



PLANNING & ECONOMIC DEVELOPMENT

Community Planning Division  
City Hall – 411 W 1<sup>st</sup> Street – Room 110  
Duluth, Minnesota 55802  
218-730-5580 / [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

Planning Commission Agenda  
City Council Chambers, 3<sup>rd</sup> Floor Duluth City Hall  
Tuesday, March 12, 2019 – 5:00 PM

Call to Order and Roll Call

EAW Public Hearing (Estimated 30-45 Minutes)

1. Public Comments on the Vision Northland Environmental Assessment Worksheet (EAW) for a New Institutional Structure Near the Corner of East 2<sup>nd</sup> Street and North 4<sup>th</sup> Avenue East by Essentia Health

Approval of Planning Commission Minutes (February 12, 2019)

Consent Agenda

2. PL 19-008 Vacation of Unimproved Right of Way of Sundby Street (Approximately 400 Feet, South of Page Street) at 1410 West Page Street by Michael and Jennifer Hudyma
3. PL 19-009 Vacation of Unimproved Right of Way of N 61<sup>st</sup> Avenue West (Approximately 400 Feet, North of the Intersection of 61<sup>st</sup> Ave West and West 8<sup>th</sup> Street) at 12 S 61<sup>st</sup> Avenue West by David Polson

Public Hearings

4. PL 19-003 Minor Subdivision to Split Existing Lot (Tract A of RLS 93) into Two Parcels at 2906 West 15<sup>th</sup> Street by Gregg Anderson
5. PL 19-007 Minor Subdivision to Split Existing Lot (Tract C of RLS 93) into Two Parcels at 2906 West 15<sup>th</sup> Street by Gregg Anderson
6. PL 19-012 UDC Map Amendment to Rezone 3802 Trinity Road (NE Corner of Anderson Road and Trinity Road) from Mixed Use Neighborhood (MU-N) to Mixed Use-Business (MU-B) by Republic Bank
7. PL 19-014 UDC Text Amendment Exempt Vacation Dwelling Units in Form Districts from the Maximum Cap of 60 Units by the city of Duluth

Communications

Manager's Report

Reports of Officers and Committees

-Heritage Preservation Commission Representative

Upcoming Special Meetings

-Annual Meeting, Tuesday, March 19, 6:00 PM, Discuss: Election of Officers, Zenith City Awards, Imagine Duluth 2035

-Special Meeting Tuesday, March 26, 5:00 PM, City Council Chambers, Discuss: Vision Northland EAW/EIS Determination

-US Steel and Mud Lake Workshop, Wednesday, May 1, 5:30 PM, Morgan Park Good Fellows Club, Joint Meeting of planning commission, parks and recreation commission and heritage preservation commission

Adjournment



City of Duluth  
 Planning Commission  
 February 12, 2019 Meeting Minutes  
 Council Chambers - Duluth City Hall

Call to Order

President Michael Schraepfer called to order the meeting of the city planning commission at 5:00 p.m. on Tuesday, February 12, 2019, in city hall council chambers.

Roll Call

Attending: Jason Crawford, Janet Kennedy, Margie Nelson, Michael Schraepfer, Luke Sydow, Sarah Wisdorf, and Zandra Zwiebel

Absent: Gary Eckenberg and Tim Meyer

Staff Present: Adam Fulton, Robert Asleson, Steven Robertson, Kyle Deming, Chris Lee, and Cindy Stafford

Approval of Planning Commission Minutes - January 8, 2019

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

**VOTE: (7-0)**

Consent Agenda

1. PL 18-160 Renewal of Existing Vacation Rental Dwelling Permit at 1003 and 1005 South Lake Avenue by Island Twin Homes LLC
2. PL 19-004 Concurrent Use Permit to Allow Existing Garage to Encroach into Public Right of Way by Four Feet in the Platted Right of Way of 48<sup>th</sup> Avenue East at 4831 London Road by Tom Kolar
3. PL 19-005 Vacation of 216 Feet of the Platted Right of Way of Gladstone Street, West of 49<sup>th</sup> Avenue East, by Tom Kolar

**Staff:** Luke Sydow asks if there were any violations for PL 18-160. Chris Lee states there were none.

**Public:** No speakers.

**MOTION/Second:** Zwiebel/Sydow motion to approve all items consistent with staff's recommendation for consent agenda items.

**VOTE: (7-0)**

Public Hearings

4. ~~PL 19-002 Special Use Permit for a Residential Care Facility (More than 7 Individuals) at 4425 Norwood Street by American Indian Community Housing Organization~~ POSTPONED
5. PL 19-001 Variance from Form District Standards for a New Commercial Structure at 1801 London Rd. by William Scalzo, Scalzo Architects, Ltd.

**Staff:** Kyle Deming introduces the applicant's proposal to construct a 4,092 square feet Main Street I Building (Sherwin Williams paint store) with 13 parking stalls and driveways onto London Rd. and 18<sup>th</sup> Ave. E. The applicant is seeking a variance from two form district standards: 1. Reduce Front "Build-To-Zone" coverage from 65%

required to 40% proposed (Sec. 50-22.8.A.1), and 2. Increase Ground Story Elevation from no more than one foot above the sidewalk to four feet above the sidewalk (Sec. 50-22.3.B.2). The practical difficulty is site constraints, including topography, bedrock, and the elevation of existing roads around the site, discussed in detail in the staff report. Manager Adam Fulton notes this is a tricky site due to bedrock conditions. He states that the proposal meets the intent of the UDC for building form, and the principles of the comprehensive plan. Staff recommends approval with the conditions listed in the staff report.

**Applicant:** Bill Scalzo, of Scalzo Architects, Ltd. addresses the commission, and encourages approval. He asks if there are any questions. There were none.

**Public:** No speakers.

**Commissioners:** N/A

**MOTION/Second:** Wisdorf/Nelson to approve as per the findings of the staff report and consistent with the staff recommendation.

**VOTE: (7-0)**

6. PL 19-006 UDC Text Amendment Allowing Preschools and Daycare Facilities in the MU-B (Mixed Use Business) Zone District

**Staff:** Steven Robertson introduces the city's proposed Text Amendment, which would allow preschools and daycare facilities (with a Special Use Permit) in the MU-B zone District. Staff recommends approval. Sarah Wisdorf questions the rationale of needing consent of the owners of the neighboring properties. Robertson states that a daycare can change the character of a neighborhood, so it is appropriate to have the neighbors' input. There is an alternative method, which would be a letter of support from the original developer. The 350 feet area would be from the edge of the property. Janet Kennedy questions the environmental impact of being by the airport. Manager Fulton describes the general location of the airpark business park. He states that the site is located in airport safety zone C. The regulations for zone C relate to building height and not occupancy. Chair Schraepfer asks about the parking requirements. Robertson notes there is need for parking, especially during pick-up and drop-off times. Chair Shraepfer asks if there could be leniency to this provision. Manager Fulton suggests the commissioners and staff could adjust the language to allow for some administrative review of parking demand. Sydow appreciates this provision, but thinks there should be some teeth to it. Sydow thinks there should be a number assigned to parking. He questions the 2/3 clause and notes there aren't always a lot of neighbors. Zandra Zwiebel has concerns in relation to pick-up, drop-off areas. She thinks it applies mostly in neighborhoods, but as a parent she would like a larger space for pick-up/drop-off areas. Manage Fulton states it is not a one-size fits all provision. The planning commission can add conditions. Chair Schraepfer notes the need for additional daycare. Kennedy asks if there is room for a variance on a case-by-case basis. Manager Fulton doesn't agree that application for a variance would be the right option due to the expense to the applicant. He recommends language to provide for latitude for land use supervisor adjustments. Wisdorf asks about fencing for outdoor exercise areas. She asks if a survey is required. Robertson states that if it is further than 3 feet from the lot line, a survey would not be required.

**Applicant:** N/A

**Public:** No Speakers.



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

**Commissioners:** Wisdorf would like to add a provision allowing latitude for land use supervisor adjustments for parking. Margie Nelson would like to remove the wording of expanded in size or density, but is okay leaving it in if the land use supervisor has determination flexibility.

**MOTION/Second:** Wisdorf/Zwiebel amend the wording in regards to off-street parking subject to the determination of the land use supervisor.

**VOTE: (7-0)**

**MOTION/Second:** Wisdorf/Zwiebel recommend approval as per staff's recommendation to include the amended wording in regards to off-street parking be subject to the determination of the land use supervisor.

**VOTE: (7-0)**

Communications

- Special planning commission for the essential Health EAW – Scheduled for March 26<sup>th</sup> at 5:00 p.m. Kennedy has concerns that the voice of the community is not being heard.

Manager's Report – The 2019 Annual Meeting, date is set for March 19<sup>th</sup> at 6:00 p.m. There will be a neighborhood meeting for upper 6<sup>th</sup> Ave. East – Land Use Evaluation. The meeting will be on Wed. March 20<sup>th</sup>. City council approved the creation of a natural resource commission, which will encompass the tree commission and create a broader view.

- Pastoret Terrace Building Potential Demolition. SHPO letter will be shared with the commissioners. Manager Fulton notes the LSMRR super meeting with the Parks Commission, HPC, and DEDA, will be pushed back to the end of April or beginning of May.

Reports of Officers and Committees

- Heritage Preservation Commission – Zwiebel notes there was no quorum, but Manager Fulton spoke to the members about 333 building, which includes the demo of the Hacienda building.

Adjournment

Meeting adjourned at 6:04 p.m.

Respectfully,

---

Adam Fulton - Manager  
Community Planning





# CITY OF DULUTH

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

**DATE:** March 5, 2019  
**TO:** President Schraepfer and Planning Commissioners  
**FROM:** Adam Fulton, Community Planning Manager  
**RE:** Monthly Status Update

## Projects

### Medical District Planning

The Essentia team has indicated an intent to submit applications associated with the hospital project within the next few weeks. The applications, if submitted in time, will be briefly discussed at the April meeting. The discussion will include only the general nature of the applications, which will likely include Concurrent Use Permits, a Mixed-Use Institutional Plan Review, and potentially other approvals.

### City Flag Update

The City Flag process continues, with a deadline for submittal of April 12<sup>th</sup>.

### US Steel and Mud Lake Workshop

The date and time for the US Steel and Mud Lake Workshop has been set: May 1<sup>st</sup> at 5:30 PM, to be held at the Morgan Park Good Fellows Club. At this meeting, the various projects associated with the Mud Lake area will be discussed, including the Western Waterfront Trail, the Lake Superior and Mississippi Railroad, the US Steel site cleanup, the St. Louis River Area of Concern, and the overall economic development and redevelopment of the immediate area. Invited groups will include the Planning Commission, the Heritage Preservation Commission, and the Duluth Economic Development Authority, and the Parks and Recreation Commission. Community members and agency representatives will also be welcome to attend.

## Planning Commission Actions - Updates

### St. Luke's Modifications

After the appeal by a resident, the City Council voted on February 25<sup>th</sup> to affirm the decision of the Planning Commission related to the St. Luke's project, which included the relocation of the emergency room, helipad, and other changes.

### Daycare Rezoning

The final text for the City Council related to changes to the UDC related to daycare and preschool uses is attached for review. Changes requested by Commissioners have been incorporated into the text, including a greater level of flexibility for parking requirements for daycare uses.

**..Title**

AN ORDINANCE AMENDING SECTIONS 50-19.8 USE TABLE AND 50-20.3 COMMERCIAL USES TO ALLOW DAYCARE FACILITIES AND PRESCHOOLS IN THE MIXED USE BUSINESS (MU-B) ZONE DISTRICT.

**..Body**

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-19.8 of the Duluth City Code, 1959, as amended, be amended as follows:

Attachment 2, Table 50-19.8 Use Table

Section 2. That Section 50-20.3.I of the Duluth City Code, 1959, as amended, be amended as follows:

**50-20.3.I Daycare facility, small and large, and Preschools**

1. For all new uses after May 1, 2019, as part of the requirement to provide off-street parking in 50-24.2, the use must provide off-street parking spaces for pick-up and drop-off determined by the Land Use Supervisor to be sufficient to provide for the safe pick-up and drop-off of users of the facility based on the maximum licensed capacity of the facility, the configuration of the facility, the types and intensity of other uses adjacent to the facility, the intensity of traffic adjacent to the facility and other factors determined to be relevant to the safe pick-up and drop-off of users of the facility the determination of the Land Use Supervisor may be appealed to the Commission Pick-up and drop-off areas must be clearly signed as for pick-up and drop-off only, and shall not conflict with safe on-site pedestrian and vehicular movements. This specific standard does not apply to uses with the Downtown and Canal Park Special Parking Areas in 50-24.
2. In the RR-1 and RR-2 districts this use and related parking facilities and structures other than driveways are limited to no more than 20 percent of the lot or parcel area;
3. In the MU-B district, uses shall provide a fenced outdoor exercise area. Outdoor exercise areas must be separated from improved public streets, drive lanes, and loading areas by at least 20 feet;
4. In the MU-B district, the application may be denied by the Land Use Supervisor if he or she determines that the size, nature, character or intensity of the use of property in the immediate vicinity of the applicant's property would pose an unreasonable risk to the health, safety or welfare of users of the applicant's facility; the decision of the Land Use Supervisor may be appealed to the Commission.

Section 3. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: \_\_\_\_\_, 2019)

**STATEMENT OF PURPOSE:** This ordinance implements a minor text amendment related to childcare facilities and preschools to chapter 50 of the City Code, known as the Unified Development Chapter (UDC).

During the Imagine Duluth 2035 Comprehensive Plan planning process in 2017 and 2018, significant comment was received from the public about ways the city code help to improve the situation for working families seeking daycare. The lack of affordable options was cited as a limiting factor for some people trying to enter the workforce. This text change is intended to allow daycares and preschools in the MU-B zone district (business parks and large employers can be found in the MU-B district).

The planning commission held a public hearing and considered the changes at their February 12, 2019, regular Planning Commission meeting. Following discussion and additional amendments to the proposed text change, the Commission voted with 7 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the text change to the Unified Development Chapter of the City Code





**City of Duluth  
Planning Division**

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197  
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

An Equal Opportunity Employer

**DATE:** March 4, 2019  
**TO:** Planning Commission  
**FROM:** Steven Robertson, Senior Planner  
**RE:** Optional Public Hearing for Essentia Health’s Vision Northland EAW

At your regular Planning Commission meeting on March 12, 2019, there will be an optional public hearing to gather oral comments from the public on the Environmental Assessment Worksheet (EAW) for the Vision Northland Project.

Meg L Pierce-Walsh from BARR will be making a brief 5-minute presentation as a prologue to the optional public hearing. You need not respond to any of the comments from the public at the March 12 meeting except to ask for clarification. Responses to all substantive comments will be drafted after the end of the comment period by BARR, with assistance (as appropriate) from Essentia Health. Responses to the comments received will be provided to you, and those who have submitted questions or comments, prior to the special meeting on Tuesday, March 26, 2019.

As of the date of this memo, the city has received two citizen comments (attached). Also included with this is factsheet/information from Essentia, and a page from the EQB Monitor showing the project description.

For your information, here is the timeline for the rest of the EAW process:

- Mon, Feb 11, 2019 Notice published in the EQB Monitor. Beginning of the comment period. According to EQB: “any interested person can review the EAW and submit written comments to the RGU for 30 days following the Monitor notice. Comments may address the accuracy and completeness of information, additional environmental effects or corrective actions that should be considered and the potential for significant environmental effects due to the project”.
- Tue March 12, 2019 Optional public hearing at the Planning Commission
- Wed, March 13, 2019 End of comment period (4:30 pm).
- Tue, March 26, 2019 Planning Commission reviews comments received, and responses to the comments, and makes a decision on the need for an Environmental Impact Statement (EIS). From EQB: “the RGU considers the EAW information and the comments received and officially decides if the project has the potential for significant environmental effects. If not, the environmental review process is over”.

