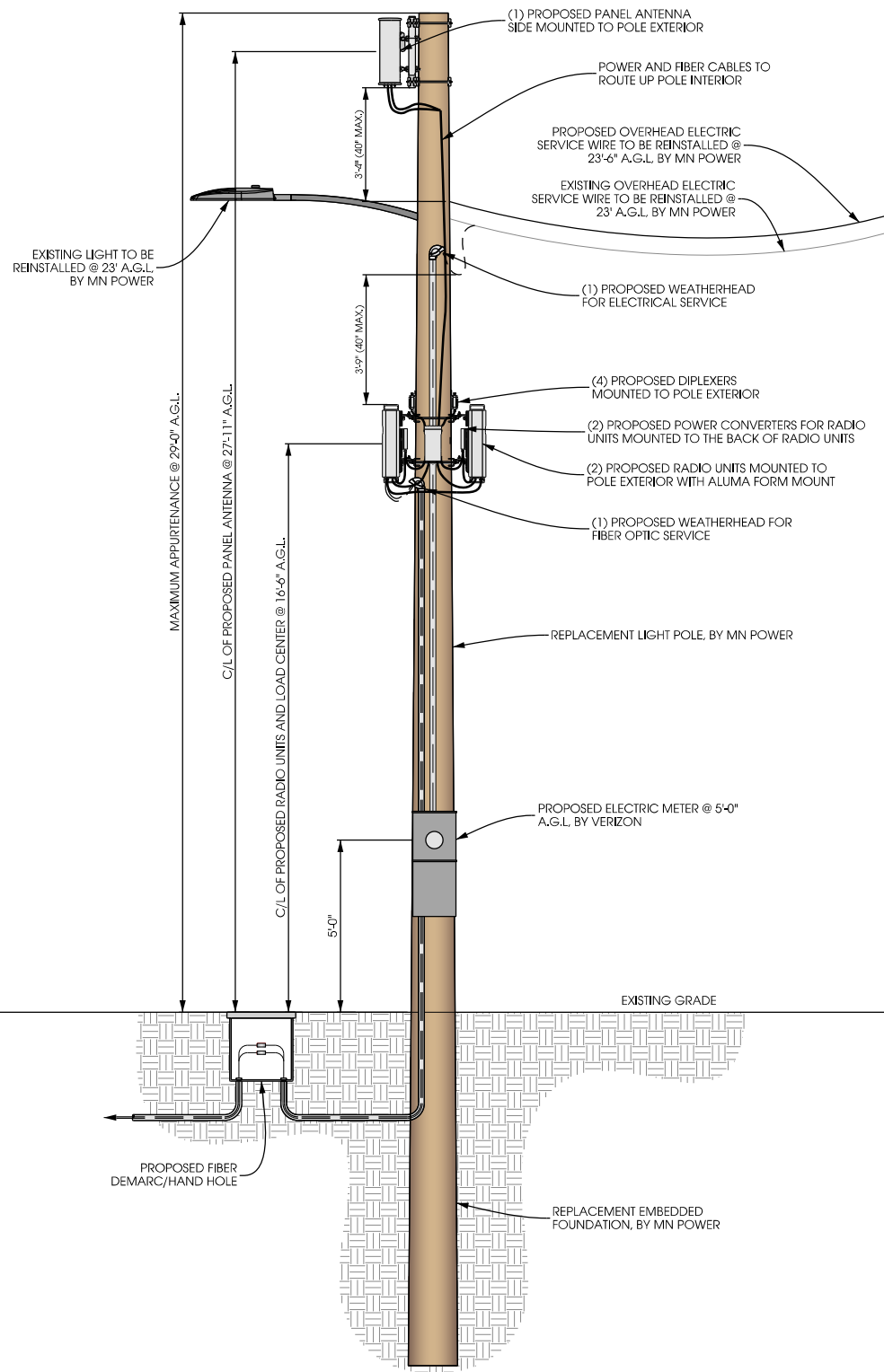
**B SITE OVERVIEW**



LA:167700\16777\CAD\PLANS\CD\A\C-101.dgn

EXISTING POLE	
POLE HEIGHT:	24'-00" A.G.L.
MAXIMUM APPUTENANCE HEIGHT:	24'-00" A.G.L.
PROPOSED POLE	
POLE HEIGHT:	29'-00" A.G.L.
ANTENNA TIP HEIGHT:	28'-11" A.G.L.
MAXIMUM APPUTENANCE HEIGHT:	29'-00" A.G.L.

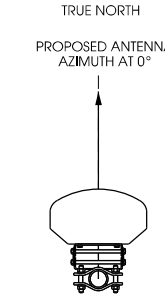
NOTES:  
TYPICAL INSTALLATION SHOWN.  
ALL ELEVATIONS ARE ASSUMED TO BE MEASURED FROM ABOVE GRADE LEVEL.



**A POLE ELEVATION**  
SCALE: 11" x 17" - 1" = 5'-0"  
22" x 34" - 1" = 2'-6"



**B SITE ELEVATION**



NOTES:  
PC Packet, September 11, 2018  
VERIZON TO PROVIDE FINAL RF CONFIGURATION

**C ANTENNA ORIENTATION**  
SCALE: NTS

ANTENNAS					
QUANTITY	MAKE	MODEL	CENTERLINE	TIP HEIGHT	AZIMUTH
1	JMA	X7CQAP-FRO-260	26' AGL	27' AGL	0°

EQUIPMENT			
QUANTITY	TYPE	MAKE	MODEL
2	RRU	ERICSSON	RRUS32 B66
2	PSU	EMERSON	PSU AC 08
2	DIPLEXER	COMMSCOPE	CBC1923T-4310 E11F13PO6

CABLING			
QUANTITY	TYPE	MAKE	MODEL
16	COAX	COMMSCOPE	LDF4-50

PROJECT NO: 20171666357  
LOCATION CODE: 473804  
EDGE PROJECT NO: 16778  
CHECKED BY: OGD

REV.	DATE	DESCRIPTION	INT.
A	04/16/2018	PRELIM SMALL CELL DWGS	MWH
B	04/25/2018	PRELIM SMALL CELL DWGS	MWH

- PRELIMINARY -  
NOT FOR CONSTRUCTION

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DUL BULLDOG SC1 6  
DULUTH, MINNESOTA  
REPLACEMENT LIGHT POLE  
SMALL CELL DRAWINGS

SHEET TITLE  
**SITE ELEVATION**

SHEET NUMBER  
**T-201**



**E RF WARNING SIGNS**  
SCALE: NTS

LA:16700\16778\CAD\REV\CDR\T201.dgn



PROJECT NO:	20171666357
LOCATION CODE:	473804
EDGE PROJECT NO:	16778
CHECKED BY:	OGD

REV.	DATE	DESCRIPTION	INT.
A	04/16/2018	PRELIM SMALL CELL DWGS	MWH
B	04/25/2018	PRELIM SMALL CELL DWGS	MWH

- PRELIMINARY -  
NOT FOR CONSTRUCTION

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DUL BULLDOG SC1 6  
DULUTH, MINNESOTA  
REPLACEMENT LIGHT POLE  
SMALL CELL DRAWINGS