**Steven Robertson**

---

**From:** Linda Glaser  
**Sent:** Tuesday, February 12, 2019 10:51 AM  
**To:** planning  
**Subject:** Essential Health Vision Northland EAW comments -- Please keep CPF downtown

To Whom it Concerns,

Recently, there has been much talk and concern about the future of the Center for Personal Fitness (CPF). I, too, am concerned.

The CPF is an important part of many people's daily or weekly routine--especially during long winter months. Aside from offering a place to stay fit, it's an inspiring place to go. The CPF serves so many people of diverse backgrounds and levels of fitness. There are young people, seniors, and everyone in between, people of all income levels, people with disabilities, and people overcoming injuries and surgeries. It is a vibrant community.

I don't use the word community lightly. It is a place to find connection, motivation, inspiration, humor, friendship, or at the very least, familiar faces. For some, it offers a place of belonging and a reason to get out of bed in the morning. For many, it is a safe, comfortable place to be active and to challenge or maintain ourselves physically. Because of the CPF many people in our community are stronger and healthier.

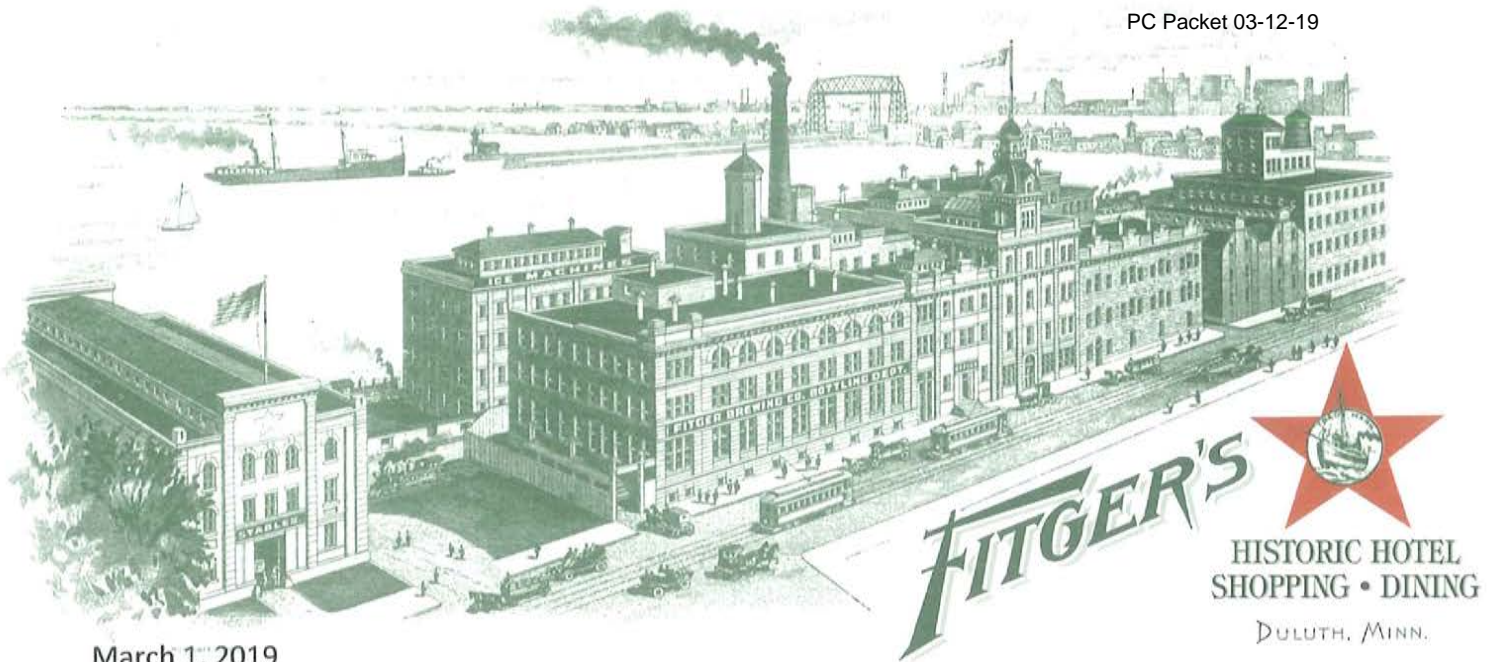
The CPF not only serves the body, it also serves the spirit. It is not only a place to stay fit. It is also a place to find meaning and purpose. It serves people who are lonely, marginalized, or feel disconnected. It's a welcoming, positive, and life affirming place for everyone.

I hope the CPF will remain downtown so that it can continue to serve all the diverse members of our community in so many meaningful and important ways.

Thank you,

Linda Glaser





March 1, 2019

Dear Keith,

The new Essentia Campus will be a great addition to the City of Duluth.

Thank you for having the vision and resources to make Duluth a medical destination for the community and surrounding areas.

As we become even closer neighbors we ask that you consider the following.

1. Use led warm lights. 2700K or less. Wildlife friendly lighting of 2200K would be even better. This would be used on all exterior lighting, including parking ramp and parking areas.
2. Have lights shielded and at lower lumen output levels so it is not too bright.
3. This reduces light pollution and creates a warm evening environment for everyone.

We are asking you to commit in helping the Downtown Duluth Historic District maintain the feeling of warm, gentle lighting that encourages people to Shop, Eat, and Stay, generating revenue for the city and locally owned businesses.

Attached please find signatures of concerned individuals and business owners from Fitger's.

Thank you for your time and serious consideration.

Sincerely,

Tami Tanski Sherman

Fitger's Mall Manager.



## The *EQB Monitor*

520 Lafayette Road North, Saint Paul, MN 55155 - [www.eqb.state.mn.us](http://www.eqb.state.mn.us)  
[EQB.Monitor@state.mn.us](mailto:EQB.Monitor@state.mn.us) - (651) 757-2873

[Facebook](#)   [Twitter](#)   [YouTube](#)

---

**Publication Date: February 11, 2019**  
Vol. 43, No. 6

**Publication Schedule:** Mondays at 8:00 AM  
**Submission Deadline:** [View 2019 Schedule](#)  
**Use the** [EQB Monitor Submission Form](#)

---

### In this publication:

- [EQB Board Meeting - February 20, 2019](#)
- [Environmental Assessment Worksheet Need Decisions](#)
- [Environmental Assessment Worksheets](#)
- [Environmental Impact Statement Need Decisions](#)
- [Notices](#)
- [Environmental Review Announcements](#)

The *EQB Monitor* is a weekly publication announcing environmental review documents, public comment periods and other actions of the Environmental Quality Board. For more information on environmental review, please visit the [EQB website](#).

You can manage your subscription to the *EQB Monitor* [here](#). Be sure to add [MNEQB@public.govdelivery.com](mailto:MNEQB@public.govdelivery.com) to your address book or safe sender list.

Check the [EQB Calendar](#) for more details on *Monitor* deadlines and Board Meetings. Meeting minutes, agendas and additional notices are also posted on the [EQB Website](#).



## EQB Board Meeting - February 20, 2019

The EQB will hold its monthly meeting on February 20, 2019. Details can be found on the [EQB website](#).

---

## Environmental Assessment Worksheet Need Decisions

The noted responsible governmental unit has made a decision regarding the need for an Environmental Assessment Worksheet in response to a citizen's petition.

- Todd County, Hollermann Family Dairy Inc. (Denied)
- 

## Environmental Assessment Worksheets

### Project Title: Greenwood at Carlos Avery

**Comment Deadline:** March 13, 2019

**Project Description:** The proposed Greenwood at Carlos Avery Project would entail the development of approximately 193 acres within the City of Wyoming, MN. The project proposes the development of 300 single-family units, 100 multi-family units, and 50 acres of commercial uses on the former Greenwood Golf Links golf course site. The north western part of the site is bordered by the Carlos Avery State Wildlife Management Area. By State statute, this level of development requires a mandatory Environmental Assessment Worksheet (EAW). Copies of the Draft EAW have been distributed to agencies listed on the most current Minnesota Environmental Quality Board distribution list. The DRAFT EAW will be distributed to the June 2018 distribution list hosted by the EQB.

The DRAFT EAW may be accessed electronically on the City of Wyoming's website; paper copies are available for review at the City Hall and at the Minneapolis Central Branch of the Hennepin County Public Library (300 Nicollet Mall, Minneapolis). All comments and questions can be directed to Fred Weck, Zoning Administrator at the City of Wyoming: [fweck@wyomingmn.org](mailto:fweck@wyomingmn.org).

**Responsible Governmental Unit (RGU):** City of Wyoming

**RGU Contact Person:**  
 Fred Weck  
 Zoning Administrator  
 26885 Forest Blvd  
 Wyoming, MN 55092  
 651-462-4947  
[fweck@wyomingmn.org](mailto:fweck@wyomingmn.org)

## Project Title: Essentia Health Vision Northland Project

**Comment Deadline:** March 13, 2019

**Project Description:** Essentia Health is proposing a redevelopment project for its downtown Duluth campus that will result in a replacement hospital bed tower, new surgical suites, and outpatient space and renovations to the existing facilities. The proposed project includes a 920,000 square foot multi-story tower, which would reduce Essentia Health's overall footprint while providing state-of-the-art medical facilities.

**Responsible Governmental Unit (RGU):** City of Duluth

**RGU Contact Person:**

Keith Hamre  
 Director of Planning and Economic Development  
 411 W. 1st St.  
 Duluth, Minnesota 55802  
 218-730-5580  
[khamre@duluthmn.gov](mailto:khamre@duluthmn.gov)

## Environmental Impact Statement Need Decisions

The noted responsible governmental unit has determined the following project does not require preparation of an Environmental Impact Statement. The dates given are, respectively, the date of the determination and the date the Environmental Assessment Worksheet notice was published in the EQB Monitor.

- City of Golden Valley, DeCola Ponds B&C, 1-29-19 (12-17-18)

## Notices

### Project Title: Minnesota Department of Agriculture-- Notification of Release of Genetically Engineered Organisms

**Project Description:** Pioneer Hi-Bred International, Inc. filed a Notification for Release of a Genetically Engineered Organism with the Minnesota Department of Agriculture, **MDA notification number 19-NO-01**. Notification is for genetically modified SOYBEANS, pending USDA-APHIS Biotechnology Regulatory Services (BRS) approval for the environmental release of transgenic soybean, referenced as Application Number 19-021-102n. The counties identified for release include the following: Blue Earth-1 locations with 200 acres. Project categories include FR (Fungal Resistance), HT (Herbicide Tolerance), IR (Insect Resistance), MG (Marker Gene), OO (Other), and PQ (Product Quality).

FOR IMMEDIATE RELEASE

Contact: Maureen Talarico

Essentia Health Marketing & Communications  
(218) 786-2315

Feb. 12, 2019

## **Essentia Health purchases former Younkers store at Miller Hill Mall** *Fitness & Therapy Center to relocate to first floor*

Essentia Health has purchased the former Younkers store at the Miller Hill Mall in Duluth. The acquisition will allow the Northland's largest health care provider to offer a variety of services to its patients at a convenient location with free parking.

Essentia Health plans to invest \$15 million in the purchase and remodeling of the 145,000-square-foot department store. The Essentia Health Fitness & Therapy Center will move into the first floor this fall. Plans are being developed for the rest of the building and will be announced when they are finalized.

"Essentia Health saw an opportunity to contribute to the redevelopment and vibrancy of the Miller Hill Mall," says Brad Beard, chief operating officer of Essentia Health's East Market. "Essentia Health is always looking for locations to better serve our patients and employees. As we grow, we need affordable space that helps reduce the cost of care to our patients."

Discussions about creating the medical practice of the 21<sup>st</sup> century have caused Essentia leaders to think about how to best serve the Northland, Beard says. Building new facilities in downtown Duluth became a top priority. Another was making services more convenient for patients by bringing them to places they already visit. For example, Essentia Health offers services at the West Acres Mall in Fargo, in Cub Food stores in Brainerd and Baxter and next to the Super One store in Superior.

One benefit of the Miller Hill Mall location is acres of free parking. Moving some patients and staff to the mall will open more parking spots in downtown Duluth.

The new Essentia Health Fitness & Therapy Center will fill half of the former department store's first floor. It will offer a larger exercise area, more equipment and larger locker rooms. There will be a therapy pool, but no lap pool. The staff of trainers, teachers and therapists will stay the same.

"We value our patients and our fitness center members, so we want to make their transition to our new center easy," says Kurt Radke, the division administrator who supports the Fitness & Therapy Center. "Patients can expect the same high quality of care to aid their recovery and

rehabilitation. Fitness members can expect the same professional service and commitment to their wellness and personal fitness.”

The new center is expected to open this fall. Moving to the Miller Hill Mall will offer members and patients many benefits:

- Larger locker rooms
- Larger exercise area
- More exercise equipment
- Larger aerobics studio
- Two dedicated therapy gyms for greater privacy
- Expanded personal training services
- A walking track
- Free, convenient parking

Essentia Health offers a unique option: a medical fitness center. This means the center not only helps patients recover and rehabilitate but offers them and its fitness members a safe place to exercise that’s staffed by medically trained professionals. The staff helps patients continue to pursue wellness and fitness after treatment for heart attacks, strokes, brain injuries, cancer, orthopedic injuries and surgeries as well as other medical conditions.

“We hope everyone will visit our new center and give us the opportunity to show how we can help you meet your health and fitness goals,” Radke says.

###



# Frequently asked questions about the Essentia Health Fitness & Therapy Center

## Why is the fitness and therapy center moving?

The Essentia Health Fitness & Therapy Center at 402 E. Second St. is moving because it is on the site of a replacement hospital bed tower, surgical suites and clinic space.

## Where is the center moving?

The center is moving to the former Younkens department store in the Miller Hill Mall. The store will be remodeled to create a larger fitness and therapy center on half of the first floor.

## When is the downtown center closing, and when will the new center open at the mall?

We're remodeling the former department store, so we're still working on a timeline. We expect the new center to open this fall.

## What's going to happen to staff?

All fitness and therapy staff will transfer to the new mall location.

## What's going to happen to the equipment?

Equipment will be moved to the new mall location and we'll add more, thanks to having more space.

## The downtown center is also used for physical therapy, occupational therapy and rehabilitation.

### What's happening to those services?

The therapy center is moving to the mall location, where patients will find two larger gyms dedicated to serving them. The gyms will offer more privacy during appointments.

## What are you going to do about fitness center memberships and day passes?

Fitness memberships and day passes will automatically transfer to the new mall location.

## I have an annual membership. How do I get a refund for unused months?

Please talk with staff at the fitness center or call (218) 786-5400.

## I've bought day passes that I won't be able to use. How do I get a refund?

Please talk with staff at the fitness center or call (218) 786-5400.

## How many members does the fitness center have?

We have around 4,500 members.

## What is a medical fitness center?

Essentia Health offers a unique option: a medical fitness center. We not only help patients recover and rehabilitate but also offer them and our fitness members a safe place to exercise that's staffed by medically trained professionals. We help patients continue to pursue wellness and fitness after treatment for heart attacks, strokes, brain injuries, cancer, orthopedic injuries and surgeries as well as other medical conditions.

## Why not build another downtown fitness center as part of the construction project?

There is limited space on the downtown medical campus, especially with our large construction project, and the mall offers a location with plenty of free parking for members and patients.

## Why not build another lap pool at the mall?

We know some fitness center members will be disappointed by not having a lap pool but there are pools in the community. We needed to prioritize our spending on medical services and equipment that form the core of what we do as a health care provider. You can find pools at these locations:

- Duluth YMCA, 302 W. First St., Duluth
- Superior YMCA, 9 N. 21st St., Superior
- Ordean Middle School, 2900 E. Fourth St., Duluth
- Lincoln Park Middle School, 3215 W. Third St., Duluth
- Marcovich Wellness Center,  
University of Wisconsin Superior
- Sports and Wellness Center, University of Minnesota  
Duluth

Another option will open later this year: the Essentia Wellness Center at Ugstad and Arrowhead roads in Hermantown.

[MORE ON BACK](#)



**What's happening with the therapy pool?**

Hydrotherapy is an important part of some patients' rehabilitation, so we will have a therapy pool at the mall location.