SHEET TITLE  
**SITE PLAN**

SHEET NUMBER  
**C-101**  
126

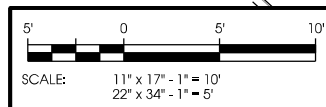
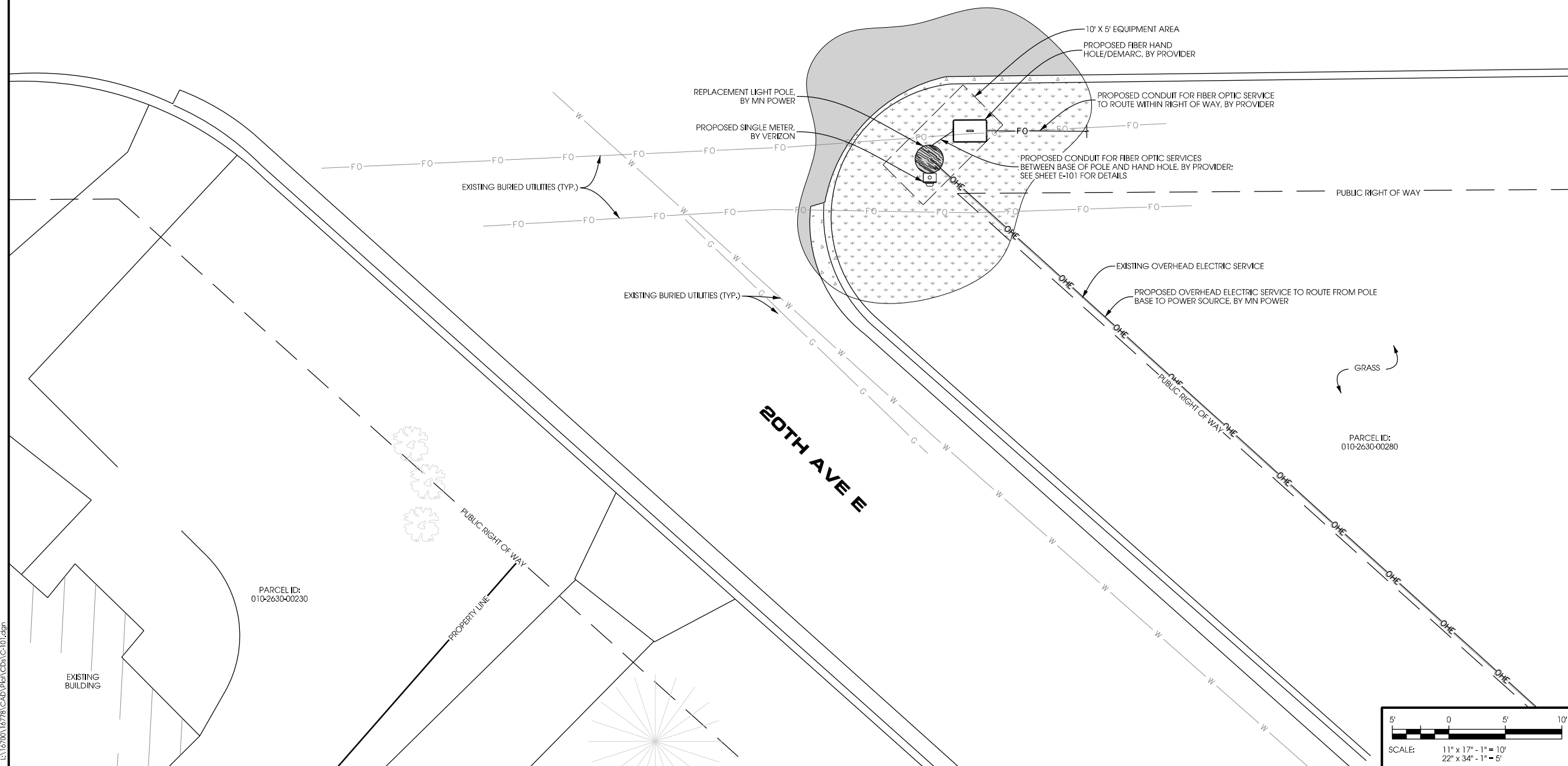
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**A AERIAL OVERVIEW**

**W COLLEGE ST**

**BOTH AVE E**




LA:16700\16778\CAD\PLT\CDA\C-101.dgn

**Optional Checklist for Local Government  
 To Determine Whether a Facility is Categorically Excluded**

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC's guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility's compliance with the RF exposure guidelines.

**BACKGROUND INFORMATION**

- 1. Facility Operator's Legal Name: Cellular Inc. Network Corporation d/b/a Verizon Wireless
- 2. Facility Operator's Mailing Address: 10801 Bush Lake Road, Bloomington, MN 55438
- 3. Facility Operator's Contact Name/Title: Amanda Turner, Network Real Estate
- 4. Facility Operator's Office Telephone: # 612-720-1657 amanda.turner@verizonwireless
- 5. Facility Operator's Fax: \_\_\_\_\_
- 6. Facility Name: DUL Bulldog SC1
- 7. Facility Address: Near 1217 Junction Avenue (Right-of-Way)
- 8. Facility City/Community: Duluth
- 9. Facility State and Zip Code: MN 55811
- 10. Latitude: 46-49-12.99 (46.820275)
- 11. Longitude: 92-05-24.01 (-92.090003)

continue  


**Optional Local Government Checklist (page 2)**

**EVALUATION OF CATEGORICAL EXCLUSION**

- 12. Licensed Radio Service (see attached Table 1): Cellular Radiotelephone Service & Personal Communications Svc.
- 13. Structure Type (free-standing or building/roof-mounted): Light Pole
- 14. Antenna Type [omnidirectional or directional (includes sectored)]: Panel/directional
- 15. Height above ground of the lowest point of the antenna (in meters): 26'-6" / 8.10768 meters
- 16.  Check if all of the following are true:
  - (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
  - (b) This facility will not be mounted on a building (see question 13).
  - (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC's guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

- 17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP\* (note: EIRP = (1.64) X ERP): (see below)
- 18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna: (see below)
- 19. Enter the ERP or EIRP per channel (using the same units as in question 17): (see below)
- 20. Multiply answer 18 by answer 19: (see below)
- 21. Is the answer to question 20 less than or equal to the value from question 17 (yes or no)? (see below)

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC's guidelines.

If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC's guidelines.

- 17. 1000W ERP (700 MHz), 2000W ERP (1900 MHz/PCS, 2100 MHz/AWS)
- 18. 2 bands per block (LTE & AWS)
- 19. 365.72 ERP + 437.67 ERP (700 + 850 MHz LTE) and 377.59 ERP + 377.59 ERP (2100 MHz AWS1 + AWS3)
- 20. 803.39 ERP (700 MHz +850 MHz LTE)+ 755.18 ERP (2100 MHz AWS1 + AWS3) = 1558.57 W ERP
- 21. Yes

\*"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"





**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 18-110	<b>Contact</b>	Chris Lee, cleee@duluthmn.gov	
<b>Type</b>	Interim Use Permit – Vacation Dwelling Unit	<b>Planning Commission Date</b>	September 11, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	August 6, 2018	<b>60 Days</b>	October 5, 2018
	<b>Date Extension Letter Mailed</b>	August 16, 2018	<b>120 Days</b>	December 12, 2018
<b>Location of Subject</b>	5727 Grand Ave			
<b>Applicant</b>	Anna and Nathanael Bailey	<b>Contact</b>	baileyn73@gmail.com	
<b>Agent</b>		<b>Contact</b>	annabaileyng@gmail.com	
<b>Legal Description</b>	See Attached, PID: 010-4510-03590			
<b>Site Visit Date</b>	August 27, 2018	<b>Sign Notice Date</b>	August 28, 2018	
<b>Neighbor Letter Date</b>	August 29, 2018	<b>Number of Letters Sent</b>	47	

**Proposal**

Applicant proposes use of a single family home with 1 legal bedroom as a vacation rental property. A vacation dwelling unit allows for periods of occupancy of 2 to 29 days, with a minimum stay of 2 nights.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-3	Mid-Rise Comm. Shopping	Central Business Secondary
<b>North</b>	F-3	Mid-Rise Comm. Shopping	Central Business Secondary
<b>South</b>	MU-C	Mixed Use Commercial	Central Business Secondary
<b>East</b>	MU-C	Mixed Use Commercial	Central Business Secondary
<b>West</b>	MU-N	Mixed Use Neighborhood	Central Business Secondary

**Summary of Code Requirements:**

UDC Section 50-19.8. Permitted Use Table. A Vacation Dwelling Unit is an Interim Use in an F-3 District.