**Where does Essentia Health have other fitness centers?**

We have fitness and therapy centers in at high schools in Esko and Maple.

- Esko Fitness Center/Esko Physical Therapy, 2 E. Minnesota Highway 61, Esko, MN. Call (218) 879-7223
- Tiger Fitness Center/Northwestern Physical Therapy, 4751 County Road F Maple, WI. Call (715) 363-2002

**I'm an Essentia Health employee and the fitness center is an easy and inexpensive option for me. What are my options now?**

The new center at the mall will be open 105 hours a week, just like the current center, and open to employees. A small employee workout area also will be created in the Duluth Clinic's Third Street Building on the downtown campus. Details on this new option will be communicated later.

---

**Have a question?**

Please talk to our Fitness & Therapy Center Staff or call (218) 786-5400. You can also submit a question by going to our website, [EssentiaHealth.org/FitnessTherapyCenter](http://EssentiaHealth.org/FitnessTherapyCenter).





# ESSENTIA HEALTH FITNESS & THERAPY CENTER

The Essentia Health Fitness & Therapy Center is moving to the Miller Hill Mall. The former Younkers store will be remodeled to create a new and larger facility with free, convenient parking. We expect to open the new center this fall.

## FITNESS CENTER

- Larger locker rooms
- Larger exercise area
- More exercise equipment
- Larger aerobics studio
- Walking track
- Personal training area with expanded service

## THERAPY CENTER

- More exam rooms
- Larger dedicated therapy gym for greater patient privacy
- Larger SpineX gym for greater patient privacy
- Therapy pool
- More space for treating patients with back pain, chronic pain and weight management

## Hours

Hours will remain the same.

- Fitness Center: 5:30 a.m. to 10 p.m. Monday-Friday and 7 a.m. to 6:30 p.m. Saturday and Sunday
- Therapy Center: 6:30 a.m. to 5:30 p.m. Monday-Friday

## Membership fees

Monthly fees at the new center will be \$45 for an individual, \$68 for couples, and \$33 for daytime seniors (age 62 and older).

## Day passes

Day passes will cost \$8.

## Staff

All fitness and therapy staff will transfer to the mall location.

## Medical fitness center

Essentia Health offers a unique option: a medical fitness center. This means we not only help patients recover and rehabilitate but also offer them and our fitness members a safe place to exercise that's staffed by medically trained professionals. We help patients continue to pursue wellness and fitness after treatment for heart attacks, strokes, brain injuries, cancer, orthopedic injuries and surgeries as well as other medical conditions.







**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 19-003	<b>Contact</b>	Chris Lee, 720-5304	
<b>Type</b>	Minor Subdivision-RLS	<b>Planning Commission Date</b>	March 12, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	January 15, 2019	<b>60 Days</b>	March 16, 2019
	<b>Date Extension Letter Mailed</b>	February 21, 2019	<b>120 Days</b>	May 15, 2019
<b>Location of Subject</b>	2906 W 15 <sup>th</sup> St			
<b>Applicant</b>	Gregg Anderson	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	February 22, 2019	<b>Sign Notice Date</b>	February 26, 2019	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

Applicant is requesting a Minor Subdivision to divide one platted lot into two lots. The current parcel is 57,342 square feet and the division will create a 15,658 square foot parcel (A) and a 41,713 square foot parcel (B).

	<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	Residential	Traditional Neighborhood
<b>South</b>	R-1	Open Space	Open Space
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional Neighborhood

**Summary of Code Requirements**

50-33.1 General: All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located.

50-37.5, D 1. The planning commission shall approve the application if it determines that the application:

- (a) The lot or lots to be subdivided or combined have frontage on an improved public street;
- (b) Each proposed lot meets the minimum zoning requirements of the district that it is in.
- (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and
- (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

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

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

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

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.

The current lot is 57,342 square feet and contains a 3,986 square foot single-family residence built in 1994. In 2010, RLS No. 93 was created for the property.

**Review and Discussion Items**

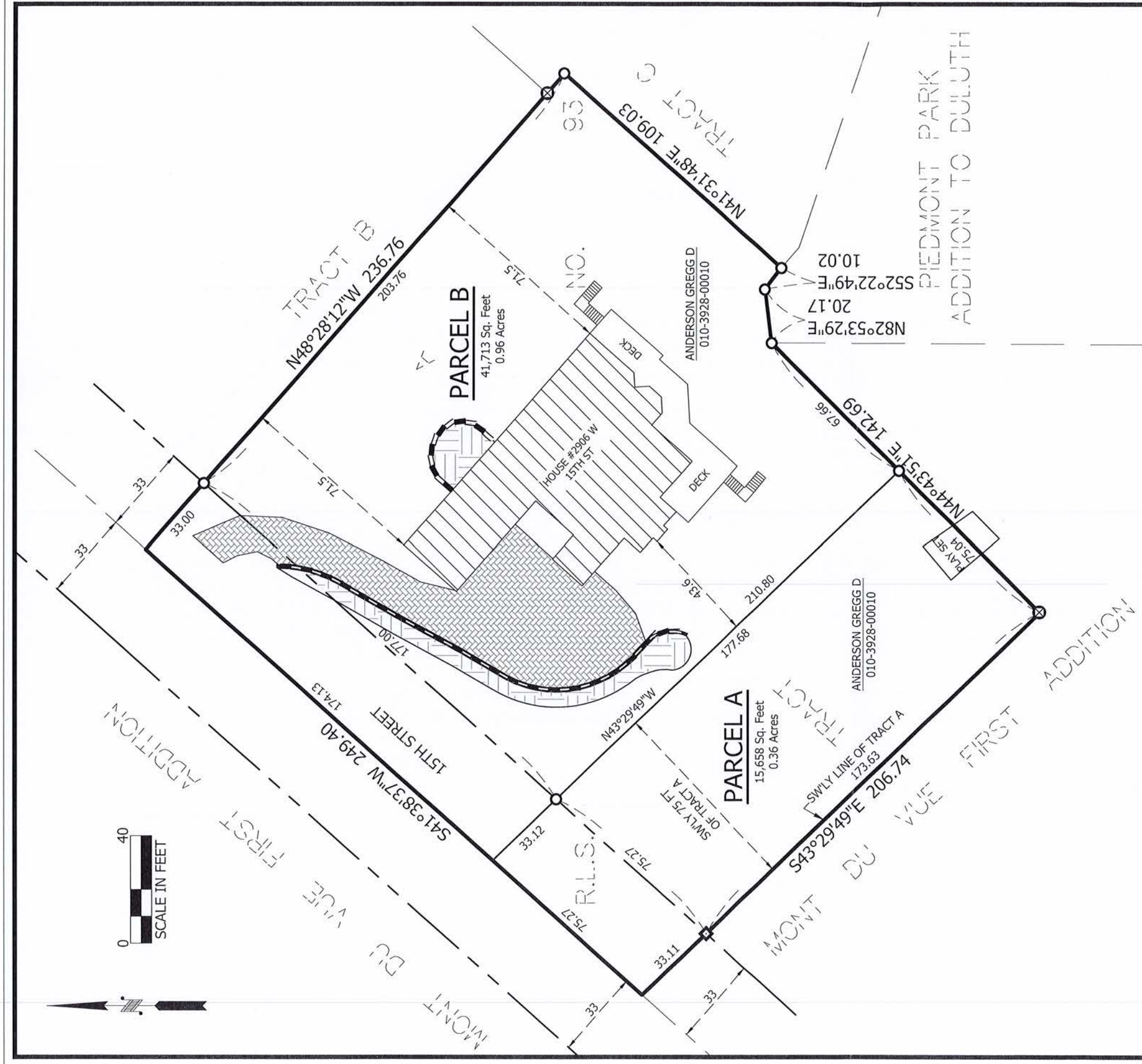
1. Applicant is requesting a Minor Subdivision to divide a single lot into two lots. One lot will contain the existing home and the other will remain building for a future home on the property. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
2. One comment was received regarding a private covenant on the property, but has no bearing on staff recommendation for this minor subdivision. No additional public, agency, or City comments were received.
3. No existing platted right of way is being proposed to be vacated with this proposal.
4. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
5. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission approve the Minor Subdivision subject to the following conditions:

1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.





**SURVEYORS NOTES**

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.

**LEGEND**

	LANDSCAPED SURFACE		CENTER LINE
	PAVER SURFACE		RIGHT OF WAY LINE
	EXISTING BUILDINGS		PROPOSED PARCEL LINE
			BOUNDARY LINE AS SURVEYED
			FOUND CAPPED REBAR RLS. NO. 15294
			FOUND CAPPED REBAR RLS. NO. 14374
			SET CAPPED REBAR RLS. NO. 49505

**PARENT LEGAL DESCRIPTION PER CERTIFICATE OF TITLE 320876**

Tract A, REGISTERED LAND SURVEY NO. 93, St. Louis County, Minnesota.

**LEGAL DESCRIPTION FOR PARCEL A**

The Southwesterly 75.00 feet of Tract A, REGISTERED LAND SURVEY NO. 93, according to the recorded survey thereof, St. Louis County, Minnesota, Except: the Southwesterly 75.00 feet thereof.

Said parcel contains 15,658 Sq. Feet or 0.36 Acres.

**LEGAL DESCRIPTION FOR PARCEL B**

Tract A, REGISTERED LAND SURVEY NO. 93, according to the recorded survey thereof, St. Louis County, Minnesota, Except: the Southwesterly 75.00 feet thereof.

Said parcel contains 41,713 Sq. Feet or 0.96 Acres.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*David R. Evanson*  
David R. Evanson

Date: January 7, 2019 MN Lic. No. 49505

**CERTIFICATE OF SURVEY**

CLIENT: GREGG ANDERSON	REVISIONS: XXX
DATE: 1-7-2019	
ADDRESS: 2905 W 15TH ST DULUTH, MN 55806	
JOB NUMBER: 18-360	



**ALTA**  
LAND SURVEY COMPANY  
PHONE: 218-727-5211  
LICENSED IN MN & WI  
CERTIFIED FEDERAL SURVEYOR  
WWW.ALTLANDSURVEYDULUTH.COM





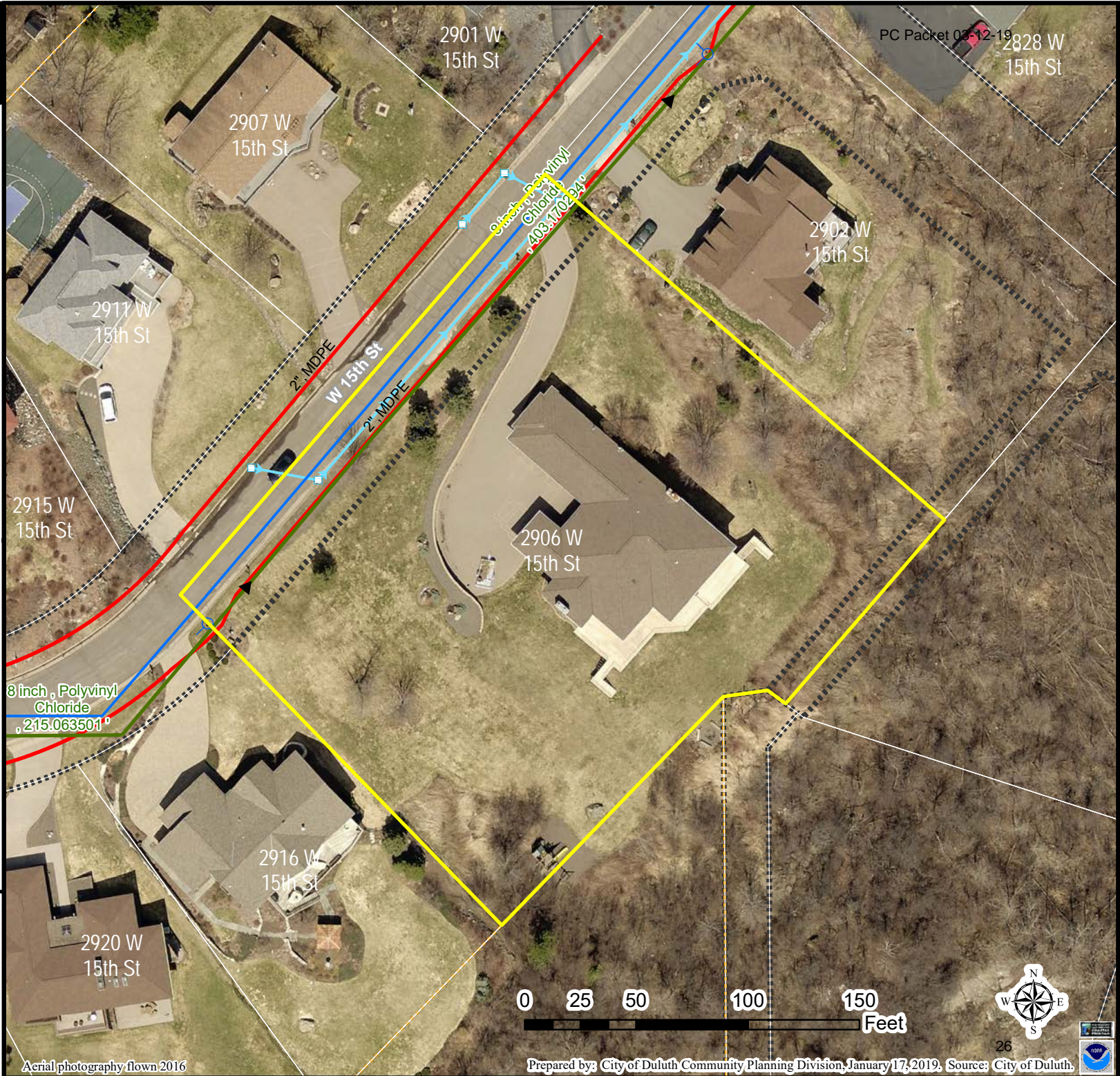
PL 19-003: Minor Sub.  
2906 W 15th St

PC Packet 03-12-19  
2828 W 15th 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
- Easement Type**
- Utility Easement
- Other Easement

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





PL 19-003: Minor Sub.  
2906 W 15th St

PC Packet 03-12-19

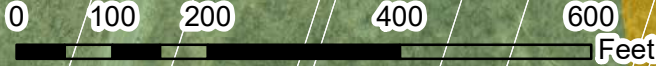
**Legend**

- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2016



Prepared by: City of Duluth Community Planning Division, January 17, 2019. Source: City of Duluth.









**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 19-007	<b>Contact</b>	Chris Lee, 720-5304	
<b>Type</b>	Minor Subdivision-RLS	<b>Planning Commission Date</b>	March 12, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	January 31, 2019	<b>60 Days</b>	April 1, 2019
	<b>Date Extension Letter Mailed</b>	February 21, 2019	<b>120 Days</b>	May 31, 2019
<b>Location of Subject</b>	2906 W 15 <sup>th</sup> St			
<b>Applicant</b>	Gregg Anderson	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	February 22, 2019	<b>Sign Notice Date</b>	February 26, 2019	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

Applicant is requesting a Minor Subdivision to divide one platted lot into two lots. The current parcel is 37,401 square feet and the division will create a 18,227 square foot parcel (A) and a 19,201 square foot parcel (B).

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

**Summary of Code Requirements**

50-33.1 General: All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located.

50-37.5, D 1. The planning commission shall approve the application if it determines that the application:

- (a) The lot or lots to be subdivided or combined have frontage on an improved public street;
- (b) Each proposed lot meets the minimum zoning requirements of the district that it is in.
- (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and
- (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

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

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

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

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

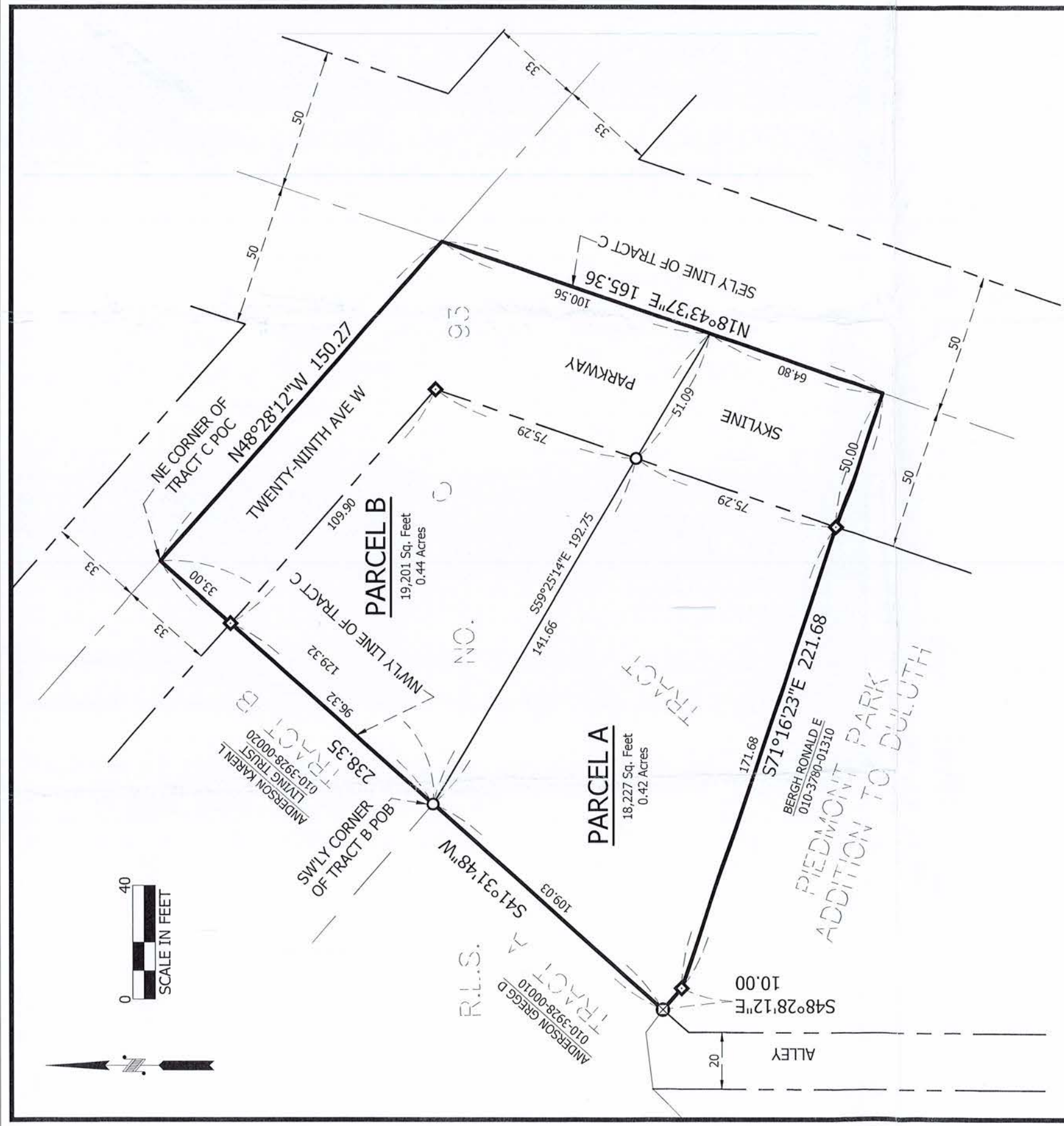
**Review and Discussion Items**

1. Applicant is requesting a Minor Subdivision to divide a single lot into two lots. Both lots are currently undeveloped and the applicant is proposing to keep them vacant for viewshed protection. The proposed subdivision, if approved, would not make the parcels non-conforming due to lot frontage, lot area, or similar bulk standard.
2. One comment was received regarding a private covenant on the property, but has no bearing on staff recommendation for this minor subdivision. No additional public, agency, or City comments were received.
3. No existing platted right of way is being proposed to be vacated with this proposal.
4. The attached exhibit demonstrates compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
5. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180 days. Applicant must provide the City with proof of recording.

**Staff Recommendation**

Based on the above findings, Staff recommends that Planning Commission approve the Minor Subdivision subject to the following conditions:

1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



**PARENT LEGAL DESCRIPTION PER CERTIFICATE OF TITLE 320878**

Tract C, REGISTERED LAND SURVEY NO. 93, St. Louis County, Minnesota.

**LEGAL DESCRIPTION FOR PARCEL A**

That part of Tract C, REGISTERED LAND SURVEY NO. 93, St. Louis County, Minnesota, lying Southwesterly of the following described line:

Commencing at the Northeast corner of said Tract C; thence on an assumed bearing of South 41 degrees 31 minutes 48 seconds West, along the Northwesterly line of said Tract C, for a distance of 129.32 feet to the Southwesterly corner of Tract B, said REGISTERED LAND SURVEY NO. 93, said point being the point of beginning of the line herein described; thence South 59 degrees 25 minutes 14 seconds East 192.75 feet to the Southeasterly line of said Tract C and there terminating.

said parcel contains 18,227 Sq. Feet or 0.42 Acres.

**LEGAL DESCRIPTION FOR PARCEL B**

That part of Tract C, REGISTERED LAND SURVEY NO. 93, St. Louis County, Minnesota, lying Northeasterly of the following described line:

Commencing at the Northeast corner of said Tract C; thence on an assumed bearing of South 41 degrees 31 minutes 48 seconds West, along the Northwesterly line of said Tract C for a distance of 129.32 feet to the Southwesterly corner of Tract B, said REGISTERED LAND SURVEY NO. 93, said point being the point of beginning of the line herein described; thence South 59 degrees 25 minutes 14 seconds East 192.75 feet to the Southeasterly line of said Tract C and there terminating.

said parcel contains 19,201 Sq. Feet or 0.44 Acres.

- SURVEYORS NOTES**
1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
  2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)

**LEGEND**

- CENTER LINE
- - - RIGHT OF WAY LINE
- PROPOSED PARCEL LINE
- BOUNDARY LINE AS SURVEYED
- ◆ FOUND CAPPED REBAR RLS. NO. 15294
- ⊗ FOUND CAPPED REBAR RLS. NO. 49505
- SET CAPPED REBAR RLS. NO. 49505
- POC-POINT OF COMMENCEMENT
- POB-POINT OF BEGINNING

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*David R. Evanson*  
David R. Evanson

Date: January 16, 2019 MN Lic. No. 49505

**CERTIFICATE OF SURVEY**

CLIENT: GREGG ANDERSON REVISIONS: XXX

DATE: 1-16-2019

ADDRESS: 2906 W 15TH ST  
DULUTH, MN 55806

JOB NUMBER: 18-360A



**ALTA**  
LAND SURVEY COMPANY  
PHONE: 218-727-5211  
LICENSED IN MN & WI  
• LAND SURVEYING  
• LAND DEVELOPMENT  
• PLATTING  
• LEGAL DESCRIPTIONS  
• CONSTRUCTION STAKING  
WWW.ALTLANDSURVEYDULUTH.COM





PL 19-007: Minor Sub.  
2906 W 15th St

PC Packet 03-12-19

**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
- Easement Type**
- Utility Easement
- Other Easement

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.



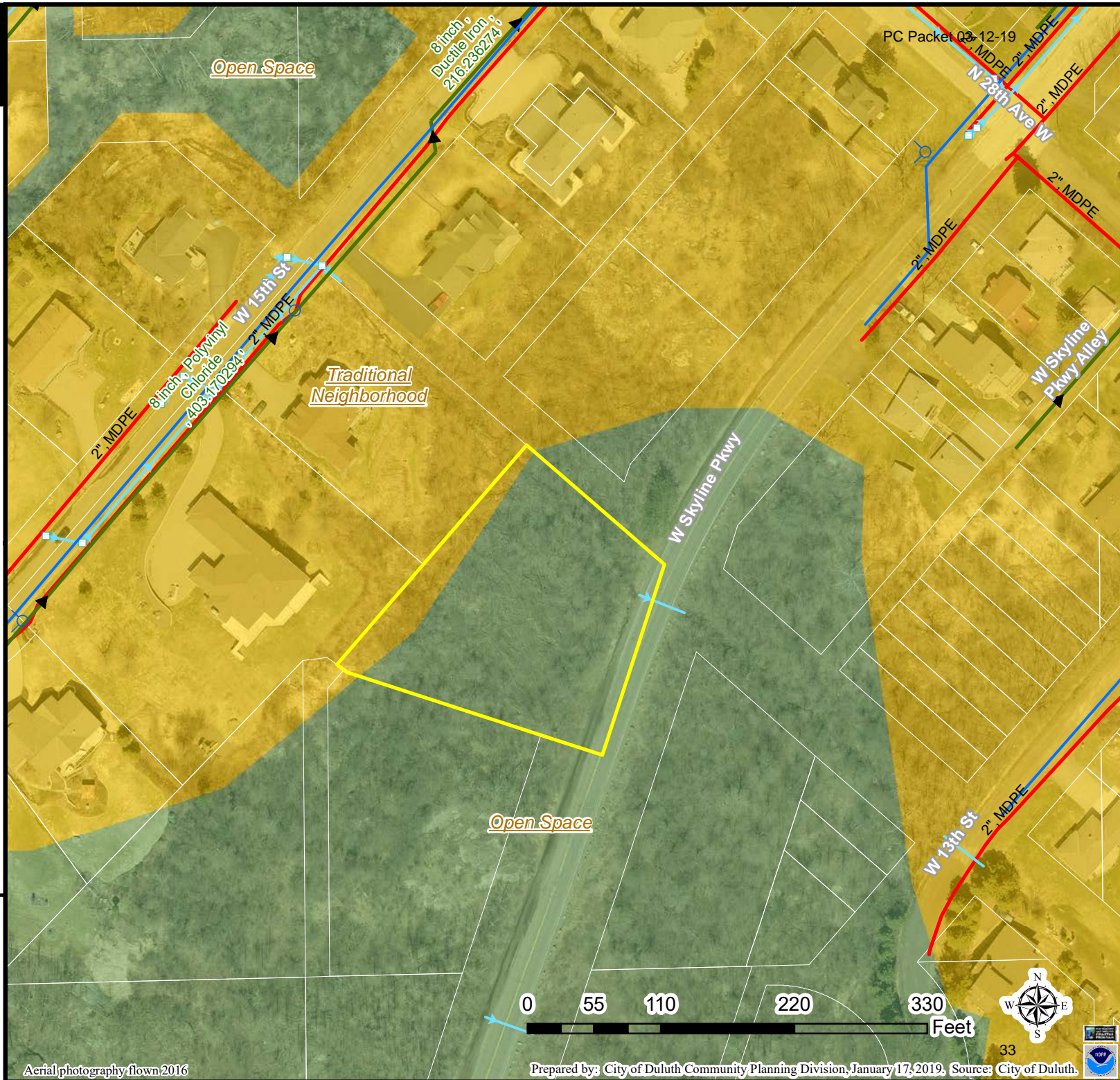




PL 19-007: Minor Sub.  
2906 W 15th St

**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
- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, January 17, 2019. Source: City of Duluth.







**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 19-008	<b>Contact</b>	Jake Griffiths, 730-5580	
<b>Type</b>	Vacation of Right of Way	<b>Planning Commission Date</b>	March 12, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	January 31, 2019	<b>60 Days</b>	April 1, 2019
	<b>Date Extension Letter Mailed</b>	February 14, 2019	<b>120 Days</b>	May 21, 2019
<b>Location of Subject</b>	1410 W Page St			
<b>Applicant</b>	Michael & Jennifer Hudyma	<b>Contact</b>		
<b>Agent</b>	Michael Hudyma	<b>Contact</b>		
<b>Legal Description</b>	See attached, portion of Sundby Street adjacent to PID# 010-2230-04640 to intersection of Rockford St.			
<b>Site Visit Date</b>	NA	<b>Sign Notice Date</b>	February 26, 2019	
<b>Neighbor Letter Date</b>	February 21, 2019	<b>Number of Letters Sent</b>	13	

**Proposal**

The applicant is requesting to vacate an unimproved portion of Sundby Street adjacent to 1410 Page St and Home Acres 1<sup>st</sup> Division, Lot 000 Block 011. Currently the area is unimproved and forested.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1	Rural Residential	Low Density Neighborhood
<b>North</b>	RR-1	Rural Residential	Low Density Neighborhood
<b>South</b>	RR-1	Rural Residential	Low Density Neighborhood
<b>East</b>	RR-1	Rural Residential	Low Density Neighborhood
<b>West</b>	RR-1	Rural Residential	Low Density Neighborhood

**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):**

**Principle #5 - Strengthen neighborhoods:** The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.

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

**Future Land Use – Low Density Neighborhood:** The RR-1 district is established to accommodate, large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character.

**Review and Discussion Items**

Staff Finds that:

1. The applicant is requesting to vacate an unimproved portion of the platted right-of-way of Sundby Street as shown in the attached exhibit.
2. The proposed vacation is 66.0’x521.09’. The vacated right-of-way contains 34,392 square feet.
3. The proposed vacated portion of Sundby Street is not needed for public use. The City Engineering office has reviewed the proposed vacation and made comments on the attached exhibit.
4. The portion of the right-of-way is not needed to provide access to any public water. Vacating the right of way will not have impacted or deny access to other property owners.
5. No other public or City comments have been received at this time of drafting this report.
6. Vacations or 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 right of way as shown in the attached vacation exhibit.




**R-1 (Residential Traditional)**

**RR-1 (Rural Residential 1)**

**R-1 (Residential Traditional)**

**Legend**



Zoning Boundaries

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

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

**R-2 (Residential Urban)**

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

**R-1 (Residential Traditional)**

0 410 820 1,640

**MU-N (Mixed Use Neighborhood)**  
2,460 Feet



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.