UDC Sec. 50-37.10.B . . . Council shall make, a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to meet.

UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that:

1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location;
2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense of the

date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.

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

Governing Principle #8 - Encourage mix of activities, uses, and densities

- Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages  
**S9:** Encourage expansion of the city’s tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth

Future Land Use – Central Business Secondary:

An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

The site is developed consistent with the future land use as described and the applicant is not proposing alterations to the use.

**Review and Discussion Items:**

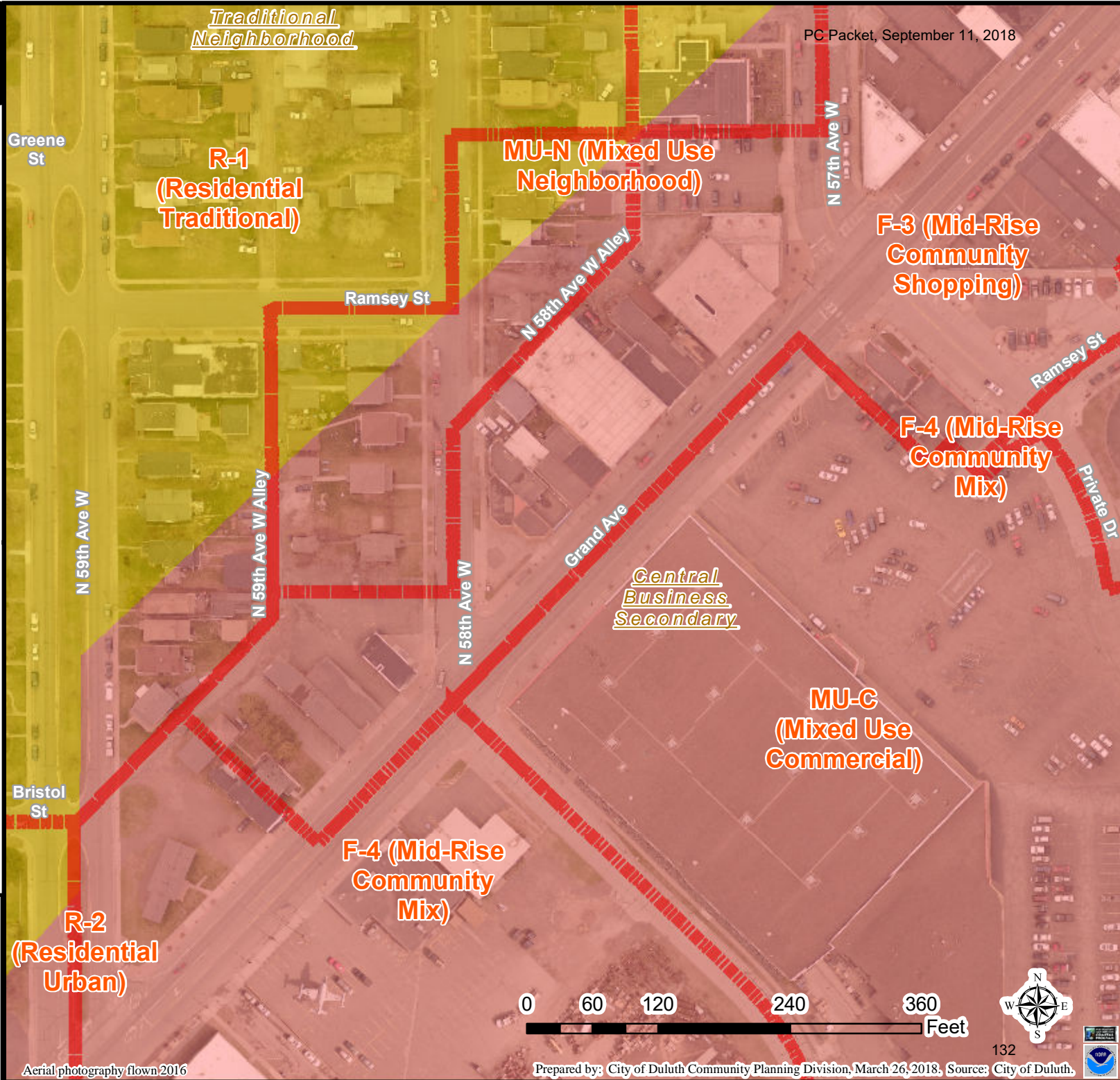
- 1) Applicant’s property is located on 5727 Grand Ave. The proposed vacation dwelling unit has 1 bedroom, which would allow for a maximum of 2 guests.
- 2) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. Applicant will serve as the managing agent.
- 3) Parking for the structure is located in lot to the south of the structure on the parcel. There will be trailer or motorhome parking at this location in the same lot.
- 4) The site plan indicates a porch on the upper floor that will be used by renters. There is no screening due to this use being on the upper story and contained mostly inside the structure.
- 5) A time limit on this Interim Use Permit (“IUP”) is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public’s health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 6) Applicants have obtained the City of Duluth Tourism Tax license, the Minnesota Department of Health Lodging License, and have a Tax ID number Applicant will need an operational permit with the City’s fire prevention office and also need to apply for a Hotel/Motel License.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No comments from citizens, City staff, or any other entity were received regarding the application.