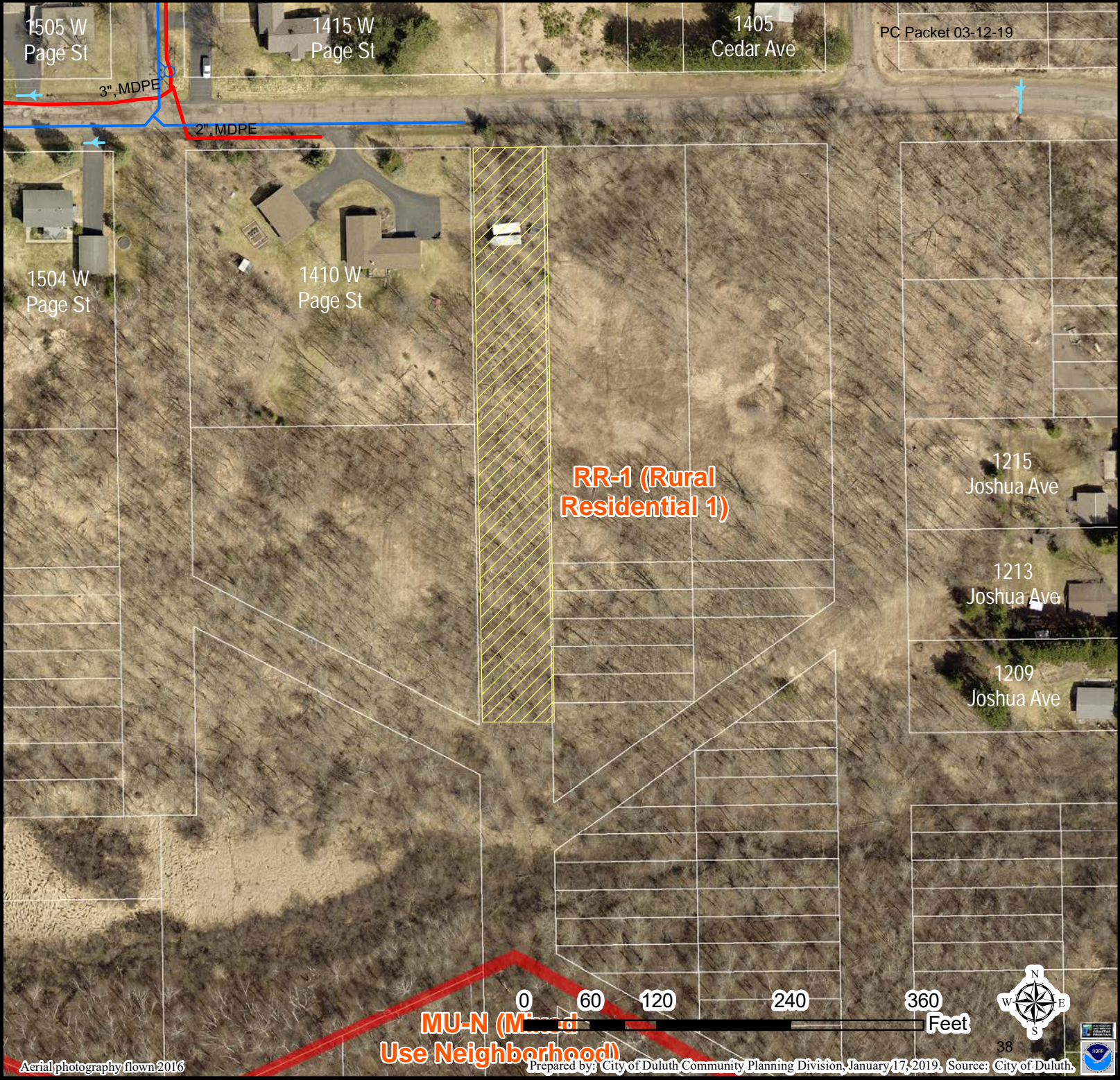


1410 W Page St

### 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
- 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.



PC Packet 03-12-19

1505 W Page St

1415 W Page St

1405 Cedar Ave

1504 W Page St

1410 W Page St

1215 Joshua Ave

1213 Joshua Ave

1209 Joshua Ave



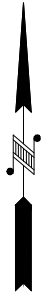
**MU-N (Mixed Use Neighborhood)**





# PAGE STREET

(UNION AVE PER PLAT)



Approved by the City Engineer of the City of Duluth, MN this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

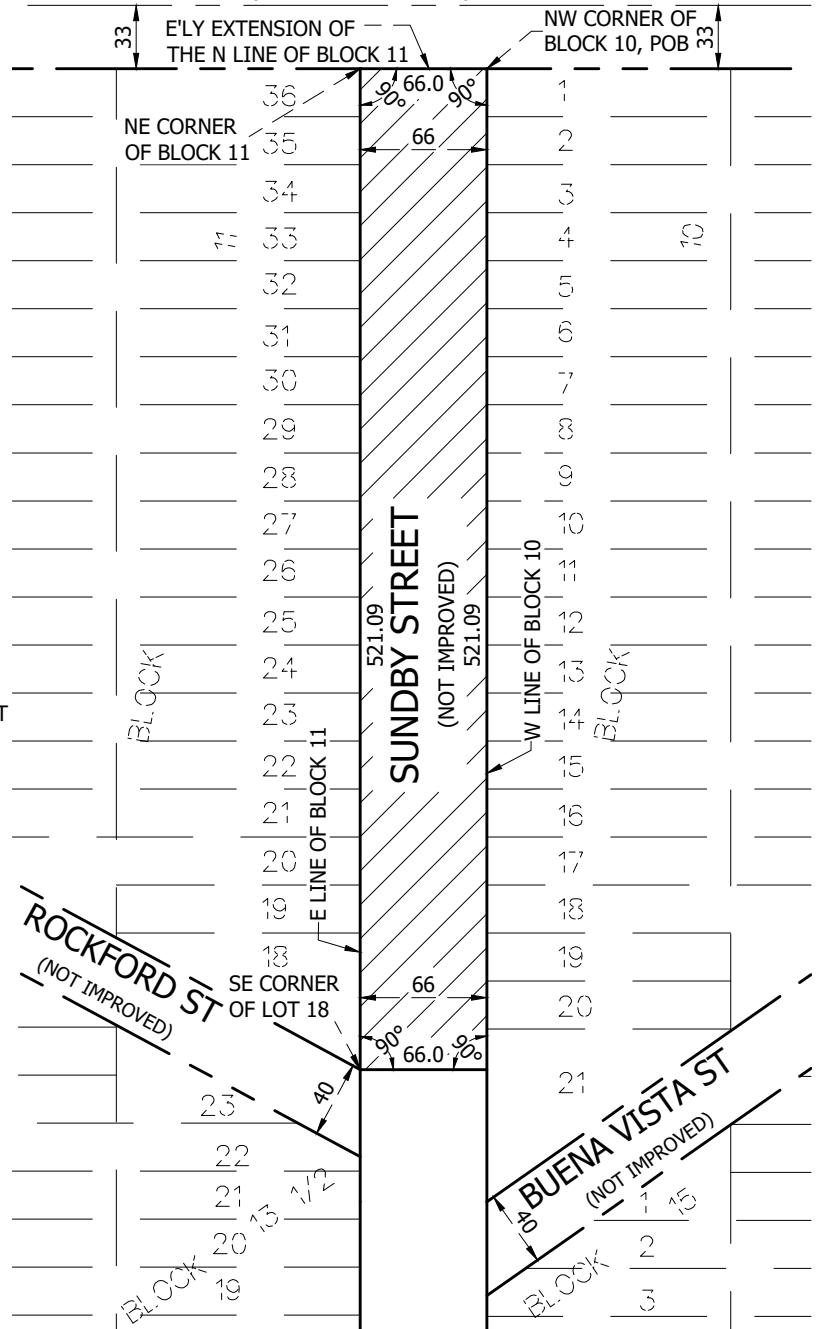
By \_\_\_\_\_

**LEGAL DESCRIPTION OF RIGHT OF WAY VACATION**

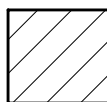
All that portion of Sundby Street as dedicated on FIRST DIVISION OF HOME ACRES, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Beginning at the Northwest corner of Block 10, said FIRST DIVISION OF HOME ACRES; thence Southerly, along the West line of said Block 10 for a distance of 521.09 feet; thence Westerly, deflecting 90 degrees 00 minutes 00 seconds to the right 66.00 feet to the East line of Block 11, said FIRST DIVISION OF HOME ACRES, said point being the Southeast corner of Lot 18, said Block 11; thence Northerly, deflecting 90 degrees 00 minutes 00 seconds to the right, along the said East line of Block 11 521.09 feet to the Northeast corner of said Block 11; thence Easterly, deflecting 90 degrees 00 minutes 00 seconds to the right, along the Easterly extension of the North line of said Block 11 for a distance of 66.00 feet to the point of beginning.

Said right of way vacation contains 34,392 Sq. Feet or 0.79 Acres.



**LEGEND**



PROPOSED RIGHT OF WAY VACATION

POB-POINT OF BEGINNING

--- RIGHT OF WAY LINE  
- - - PLAT CENTER LINE

**SURVEYORS NOTES**

- THIS IS NOT A BOUNDARY SURVEY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*David R. Evanson*  
David R. Evanson

Date: 1-17-2019

MN Lic. No. 49505

**RIGHT OF WAY VACATION EXHIBIT**

CLIENT: MIKE HUDYMA	REVISIONS: XXX
DATE: 1-17-2019	
ADDRESS: 1410 WEST PAGE ST DULUTH, MN 55811	
JOB NUMBER: 19-008	


























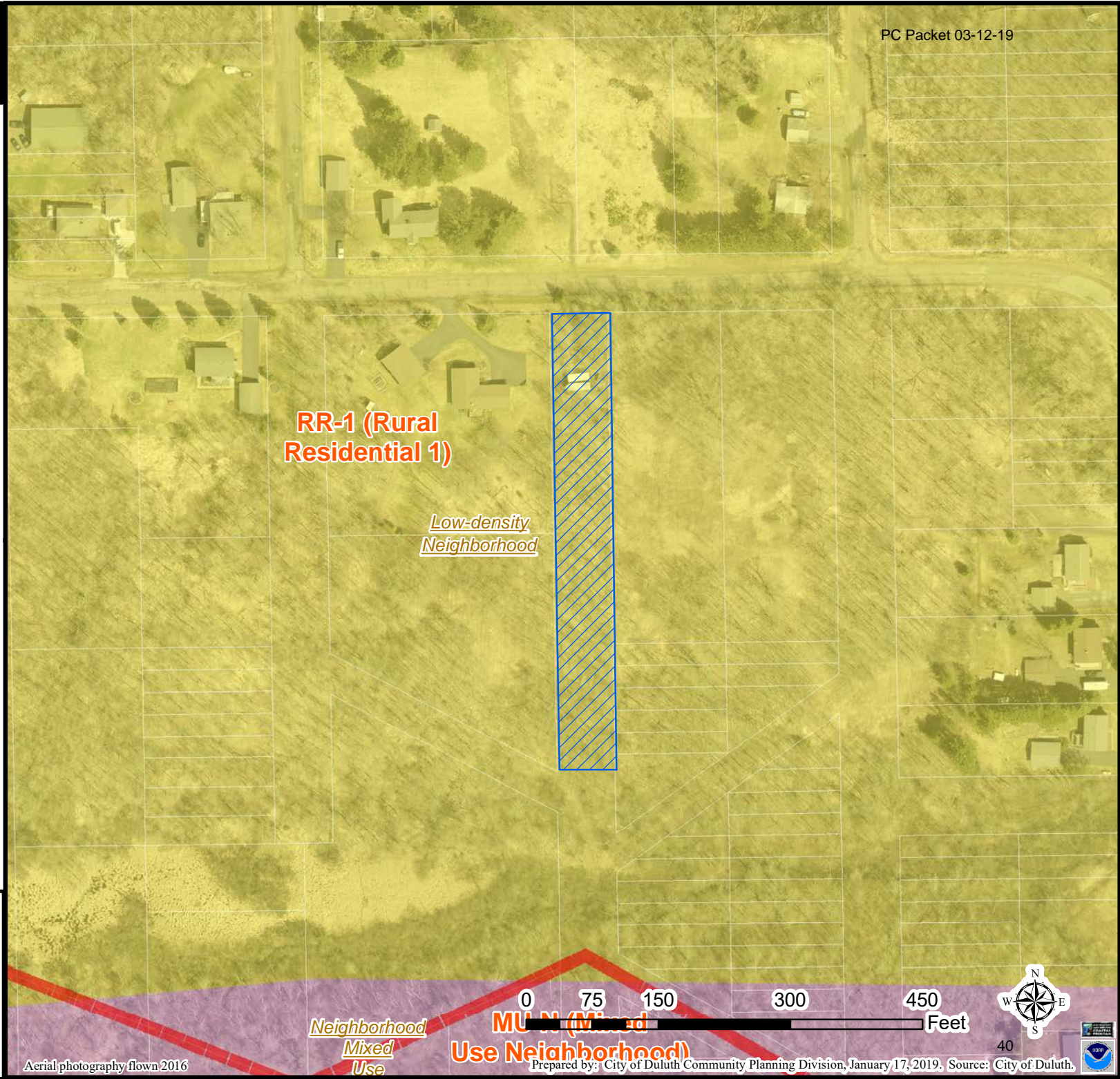
LAND SURVEY COMPANY

\* LAND SURVEYING  
\* LAND DEVELOPMENT  
\* PLATTING  
\* LEGAL DESCRIPTIONS  
\* CONSTRUCTION STAKING  
PHONE: 218-727-5211  
LICENSED IN MN & WI  
CERTIFIED FEDERAL SURVEYOR  
WWW.ALTLANDSURVEYDULUTH.COM



**Legend**

-  Zoning Boundaries
-  Open Space
-  Open Space/Outside Duluth
-  Rural Residential
-  Low-density Neighborhood
-  Traditional Neighborhood
-  Urban Residential
-  Neighborhood Commercial
-  Central Business Secondary
-  Central Business Primary
-  Large-scale commercial
-  Tourism/Entertainment District
-  Commercial Waterfront
-  General Mixed Use
-  Neighborhood Mixed Use
-  Light Industrial
-  General Industrial
-  Industrial Waterfront
-  Business Park
-  Transportation and Utilities
-  Transportation and Utilities/Outside Duluth
-  Medical District
-  Institutional



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.





**CITY OF DULUTH**  
Community Planning Division

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 19-009	<b>Contact</b>	Chris Lee, 730-5304	
<b>Type</b>	Vacation of Right of Way	<b>Planning Commission Date</b>	March 12, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	February 4, 2019	<b>60 Days</b>	April 5, 2019
	<b>Date Extension Letter Mailed</b>	February 22, 2019	<b>120 Days</b>	June 4, 2019
<b>Location of Subject</b>	Near West 8 <sup>th</sup> Street			
<b>Applicant</b>	David Polson	<b>Contact</b>		
<b>Agent</b>	Paul Vogel	<b>Contact</b>		
<b>Legal Description</b>	See Attached, North 61 <sup>st</sup> Avenue West and abutting alley to the west			
<b>Site Visit Date</b>	February 23, 2019	<b>Sign Notice Date</b>	February 26, 2019	
<b>Neighbor Letter Date</b>	February 22, 2019	<b>Number of Letters Sent</b>	51	

**Proposal**

The applicant is requesting to vacate an unimproved portion of Jefferson Avenue also known as N. 61<sup>st</sup> Avenue West along with an alley. This portion of Jefferson Avenue and the alley is currently undeveloped.

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

**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):

**Principle #5 - Strengthen neighborhoods:** The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.

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

**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 to vacate an unimproved portion of the platted right-of-way of North 61<sup>st</sup> Avenue West and an alley as shown in the attached exhibit.
2. The proposed vacation of North 61<sup>st</sup> Avenue West is about 66' x 250'. The alley way is approximately 300' long.
3. The proposed vacated portion of North 61<sup>st</sup> Avenue West and the alley is not needed for public use. The City Engineering office has reviewed the proposed vacation and has stated that no easements will be required.
4. This portion of the right of way is not needed to provide access to any public water. Vacating the right of way will not have impacted or deny access to other property owners.
5. No other public or City comments have been received at this time of drafting this report.
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 right of way as shown in the attached vacation exhibit.





# PL 19-009: Vacation of Right of Way

PC Packet 03-12-19

12" Reinforced Concrete, 366.918306'

3" MDPE

WLSSD

3" MDPE

**Legend**

- Gas Main
- Water Main
- Hydrant

**Sanitary Sewer Mains**

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

**Storage Basin**

- Storage Basin

**Pump Station**

- PS Pump Station

**Storm Sewer Mains**

- Storm Sewer Pipe
- Storm Sewer Catch Basin

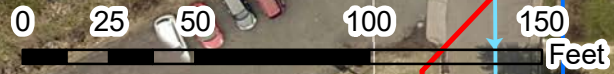
**Zoning Boundaries**



**R-1 (Residential Traditional)**

6" Coated Steel

612 N 61st Ave W



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, January 17, 2019, Source: City of Duluth.



# EXHIBIT A

## VACATION EXHIBIT

**VACATION DESCRIPTION:**

ALL THOSE PARTS OF JEFFERSON AVENUE AND 11TH STREET, CENTRAL DIVISION OF WEST DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING NORTHERLY OF THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID 11TH STREET OF SAID CENTRAL DIVISION OF WEST DULUTH

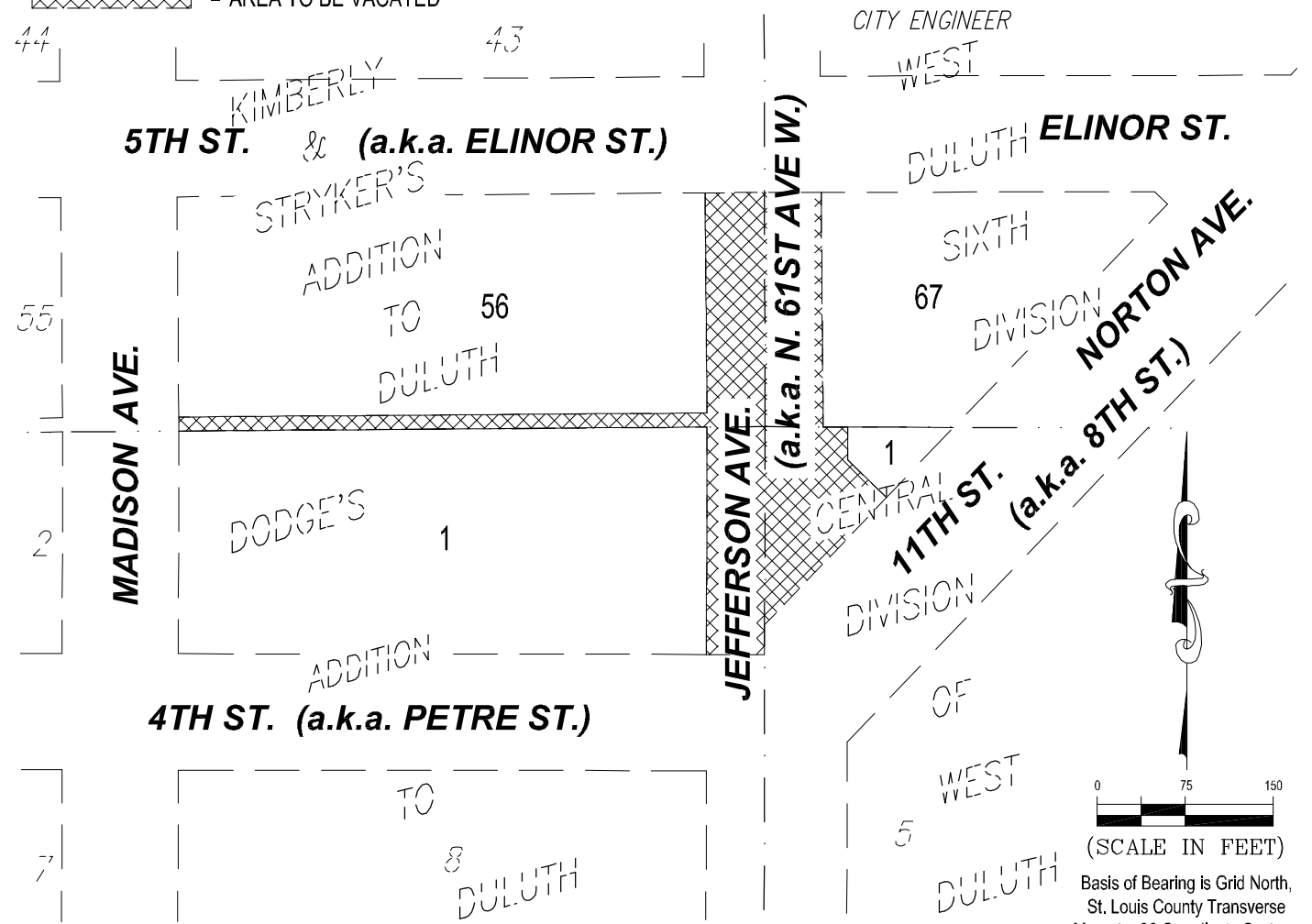
AND  
ALL THAT PART OF JEFFERSON AVENUE, DODGE'S ADDITION TO DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING NORTHERLY OF THE NORTH LINE OF 4TH STREET OF SAID DODGE'S ADDITION TO DULUTH

AND  
THAT PART OF JEFFERSON AVENUE, KIMBERLY & STRYKER'S ADDITION TO DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING SOUTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF 5TH STREET OF SAID KIMBERLY & STRYKER'S ADDITION TO DULUTH TOGETHER WITH THE 5TH STREET ALLEY APPURTENANT TO BLOCK 56, SAID KIMBERLY & STRYKER'S ADDITION TO DULUTH.

AND  
THAT PART OF JEFFERSON AVENUE, WEST DULUTH SIXTH DIVISION, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF ELINOR STREET OF SAID WEST DULUTH SIXTH DIVISION.

 = AREA TO BE VACATED

APPROVED BY: \_\_\_\_\_



CITY ENGINEER

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 Land Surveyor under the laws of the State of Minnesota.

Print Name: Paul A. Vogel License # 44075

Signature:  Date: 03/04/2019



**PERFORMANCE DRIVEN DESIGN.**

LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446



**VACATION DESCRIPTION**

ALL THOSE PARTS OF JEFFERSON AVENUE AND 11TH STREET, CENTRAL DIVISION OF WEST DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING NORTHERLY OF THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID 11TH STREET OF SAID CENTRAL DIVISION OF WEST DULUTH

AND

ALL THAT PART OF JEFFERSON AVENUE, DODGE'S ADDITION TO DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING NORTHERLY OF THE NORTH LINE OF 4TH STREET OF SAID DODGE'S ADDITION TO DULUTH


AND

THAT PART OF JEFFERSON AVENUE, KIMBERLY & STRYKER'S ADDITION TO DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING SOUTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF 5TH STREET OF SAID KIMBERLY & STRYKER'S ADDITION TO DULUTH TOGETHER WITH THE 5TH STREET ALLEY APPURTENANT TO BLOCK 56, SAID KIMBERLY & STRYKER'S ADDITION TO DULUTH.

AND

THAT PART OF JEFFERSON AVENUE, WEST DULUTH SIXTH DIVISION, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF ELINOR STREET OF SAID WEST DULUTH SIXTH DIVISION.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul A. Vogel  
Signed   
Date 3/04/2019 License No. 44075



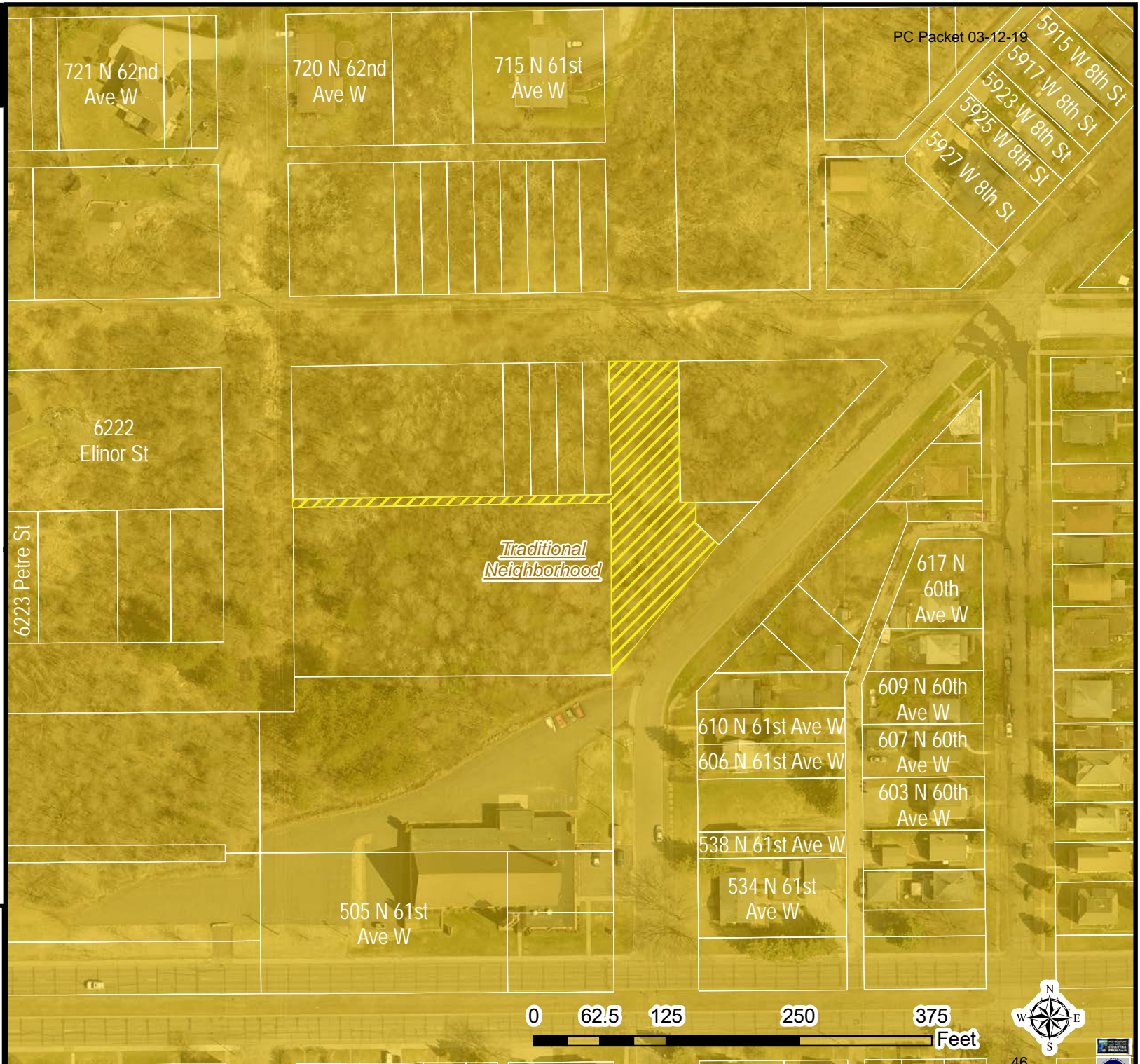


# PL 19-009: Vacation of Right of Way

PC Packet 03-12-19

**Legend**

- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, January 17, 2019, Source: City of Duluth.





**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 19-012	<b>Contact</b>	Steven Robertson	
<b>Type</b>	Rezone, from MU-N to MU-B	<b>Planning Commission Date</b>	March 12, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	February 6, 2019	<b>60 Days</b>	April 7, 2019
	<b>Date Extension Letter Mailed</b>	February 22, 2019	<b>120 Days</b>	June 6, 2019
<b>Location of Subject</b>	3802 Trinity Road			
<b>Applicant</b>	Republic Bank	<b>Contact</b>		
<b>Agent</b>	William Burns	<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	March 4, 2019	<b>Sign Notice Date</b>	February 26, 2019	
<b>Neighbor Letter Date</b>	February 22, 2019	<b>Number of Letters Sent</b>	22	

**Proposal**

The Applicant is proposing to rezone the subject property from the current zoning districts of Mixed Use Neighborhood (MU-N) to Mixed Use Business Park (MU-B).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Commercial	Urban Residential
<b>North</b>	R-1	Residential/Open Space	Urban Residential
<b>South</b>	R-1	Residential/Open Space	Traditional Neighborhood
<b>East</b>	R-1	Residential/Open Space	Traditional Neighborhood
<b>West</b>	R-1	Residential	Low Density Neighborhood/Trad. Neigh.

**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):****Governing Principles:**

Principle #6 – Reinforce the place-specific.

Principle #8 – Encourage a mix of activities, uses, and densities.

Economic Development Policy #3 – Build on existing economic strengths and competitive advantages

Strategy #7 Analyze commercial market demand and best practices to determine options for expansion of neighborhood serving uses in nodes accessible by transit, as well as in the city center where skyways create two levels of potential commercial activity.

**Site History:**

The property has been used for commercial activity continuously since the 1930s. In 1958 it was zoned R-1-B as part of the Comprehensive Plan prepared, but not adopted, at the time. The property was a gas station and repair shop when an attempt to rezone it to C-2 was denied by City Council on September 10, 1968.

In 2006 MN-DOT purchased the gas station and four homes nearby for the widening of Trinity Rd. The owner wanted to continue operation in the area and worked with the Duluth Economic Development Authority (DEDA) to purchase land from MN-DOT that was not needed for the roadway. DEDA Resolution 06D-26, DEDA Contract # 06-860-469 required the site be developed with lighting, landscaping, and screening to avoid neighbor impacts.

April 24, 2006 City Council adopted Ordinance 9773 rezoning from R-1-B (One- and Two-Family Residential) to C-2 (Highway Commercial) land for the new gas station/repair shop/convenience store (Planning Commission File No. 06022).

March 15, 2006 City Planning Commission (File No. 06019) approved a Water Resources Management Ordinance (WRMO) Variance to allow construction of gas station, repair shop, convenience store with impervious surfaces of 71% where the ordinance required no more than 30% due to proximity to Miller Creek. The Planning Commission's action was also to grant a Special Use Permit for 12,770 cubic yards of cutting and 2,135 cubic yards of filling.

June 1, 2007 Certificate of Occupancy issued for Hansen's Gas Station Convenience Store.

October 22, 2007 Certificate of Occupancy issued for Hansen's Service Garage.



## Review and Discussion Items

- 1) The Applicant is proposing to rezone the subject property from the current zoning districts of Mixed Use Neighborhood (MU-N) to Mixed Use Business Park (MU-B).
- 2) The comprehensive plan's future land use designation of the subject property is Urban Residential. According to the comprehensive plan, "This is the 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". Design standards ensure pedestrian orientation and mix of housing, and commercial uses that serve (the) neighborhood market.
- 3) The future land use category of Urban Residential is most commonly reflect in the city's zoning map as R-2 (Residential-Urban). The R-2 district 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".
- 4) The current zone district is MU-N district is "established to accommodate a mix of neighborhood-scale, neighbor-hood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood".
- 5) The proposed rezoning is MU-B is "intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. The development standards for this district are intended to ensure that projects minimize adverse impacts on surrounding uses and neighborhoods, reduce impacts on the natural environment, enhance the visual quality of development and ensure the provision of adequate and cost-efficient public facilities. Intended uses include wholesaling, industrial services, research laboratories, and light manufacturing needed to support the community and region at large".
- 6) 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.
- 7) During the Imagine Duluth 2035 Comprehensive Planning process, based on research and input from the public, 21 sites in the city were identified as warranting a change to their future land use designation. This neighborhood was not among those identified; the future land use designation of urban residential is appropriate.
- 8) Minnesota state Statute 462.357.2.C states "the land use plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the land use plan".
- 9) The site is at the corner of two transportation corridors, Trinity Road and Anderson Road. The Comprehensive Plan generally supports economic activity/commercial nodes at the intersection of highways and major roads, but does not support expansion of new strip commercial development along Trinity Road, nor more intense commercial or industrial activity at this specific site. Other than this property, the defining use or characteristic of this neighborhood is residential, and creating a center of intense activity with uses that are allowed in the MU-B district (such as manufacturing or storage yards) will create create land use conflicts.
- 10) At the date that this report was written, the city received no written correspondence, and only one verbal comment from a citizen (generally expressing support of the rezoning).
- 11) Based on the future land use designation of Urban Residential, the character of the residential neighborhood, and the purpose statements of the R-2, MU-N, and MU-B zone districts, rezoning to MU-B is not appropriate. Staff conclude that this rezoning application does not meet the requirements as set out in 50-37.3.C.