**Staff Recommendation:**

PC Packet, September 11, 2018

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

- 1) The Interim Use Permit shall not be effective until the applicant has received all required licenses and permits for operation.
- 2) The applicant must provide a written disclosure to all guests stating that quiet hours shall be observed between the hours of 10 p.m. and 8 a.m.
- 3) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit document and provide evidence of compliance, which will be included in the resolution.



**Legend**

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.

**R-2  
(Residential  
Urban)**

**F-4 (Mid-Rise  
Community  
Mix)**

**MU-C  
(Mixed Use  
Commercial)**

**F-4 (Mid-Rise  
Community  
Mix)**

**F-3 (Mid-Rise  
Community  
Shopping)**

**MU-N (Mixed Use  
Neighborhood)**

**R-1  
(Residential  
Traditional)**

*Central  
Business  
Secondary*

*Traditional  
Neighborhood*





**Legend**

- Gas Main
- Water Main
- Hydrant

**Sanitary Sewer Mains**

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main

**Storm Sewer Mains**

- Storm Sewer Pipe
- Storm Sewer Catch Basin

**Easement Type**

- Utility Easement
- Other Easement
- Zoning Boundaries

**Other Symbols:**

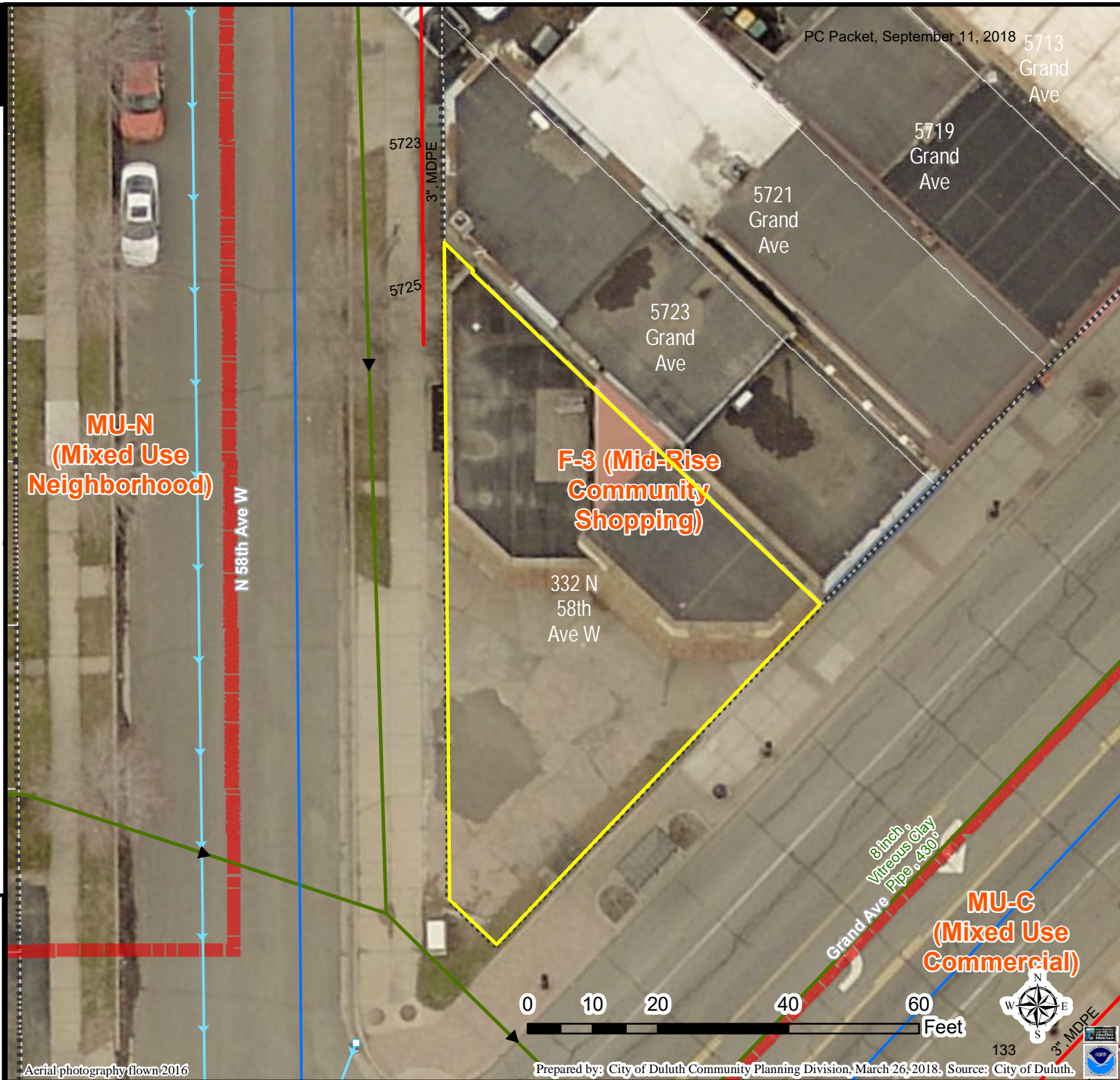
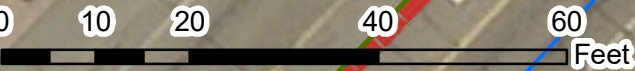
- Storage Basin
- Pump Station
- Road or Alley ROW
- Vacated ROW