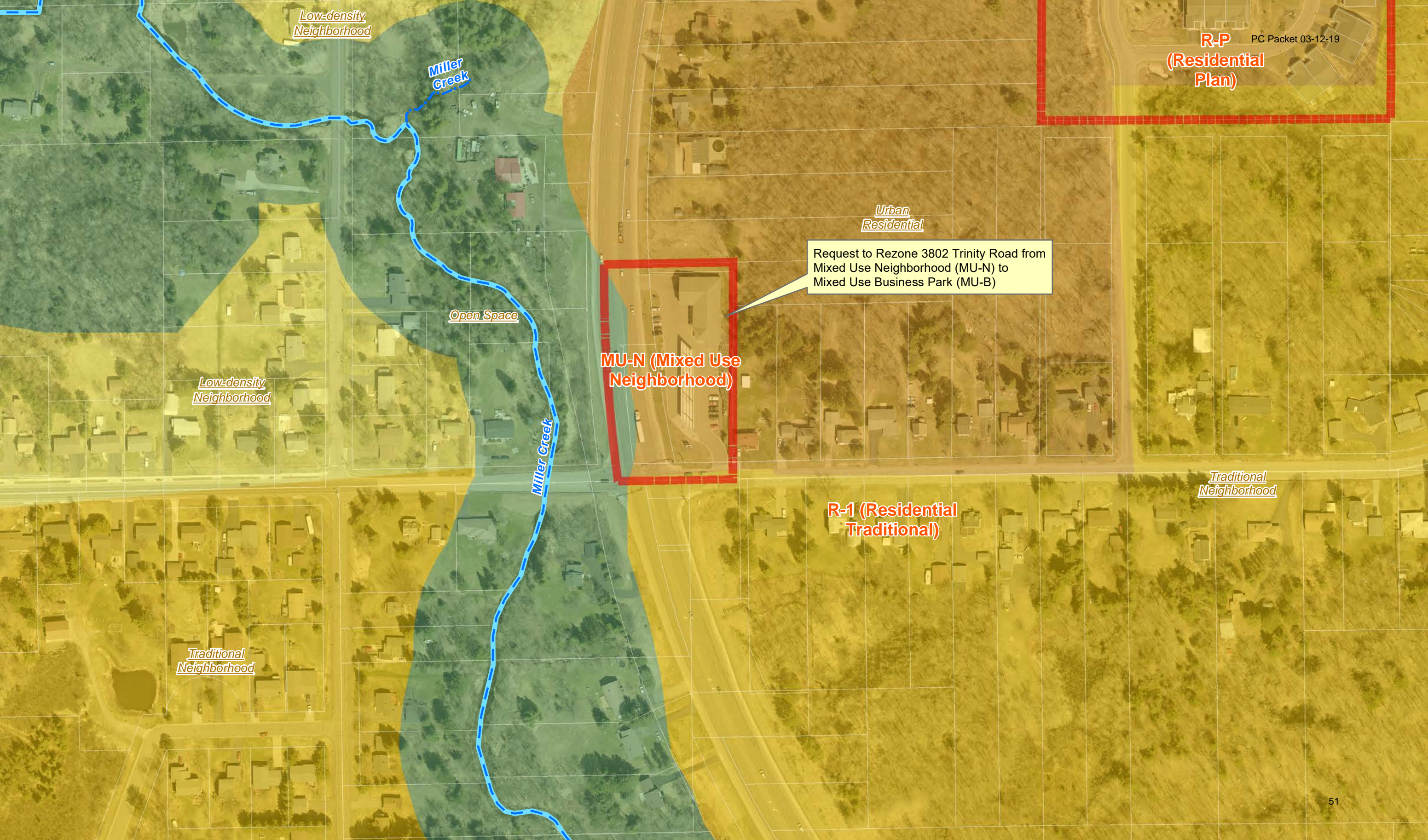
Planning Commission File PL 19-012

RESOLVED by the City of Duluth Planning Commission that, having reviewed Application submitted pertaining to File No. 19-012, having reviewed the record pertaining thereto, heard testimony related thereto and having reviewed the operative provisions of the Uniform development Code and the City's Comprehensive Land use Plan related thereto, the Planning Commission hereby finds that the rezoning of the subject property from Mixed Use Neighborhood (MU-N) to Mixed Use Business Park (MU-B):

1. is not consistent with the comprehensive land use plan.
2. Is not reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use. The uses allowed by this district are provided for more conveniently elsewhere in the community, and in areas that are clearly designed to function as a business park.
3. Is not required by public necessity, convenience, or general welfare, or good zoning practice; and
4. Can be reasonably be expected to create material adverse impacts on nearby properties, which cannot be mitigated to the extent necessary so as to not result in such material negative impacts, which impacts may include noise, pollution, odor, heavy vehicle traffic, and other potential impacts anticipated from land uses allowed in the MU-B district. The uses allowed are generally not compatible with the adjacent one and two family zoning and development pattern of the neighborhood.

FURTHER RESOLVED that the Commission recommend that the application of applicant to rezone the subject property from Mixed Use Neighborhood (MU-N) to Mixed Use Business Park (MU-B) be denied.





*Low-density Neighborhood*

*Miller Creek*

*Open Space*

*Low-density Neighborhood*

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

*Urban Residential*

Request to Rezone 3802 Trinity Road from Mixed Use Neighborhood (MU-N) to Mixed Use Business Park (MU-B)

**R-1 (Residential Traditional)**

*Traditional Neighborhood*

*Traditional Neighborhood*









Fountain Green Drive

Trinity Road (US 53)

Anderson Road

Chambersburg Avenue

Chambersburg Ave



# CITY OF DULUTH ZONING MAP AMENDMENT PETITION

File No. \_\_\_\_\_

Date \_\_\_\_\_

## Section I

We, the undersigned property owners, petition to reclassify from Mixed Use – Neighborhood (MU-N) to Mixed Use – Business (MU-B) the property legally described in Exhibit A, attached hereto.

## Section II

A map of the area is attached hereto as Exhibit B.

## Section III

We believe that this rezoning will be in the public interest because this is a unique property in the Trinity Road corridor which represents a substantial investment and was operated as an auto repair and service facility/gas station/convenience store for a number of years. It financially failed and was foreclosed on by Republic Bank. Republic Bank has entered into a purchase agreement with Trinity Building, LLC, which agreement commits them to support this rezoning. The rezoning to MU-B would create the opportunity to continue an auto repair and service facility and to sell automobiles at the site.

In meeting with Planning Department staff, we have been advised that the staff is concerned because this is an unusual small commercial piece of property. It is unusual and that is based on the history. The fact is that there has been a substantial investment here. The lender is prepared to take a loss from the foreclosure purchase to allow this sale and the sale, to a respected multi-store auto retail operation will permit the property to be appropriately maintained and used and to continue to produce commerce, employment and tax income to the City.

The alternative would be a sale to some other user who might try to operate a gas station/convenience store which is unlikely, based on history, to succeed and could result in a negative insofar as neighborhood appearance and values are concerned.

The property owner intends to work with the neighbor immediately to its east to reduce the impact on them of the proposed operation.

The Petition accepts that this rezoning would not be approved if this was a residential zone. It is not and, by the nature of the improvements there, it will remain commercial. The traffic generated by the auto repair and service/auto sales operation will be significantly less than that produced by the gas station/convenience store, thus lessening the impact on the neighborhood.

**Section IV**

**Petitioners: Owners of property requested to be rezoned (all property owners must sign)**

<u>NAME</u>	<u>ADDRESS</u>
REPUBLIC BANK, INC. By: Mall Auto, LLC, Purchaser Under authorization and Purchase Agreement	1701 W. Michigan Street Duluth, MN 55802
By: <i>M. J. B. Bred Skytta</i>	
Its: <i>President</i>	

Copy to:

William M. Burns  
Hanft Fride,  
A Professional Association

130 W. Superior St #1000  
Duluth, MN 55802

**Section V**

**(Not Applicable – Not requesting a change from a Residential District).**



**PLANNING DIVISION  
WATER RESOURCES MANAGEMENT ORDINANCE  
VARIANCE and SPECIAL USE PERMIT REQUEST  
AMENDED REPORT**

Meeting Date: Wednesday, March 14, 2006  
Report Prepared By: Charles Froseth

1. APPLICANT: Scott and Susan Hansen  
3802 Trinity Road (Business Location)  
Duluth, MN 55811  
Phone Numbers: Work Phone 218-723-8236  
Cell Phone 218-391-5278  
FAX 218-723-4047  
Email Scott@hansenautoservice.com
2. PROPOSED USE: Due to the reconstruction of Trinity Road in 2006, Hansen's Auto Service and Convenience Store will be displaced. The Hansen's wish to continue business at this location and are proposing a new facility. This proposed use requires a rezoning (see FN 06022), a variance for impervious surface coverage and a special use permit of grading & filling.
  - 2.a. Action Deadline: June 16, 2006
  - 3.a. VARIANCE REQUESTED: Standards for shoreland permits and special use permits subsection Sec. 51-29(c)(1) Area, setback, etc., standards.  
Request calls for 71.0 % impervious coverage in a 30% zone; existing condition is 35.4 % for the entire site. Note: the entire site includes Hansen's property and property he will be acquiring from MnDOT.
  - 3.b. SPECIAL USE PERMIT: Grading, filling or excavating of more than 50 cubic yards within the Shoreland area is a special use permit is required under Sec. 51-28  
Amounts requested are dependent on progress of improvements to Trinity Road. The maximum is 12,770 cubic yards of cutting and filling of 2,135 cubic yards.
4. LOCATION: The northeast corner of Trinity Road and Anderson Road - 3802 Trinity Road
5. LEGAL DESCRIPTION: See attached Exhibit A
6. NUMBER OF SURROUNDING PROPERTY OWNERS NOTIFIED:  
Twenty property owners (03/03/06) and District 4
7. FIELD INSPECTION: Charles Froseth on March 9, 2006.
8. BACKGROUND DATA:
  1. Duluth Economic Development Authority (DEDA) on Monday, March 6, 2006 approved a land transfer from MnDOT to DEDA to Hansen's for economic development purposes subject to rezoning, a WRMO variance and a special use permit.
  2. The Zoning Board of Appeals (ZBA) on April 27, 1993 denied a request by Paul's Automotive (previous name of the business) to construct a canopy with reduced setbacks. Decision was appealed to City Council on May 25, 1993. Council overturned the ZBA's decision to permit the canopy. FN 93018

Planning Commission: Action Beaulieu - Spring 2<sup>nd</sup> passed unanimously Date 3-14-06  
City Council: Action \_\_\_\_\_ Date \_\_\_\_\_

I:\PLANNING\PLNCOM\CURRENT - CHUCK\06019 WRMO Hansen\Staff Report for 06019.wpd

III E<sup>59</sup>

C-2. Carlson had build the service station and nearby home in 1930 and the zoning code of 1958 placed his service station in a residential district. He was concerned with future leasing of the station and, if more than 60% of the building was destroyed, he could not rebuild. His request was denied.

5. This property was zoned R-1-B in 1958.

9. REACTIONS FROM VARIOUS AGENCIES, GROUPS AND INDIVIDUALS: As of preparation of this staff report the following no comments or reactions have been received.

10. EXISTING ZONING:

	<u>Zoning</u>	<u>Land Use</u>
North	R-1-B	Residential / Undeveloped
East	R-1-B	Residential
South	R-1-B	Residential
West	R-1-B	Trinity Road / Miller Creek

11. EXISTING AREA DEVELOPMENT: The site is currently a convenience store with a service station. To the north and east the land use is residential with some undeveloped land. To the west is Trinity Road and Miller Creek. Trinity Road is also known as Highway 53, a major traffic route. South of the site the land use is primarily residential

12. SITE CHARACTERISTICS: The site is located on at the northeast corner of Trinity Road and Anderson Road. The current site includes a service station with a convenience store, parking, and a canopy over two fuel pumps with access to Trinity and Anderson Roads. In addition to service station one home on Anderson Road and two homes on Trinity are scheduled for demolition by MnDOT for Trinity Road improvements. This also includes garages and other structures. See attached air photo.

13. CODE REQUIREMENTS AND STANDARDS:

**Sec. 51-29. Standards for shoreland permits and special use permits.**

(e) Area, setback, etc., standards. The following standards shall apply to the development of shoreland areas, except as provided in (3) of this Subsection, and further provided that any more stringent requirements in Chapter 50 of this Code shall supersede requirements set forth herein: (1) Sewered areas;

Natural Environmental I Shoreland Zone,

Maximum total lot area covered by impervious surface (percent) 30;

**Sec. 51-28. Same--Permitted uses and special uses.**

Subject to the standards set forth in this Article, permitted and special uses in any shoreland area shall be the same as those specified for such area in the applicable zoning district in Chapter 50 of this Code, except that grading, filling and excavating of more than 50 cubic yards of earth shall require a special use permit. The building official and city engineer shall impose any requirements or conditions they deem necessary on permits for permitted uses to insure the standards and the purposes of this Article are carried out. (Ord. No. 8501, 1-28-1980, § 1; Ord. No. 8828, 3-23-1987, § 1; Ord. No. 9128, 2-22-1993, § 1.)

**Sec. 51-29. Standards for shoreland permits and special use permits.**

(b) Grading and filling. Grading, filling and excavating in shoreland areas are subject to the following provisions:

(1) A grading and/or filling and/or excavating plan, including cross sections and contours, specific work methodology, time factors relating to specific work elements, specific erosion prevention methods, and other information deemed applicable to these provisions by the building official, shall be presented along with applications for permits and all such activities shall be done in conformance with standards contained in this Section, in Chapter 70 of the State Building Code and in any other applicable law or regulation;

III e-2

- (2) The smallest amount of bare ground shall be exposed for as short a time as feasible;
- (3) Temporary ground cover, such as mulch, shall be used and permanent ground cover, such as sod, planted as soon as possible;
- (4) Methods to prevent erosion and trap sediment shall be employed;
- (5) Fill shall be the minimum necessary for the project, and shall not adversely affect adjacent properties;

**Sec. 51-30. Standards for variances in shorelands.**

Variances shall be granted only upon a showing of hardship. No variance shall be granted that compromises the general purposes or intent of this Article or results in adverse consequences to the environment.

**Staff Evaluation of Criteria for Variance and Special Use Permit**

Staff offers the following responses to the above cited criteria:

**Variance for Impervious Surface**

Plan Review for Imperious Surfaces: The existing impervious surface totals 18,488 square feet or 35.4% for the entire project area. This includes property owned by Hansen and property he will be purchasing. The new development calls for impervious surface coverage of 37,113 sq. ft. (.85 acres) or 71% of the property. The central question is hardship, is it clearly shown? Past practice has been to approve impervious surfaces currently existing and not to encourage additional impervious surfaces. ~~Staff is recommending pervious pavers for the parking spaces that will decrease the impervious coverage by 29,430 sq. ft. to a total impervious coverage of 8,313 sq. ft.~~

	Size of Site	Percent Impervious Coverage
Allowed	1.2 acres	30 % (15,681 sq. ft.) impervious coverage
<del>Currently</del>	1.2 acres	35 % (18,488 (sq. ft.) impervious coverage
Proposed	1.2 acres	71 % (37,113 (sq. ft.) impervious coverage
<del>Recommendation</del>	<del>1.2 acres</del>	<del>15 % (8,313 sq. ft.) impervious coverage</del>

Staff has worked with Hansen in preparing the site plan that has lead to plantings and drainage swales. ~~and a pond for stormwater.~~ The development will need to meet stormwater management guidelines prior to development.

**Special Use Permit for Grading, Filling and Excavating**

Applicant has provided information based on two scenarios. The first is if MnDOT completes their work before Hansen builds his facility and the second is based on his starting before MnDOT begins their project. See attached.

Standards for this special use permit are shown above. He will also need a permit from the Building Inspection Office for filling and grading.

Given the topography of the site grading and filling will be needed. Staff recommends the maximums of 12,770 cubic yards of cutting and filling of 2,135 cubic yards.

**14. CONCLUSIONS:**

Variance Request:

The Planning Commission finds that the ordinance governing the application is Chapter 51, Duluth City Code; that compliance with that ordinance requires a showing of a hardship; that the following facts, features, or events show;

~~Use of pervious pavers will decrease the impervious area to 15 % which is acceptable and meets code requirements.~~

Points in favor:

- 1. With the use of "pervious" surfaces the project can be developed as requested. However for service stations pervious pavers allow direct infiltration of gas, oil, and other liquids directly into the

*[Handwritten signature]* E 583



groundwater.

Points in opposition:

- 1. None noted.

Special Use Permit Request:

The Planning Commission finds that the special use permit application is Chapter 51, Duluth City Code; that compliance with that ordinance requires meeting standards of Sec. 51-29. It appears this standards can be meet.

Point in favor:

- 1. Project can proceed provided standards of Sec. 51-29 are meet or exceeded.

Point in opposition:

- 1. None noted.

15. Recommendations for Planning Commission approval:

~~A variance not be granted to allow redevelopment of the site not as use of pervious will negates the need for a variance.~~

A variance be granted to allow development of the site not to exceed 71% of the surface area as the site characteristics are unique given the proposed development.