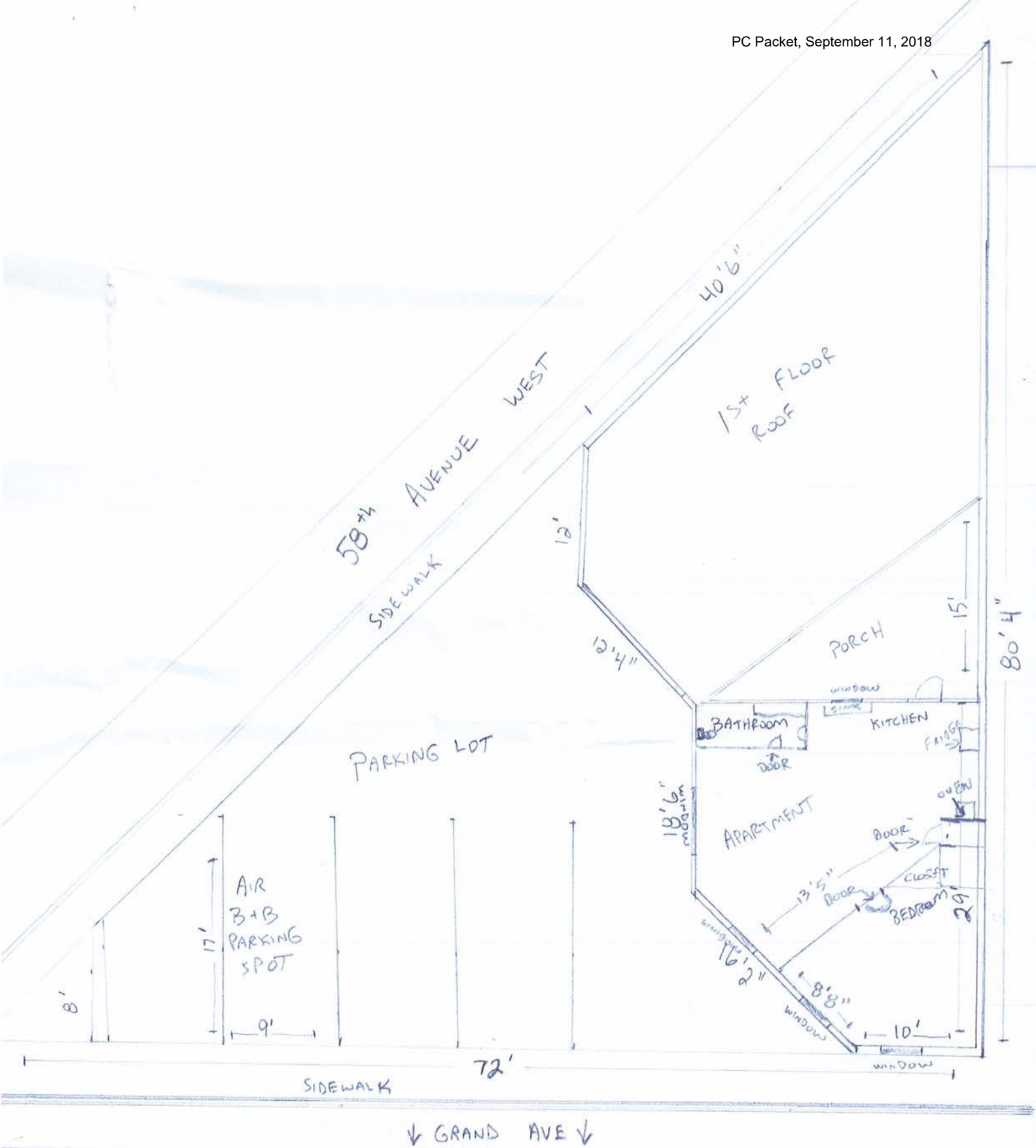
**MU-N  
(Mixed Use  
Neighborhood)**

**F-3 (Mid-Rise  
Community  
Shopping)**

**MU-C  
(Mixed Use  
Commercial)**

Aerial photography flown 2016





SCALE 1" = 10'-0"

• ADDRESS  
 5725-5727 GRAND AVENUE  
 • ZONE DISTRICT  
 F3

• LEGAL DESCRIPTION  
 WEST DULUTH 5TH DIVISION LOT 28 EX ELY 40/100 FT  
 OF SLY 73 8/10 FT AND OF LOT 29 BLK 141