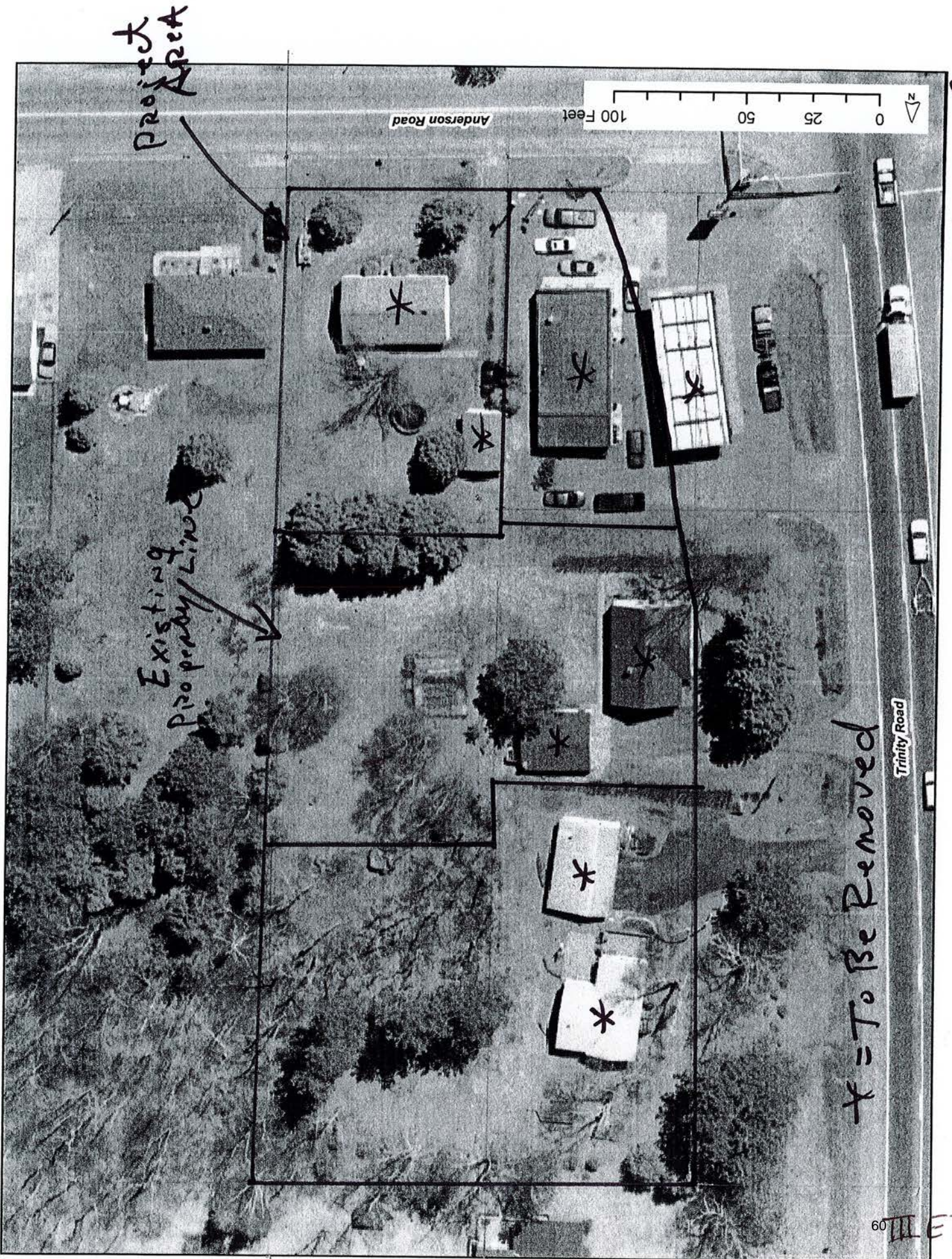
A special use permit for grading, filling and excavating be granted not to exceed maximums of 12,770 cubic yards of cutting and filling of 2,135 cubic yards with the following conditions:

- 1. Standards of Sec 51-29 are to be followed.

III 89 E4



FN 06019



Project Area

Existing Property Line

Anderson Road

Trinity Road

\* = To Be Removed



3-10-06



NE Corner of Anderson & Trinity



NE Corner of Anderson & Trinity

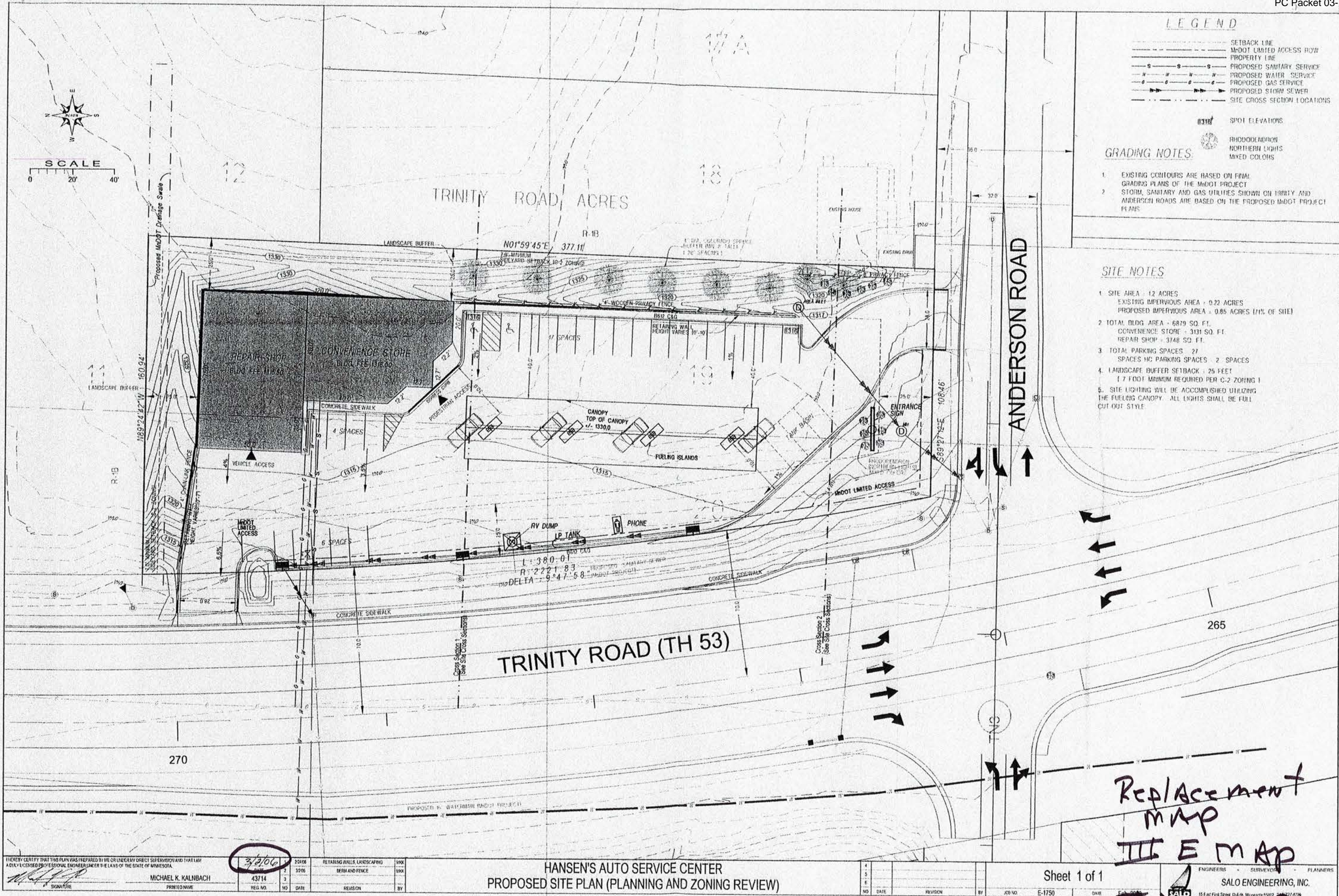


Former Home site on Trinity



NE Corner of Anderson & Trinity





**LEGEND**

- SETBACK LINE
- - - - - MDOT LIMITED ACCESS ROW
- — — — — PROPERTY LINE
- - - - - PROPOSED SANITARY SERVICE
- - - - - PROPOSED WATER SERVICE
- - - - - PROPOSED GAS SERVICE
- - - - - PROPOSED STORM SEWER
- - - - - SITE CROSS SECTION LOCATIONS

1316 SPOT ELEVATIONS

**GRADING NOTES**

- EXISTING CONTOURS ARE BASED ON FINAL GRADING PLANS OF THE MDOT PROJECT
- STORM, SANITARY AND GAS UTILITIES SHOWN ON TRINITY AND ANDERSON ROADS ARE BASED ON THE PROPOSED MDOT PROJECT PLANS

**SITE NOTES**

- SITE AREA - 12 ACRES  
EXISTING IMPERVIOUS AREA - 0.22 ACRES  
PROPOSED IMPERVIOUS AREA - 0.85 ACRES (71% OF SITE)
- TOTAL BLDG AREA - 6879 SQ. FT.  
CONVENIENCE STORE - 3131 SQ. FT.  
REPAIR SHOP - 3748 SQ. FT.
- TOTAL PARKING SPACES - 27  
SPACES HC PARKING SPACES - 2 SPACES
- LANDSCAPE BUFFER SETBACK - 25 FEET  
1.7 FOOT MINIMUM REQUIRED PER C-2 ZONING I
- SITE LIGHTING WILL BE ACCOMPLISHED UTILIZING THE FUELING CANOPY. ALL LIGHTS SHALL BE FULL CUT OUT STYLE

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MINNESOTA.		3/12/16	20106	RETAINING WALLS LANDSCAPING	100%
MICHAEL K. KALNBACH	43714	3	12/06	BERNARD FENKE	100%
PRINTED NAME	REG. NO.	NO.	DATE	REVISION	BY

**HANSEN'S AUTO SERVICE CENTER  
PROPOSED SITE PLAN (PLANNING AND ZONING REVIEW)**

NO.	DATE	REVISION	BY	JOB NO.	E-1750	DATE	FILE NO.
4							
5							
6							

Sheet 1 of 1

ENGINEERS SURVEYORS PLANNERS  
**SALO ENGINEERING, INC.**  
15 East First Street, Duluth, Minnesota 55802 (218) 727-4796

Page 11

Replacement map  
III E MAP  
FN 06019





## PLANNING &amp; ECONOMIC DEVELOPMENT

Community Planning Division  
City Hall – 411 W 1<sup>st</sup> Street – Room 110  
Duluth, Minnesota 55802  
218-730-5580 / [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

## MEMORANDUM

**DATE:** Match 4, 2019  
**TO:** Planning Commission  
**FROM:** Steven Robertson, Senior Planner  
**SUBJECT:** UDC Text Amendment – Vacation Dwelling Units in Form Districts

Staff has prepared a draft text amendments to the Unified Development Chapter related to providing flexibility for vacation dwelling units in form districts.

The vacation rental ordinance is written assuming that these uses will be in R-1 zones, which is true for most of the existing permits. As such, the existing code has standards to reduce conflicts with adjoining residential properties, such as by requiring additional off-street parking and regulating minimum stays. Staff don't think those two specific items will cause conflict between properties in the form districts, and so in addition to exemption vacation rentals in form districts, the proposed ordinance relaxes standards related to off-street parking and minimum stays.

**Proposed Text Amendment:**

50-37-10.E Criteria for interim use permits.

In addition to the criteria in subsection C above, 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 on 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 or 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.
3. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted toward said maximum number of permits.
4. The minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in any form district.

**Existing Definitions and Standards:**

**Vacation dwelling unit.** A dwelling unit, as defined by this Chapter, offered for trade or sale, whether for money or exchange of goods or services, for periods of 2 to 29 days.

**50-20.3U. Vacation dwelling unit.**

1. The minimum rental period shall not less than two consecutive nights.
2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two;
3. Off street parking shall be provided at the following rate:



PLANNING & ECONOMIC DEVELOPMENT

Community Planning Division  
City Hall – 411 W 1<sup>st</sup> Street – Room 110  
Duluth, Minnesota 55802  
218-730-5580 / [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

(a) Vacation dwelling units licensed on May 15, 2016, shall provide the following minimum number of off street parking spaces:

1. 1-2 bedroom unit, one space
2. 3-4 bedroom unit, two spaces
3. 5+ bedroom unit, three spaces.

(b) Vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off street parking spaces:

1. 1-2 bedroom unit, one space
2. 3 bedroom unit, two spaces
3. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.

(c) Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.

4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street;
5. The property owner must obtain all licenses and permits from the city of Duluth and state of Minnesota required for guest occupancy on the property for two to 29 days;
6. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
7. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbecue grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties.
8. Any vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
  - (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
  - (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit;
9. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.
10. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.

**Accessory vacation dwelling unit.** An accessory dwelling unit as defined by this Chapter that is used as a vacation dwelling unit as defined by this Chapter for periods of occupancy from 2 to 29 days.

### 50-20.5.M Accessory Vacation Dwelling

An accessory vacation dwelling unit may be created within, or detached from, any one-family dwelling or vacation dwelling unit in those districts shown where allowed by Table 50-19.8, provided these standards are met:

1. Only one accessory vacation dwelling unit may be created per lot;
2. No variances shall be granted for an accessory vacation dwelling unit;
3. An accessory vacation dwelling unit shall contain no more than 800 square feet of floor area and shall be consistent in character and design with the primary dwelling;



PLANNING & ECONOMIC DEVELOPMENT

Community Planning Division  
City Hall – 411 W 1<sup>st</sup> Street – Room 110  
Duluth, Minnesota 55802  
218-730-5580 / [planning@duluthmn.gov](mailto:planning@duluthmn.gov)

4. If a separate outside entrance is necessary for an accessory vacation dwelling unit located within the primary building, that entrance must be located either on the rear or side of the building;
5. The minimum rental period shall be not less than two consecutive nights;
6. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two;
7. Off-street parking shall be provided at the following rate:
  - (a) Accessory vacation dwelling units licensed on or before May 15, 2016, shall provide the following minimum number of off street parking spaces:
    - 1-2 bedroom unit, one space;
    - 3-4 bedroom unit, two spaces;
    - 5+ bedroom unit, three spaces;
  - (b) Accessory vacation dwelling units licensed after May 15, 2016, shall provide the following minimum number of off-street parking spaces:
    - 1-2 bedroom unit, one space;
    - 3 bedroom unit, two spaces;
    - 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.Accessory vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for accessory vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
8. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street;
9. The property owner must obtain all licenses and permits from the city of Duluth and State of Minnesota required for guest occupancy on the property for two to 29 days;
10. The property owner must provide required documents and adhere to additional requirements listed in the city of Duluth's UDC application manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures;
11. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties;
12. Any accessory vacation dwelling unit that will be located in a multi-family structure that has nine or more dwelling units shall:
  - (a) Make available 24-hour staffing at a front desk that is accessible to all tenants;
  - (b) If determined applicable by the Land Use Supervisor, provide a letter from a duly established Home Owner's Association stating the support of the Home Owner's Association Board of Directors for the accessory vacation dwelling unit, and enumerating any Home Owner's Association rules to be incorporated into the interim use permit.
13. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.
14. An owner of an accessory vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.



**..Title**

AN ORDINANCE AMENDING SECTIONS 50-37.10.E, CRITERIA FOR INTERIM USE PERMITS, TO ALLOW AN EXEMPTION FOR VACATION DWELLINGS IN THE FORM DISTRICTS

**..Body**

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 50-37.10.E of the Duluth City Code, 1959, as amended, be amended as follows:

**50-37-10.E Criteria for interim use permits.**

In addition to the criteria in subsection C above, 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 on 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 or 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;
3. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units. Permits issued for vacation dwelling units or accessory vacation dwelling units in any form district shall not be counted toward said maximum number of permits;
4. The minimum rental period and off-street parking requirements of 50-20.3.U and 50-20.5.M shall not apply for vacation dwelling units or accessory vacation dwelling units in any form district.

Section 2. That this ordinance shall take effect 30 days after its passage and publication. (Effective date: \_\_\_\_\_, 2019)

**..Statement of Purpose**

STATEMENT OF PURPOSE: This ordinance implements a text amendment to chapter 50 of the City Code, known as the Unified Development Chapter (UDC).